

Member Toolkit



**South
Cambridgeshire
District Council**

	PAGES
1. Member Undertaking - to be Signed and Returned	1 - 2
2 (a) 10 General Principles of Conduct	3 - 4
2 (b) SCDC Code of Conduct	5 - 10
2 (c) Standards for England Guide to the Code of Conduct	11 - 46
2 (d) Declarations of Interest Flowchart	47 - 48
3 (a) Councillors' Guide to Pre-Determination & Bias	49 - 52
3 (b) Gifts and Hospitality Guidance	53 - 56
3 (c) Procedural Guidance on Planning & Licensing	57 - 64
3 (d) Whistle Blowing Policy	65 - 74
4. Member / Officer Relations Protocol	75 - 82
5. Member Role Descriptions	83 - 104
6. Political Skills Framework	105 - 110
7 (a) Members' Guide to ICT Security	111 - 112
7 (b) ICT Security Policy and Usage Guidelines 2011/12	113 - 160
8. Member Development Strategy 2011-14	161 - 170

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

MEMBER UNDERTAKING

I acknowledge the need to establish a culture of high ethical standards within South Cambridgeshire District Council and understand that by signing this undertaking I am demonstrating my commitment to achieving this.

I agree to abide by and respect the rules, procedures, policies, protocols and guidance set out in the Member Toolkit as follows:

- Letter to all Members introducing Member Toolkit from the Chairman of Council, Leader of Council, Leader of the Major Opposition Group & Chief Executive
- Breach of code/protocols procedure
- 10 General Principles of Conduct (Statutory Instrument 2001/1401)
- SCDC Code of Conduct (2007)
- Statutory guidance issued on the revised Code of Conduct
- Councillor's Guide to Pre-Determination & Bias
- Gifts & Hospitality – additional guidance for Councillors
- Procedural Guidance for Planning & Licensing Committees
- Whistleblowing Policy
- Member/Officer Relations Protocol
- Member Role Descriptions
- Skills Framework for Elected Members (IDeA)
- Protocol on the Use of IT by Members

Signed

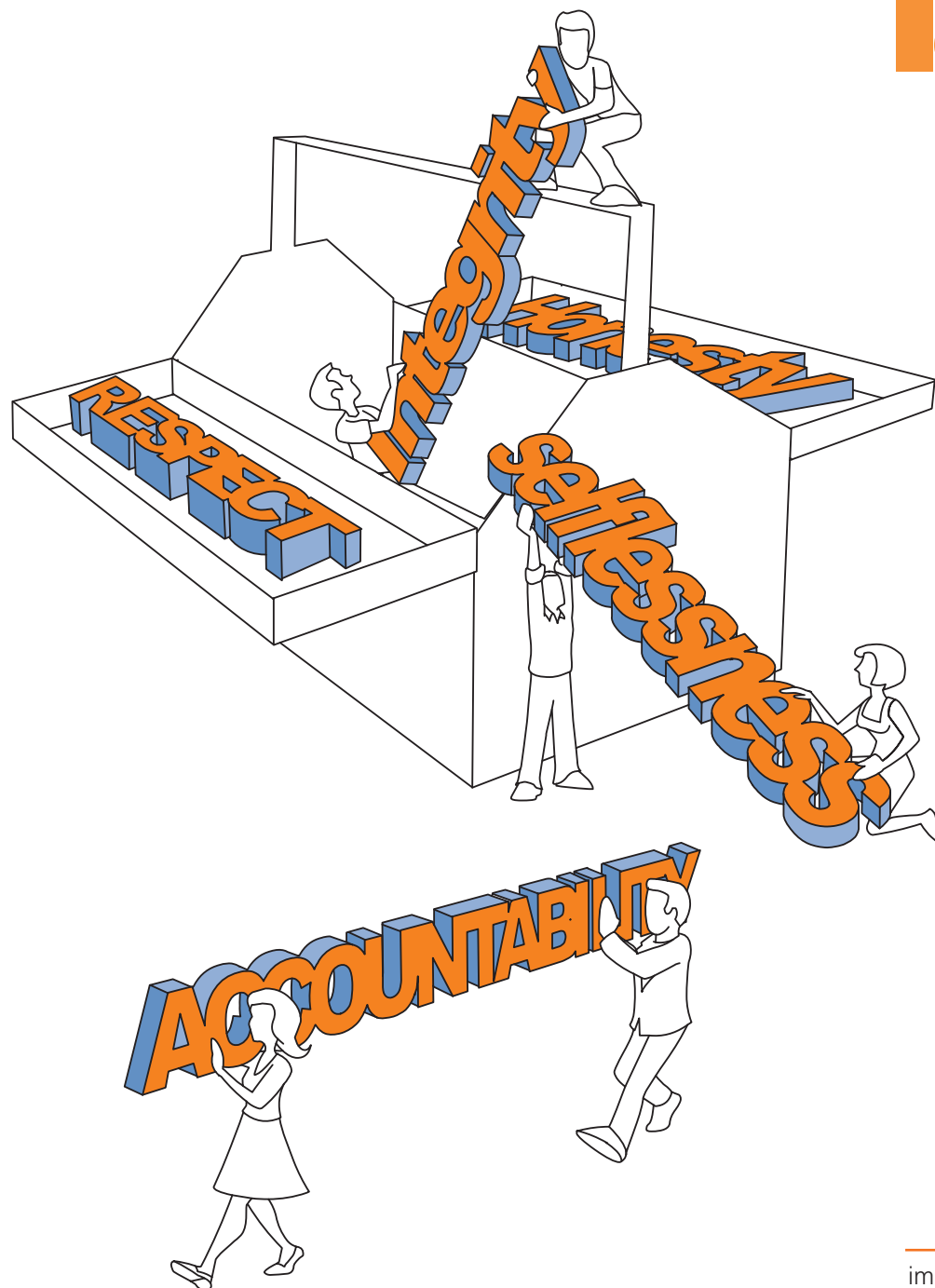
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District Councillor

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ethical governance toolkit

10 general principles
of conduct



selflessness

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

honesty and integrity

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

objectivity

Councillors should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

accountability

Councillors should 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 particular office.

openness

Councillors should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

personal judgement

Councillors may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

reference: committee on standards in public life

respect for others

Councillors should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

duty to uphold the law

Councillors should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

stewardship

Councillors should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

leadership

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



F Members' Code of Conduct

PART 1: GENERAL PROVISIONS

Introduction and Interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) This Code should be read together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code –
 - (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 area committees;
 "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 area committees;
 "member" includes a co-opted member and an appointed member.

Scope

2. (1) Subject to sub-paragraphs (2) to (5); you must comply with this Code whenever you
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,
 and references to a your official capacity shall be construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to your conduct in your official capacity, paragraphs 3(2)(c), 4 and 5(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) 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.

General Obligations

3. (1) You must treat others with respect.
- (2) You must not –
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (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, 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. 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 –
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. 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; and
 - (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.

- 7. (1)** When reaching decisions on any matter you must have regard to any relevant advice provided to you by –
 - (a) your authority's chief finance officer; or
 - (b) your authority's Monitoring Officer,
 where that officer is acting pursuant to his or her statutory duties.
- (2)** You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2: INTERESTS

Personal Interests

- 8. (1)** You have a personal 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 –
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) 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) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) 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 (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and where you are, 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 (vi) is, the tenant;
 - (xi) any land in your authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision.
- (2) In sub-paragraph (1)(b), a relevant person is –
- (a) a family member or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of Personal Interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority 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.
- (7) 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.

Prejudicial interest generally

- 10.** (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial 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 judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business –
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) 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; or
 - (c) 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.

Prejudicial interests arising in relation to overview and scrutiny committees

- 11.** (1) You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's Executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the Executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 12.** (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority –
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held –
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
- unless you have obtained a dispensation from your authority's Standards Committee;
- (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

PART 3: THE REGISTER OF MEMBERS' INTERESTS**Registration of members' interests**

- 13.** (1) Subject to paragraph 14, you must, within 28 days of –
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's Monitoring Officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's Monitoring Officer.

Sensitive information

- 14.** (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's Monitoring Officer asking that the information be included in your authority's register of members' interests.
- (3) 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 subjected to violence or intimidation.

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THE CODE OF CONDUCT

Guide for members
May 2007



Preface

This guide from the Standards Board for England provides an overview of the revised Model Code of Conduct. The Code of Conduct applies to all members and co-opted members of local authorities, and all members are required to sign up to it as part of their declarations of acceptance of office. The Code of Conduct does not apply to the actions of authorities as a whole, or to the conduct of its officers and employees.

The following pages aim to provide you with a general understanding of the Code of Conduct and its requirements. Chapter 1 provides an introduction, whilst Chapter 2 outlines your obligations under the Code of Conduct, referencing specific paragraphs of the Code of Conduct for further information. Chapters 3 and 4 deal with general issues surrounding interests, and aim to clarify a number of provisions which you will find in Parts 2 and 3 of the Code of Conduct. You can obtain a copy of the Code of Conduct by downloading it from www.standardsboard.gov.uk or to purchase a printed copy, contact The Stationery Office by visiting www.tsoshop.co.uk or calling 0870 242 2345.

Ultimately, however, it is your responsibility to take specific advice from your monitoring officer where appropriate and to make a decision as to the most suitable course of action.

This guide is issued by the Standards Board for England under the *Local Government Act 2000* for elected, co-opted and appointed members of:

- district, unitary, metropolitan, county and London borough councils
- parish and town councils
- English and Welsh police authorities
- fire and rescue authorities (including fire and civil defence authorities)
- the London Fire and Emergency Planning Authority
- passenger transport authorities
- the Broads Authority
- national park authorities
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

Contents

Chapter 1**Page 4****Introduction**

Adopting the Model Code of Conduct and the Ten General Principles of Public Life

Deciding when the Code of Conduct applies to you

Chapter 2**Page 8****General obligations under the Code of Conduct**

Treating others with respect

Complying with equality laws

Bullying and intimidation

Compromising the impartiality of officers of the authority

Disclosing confidential information

Preventing access to information

Disrepute

Using your position improperly

The authority's resources

Using resources for proper purposes only

Considering advice provided to you and giving reasons

Chapter 3**Page 16****Personal and prejudicial interests**

Personal interests

– Interests you must register

– Interests that are not on your register

Prejudicial interests

– What is a prejudicial interest?

– What to do when you have a prejudicial interest

– Dispensations

Chapter 4**Page 29****Special categories of interests**

Gifts and hospitality

Overview and scrutiny committee meetings

Executive or cabinet roles

Sensitive information

1.

Introduction

Adopting the Model Code of Conduct

Your local authority will have until 1 October 2007 to adopt the Code of Conduct. After this time, members of authorities that have not adopted it will be automatically covered by it. To avoid confusion with the previous Code, the Standards Board for England ('the Standards Board') encourages your local authority to adopt the Code of Conduct at its first opportunity.

It is also important that the Code of Conduct is adopted in its model form, without amendment. This will give certainty to members and the public as to what standards are expected. It will ensure consistency throughout local authorities, avoiding confusion for members on more than one authority and for the public. It will also minimise the legal risk of your authority adopting additional provisions which are unenforceable.

However, there is one important exception. The right to make representations, answer questions and give evidence like a member of the public when a member has a prejudicial interest is not a mandatory provision for:

- parish and town councils
- English and Welsh police authorities
- fire and rescue authorities (including fire and civil defence authorities)

- the London Fire and Emergency Planning Authority
- passenger transport authorities
- the Broads Authority
- national park authorities
- the Greater London Authority

Therefore, this right will only apply to the above authorities if paragraph 12(2) of the Code of Conduct is adopted by them. Simply adopting the mandatory provisions will not incorporate this important change.

The Ten General Principles of Public Life

The Standards Board recommends that your local authority includes a preamble to the Code that it adopts, which outlines the ten general principles governing the conduct of members of local authorities. These ten general principles are set out in the *Relevant Authorities (General Principles) Order 2001*. They are based on the Seven Principles of Public Life set out by the Committee on Standards in Public Life, and appear in full in **Table 1**.

These principles define the standards that members should uphold, and serve as a reminder of the purpose of the Code of Conduct.

As these principles do not create a statutory obligation for members, the Standards Board cannot accept allegations that they have been breached.

However, you should be aware that a failure to act in accordance with these general principles may amount to a breach of the Code of Conduct. For example, by placing yourself in situations where your honesty and integrity may be questioned, your conduct may be “conduct which could reasonably be regarded as bringing a member’s office or authority into disrepute” as stated in paragraph 5 of the Code of Conduct.

Deciding when the Code of Conduct applies to you

The Code of Conduct applies to you:

1. Whenever you act in your official capacity, including whenever you conduct the business of your authority or act, claim to act, or give the impression you are acting, in your official capacity or as a representative of your authority.
2. At any time¹, where your behaviour has led to a criminal conviction. However, only paragraphs 3(2)(c), 5 and 6(a) have effect in these circumstances when you are acting in your private capacity. Otherwise, the Code of Conduct does not apply to your private life.

Where you act as a representative of your authority on another relevant authority, you must, when acting for that other authority, comply with their Code of Conduct.

You may also act as a representative of your authority on another body, for example as a school governor. When acting for that other body, you must comply with your authority's Code of Conduct, unless it conflicts with lawful obligations of the other body.

¹ Transitional Note: Until such time as there is Parliamentary approval for amendments to section 52 of the *Local Government Act 2000* which reinstates the situation prior to Collins J's decision in *Livingstone v Adjudication Panel for England* 2006, the Code of Conduct does not apply to conduct outside of the performance of your functions as a member. Only if you have engaged in an activity which has a link with the functions of your office will any conduct in your private capacity be covered by the Code of Conduct. If the legislative amendments are passed, the Code of Conduct will also apply to criminal activity which has led to a conviction.

Table 1 The Ten General Principles of Public Life

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

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

Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – members should 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 particular office.

Openness – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

General obligations under the Code of Conduct

Treating others with respect

See Paragraph 3(1)

You must treat others with respect.

In politics, rival groupings are common, either in formal political parties or more informal alliances. It is expected that each will campaign for their ideas, and they may also seek to discredit the policies and actions of their opponents. Criticism of ideas and opinion is part of democratic debate, and does not in itself amount to bullying or failing to treat someone with respect.

Ideas and policies may be robustly criticised, but individuals should not be subject to unreasonable or excessive personal attack. This particularly applies to dealing with the public and officers. Chairs of meetings are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct.

Whilst it is acknowledged that some members of the public can make unreasonable demands on members, members should, as far as possible, treat the public courteously and with consideration. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

Complying with equality laws

See Paragraph 3(2)(a)

You must not do anything which may cause your authority to breach any equality laws.

Equality laws prohibit discrimination on the grounds of sex, race, disability, religion or belief, sexual orientation and age.

The provisions of these laws are complex. In summary, there are four main forms of discrimination:

- Direct discrimination: treating people differently because of their sex, race, disability, religion or belief, sexual orientation or age.
- Indirect discrimination: treatment which does not appear to differentiate between people because of their sex, race, disability, religion or belief, sexual orientation or age, but which disproportionately disadvantages them.
- Harassment: engaging in unwanted conduct on the grounds of sex, race, disability, religion or belief, sexual orientation or age, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment.

- Victimisation: treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.

Equality laws also impose positive duties to eliminate unlawful discrimination and harassment and to promote equality. They also impose specific positive duties on certain authorities.

Under equality laws, your authority may be liable for any discriminatory acts which you commit. This will apply when you do something in your official capacity in a discriminatory manner.

You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your authority's fulfilment of its positive duties under equality laws. Such conduct may cause your authority to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code of Conduct.

Bullying and intimidation

See Paragraphs 3(2)(b) and 3(2)(c)

You must not bully any person including other councillors, council officers or members of the public.

Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

This can be contrasted with the legitimate challenges which a member can make in challenging policy or scrutinising performance. An example of this would be debates in the chamber about policy, or asking officers to explain the rationale for the professional opinions they have put forward. You are entitled to challenge fellow councillors and officers as to why they hold their views.

It is important that you raise issues about poor performance in the correct way and proper forum. However, if your criticism is a personal attack or of an offensive nature, you are likely to cross the line of what is acceptable behaviour.

You must not intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings relating to a failure to comply with the Code of Conduct.

However much you may be concerned about allegations that you or a fellow councillor failed to comply with the Code of Conduct, it is always wrong to bully, intimidate or attempt to intimidate any person involved in the investigation or hearing. Even though you may not have breached the Code of Conduct, you will have your say during any independent investigation or hearing, and you should let these processes follow their natural course.

If you intimidate a witness in an investigation about your conduct, for example, you may find yourself subject to another complaint that you breached this paragraph of the Code of Conduct.

Compromising the impartiality of officers of the authority

See Paragraph 3(2)(d)

You must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the authority.

You should not approach or pressure anyone who works for, or on behalf of, the

authority to carry out their duties in a biased or partisan way. They must be neutral and should not be coerced or persuaded to act in a way that would undermine their neutrality. For example, you should not get officers to help you prepare party political material, or to help you with matters relating to your private business. You should not provide or offer any incentive or reward in return for acting in a particular way or reaching a particular decision.

Although you can robustly question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Disclosing confidential information

See Paragraph 4(a)

You must not disclose confidential information, or information which you believe to be of a confidential nature, except in any of the following circumstances:

- You have the consent of the person authorised to give it.
- You are required by law to do so.

- The disclosure is made to a third party for the purposes of obtaining professional advice (for example, your lawyer or other professional adviser) provided that person agrees not to disclose the information to any other person.
 - The disclosure is in the public interest. This is only justified in limited circumstances, when all of the following four requirements are met:
 1. the disclosure must be reasonable
 2. the disclosure must be in the public interest
 3. the disclosure must be made in good faith
 4. the disclosure must be made in compliance with any reasonable requirements of your authority
- In relation to the disclosure of confidential information in the public interest, the four requirements to be met are outlined in more detail below.
1. The first requirement, that the disclosure must be reasonable, requires you to consider matters such as:
 - Whether you believe that the information disclosed, and any allegation contained in it, is substantially true. If you do not believe this, the disclosure is unlikely to be reasonable.
 - Whether you make the disclosure for personal gain. If you are paid to disclose the information, the disclosure is unlikely to be reasonable.
 - The identity of the person to whom the disclosure is made. It may be reasonable to disclose information to the police or to an appropriate regulator. It is less likely to be reasonable for you to disclose the information to the world at large through the media.
 - The extent of the information disclosed. The inclusion of unnecessary detail, and in particular, private matters such as addresses or telephone numbers, is likely to render the disclosure unreasonable.
 - The seriousness of the matter. The more serious the matter disclosed, the more likely it is that the disclosure will be reasonable.
 - The timing of the disclosure. If the matter to which the disclosure relates has already occurred, and is unlikely to occur again, the disclosure may be less likely to be reasonable than if the matter is continuing, or is likely to re-occur.
 - Whether the disclosure involves your authority failing in a duty of confidence owed to another person.

2. The second requirement, that the disclosure must be in the public interest, needs to involve one or more of the following matters or something of comparable seriousness, that has either happened in the past, is currently happening, or is likely to happen in the future:
 - (a) A criminal offence is committed.
 - (b) Your authority or some other person fails to comply with any legal obligation to which they are subject.
 - (c) A miscarriage of justice occurs.
 - (d) The health or safety of any individual is in danger.
 - (e) The environment is likely to be damaged.
 - (f) That information tending to show any matter falling within (a) to (e) is deliberately concealed.
3. The third requirement, that the disclosure is made in good faith, will not be met if you act with an ulterior motive, for example, to achieve a party political advantage or to settle a score with a political opponent.

4. The fourth requirement, that you comply with the reasonable requirements of your authority, means that before making the disclosure you must comply with your authority's policies or protocols on matters such as whistle-blowing and confidential information. You must first raise your concerns through the appropriate channels set out in such policies or protocols.

In summary, to decide whether the disclosure is reasonable and in the public interest, you may need to conduct a balancing exercise weighing up the public interest in maintaining confidentiality against any countervailing public interest favouring disclosure. This will require a careful focus on how confidential the information is, on any potentially harmful consequences of its disclosure, and on any factors which may justify its disclosure despite these potential consequences.

In some situations, it is extremely unlikely that a disclosure can be justified in the public interest. These will include where the disclosure amounts to a criminal offence, or where the information disclosed is protected by legal professional privilege.

Preventing access to information

See Paragraph 4(b)

You must not prevent anyone getting information that they are entitled to by law.

You must not prevent any person from accessing information which they are entitled to by law. This includes information under the *Freedom of Information Act 2000* or those copies of minutes, agendas, reports and other documents of your authority which they have a right to access. To find out more about what types of information the public can access, contact the Information Commissioner's Office by visiting www.ico.gov.uk or by calling 0845 630 6060.

Disrepute

See Paragraph 5

You must not bring your office or authority into disrepute while acting in your official capacity, or at any time through criminal activity that leads to a criminal conviction.²

² Transitional Note: Until such time as there is Parliamentary approval for amendments to section 52 of the *Local Government Act 2000* which reinstates the situation prior to Collins J's decision in *Livingstone v Adjudication Panel for England* 2006, the Code of Conduct does not apply to conduct outside of the performance of your functions as a member. Only if you have engaged in an activity which has a link with the functions of your office will any conduct in your private capacity be covered by the Code of Conduct. If the legislative amendments are passed, the Code of Conduct will also apply to criminal activity which has led to a conviction.

As a member, your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions in both your public and private life might have an adverse impact on your office or your authority. Dishonest and deceitful behaviour in your role as a member may bring your authority into disrepute, as may conduct in your private life which results in a criminal conviction, such as dishonest, threatening or violent behaviour.

Using your position improperly

See Paragraph 6(a)

You must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.

You should not use, or attempt to use, your public office either for your or anybody else's personal gain or loss. For example, your behaviour would be improper if you sought to further your own private interests through your position as a member.

In addition to paragraph 6(a), paragraph 12 is also relevant to the proper use of your position. Paragraph 12 supports your role as a community advocate, representing and speaking for the concerns of your community, even where you have a prejudicial interest. This right applies to you at meetings where you have a statutory right

to speak or you are provided with the same opportunity to speak as ordinary members of the public would be allowed. If your authority does not allow members of the public to attend the relevant meeting for the purpose of speaking to it, paragraph 12 will not apply to you unless you have a statutory right to speak on the matter.

You must leave the room or chamber immediately after you have made the representations, given your evidence, or answered questions, and make no further attempt to influence the decision. If the meeting decides that you must stop speaking to the meeting, even if you have more to say, you must stop and leave the room. If you fail to comply with the meeting's direction or paragraph 12 of the Code of Conduct, you may be found to have improperly influenced the decision.

The authority's resources

See Paragraph 6(b)(i)

You must only use or authorise the use of the resources of the authority in accordance with its requirements.

Where your authority provides you with resources (for example telephone, computer and other IT facilities, transport or support from council employees), you must only use

these resources or employees for carrying out your local authority business and any other activity which your authority has authorised you to use them for.

You must be familiar with the rules applying to the use of these resources made by your authority. Failure to comply with your authority's rules is likely to amount to a breach of the Code of Conduct.

If you authorise someone (for example a member of your family) to use your authority's resources, you must take care to ensure that this is allowed by your authority's rules.

Using resources for proper purposes only

See Paragraphs 6(b)(ii) and 6(c)

You must make sure you use the authority's resources for proper purposes only. It is not appropriate to use, or authorise others to use, the resources for political purposes, including party political purposes. When using the authority's resources, you must have regard, if applicable, to any Local Authority Code of Publicity made under the *Local Government Act 1986*.

You should never use council resources for

purely political purposes, including designing and distributing party political material produced for publicity purposes.

However, your authority may authorise you to use its resources and facilities for political purposes in connection with your authority's business. For example, holding surgeries in your ward and dealing with correspondence from your constituents. In this case, you must be aware of the limitations placed upon such use for these purposes. Using your authority's resources outside of these limitations is likely to amount to a breach of the Code of Conduct.

Considering advice provided to you and giving reasons

See Paragraph 7

Please note: paragraph 7 is not mandatory for parish councils. However, your parish may choose to include an obligation to take account of your clerk's advice in the Code your authority adopts.

You must have regard to advice from your monitoring officer or chief finance officer where they give it under their statutory duties.

If you seek advice, or advice is offered to

you, for example, on whether or not you should register a personal interest, you should have regard to this advice before you make your mind up. Failure to do so may be a breach of the Code of Conduct.

You must give reasons for all decisions in accordance with statutory requirements and any reasonable requirements imposed by your authority. Giving reasons for decisions is particularly important in relation to regulatory decisions and decisions where people's rights are affected.

Where members disagree with officer recommendations in making a decision, members will need to take particular care in giving clear reasons for the decision.

Personal and prejudicial interests

Personal interests

Key points:

Two types of personal interest

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

- a) An interest that you must **register**.
- b) An interest that is not on your register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of:
 - inhabitants of the ward or electoral division affected by the decision (in the case of authorities with electoral divisions or wards)
 - inhabitants of the Assembly constituency affected by the decision (in the case of the Greater London Authority)
 - inhabitants of the authority's area (in all other cases)

These two categories of personal interests are explained in this section. If you declare a personal interest you can remain in the meeting, speak and vote on the matter, unless your personal interest is also a **prejudicial interest**.

What constitutes a prejudicial interest is outlined in the next section on page 22.

Effect of having a personal interest in a matter

You must declare that you have a personal interest, and the nature of that interest, before the matter is discussed or as soon as it becomes apparent to you except in limited circumstances. Even if your interest is on the register of interests, you must declare it in the meetings where matters relating to that interest are discussed, unless an exemption applies. When an exemption may be applied is explained opposite.

Exemption to the rule on declaring a personal interest to the meeting

An exemption applies where your interest arises solely from your membership of, or position of control or management on:

1. any other body to which you were appointed or nominated by the authority
2. any other body exercising functions of a public nature (for example another local authority)

In these exceptional cases, provided that you do not have a prejudicial interest, you only need to declare your interest if and when you speak on the matter.

Example: if you are attending a council debate on education policy and are also a local education authority appointed governor, you would only need to declare an interest if and when you decided to speak during the debate. If you do not want to speak to the meeting on the decision, you may vote on the matter without making a declaration.

If you have sensitive employment, which you would like to withhold from the register of interests, please see page 31 for more information.

a) Interests you must register

Key points:

All members have to provide a record of their interests in a public register of interests.

You must tell your monitoring officer in writing (in the case of a parish councillor, perhaps through your clerk) within 28 days of taking office, or within 28 days of any change to your register of interests, of any interests which fall within the categories set out in the Code of Conduct, outlined below.

You need to register your interests so that the public, authority staff and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest.

The register also protects you. You are responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public

know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

As previously mentioned, you must tell your monitoring officer in writing within 28 days of taking office, or within 28 days of any change to your register of interests, of any interests which fall within the categories set out in the Code of Conduct. These categories include:

- Your membership or position of control or management in:
 - any other bodies to which you were appointed or nominated by the authority
 - any bodies **exercising functions of a public nature** (described below), or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party or trade union
- Your job(s) or business(es).
- The name of your employer or people who have appointed you to work for them.
- The name of any person who has made a payment to you in respect of your election, or expenses you have incurred in carrying out your duties.
- The name of any person, company or other body which has a place of business or land in the authority's area, and in which you have a shareholding of more than £25,000 (nominal value) or have a stake of more than 1/100th of the share capital of the company.
- Any contracts between the authority and yourself, your firm (if you are a partner) or a company (if you are a paid director or if you have a shareholding as described above) including any lease, licence from the authority and any contracts for goods, services or works. Where the contract relates to use of land or a property, the land must be identified on the register.
- Any gift or hospitality over the value of £25 that you receive as a member and the person you believe to be the source of the gift or hospitality.
- Any land and property in the authority's area in which you have a beneficial interest (or a licence to occupy for more than 28 days) including, but not limited to, the land and house you live in and any allotments you own or use.

If you have sensitive employment, which you would like to withhold from the register of interests, please see page 31 for more information.

What is “a body exercising functions of a public nature”?

The phrase “a body exercising functions of a public nature” has been subject to broad interpretation by the courts for a variety of different purposes. Although it is not possible to produce a definitive list of such bodies, here are some of the criteria to consider when deciding whether or not a body meets that definition:

- Does that body carry out a public service?
- Is the body taking the place of local or central government in carrying out the function?
- Is the body (including one outsourced in the private sector) exercising a function delegated to it by a public authority?
- Is the function exercised under legislation or according to some statutory power?
- Can the body be judicially reviewed?

Unless you answer ‘yes’ to one of the above questions, it is unlikely that the body in your case is exercising functions of a public nature.

Examples of bodies included in this definition: regional and local development agencies, other government agencies, other councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

If you need further information or specific advice on this matter, please contact your monitoring officer.

b) Interests that are not on your register

Key points:

You have a personal interest in a matter if that matter affects the **well-being or financial position** of you, members of your **family**, or people with whom you have a **close association**, more than it would affect the majority of people in the **ward or electoral division** affected by the decision, or in the authority’s area or constituency.

You must also look at how any matter would affect your interests or those of members of your family or close associates. This includes:

- your and their jobs and businesses
- your and their employers, firms you or they are a partner of, and companies you or they are a director of
- any person or body who has appointed you, members of your family or close associates, to any position
- corporate bodies in which you or they have a shareholding of more than £25,000 (nominal value)

What does “affecting well-being or financial position” mean?

The term ‘well-being’ can be described as a condition of contentedness and happiness. Anything that could affect your quality of life, either positively or negatively, is likely to affect your well-being.

A personal interest can affect you, your family or close personal associates positively and negatively. So if you or they have the potential to gain or lose from a matter under consideration, a personal interest would need to be declared in both situations.

Who is a member of your family or close associate?

A member of your family should be given a very wide meaning. It includes a partner (someone you are married to, your civil partner, or someone you live with in a similar capacity), a parent, a parent-in-law, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners of any of these people.

A person with whom you have a close association is someone that you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts.

What if I belong to an authority without wards?

If you are a member of an authority that does not have wards, you will need to declare a personal interest whenever you consider a matter in a meeting of your authority if it affects the well-being or financial position of you, your family, or

people with whom you have a close association, more than it would affect other people in your authority's area.

What if I am not aware of my personal interest?

Your obligation to disclose a personal interest to a meeting only applies when you are aware of or ought to be aware of the existence of the personal interest.

Clearly you cannot be expected to declare something of which you are unaware. It would be impractical to expect you to research into the employment, business interests and other activities of all your close associates and relatives. However, you should not ignore the existence of interests which, from the point of view of a reasonable and objective observer, you should have been aware.

Prejudicial interests

1. What is a prejudicial interest?

Key points:

Your personal interest will also be a **prejudicial interest** in a matter if all of the following conditions are met:

- a) The matter does not fall within one of the **exempt categories** of decisions.
- b) The matter affects **your financial interests** or relates to a **licensing or regulatory matter**.
- c) A member of the public, who knows the relevant facts, would **reasonably think your personal interest is so significant** that it is likely to prejudice your judgement of the public interest.

An explanation of each of these points follows.

a) Exempt categories of decisions

Paragraph 10(2)(c) of the Code of Conduct states that a member will not have a prejudicial interest if the matter relates to any of the following functions of their authority:

- Housing: if you hold a tenancy or lease with the authority, as long as the matter does not relate to your particular tenancy or lease.
- School meals or school transport and travelling expenses: if you are a parent or guardian of a child in full-time education or you are a parent governor, unless it relates particularly to the school your child attends.
- Statutory sick pay: if you are receiving this, or are entitled to this.
- An allowance, payment or indemnity for members.
- Any ceremonial honour given to members.
- Setting council tax or a precept.

b) Financial interests and licensing or regulatory matters

You can only have a prejudicial interest in a matter if it falls into one of the following two categories:

- a) The matter affects your financial position or the financial position of any person or body through whom you have a personal interest.

Examples: an application for grant-funding to a body on your register of interests; a contract for services between the authority and that body; or leasing a property to or from a close associate or member of your family. Your financial position can be affected directly or indirectly, favourably or unfavourably, substantially or marginally.

- b) The matter relates to an approval, consent, licence, permission or registration that affects you or any person or body with which you have a personal interest.

Examples: considering a planning or licensing application made by you or a body on your register of interests; Licensing Act licences; pet shop and dog breeding licensing; petroleum licences; street trading licences; taxi

licensing; consent, approval or permission pursuant to a contractual document such as a lease or commercial contract; street collection permit; or lottery registration.

c) What is so significant that it is likely to prejudice your judgement?

If a reasonable member of the public with knowledge of all the relevant facts would think that your judgement of the public interest might be prejudiced, then you have a prejudicial interest.

You must ask yourself whether a member of the public – if he or she knew all the relevant facts – would think that your personal interest was so significant that it would be likely to prejudice your judgement. In other words, the interest must be perceived as likely to harm or impair your ability to judge the public interest.

The mere existence of local knowledge, or connections within the local community, will not normally be sufficient to meet the test. There must be some factor that might positively harm your ability to judge the public interest objectively. The nature of the matter is also important, including whether a large number of people are equally affected by it or whether you or a smaller group are particularly affected.

Some general principles must be remembered when applying this test. You should clearly act in the public interest and not in the interests of family or close associates. You are a custodian of the public purse and the public interest and your behaviour and decisions should reflect this responsibility.

Example: you would have a prejudicial interest in a planning application proposal if a member of your family lives next to the proposed site. This is because your family member would be likely to be affected by the application to a greater extent than the majority of the inhabitants of the ward affected by the decision (or authority, if your authority does not have wards) and this gives you a personal interest in the issue. The existence of the close family tie means a reasonable member of the public might think that it would prejudice your view of the public interest when considering the planning application. It does not matter whether it actually would or not.

2. What to do when you have a prejudicial interest

Even where you have a prejudicial interest, the Code of Conduct supports your role as a community advocate and enables you in certain circumstances to represent your community and to speak on issues important to them and to you.

However, this right is not mandatory for certain types of authorities (including parish councils and police authorities). For such authorities it will only apply if paragraph 12(2) of the code is expressly adopted by your authority and the public are allowed to speak to meetings of your authority. Simply adopting the mandatory provisions will not incorporate this important change. See page 4 for a full list of authorities in this category.

Key points:

If you have a **prejudicial interest** in a matter being discussed at a meeting, you must declare that you have a prejudicial interest and the nature of that interest as soon as that interest becomes apparent to you.

You should then leave the room, **unless members of the public are allowed to make representations, give evidence or answer questions about the matter**, by statutory right or otherwise. If that is the case, you can also attend the meeting for that purpose.

However, you must immediately leave the room once you have finished or when the meeting decides that you have finished (if that is earlier). You cannot remain in the public gallery to observe the vote on the matter.

In addition, you must not seek to **improperly influence** a decision in which you have a prejudicial interest. This rule is similar to your general obligation not to use your position as a member improperly to your or someone else's advantage or disadvantage.

Do I have a statutory right to speak to the meeting?

The Code of Conduct does not provide you with a general right to speak to a meeting where you have a prejudicial interest.

However, in limited circumstances, legislation may provide you with a right to speak (for example, licensing hearings and standards hearings) which the Code of Conduct recognises. If so, you will be allowed to exercise that right to speak. Your monitoring officer should be able to confirm whether this is relevant to your case.

If I don't have a statutory right, will I be allowed to speak to the meeting?

The Code of Conduct aims to provide members with the same rights as ordinary members of the public to speak on certain matters in meetings, despite having a prejudicial interest. These rights are usually governed by your authority's constitution, procedure rules or standing orders, and may be subject to conditions including time limits or the fact that representations can only be made in writing.

If an ordinary member of the public would be allowed to speak to a meeting about an item, you should be provided with the same opportunity. You will be able to make representations, answer questions or give evidence, even if you have a prejudicial

interest in the item. You may not take part in the discussion or observe the vote.

When must I leave the room where the meeting is held?

You must leave immediately after you have made your representations, given evidence or answered questions, and before any debate starts.

If the meeting decides that you should finish speaking, despite your intention to say more, you must comply with the meeting's decision. Although members of the public may be allowed to observe the discussion and vote on the matter, you are not allowed to do so and must leave the room immediately. Failure to do so may be viewed as an attempt to **improperly influence** the meeting.

What does improperly influencing a decision mean?

You must not use your position or attempt to use your position improperly to further your own interests in a way that is not open to ordinary members of the public. Clear examples of improper influence would be using coercion, harassment, inducement or pressure to influence a matter.

It may also be improper if you refuse to leave the meeting, or continue to speak to a

meeting, on a matter in which you have a prejudicial interest, after the meeting has decided that you must stop speaking and leave.

What if the public are not allowed to speak to the meeting on the matter?

If an ordinary member of the public is not allowed to speak on the matter, you cannot do so if you have a prejudicial interest. You must leave the room where the debate is being held and not seek to influence the debate in any way.

This may be the case, for example, where your authority is discussing a confidential matter in closed session or does not have procedure rules or standing orders in place that allow members of the public to speak at a meeting of your authority. Like the public, you are not allowed to participate if you have a prejudicial interest. However, where the public may be allowed to sit in the public gallery to observe the meeting, you will be required to leave the room during the debate and vote.

If I have a prejudicial interest, how else can I influence the decision?

You can still present your views to the meeting through other means and influence the decision in a way that is not improper. For example, you can:

- Make written representations in your private capacity. The Standards Board recommends that the existence and nature of the interest should be disclosed in such representations. You should not seek preferential consideration for your representations. Such written representations should be addressed to officers rather than other members of the authority.
- Use a professional representative to make, for example, a planning application on your behalf.
- Arrange for another member of your authority to represent the views of your constituents on matters in which you have a prejudicial interest.

3. Dispensations

If I have a prejudicial interest, can I obtain a dispensation to allow me to take part in the meeting?

Key points:

You can apply in writing to your local standards committee for a dispensation on one of the following grounds:

- over 50 per cent of the authority or committee members would be prevented from taking a full part in a meeting because of prejudicial interests
- the political balance at the meeting would be upset¹

You must apply for a dispensation individually and not as a group or authority. If the standards committee approves your application, it must grant the dispensation in writing and before the meeting is held. If you need a dispensation, you should apply for one as soon as is reasonably possible.

Only the standards committee can grant the dispensation and will do so at its discretion. The standards committee will need to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of members of the authority. If failure to grant a dispensation will result in an authority or committee not achieving a quorum, this may well constitute grounds for granting a dispensation.

The Standards Board cannot grant dispensations or advise on whether or not they should be granted. For further advice on dispensations, you should contact your monitoring officer.

¹ Please note there is currently a problem with the drafting of the Dispensation Regulations. The political balance criterion is linked to an authority being unable to comply with its duty under section 15(4) of the *Local Government and Housing Act 1989*. This duty requires the appointment of committees that reflect the overall political balance of an authority. However, the duty does not arise in relation to individual meetings either of the authority or its committees. For this reason it is difficult to envisage circumstances in which the criterion would be met. Until such time as the appropriate amendments are made to the Regulations it is not likely that dispensations would be granted on the basis of the political balance criterion.

4.

Special categories of interests

1. Gifts and hospitality

Key points:

You must register any gifts or hospitality **worth £25 or over** that you receive **in connection with your official duties as a member**, and the source of the gift or hospitality.

You must register the gift or hospitality and its source within 28 days of receiving it.

Like other interests in your register of interests, you automatically have a **personal interest** in a matter under consideration if it is likely to affect a person who gave you a gift or hospitality that is registered. If that is the case, you must declare the existence and nature of the gift or hospitality, the person who gave it to you, how the business under consideration relates to that person and then decide whether that interest is also a **prejudicial interest**.

Once three years have passed since you registered the gift or hospitality in your register of interests, your obligation to disclose that interest to any relevant meeting ceases.

Is the gift or hospitality connected to my official duties as a member?

You should ask yourself, would I have been given this if I was not on the council? If you are in doubt as to the motive behind a gift or hospitality, we recommend that you register it or speak to your monitoring officer or your parish clerk where appropriate.

You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should always register a gift or hospitality if it could be perceived as something given to you because of your position or if your authority requires you to.

What if I do not know the value of a gift or hospitality?

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life.

You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to £25 or over should be registered.

2. Overview and scrutiny committee meetings

Please note: this section will not apply to parish and town councils, English and Welsh police authorities, fire and rescue authorities (including fire and civil defence authorities), the London Fire and Emergency Planning Authority, passenger transport authorities, the Broads Authority, national park authorities and the Greater London Authority.

You have a prejudicial interest in any business before an overview and scrutiny committee or sub-committee meeting where both of the following requirements are met:

- That business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees.
- You were a member of that decision-making body at that time and you were present at the time the decision was made or action taken.

If the overview and scrutiny committee is checking a decision which you were involved in making you may be called to attend the meeting to give evidence or answer questions on the matter. However, you will not be able to attend the meeting in this manner unless your authority's

constitution or standing orders allow members of the public to attend the overview and scrutiny committee for the same purpose.

You will, however, be able to attend the meeting to give evidence or answer questions if you are a leader or cabinet member of an authority operating executive arrangements, provided you follow the normal rules for executive members who have personal and prejudicial interests.

3. Executive or cabinet roles

Please note: this section will not apply to parish and town councils, English and Welsh police authorities, fire and rescue authorities (including fire and civil defence authorities), the London Fire and Emergency Planning Authority, passenger transport authorities, the Broads Authority, national park authorities, the Greater London Authority or any other authorities that do not have executive arrangements.

If you are a leader or cabinet member of an authority operating executive arrangements, you must follow the normal rules for executive members who have personal and prejudicial interests.

If your interest is personal but not prejudicial, you can advise the executive on the issue and take part in executive discussions and decisions as long as you declare your interest. You can also exercise

delegated powers in the matter as long as you record the existence and nature of your personal interest.

If you are an executive member who can take individual decisions, and you have a prejudicial interest in a decision, your authority may make other arrangements as set out in sections 14-16 of the *Local Government Act 2000*. This means that the decision can be taken by an officer, another cabinet member, the full executive, or a committee of the executive.

Although you have a prejudicial interest in a matter, you may be able to make representations, answer questions and give evidence as long as a member of the public would have the same rights, but you are barred from decision-making about that matter individually or in cabinet. You also should not participate in any early consideration of it, or exercise any delegated powers in relation to it. If you have delegated powers in that area, you should refer the consideration and any decisions on the matter to the cabinet to avoid the perception of improper influence.

4. Sensitive information

Key points:

You may be exempt from having to include sensitive information on your register of interests. If your personal interest in a matter under discussion at a meeting is sensitive information, you will need to declare that you have a personal interest but you will not have to give any details about the nature of that interest.

Sensitive information may include your sensitive employment (such as certain scientific research or the Special Forces) or other interests that are likely to create a serious risk of violence or intimidation against you or someone who lives with you.

You should provide this information to your monitoring officer and explain your concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that you or a person who lives with you will be subjected to violence or intimidation. You do not need to include this information in your register of interests, if your monitoring officer agrees. Ultimately, you must decide what information to include on your publicly available register of interests.

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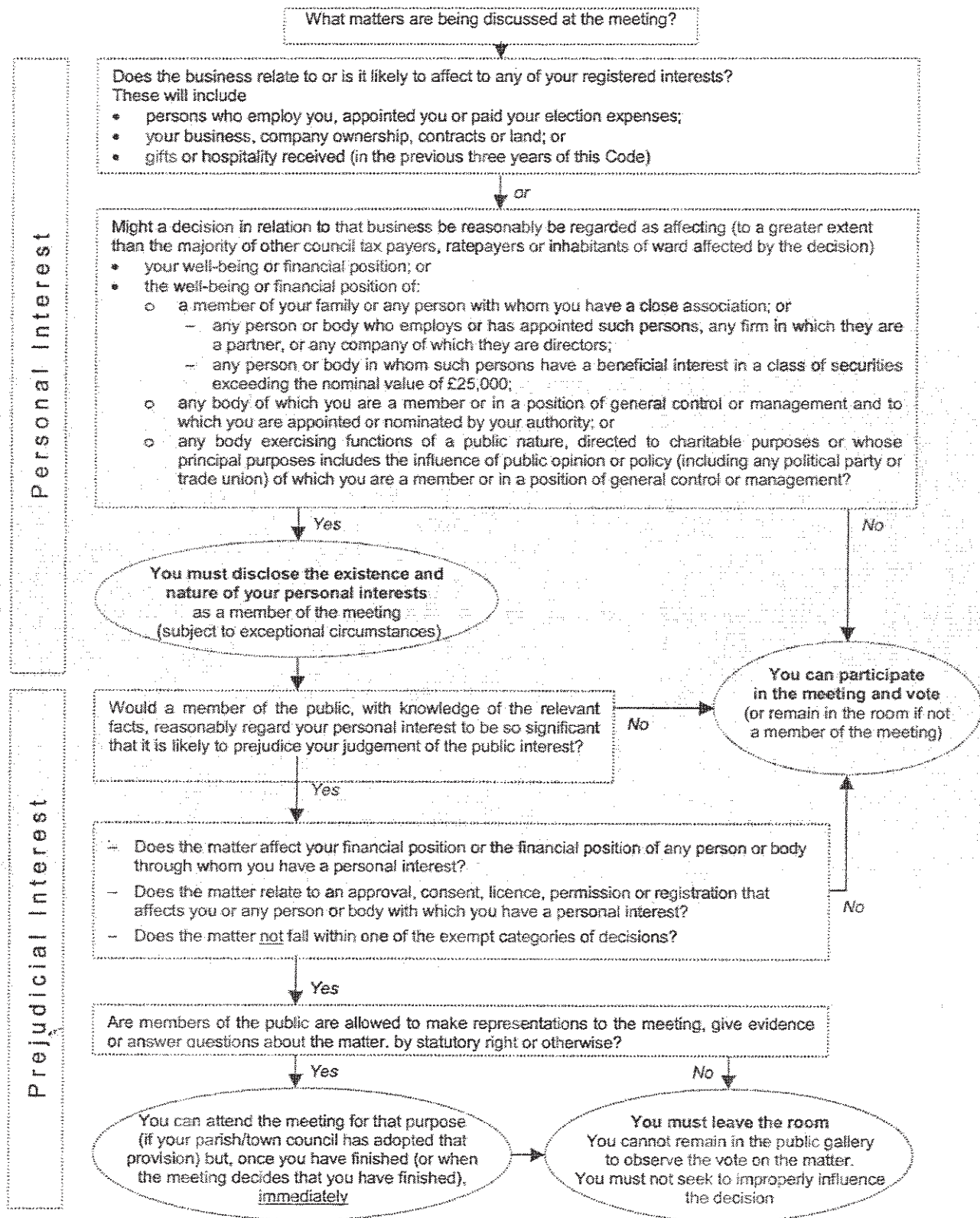


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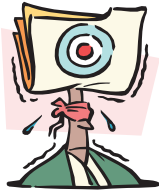
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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF (Non-Overview and Scrutiny Meetings)



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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
LEGAL OFFICE ADVICE NOTE



PRE-DETERMINATION AND BIAS

As a Councillor you may become involved in matters which are controversial or which generate a large amount of interest in your local community. The two key areas where this is likely to occur are Planning and Licensing applications, although all councillors need to be aware of potential pitfalls in involving yourselves in the development of your own community. This advice note aims to guide you through the legal minefield that is “Pre-determination and Bias” so that the decisions you make can stand up to challenge.

PRE-DETERMINATION

The Nolan Committee’s third report on Standards in Public Life highlighted the problem as follows: *“Local democracy depends on councillors being available to people who want to speak to them...it is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way this can be done is via the locally elected representative.”* However it goes on to say: *“Such lobbying can, unless care and common sense are exercised by all parties concerned, lead to the impartiality and integrity of a councillor being called into question.”*

The rules against pre-determination flow from the right to a fair and unbiased hearing (particularly in the light of the Human Rights Act 1998) which is a general legal requirement, which applies **in addition** to the Code of Conduct for Members. The law emphasises that the public are entitled to expect the highest standards of conduct and probity by all persons holding public office and this includes ensuring that the decision-making processes in which you participate are above reproach.

If before a council or committee meeting you are seen to have “made your mind up” by either stating your support for a particular outcome for an application or by participating in lobbying you will have “fettered your discretion” or “pre-determined” the matter.

If this has happened you should play no part in any decision on the application and must not participate in any way or vote at a committee or council meeting (even if to do so would not be a breach of any requirement of the Code of Conduct for Members).

To avoid allegations of pre-determination you must always keep an open mind on an issue and be prepared to have any initial opinion changed once you have heard all the facts and opposing arguments at a meeting.

In practice this means you can do the following:

- Meet interested parties and listen to their view but explain that you are keeping an open mind until you have heard all the arguments, including those put forward at the meeting at which the decision will be made. Under no circumstances should you represent an interested party if you are sitting on the decision-making body.
- If you are also a parish councillor and have participated in a parish council decision on a matter that has now come before you in your role as a parish councillor you should make a statement at the start of discussion on the matter on the lines of: "I am a member of the parish council which has made a recommendation to the district council on this matter and want to make it clear that I am looking at the matter afresh today with an open mind."
- Ensure that you do not say or do anything that would make it appear that you have decided how to vote prior to the meeting. Be careful of expressing any personal opinion on the issue in question
- Take an officer with you when you go to listen to the views of other people if you are concerned that it might be alleged you have fettered your discretion by having such discussions
- Get involved in a campaign for or against a particular application but realise that this will mean you cannot participate in the decision-making or pressurise other councillors to support your view-point

You should not give instructions to an Officer or place pressure on an Officer in order to secure a particular recommendation on an application.

Site Visits

If you are a member of Planning or Licensing Committee it is essential that you read and follow the guidance on Site Visits contained in the separate Code of Conduct for Planning and Licensing Committees. Please remember that you should not discuss the merits or otherwise of the application with other members or with any other party on the visit. On-site discussions should relate solely to the purpose of the inspection.

Pre-determination v Pre-disposition

The law does distinguish between a legitimate predisposition arising from prior consideration of the issues and an unlawful predetermination.

Predisposition is consistent with "a preparedness to consider and weigh relevant factors in reaching the final decision" whilst predetermination "involves a mind that is closed to the consideration and weighing of relevant factors".

The decision-making structure, the nature of the functions and the democratic political accountability of Councillors do permit a legitimate potential for predisposition towards a particular decision.

BIAS

Bias has been defined as "an attitude of mind which prevents the decision-maker from making an objective determination of the issues that he has to resolve." What you need to be aware of is that there is no need for proof of actual or potential bias to show "procedural impropriety" – an appearance of bias is sufficient. The legal test for bias is "**whether a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility of bias.**"

Bias also includes a situation where it is felt that a decision-maker has pre-determined the case upon his/her own prejudices. For example where a member of the public is given the impression, beyond the suggestion of a mere pre-disposition, that a member or authority will approach the matter with a closed mind and without impartial consideration of all the issues.

Where the decision-making body is quasi-judicial (such as Licensing Panels) it is even more important for you to consider the issue carefully. To help avoid accusations of pre-determination or bias and to ensure that ward councillors are free to represent their constituents as "interested parties" it is the council's policy that ward councillors do not sit on Licensing Panels where the Panel is considering an application in that member's ward.

Relationship to the Code of Conduct

Bias at common law (ie. law which has evolved as a result of custom and judicial decisions as distinct from that which is laid down by Parliament) and the rules regarding personal and prejudicial interests in the Code of Conduct are related but you must consider each separately.

The test for common law bias has a lower threshold. For example, if you are a Licensing Panel member and you say or do something which creates a real danger of a perception that you are unable to make an impartial determination of the issues (ie. "fettering your discretion") you may face an allegation of bias. Under the Code of Conduct, you need only concern yourself with the definition of personal interest under the Code and if you have such an interest to then consider if that personal interest is prejudicial. If your interest does not constitute a personal interest, that is the end of the matter under the Code of Conduct.

Standards for England (SfE) advise that members also need to take the 10 General Principles that underpin the Code of Conduct into account when making decisions as well as the Code itself. The SfE advises that: “You should not reach a final conclusion before you come to take a decision on an issue” and that “Your statements and activities should not create the impression your views on a matter are fixed, and that you will not fairly consider the evidence or arguments presented to you when you are making a decision.”

Further advice:

This area of law can be quite complex as it is based on case law and interpretation of judgements. If you are unsure about the contents of this guidance note or need further advice on a particular issue please contact the Legal Office for further guidance.

Contact Officer: Fiona McMillan – Legal & Democratic Services Manager
 and Deputy Monitoring Officer 01954 713027

Guidance for Members on Gifts and Hospitality

1. Introduction

This guidance is for members of the Authority and independent and co-opted members (voting and non-voting) and replaces any previous guidance following the changes to the Code of Conduct in May 2007.

2. General Caution

Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. Your personal reputation and that of the Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.

The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived. No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision.

3. Criminal Law

It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Authority. The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Authority.

4. Limits of Guidance

This guidance does not apply to:

- Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a member. You should however question any such gift or hospitality offered from an unusual source.
- The acceptance of facilities or hospitality provided to you by the Authority.
- Gifts given to the Authority that you accept formally on the Authority's behalf and are retained by the Authority and not by you personally.

5. Meaning of Gifts and Hospitality

The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. Gifts and hospitality include:

- The free gift of any goods or services.
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
- The opportunity to obtain goods or services not available to the general public.
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. Members should however be cautious when

purchasing anything when additional services, privileges or advantages are offered which might be related to their position as a member.

6. Appropriate Gifts and Hospitality

There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a member.

- Civic hospitality provided by another public authority.
- Normal and modest refreshment in connection with any meeting in the course of your work as a member
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Authority or bodies to which you have been appointed by the Authority, and the tickets are offered in relation to that sponsorship or promotion.
- Small low value gifts (such as pens, calendars, diaries, flowers and other mementos and tokens.).
- Drinks or other modest refreshment in the normal course of socialising arising consequentially from Authority business (e.g. inclusion in a round of drinks after a meeting).
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Authority has a business connection.
- Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

7. Principles to Apply in Relation to Gifts and Hospitality

In deciding whether it is appropriate to accept any gift or hospitality you must apply the following principles:

- Do not accept a gift or hospitality as an inducement or reward for anything you do as a member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.
- “Reward” includes remuneration, reimbursement and fee.
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
 - a) From parties involved with the Authority in a competitive tendering or other procurement process.
 - b) From applicants for planning permission and other applications for licences, consents and approvals.
 - c) From applicants for grants, including voluntary bodies and other organisations applying for public funding.
 - d) From applicants for benefits, claims and dispensations.
 - e) From parties in legal proceedings with the Authority.
- Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
- Do not solicit any gift or hospitality and avoid giving any perception of so doing.

8. Gifts Received and Donated to the Chairman's Charity

Some members receiving gifts of value may prefer not to retain these personally but to pass them to the Chairman for use in relation to the Chairman's Charity Appeal. Members should indicate this intention to the provider and make this clear on the register of interests.

9. Registration of Gifts and Hospitality

The Code of Conduct for Members and Co-opted Members provides that 'You have a personal interest in any business of your authority where it relates to or is likely to affect the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.'

This interest must be registered in the register of members' interests. You should register the interest as soon as possible after acceptance of the gift or hospitality. The registration should include the source and nature of the gift or hospitality.

You must disclose the existence and nature of the interest arising from a gift or hospitality at a meeting of the authority at which business is considered to which the interest relates. (i.e. business relating to the interests of the person or body giving the gift or hospitality) The disclosure requirement does not however apply to gift and hospitality interests registered more than 3 years ago.

Whilst the registration requirement in the code is limited to gifts or hospitality over the value of £25, members are encouraged to register any significant gift or hospitality they receive below this value. There is no obligation to make a disclosure in relation to gifts and hospitality on the register which are below £25 in value.

10. Reporting of Inappropriate Gifts and Hospitality offered

It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Authority.

You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.

You may thereafter be required to assist the Police in providing evidence.

11. Enforcement

The Standards Committee has responsibility for overseeing compliance with this guidance.

Allegations of any failure to meet the guidance must be made in writing to the Monitoring Officer.

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M Procedural Guidance for Members and Officers in Planning and Licensing – Supplemental to the Code of Conduct

This Guidance was adopted by the Council on 25 April 2002, amended on 11 December 2003, and supplements the Code of Conduct for members of the Council adopted by the Council under Section 51 of the Local Government Act 2000. The obligations and responsibilities contained within this Guidance shall apply to co-opted members in the same way as they do to members of the Council. Reference to the committee means the Planning Committee or the Licensing Committee and reference to the Chairman shall mean the Chairman of the relevant committee. Similarly, reference to the Chief Officer means an Executive Director or appropriate Corporate Manager and reference to the 'officer' means the planning case officer or the licensing officer respectively.

Members

The Role of Members

1. In making decisions on applications, members of the committee will:
 - act fairly and openly
 - approach each application with an open mind
 - carefully weigh up all the material considerations
 - avoid undue contact with interested parties
 - ensure that reasons for decisions are clearly stated.
2. Members of the committee will be free to vote on applications as they consider appropriate (i.e., without a Party 'whip'), deciding them in the light of all the relevant information, evidence and arguments. They will base their decisions on the provisions of the Acts and regulations under which the applications are made and fall to be determined ("the statutory framework").
3. Members of the Council shall not give instructions to officers nor shall they place pressure on officers in order to secure a particular recommendation on an application.
4. In accordance with paragraph 6 of the Code of the Conduct for Members of the Council, a member will not use his or her position as a member improperly to confer or secure for himself or herself, or for any other person, an advantage or disadvantage.

Discussions with Applicants

5. Pre-application meetings with prospective applicants are encouraged, but, to avoid misunderstandings, they require a degree of formality. They will normally only involve officers, except where the Monitoring Officer, in consultation with the Chairman of the committee, has agreed that a pre-application meeting shall include (along with an appropriate officer) a member or members of the Council.
6. It will be made clear at pre-application meetings that:
 - only officers' initial provisional views can be given, based on the provisions of the statutory framework and other adopted Council policy
 - no decisions can be made which would bind or otherwise compromise the committee of the Council or the Chief Officer if delegated to make the decision.
7. Where pre-application meetings involve a prospective applicant with a member or members of the Council, a note of the discussion will be taken by the officer and will be made available for public inspection, subject to the usual rules about access to information, if and when an application is submitted. At least one appropriate officer will be present at all such meetings.

8. Members of the Council will not take part in post-submission meetings with applicants or other parties, unless the matter has been agreed by the Monitoring Officer, in consultation with the Chairman of the committee. A note of any discussions will be taken and will be made available for public inspection, subject to the usual rules about access to information. At least one appropriate Planning Officer will be present at all such meetings.

Lobbying

9. It is quite common for applicants and others to wish to approach members of the Council to discuss a proposed application before an application is submitted or, if submitted, determined. This could be by way of an approach to an individual member, by telephone, or on a chance meeting, or by way of a request to see all or some of the members of the committee. It is an essential part of the democratic process that members of the public should be able to make their views known to elected members. However, to avoid compromising their position before they have received all the relevant information, evidence and arguments, members of the committee will:
 - do their best to avoid, in discussion with an applicant or any other person, giving their thoughts about the merits of an application or proposal so as to give the impression or commitment that they will definitely vote in favour or against a proposal or application. There is no objection to the member rehearsing comments from the officer or any of the consultees, whether in favour of or against the proposal or application or any aspect of it and the member can express his or her own reservations to give the proposer or applicant an opportunity of addressing them. The member can give an indication **on the information then available to him or her** whether he or she supports or opposes but it would be wise to ensure beforehand that he or she is fully briefed, preferably by the officer;
 - apart from the above, restrict their response to giving procedural advice, and make it clear that that is all they are prepared to do;
 - in suitable cases, direct lobbyists or objectors to the officer; and
 - advise the Chief Officer as soon as possible of the existence of any substantial or abnormal lobbying activity.
10. Whilst there is no bar on members of the Council generally expressing publicly, even robustly, their views on any application, committee members will recognise the need to determine applications as a committee taking into account all material considerations at the time the application falls to be determined. Members of the committee therefore should be careful not to express publicly a final¹ view on an application prior to the meeting of the committee at which a decision is to be taken however strongly they feel.

Site Visits

11. All sites are visited by officers as part of the application process. A site visit by the committee should only be necessary if the impact of the proposed development or proposed licence is difficult to visualise from the plans submitted, the written report and the officer presentation to committee. Whilst site visits involve delay in determining the applications concerned and additional cost, they should be considered if they are likely to inform better the judgement of members of the committee concerning the potential impact of proposals on, e.g., the neighbours, the countryside, the setting of a listed building or on the conservation area, i.e., where important aesthetic judgements fall to be made, the safety of road users and pedestrians, crime and disorder.

1 “Final” here means that that member’s mind is already made up, i.e., clearly pre-determined by the member such that he or she is not simply presently in favour of or against an application on the facts and circumstances then known to that member but that he or she will not be open to future argument or representations when the application falls to be considered by the committee when all the facts are known, all consultation responses are in hand and all committee debate has taken place. This can include, for example, an expression by a member of the committee that he or she as a matter of principle or conviction never votes in favour of – or against – [the type of activity or proposal in the application].

12. A decision to inspect a site will normally be arrived at either by the officer or at the request of a local member or the Chairman **in advance of any committee consideration**. Members should try to avoid proposing at the meeting itself a deferment for a site visit, although there may be exceptions where the need for a site visit becomes apparent only during the debate and consideration of the appropriate application at a committee meeting.
13. If access to private land is necessary for a site visit by members of the committee, officers will secure the prior agreement of the landowner, explaining that members will not hear argument from any interested party while at the site.
14. Where a site visit has been agreed by the committee, all members of the committee are encouraged to attend, accompanied by appropriate officers. The local member, if not a member of the committee, will also be invited.
15. The purpose of the site visit is fact finding. Officers will be able to point out relevant features of the site and surroundings. Members will be able to see the physical features of the site and ask questions through the Chairman or the officer to seek clarification. A written record will be kept of the site visit by the officer and will be reported as part of the committee papers where the application falls to be determined.
16. No discussion of the merits of the case will be permitted and all questions from members will be put through the Chairman or officer.
17. The site visit is not part of the formal consideration of an application and therefore public rights to attend the meeting do not apply. No interested parties or local Parish councillor (who is not also the local district councillor or a member of the committee) will be permitted to attend.
18. The visiting party will stay together as a group. No lobbying by applicants or objectors who might be present will be allowed. If an applicant or group persists in attempting to lobby, all members and officers will leave the site and the site visit will be abandoned.
19. The members of the committee when on site visits should not make any comments that could create an impression if observed by an outside party that they had already formed a view on the merits of the application. No decision on the application shall be made until the formal meeting of the committee at which the application is to be considered, when members will have before them all necessary information to be able to make an informed decision. Members are encouraged to convey at the formal meeting all the relevant conclusions they themselves reached on any site visit to help inform the decision.
20. If a member finds it necessary to visit a site alone (perhaps because it was not possible for him or her to attend a committee visit), the member should view the site only from public vantage points, seek to avoid any discussion with interested parties, and, if there is such discussion, make it clear that no decision on the application will be taken until it has been discussed at committee.

Material Submitted to Committee

21. A member of the Council receiving apparently new material in writing from or on behalf of an applicant or third party in connection with an application before the committee should establish from the officer whether the material has been received by that officer unless it is clear from the document itself that the officer already has it or has been sent a copy. If it has not, the member should make it available as soon as possible to the officer.
22. Relevant documents in connection with an application should all be dealt with in the officer's report to committee. Any additional information received after the preparation of that report up to 1530 hours on the day before the committee meeting will normally also be

brought to the attention of the committee. Except when requested by the officer, papers received after that time will usually be discounted, since time will not be available to check their accuracy or to give consideration to their implications. Even papers received before that time may not be able to be included in the officer's oral report if they are complex or raise important new points. In such cases, the right course may be to defer the consideration of the application to another meeting.

Declarations of Interests at Committee

23. Licensing Committee

Breach of the rules as to disclosure of interests has a more serious consequence for this committee, due to its quasi-judicial nature. In order to fully adhere to the rules of natural justice and the requirements of the Human Rights Act 1998 the committee has adopted the policy that a member should not sit or vote on any item within their **ward**. Members can address the committee from the public gallery or seats on that item but take no further part in the process. Quite apart from this, if an application is inside or outside the ward of a member, he or she may have a personal interest which may or may not be prejudicial. If so, the provisions of paragraphs 24 to 29 equally apply.

24. Planning Committee

Members should declare any interests in applications coming before the committee immediately prior to the relevant item on the agenda. In order to be able to do that, they are encouraged to seek advice at an early stage from relevant officers of the Council in any situation of uncertainty. If for some reason it is not possible, however, for an interest to be declared by a member at the outset of a meeting, or if it becomes clear at a later stage during the meeting that a member has an interest in an item under discussion, then the member should declare that interest at the first opportunity.

25. Sometimes, it is not clear whether a member has a declarable personal interest² or, if so, whether that interest is prejudicial³. As a general guide the following should be adopted by the member as being prejudicial although each case should be considered on its merits:
- (a) If the site adjoins property owned or occupied by the member or one of his / her family or a friend or is nearby such that any significant impact of view or amenity is likely whether good or bad; 'nearby' in this context can mean on the opposite side of a road. Impact which is not likely to be considered as 'significant' and not therefore prejudicial may nevertheless be declarable as a personal interest
 - (b) If the member is a farmer who owns or occupies land in the parish (other than the member's own home) and the proposal is for development of, or public entertainment in, farm buildings or diversification proposals or other property development in the same parish or nearby
 - (c) If the member is an architect, solicitor, estate agent, surveyor, builder or otherwise connected with or likely to be connected with development which falls to be considered by committee. Members practising in development trades or professions are advised not to be members of the Planning Committee.
 - (d) If the member is employed or engaged in the same discipline relevant to any licensing application.

2 Might the matter be reasonably regarded as affecting the well-being or financial position of you, your family or any of your friends or your or their interests or businesses to a greater extent than other inhabitants? [**PERSONAL INTEREST**]

3 Is your declared interest one which a member of the public, with knowledge of the relevant **facts**, would reasonably regard as so significant that your interest is likely to prejudice your judgement of the public interest? [**PREJUDICIAL INTEREST**]

26. When declaring an interest, a member should specify the nature of the interest, and whether it is personal or prejudicial. It is the responsibility of the member to announce clearly to those present that an interest is being declared and why. The minutes of the meeting should record what type of declaration was made by any member.
27. If a member declares a prejudicial interest, he or she shall withdraw from the meeting, having made any representations, before the matter concerned is discussed (Paragraph 12 of the Members' Code of Conduct refers). Withdrawal from the meeting involves physically leaving the meeting room. Moving to the public gallery or seats is not sufficient. The Chairman of the committee should suspend the proceedings of the committee briefly while the member leaves the committee room.
28. Where a member leaves the meeting, or intends to do so some time before an interest would otherwise be declarable at a later stage of that meeting, it is the responsibility of that member before he or she leaves the meeting, to announce the existence and nature of that interest, which should then be recorded in the minutes.
29. Where a member has a dispensation granted by any appropriate person or body allowing him or her to speak and / or vote on a matter in respect of which a prejudicial interest has been declared, that dispensation shall apply also to this Guidance.

Members of Committee who serve on County Councils and Parish Councils

30. A member may also serve as a member of the County Council or of a parish council ('dual' member) which makes representations about an application to be considered by the committee. If the member is present at a meeting of the County Council or a parish council (or one of its committees) when the attitude of the County Council or that parish council to the application is under consideration, the member should make this known when the application concerned is under discussion at the committee.
31. A local member who is also a member of the parish council may, if appointed to do so by the parish council concerned, act as the parish council's representative at a Licensing Committee (unless that member is on the Licensing Committee panel determining the application) or under the protocol which allows parish council representatives to address the Planning Committee. In such event, the member should make it clear whether he or she is addressing the committee as parish council representative only or as representative **and** on his or her own behalf because it is not a requirement that the views of each, upon the application, should be the same.

Voting at Committee

32. (a) A member of the committee should only vote on an application before the committee if he or she has been present for the whole of the presentation of and discussion on the application.
- (b) Where an application has been the subject of a site visit, any member of the Planning Committee who has not attended the site visit should consider, before deciding whether or not to vote on the application, whether they are sufficiently informed about all relevant issues. If they are not, they should not vote.

Non-members of Committee attending Committee Meetings

33. (a) Members of the Council who are not members of the committee may attend meetings of that committee and speak (subject to the law on declarations of interest) **but not vote** on items under the procedure laid down in Council Procedure Rules, whether as a ward councillor, or to represent the views of the County Council or a parish council, or otherwise.
- (b) When such members attend the Licensing Committee they shall sit with the visiting public or persons wishing to make representations. When such members attend the Planning Committee, they should not sit in the public gallery, but in the place

reserved in the committee room for Members of the Council who are not members of the Planning Committee.

- (c) When such a member speaks at the meeting, either the Chairman of the committee in calling upon the member to speak or the member in speaking should make it clear upon what basis he or she is taking part in the meeting. The guidance in paragraph 29 regarding committee members who are 'dual' members should also be observed by other members of the Council who attend meetings of the committee.
- (d) Where a member not a member of the committee is attending to speak as the local member, he or she should be identified and may be asked to speak before any other member makes a contribution to the debate.
- (e) Unless specifically allowed by the Chairman, members who are neither members of the committee nor the local member should not contribute to the debate on applications in other wards unless they have information to impart that will assist the committee in making a decision.

Decisions Contrary to Officer Recommendations or to Development Plan Policies

- 34. From time to time, there will be occasions when the committee disagree with the professional advice on an application given by the Chief Officer. In such cases the reasons for differing from the professional advice received should be specified in the resolution of the committee, along with the reasons for refusing an application recommended for approval or the conditions to be imposed on any approval in a case recommended by officers for refusal. The same provisions apply to relevant decisions taken contrary to Development Plan policies.
- 35. Where any Planning Committee decision is taken to refuse an application contrary to the recommendation by the officers for approval (with or without conditions), it shall normally be expected that a member, preferably the local member, speaking and / or voting against the application, will offer himself or herself to give evidence to support the grounds of refusal at any appeal hearing or inquiry. The Chairman will deal with this point before moving to the next item of business.
- 36. Where Planning Committee is minded to make a decision contrary to technical advice, its final decision should not be made until it has received, and taken into account, credible second opinion which will be obtained for their consideration by the Corporate Manager (Planning and New Communities).

Applications in which a Member of the Council has an interest

- 37. All applications which are submitted by or on behalf of a member of the Council in his or her private capacity or by a close friend, relative or the partner of a member (as defined in the Code of Conduct for Members) will be drawn to the attention of the Chief Officer by the member concerned in writing, and will be reported to the committee for a decision, rather than being dealt with in accordance with the Scheme of Delegation to Officers.
- 38. The member concerned will take no part in the determination of the application.

Hospitality

- 39. Members of the Council are discouraged from receiving hospitality from people with an interest in a proposal. If receipt of hospitality is unavoidable, members will ensure that it is of the minimum level, and if it exceeds the level to which the Council's Code of Conduct for Members applies, will declare its receipt, as soon as possible, in a hospitality book which is retained by the Council's Deputy Monitoring Officer.

Training

- 40. (a) Training on development control and development plan issues and procedures will be provided and updated as necessary. All members of the Planning Committee should ensure that they have received sufficient and appropriate training to enable

them to undertake the duties required of them. Training is mandatory for members who wish to sit on the Planning Committee.

- (b) All new members of the Licensing Committee will be required to receive training in licensing procedures at the beginning of their term of office and all members of the committee will be required to undertake training periodically on new regulations and as a refresher. A record will be kept by the Chief Officer of the training undertaken by each member. Training is mandatory for members who wish to sit on the Licensing Committee

Whistle-blowing

41. A member or any officer must, if he or she becomes aware of any conduct by another member or any officer which he or she reasonably believes involves a failure to comply with this Guidance, notify the Monitoring Officer as soon as it is practicable for him or her to do so.

Officers

The Role of Officers

42. In making delegated decisions on applications, officers will:
- act fairly and openly
 - approach each application with an open mind
 - carefully weigh up all the material considerations
 - avoid undue contact with interested parties
 - ensure that reasons for decisions are clearly stated.
43. In reporting to committee on non-delegated applications, officers will:
- provide professional and impartial advice
 - make sure that all information necessary for a decision to be made is given
 - set the application in the context of the statutory framework and all other material considerations
 - include the substance of objections and the views of people who have been consulted
 - provide a clear and accurate written analysis of the issues
 - normally give a clear recommendation.
44. Any material information which is received after the written report has been prepared and before the cut off time specified in paragraph 21 above will be presented orally to the committee by officers.
45. The Chief Officer, in discussion with the Chairman of the committee, will have the discretion to withdraw any item from the agenda of the committee subsequent to the preparation of the report but prior to discussion by the committee if the circumstances of the consideration of an application change within that period.
46. Officers are responsible for carrying out the decisions of the committee whether or not those decisions are in line with officer recommendations.

Discussions concerning Applications

47. All officers taking part in pre application or post submission discussions with applicants, supporters or objectors should make it clear that decisions on applications are taken either:
- by the elected members in committee, or
 - under specific circumstances by the Chief Officer or an officer specified by him / her using powers of delegation.
48. A written note will be made of all such meetings. A follow-up letter should be sent setting out the advice given at such a meeting and the basis on which it was given. The meeting note and any follow-up correspondence should be placed on the application file, should an application materialise following initial discussions.

Disclosures of Interest

49. Officers (of every grade) shall play no part in the processing of any application in circumstances where there is, or would be perceived by a reasonable person with knowledge of the relevant facts to be, a conflict between their personal or financial interests, or those of their families or friends, and their professional duty. They shall openly declare the existence of any such conflict in writing by placing a note of the circumstances of the interest on the case file.

Applications Submitted by Officers

50. All applications submitted in respect of which any officer has an interest shall be reported to the committee for a decision, rather than being dealt with in accordance with the Scheme of Delegation to officers. If the officer concerned is present at the meeting of the committee at which such an application is determined, he or she will leave the room during consideration of the application.

Hospitality

51. Officers are discouraged from receiving hospitality from people with an interest in a proposal. If receipt of hospitality is unavoidable, officers will ensure that it is of the minimum level, and will declare its receipt if it exceeds the level to which the Council's Code of Conduct for Officers applies, as soon as possible, in a hospitality book which is retained by the Council's Deputy Monitoring Officer.

Action on Decisions Taken Contrary to Professional Advice

52. In cases where an officer recommendation for approval has been overturned by committee and an appeal is lodged:
- case officers shall give full support to members and any external witnesses in preparing evidence for any court proceedings or public inquiry, short of giving evidence themselves. Whilst members' decisions giving rise to appeals will always have officer support, whether by the Appeals Officer, Legal Officer, Environmental Health Officer or any other officer(s) selected by the appropriate Chief Officer, case officers involved in formulating the original recommendation will only give evidence themselves in exceptional circumstances, where their Code of Professional Conduct is not breached
 - where a hearing is to be held, with no cross examination, the case officer may give evidence, but this will normally be an officer not involved in formulating the original recommendation
 - officers shall give full support to member decisions which are appealed using the written representations procedures.

General

53. This Guidance shall be kept under continuous review by the Standards Committee and also reviewed whenever there is any change in the Council's Procedure Rules or the Council's Code of Conduct for Members or for Officers.



Whistleblowing Policy

Contents

- 1. Introduction**
- 2. Aims and scope of the policy**
- 3. Safeguards: Harassment or victimisation**
- 4. Confidentiality**
- 5. Anonymous allegations**
- 6. Unfounded or untrue allegations**
- 7. Support to staff and Members**
- 8. Independent advice**
- 9. How to raise a concern**
- 10. How the Council will respond**
- 11. How the matter can be taken further**
- 12. Monitoring and review**

1. Introduction

- 1.1 Council staff, contractors or Council Members are often the first to realise that something seriously wrong may be taking place or have occurred within South Cambridgeshire District Council or its activities. However, they may not express their concerns because:
- they may feel that speaking up would be disloyal to their colleagues or to the Council; or
 - they may fear that they or someone else might be harassed or victimised.
- 1.2 South Cambridgeshire District Council is committed to the highest possible standards of openness, honesty and accountability and therefore wishes to be alerted to any problems at the earliest opportunity. The Council therefore encourages staff, contractors and elected Members who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns.
- 1.3 This policy makes it clear that they may do so, irrespective of seniority or status, and without fear of intimidation, victimisation, subsequent discrimination, disadvantage, or other reprisal. The Council recognises that most cases will have to proceed on a confidential basis.
- 1.4 The policy has been written to take account of the provisions of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern. The Act is incorporated into the Employments Rights Act 1996, which also already protects employees who take action over, or raise concerns about health and safety at work.
- 1.5 The policy encourages and enables staff and others to raise concerns within the Council, rather than either overlooking a problem or reporting the matter externally. This will enable the Council to take action, as appropriate to:
- pre-empt crime or other wrongdoings, where possible;
 - where a crime or something suspicious has taken place, to instigate an appropriate investigation;
 - bring the perpetrators to account;
 - minimise and contain any adverse impact;
 - take corrective action to eliminate or significantly reduce the scope for repeat occurrences.
- 1.6 The word "whistleblowing" in this Policy refers to the disclosure by staff and others, either internally or externally, of malpractice, as well as illegal acts or omissions at work. Malpractice includes any form of corruption, favouritism or discrimination, gross negligence in performance of duty by officers or Members, etc. The policy outlines the procedures to be followed if and when such matters arise.
- 1.7 The word "whistleblower" in this Policy refers to the person raising a concern, whether that person is a member of staff, a contractor, a Council Member, or someone else.

2. Aims and scope of the policy

- 2.1 This policy aims to:

- encourage staff and others to feel confident in raising serious concerns and to question and act upon those concerns;
- provide avenues for people to raise concerns and to receive feedback on any action taken;
- ensure that any matter reported is taken seriously and dealt with quickly and appropriately;
- ensure that any matters raised are treated as confidential as far as practicable;
- reassure people that they will be protected from possible disadvantage, reprisals or victimisation if they have a reasonable belief that they have raised their concerns in good faith;
- ensure that people receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- allow people to take the matter further if they are dissatisfied with the Council's response.

2.2 The Council has a range of policies and procedures which deal with employment policies, standards of behaviour at work and other issues or matters of concern, including:

- Anti Theft, Fraud and Corruption Policy;
- Disciplinary Policy and Procedure;
- Financial Regulations;
- Contract Standing Orders;
- Grievance Policy and Procedure (e.g. to enable Council staff to lodge a grievance relating to their own employment);
- Harassment and Bullying at Work Policy and Procedure;
- Recruitment and Selection;
- Members' and Officers' Codes of Conduct.

(This list is not exhaustive; a full list of the Council's current policies and procedures can be found on In-Site, the Council's intranet, at <http://insite/PoliciesStrategiesProcedures/>.)

2.3 There are provisions within these policies for concerns relating to them to be raised and dealt with. Where appropriate, therefore, issues of concern should be raised under the provisions of the relevant policy and procedure, in preference to the Whistleblowing Policy, which is not intended to cover these matters. If the Internal Audit Manager considers that a concern raised under the Whistleblowing Policy should more properly be dealt with under the provisions of another policy, the whistleblower would be referred to that policy.

2.4 There may be times, however, when the matter either does not relate to one of these policies or needs to be handled in a different way. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other policies and procedures. Those concerns may be about something that:

- is unlawful; or
- is contrary to the Council's Constitution and policies; or
- falls below established standards or practices; or
- amounts to improper conduct.

2.5 Examples may be:

- malpractice;
- ill treatment or abuse of a client/customer by a member of staff;

- repeated ill treatment of a client/customer, despite a complaint being made;
- a criminal offence has been, is being, or is likely to be committed;
- disregard of legislation, particularly in relation to health and safety at work;
- showing undue favour over a contractual matter or to a job applicant;
- a breach of any code of conduct or protocol;
- miscarriage of justice;
- information on any of the above has been, is being, or is likely to be concealed.

(This list is not exhaustive.)

- 2.6 All staff and Members have responsibility to express concerns about unacceptable practice or behaviour. Although it can be difficult to raise such concerns, particularly about a colleague, they are encouraged to act to prevent an escalation of the problem, or even to avoid being potentially implicated themselves.

3. Safeguards: Harassment or victimisation

- 3.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from the person(s) who are the subject of the issue raised. The Council will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will treat this as a serious disciplinary offence, which will be dealt with under the Disciplinary Policy and Procedure (staff) or via the procedures under the Members' Code of Conduct, as appropriate.

4. Confidentiality

- 4.1 All concerns raised will be treated in confidence and the Council will do its best to protect a whistleblower's identity when they do not want their name to be disclosed. It may be possible to establish the truth about allegations from an independent source and the Council will seek to do this where possible. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by the whistleblower may be required as part of the evidence.
- 4.2 If the situation arises where the Council is unable to resolve the concern without revealing a whistleblower's identity, the matter will be discussed with the whistleblower to determine how the matter is to proceed.

5. Anonymous allegations

- 5.1 The Council encourages whistleblowers to put their name to their allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the person to whom they are made.
- 5.2 In exercising this discretion, the factors to be taken into account would include:
- the seriousness of the issue(s) raised;
 - the credibility of the concern(s); and
 - the likelihood of confirming the allegation(s) from attributable sources.
- 5.3 Anonymous whistleblowers should also bear in mind that, if they do not make their name known, the Internal Audit Manager will not know whose identity to keep confidential. It will also not be possible to provide direct feedback to them on the progress and outcome of any investigations.

6. Unfounded or untrue allegations

- 6.1 Where it is established, after investigation, that the allegations are unfounded, then the whistleblower will be notified. The Council will deem the matter “closed” and will not expect the issue to be raised again unless new evidence becomes available.
- 6.2 If a whistleblower makes an allegation in good faith and has a reasonable belief in the truth of the allegation, but it is not confirmed by the investigation, no action will be taken against them. If, however, there is clear evidence that a whistleblower has made a malicious or vexatious allegation, then appropriate action may be taken against them.

7. Support to staff and Members

- 7.1 It is recognised that raising concerns can be difficult and stressful. Accordingly, where requested, advice and support is available to staff from the HR Team, a trade union representative, the member of staff's line manager, or the [Employee Assistance Programme](#) (tel: 0800 282 193, or look on In-Site, the Council's intranet <http://intranet/hrfiles/PPC/ppcIndex.html>).
- 7.2 Staff who are subject to investigation following concerns being raised will also be entitled to similar support, although ideally not from the same individuals.
- 7.3 Advice and support to Members is available, where requested, from the Monitoring Officer.

8. Independent advice

- 8.1 If you are unsure whether or how to raise a concern or you want confidential advice, you can contact the independent charity Public Concern at Work on 020 7404 6609 or at helpline@pcaw.co.uk. Their legal advisers can give you free confidential advice on raising a concern about serious malpractice at work.
- 8.2 You can also contact Unison or GMB for independent advice.

9. How to raise a concern

- 9.1 Before initiating the whistleblowing procedure, staff should normally discuss their concerns with their immediate manager or supervisor. However, this depends on the seriousness and sensitivity of the issues and who is thought to be involved.
- 9.2 The Council's Internal Audit Manager has overall responsibility for the maintenance and operation of this policy and procedure and maintains a record of concerns raised and the outcomes (in a form which does not endanger confidentiality).
- 9.3 Staff should therefore raise concerns with the Internal Audit Manager, email address internal.audit@scambs.gov.uk.

If staff feel that they would prefer to talk to another senior officer, they should approach the HR Manager, telephone number 01954 713285.
- 9.4 In some circumstances, it may be appropriate for staff to ask their trade union or professional association to raise a matter on their behalf.
- 9.5 Contractors or Members should raise their concerns with the Internal Audit Manager.

- 9.6 The earlier concerns are expressed, the easier it is to take action. Concerns are better raised in writing and whistleblowers are encouraged to do so, setting out, in as much detail as possible:
- the background and history of their concern (giving names, dates and places where possible); and
 - the reason(s) why they are particularly concerned about the situation.
- 9.7 If a whistleblower does not feel able to put their concern in writing, they can report it verbally, either by telephone or by meeting the appropriate officer.
- 9.9 Whistleblowers may invite a trade union or professional association representative, friend or colleague who is not involved in the area of work to which the concern relates, to be present during any meetings or interviews in connection with the concerns they have raised. Such meetings can be held off-site if desired.
- 9.9 Although whistleblowers are not expected to prove the truth of their allegation to the person they have contacted, that person will need to be satisfied there is sufficient evidence in support of the allegation before proceeding.
- 9.10 Once the whistleblower has raised their concern, they must not:
- contact the suspected perpetrator in an effort to determine facts or demand restitution;
 - discuss the case facts, suspicions, or allegations with anyone else within or outside the Council (including the press);
 - attempt to personally conduct investigations or interviews or question anyone.

10. How the Council will respond

- 10.1 The Council will take whistleblowers' concerns seriously. Whistleblowers are asked to bear in mind that investigating concerns is not the same as either accepting or rejecting the validity of the allegation.
- 10.2 In order to protect the whistleblower, the Council and those accused of misdeeds or possible malpractice, initial enquiries (usually involving a meeting with the whistleblower) will be made to decide whether an investigation is appropriate and, if so, what form it should take.
- 10.3 The overriding principles that the Council will follow are to establish the facts and to protect both the whistleblower and the public interest.
- 10.4 Concerns or allegations that raise issues which fall within the scope of other specific policies and procedures (for example, discrimination issues), will normally be referred for consideration under those policies and procedures.
- 10.5 Following this, the Internal Audit Manager will, within ten working days, write to the whistleblower:
- acknowledging that the concern has been received;
 - where initial enquiries have been undertaken and further investigation of the matter is considered unnecessary, advising them of the reasons for this decision; or
 - informing them that an investigation will be carried out;

- indicating how he/she proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- confirming that any investigation will be carried out in the strictest confidence.

The Internal Audit Manager can decide to take no further action if a complaint appears to be trivial, malicious or vexatious.

- 10.6 If an investigation is required, the Internal Audit Manager will consult as necessary and designate an appropriate person to investigate the concern. The action taken by the Council will depend on the nature of the concern and, where appropriate, the matters raised may:
- be investigated by management, internal audit, or through the disciplinary process;
 - be referred to the police;
 - be referred to the external auditor;
 - form the subject of an independent inquiry;
 - in certain circumstances, necessitate a report on the outcome of the investigation to be made to the Council;
 - be referred to the Monitoring Officer or to the Standards Board for England if in respect of breaches of the Members' Code of Conduct;
 - be dealt with under the Council's Complaints Procedure.
- 10.7 Some concerns may be resolved through discussion or agreed action without the need for investigation. However, if urgent action is required, this may be taken before any investigation is conducted.
- 10.8 Where possible and subject to legal constraints, the Internal Audit Manager will also keep the whistleblower informed about how the matter is progressing. The amount of contact between the whistleblower and the officer(s) considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Internal Audit Manager will seek further information from whistleblowers.
- 10.9 The Council will take steps to minimise any difficulties that staff or Members may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Internal Audit Manager will advise them about the procedure. The Council cannot provide legal representation for staff or Members, but, where appropriate, counselling may be provided by the Council.
- 10.10 The Council accepts that the whistleblower needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will be informed, in confidence, about the outcomes of any investigation, or any action taken to correct working practices that have been found to be at fault by the investigation.
- 10.11 In the event that the whistleblower is unhappy with the outcome and/or response received at the conclusion of the investigation, they will be provided with details of whom to contact should they wish to raise the matter externally.
- 10.12 All matters will be referred to the Internal Audit Manager for record keeping purposes.

11. How the matter can be taken further

11.1 This policy is intended to provide a whistleblower with a procedure to raise concerns within the Council. The Council hopes the whistleblower will be satisfied with any action taken. If they are not, and feel that it is right to take the matter outside the Council, the following are possible contact points:

- the local Council Member (if the staff member lives in the area of the Council) – if unsure who it is, contact Democratic Services (tel: 01954 713016; email: Democratic.Services@scambs.gov.uk), or look on In-Site, the Council's intranet (<http://scdcsql:8070/mgMemberIndex.asp>), or website (www.scambs.gov.uk/CouncilAndDemocracy/Councillors,WardsandParishes/);
- the Chairman or any member of the Standards Committee – for details of current membership please contact Democratic Services (tel: 01954 713016; email: Democratic.Services@scambs.gov.uk), or look on In-Site, the Council's intranet (<http://scdcsql:8070/mgCommitteeMailingList.aspx?ID=415>), or website (<http://scambs.moderngov.co.uk/mgCommitteeMailingList.aspx?ID=415>);
- the external auditor, Audit Commission, 2nd Floor Sheffield House, Lytton Way, Stevenage, Herts, SG1 3HG, telephone 0844 798 1570;
- relevant professional bodies or regulatory organisations;
- a solicitor;
- the Police;
- an independent person or organisation nominated for the purpose by the Council, if appropriate to the nature of the concern raised – the Internal Audit Manager would inform the whistleblower how to contact them;
- Public Concern at Work (tel: 020 7404 6609; www.pcaw.co.uk);
- a recognised trades union;
- the Local Government Ombudsman (www.lgo.org.uk/contact.htm).

11.2 If the whistleblower does take the matter outside the Council, they need to ensure that they do not disclose confidential or legally restricted information or that disclosure would be privileged. The whistleblower should check with the person they initially contacted about that.

12. Monitoring and review

12.1 The Internal Audit Manager will monitor the implementation and effectiveness of the policy and procedure and will submit an annual monitoring report to the Chief Executive and to the Chairman of the Standards Committee on any matters raised under this Policy and the subsequent outcome in each case. The Standards Committee will monitor the implementation of the recommendation(s) of the investigation.

12.2 Management Team and the Standards Committee will each review the policy and procedure and evaluate its effectiveness in the light of issues raised or identified as part of the monitoring process. Revisions to the policy or procedure will be made, where necessary, following endorsement from Management Team and the Standards Committee.

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I Protocol on Member / Officer Relations

1. Introduction

- 1.1 The Nolan Committee's Report on Standards of Conduct in Local Government in 1997 recommended that every Council should adopt a formal protocol setting out guidance for appropriate relationships between officers and members. The relationship between members and officers is an essential ingredient that goes to the very heart of the successful working of the Council. This relationship should be characterised by mutual trust, respect and courtesy. These are essential for good local government and serve to enhance local democracy. Members and officers should feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is rather to help members and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol aims to serve as a guide to dealing with those issues that most commonly arise or which cause concern.
- 1.2 This protocol seeks to reflect the principles underlying the respective Codes of Conduct which apply to members and officers. It should be read and operated in the context of any relevant legislation, national and local Codes of Conduct and guidance on effective corporate governance, the Council's Constitution, and any other relevant Council policies. If a member is unsure about any matter, he / she should contact the Monitoring Officer for appropriate advice or guidance. If any officer is unsure about any matter he / she should contact their line manager, Corporate Manager or Chief Officer.

2. Roles of Members and Officers

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

Both members and officers are servants of the public and they are indispensable to one another. Their individual responsibilities are, however, distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are employees of the Council and their job is to give advice to members and the authority, and to carry out the Council's work under the direction and control of the Council, the Executive and relevant committees, panels etc. Officers must act in the best interests of the Council as a whole and must not give partisan political advice.

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

Members

- 2.2 Members have three main areas of responsibility: determining the policy of the Council and giving it political Leadership (1), representing the Authority externally (2) and acting as advocates on behalf of their constituents (3). It is not the role of members to involve themselves in the day-to-day management of the Council's services. Members should be careful to avoid involvement in internal office management, discipline and other employment related issues, as the actions of a member may be held to be the actions of the Council as an "employer".

Members of the Executive, Chairmen and Vice-Chairmen

- 2.3 Members of the Executive and chairmen and vice-chairmen of committees and panels have additional responsibilities. Their relationships with officers may be different from and be more complex than those of members without those responsibilities and this is recognised in the expectations they are entitled to have.

Opposition Members

- 2.4 As individual members of the Council, all members have the same rights and obligations in their relationship with officers and should be treated equally. This principle is particularly important in the context of scrutiny and overview. Where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised

that the relationship between officers (particularly those at a senior level in the Council) and the administration will differ from that with opposition groups. However, members in opposition still have the same rights and obligations in their relationships with officers and should be treated equally.

Officers

- 2.5 The role of officers is to give advice and information to members and to implement the policies determined by the Council.
- 2.6 Certain employees (i.e., the Head of Paid Service, Monitoring Officer and Section 151 Officer [Chief Finance Officer]) have responsibilities in law over and above their obligations to the Council and its members that they must be allowed to discharge.

3. Expectations

- 3.1 Members can expect from officers:
 - (a) a commitment to the Authority as a whole, and not to any political group;
 - (b) a working partnership;
 - (c) an understanding of and support for respective roles, workloads and pressures;
 - (d) timely response to enquiries and complaints;
 - (e) professional advice, not influenced by political views or preference, which does not compromise the political neutrality of employees;
 - (f) regular up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
 - (g) awareness of and sensitivity to the political environment;
 - (h) respect, dignity and courtesy;
 - (i) training and development in order to carry out their role effectively;
 - (j) integrity, mutual support and appropriate confidentiality;
 - (k) not to have personal issues raised with them by employees outside the agreed procedures;
 - (l) that employees will not use their relationship with members to advance their personal interests or to influence decisions improperly;
 - (m) that employees will at all times comply with the Officers' Code of Conduct.
- 3.2 Officers can expect from members:
 - (a) a working partnership;
 - (b) an understanding of and support for respective roles, workloads and pressures;
 - (c) political leadership and direction;
 - (d) respect, dignity and courtesy;
 - (e) integrity, mutual support and appropriate confidentiality;
 - (f) not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between members and officers, and the potential vulnerability of officers, particularly at junior levels;
 - (g) that members will not use their relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
 - (h) that members will at all times comply with the local Code of Conduct.

4. Potential Issues

Working Relationships

- 4.1 It is clearly important that there should be close working relationships between all officers and members. However, such relationships should never be allowed to become so close or appear so close as to bring into question the individual's ability to deal impartially with others. Close personal familiarity between individual members and officers can damage professional relationships and can prove embarrassing to other members and officers. Situations should be avoided, therefore, that could give rise to suspicion and / or appearance of improper conduct or behaviour. This includes excessive socialising between

members and officers, for example meeting on a social basis more than once per week. Provided these guidelines are observed, there is no reason why there should not be an informal atmosphere between members and officers outside formal meetings and events.

- 4.2 Any dealings between members and officers should be conducted with mutual trust, respect and courtesy and neither party should seek to take unfair advantage of his / her position. An employee who is one of their constituents may ask a member for advice and support. Employees are entitled to seek such assistance in the same way as any other member of the public. However, members should be careful not to prejudice the District Council's position in relation to disciplinary procedures or employment matters in respect of any employee. A member approached for help in such circumstances should first seek advice from the Monitoring Officer.
- 4.3 In seeking advice and support, members should have due regard to the seniority of the officer with whom they are dealing and recognise that, whilst officers owe an overriding duty to the Council as a whole, such duties are first owed to their respective line managers, Corporate Managers and Chief Officers and not to any individual member. For this reason, members should not give direct instructions to staff. In these circumstances, any requests should be given to the Corporate Manager or Chief Officer and not to a more junior officer.
- 4.4 Members must also not pressurise any officer to change his / her professional opinion on any Council business matter or do anything that compromises, or which is likely to compromise, the impartiality of officers or those who work for, or on behalf of the Council.

Constructive Criticism

- 4.5 It is an absolute requirement that councillors do not criticise officers personally or use, as councillors, intemperate language or conduct in public about reports or actions taken by officers. Officers are similarly constrained by their own code, by their employment provisions and by their requirement to maintain professional integrity. It is important that there should be mutual respect and courtesy between councillors and officers and that no councillor or officer should seek to take unfair advantage of their position
- 4.6 Councillors have the right to criticise reports or the actions taken by officers but they should always avoid personal attacks on officers and ensure that criticism is constructive, well-founded and likely to lead to improved performance in future, rather than solely to apportion blame

Appointments with Officers

- 4.7 Where possible, members should endeavour to make appointments to speak to all levels of officers so that workloads can be organised around such appointments. This also avoids encroaching on the officer's colleagues' time in dealing with queries they are not best placed to assist with in the absence of that officer. Equally, members should try to ask questions via e-mail or telephone rather than face-to-face meetings where possible. Members must also appreciate that responses to such queries may not always be immediate depending on the particular officer's work priorities. There should be no expectation among members that member queries will always be given priority over an officer's other work commitments.
- 4.8 Members should ensure, where possible, that they speak to the correct level of officer for their query in the first instance and should avoid speaking to chief officers about issues that should be dealt with at a lower level. This is vital if chief officers are to be allowed the time to focus on their more strategic work. Members should speak to the contact centre in the first instance in order to be referred to the officer / service they need to speak to. Members should advise their residents to do the same, and only themselves get involved if there is a failure of service. Members can also refer to the departmental organisation charts to establish which officer they need to speak to.

5. Accountability of Members / Officers under Scrutiny Arrangements

- 5.1 The Scrutiny and Overview Committee may scrutinise and review decisions made by the Cabinet or actions taken by / or on behalf of the Cabinet. As well as reviewing documentation, in fulfilling the scrutiny role, the Scrutiny and Overview Committee may require the Leader, portfolio holder, Chief Officer or Corporate Manager to attend before it to explain in relation to matters within their remit:
- any particular decision or series of decisions;
 - the extent to which the actions taken implement Council policy; and / or
 - their performance
- and it is the duty of those persons to attend if so required. However, in exceptional circumstances, if the member or officer is unable to attend on the required date, then the relevant committee shall, in consultation with the member or officer arrange for an alternative date for attendance to take place within a reasonable period.
- 5.2 Where any member or officer is required to attend a committee under the provisions of paragraph 5.1 above, the Chairman of that committee will arrange for the member or officer to be informed in writing, giving notice of the nature of the item (with reasons) on which he / she is required to attend to give account and giving sufficient notice having regard to whether or not the production of any documentation or report is required.
- 5.3 A committee may not scrutinise an action taken by a Chief Officer or Corporate Manager under delegated powers, which is in furtherance of day-to-day administration of the service for which the officer is responsible. Only key decisions taken by officers under delegated powers will be subject to call-in by the Scrutiny and Overview Committee.

6. Local Members

- 6.1 Local members have an important role to play in representing the District Council in the electoral wards, responding to the concerns of their constituents, in meetings with partners and serving on external bodies and organisations.
- 6.2 It is essential for the proper running of the Council that there should be full consultation with local ward members before decisions are taken which affect their electoral wards. It is the duty of each Corporate Manager to ensure that all relevant staff are aware of the requirements to consult, as set out in the Delegation Rules¹, and to keep local members informed and that the timing of such information allows members to contribute to those discussions. Local members should also be fully consulted and kept informed about matters affecting their wards during the formative stages of policy development. Issues may affect a single electoral ward but others may have a wider impact in which case numerous members will need to be consulted and kept informed.
- 6.3 Wherever a public meeting is organised by the Council to consider a local issue, all members representing the electoral ward(s) affected should as a matter of course be invited to attend. Similarly, whenever the Council undertakes any form of consultation exercise, the local member(s) should be notified at the outset of the exercise.
- 6.4 If a local member is not sure how to handle a problem that has arisen in their ward they may if appropriate seek guidance from their Group Leader or member colleagues before seeking advice from officers.

7. Political Groups

- 7.1 Political group meetings, whilst they form an important part in the preliminaries to Council decision-making, are not formal decision-making bodies of the District Council and as such are not empowered to make decisions on behalf of the Council. Conclusions reached at

1 Constitution Part 4

such meetings do not, therefore, rank as Council decisions and it is essential that members and officers understand and interpret them accordingly.

- 7.2 Officer support to political groups must not extend beyond providing information and advice in relation to Council business (not party political business). It may be appropriate for officers to participate in discussions within political group meetings in relation to the professional advice they give. However, it is good practice for party political discussions and debates to take place and conclusions to be reached in the absence of officers, in order to avoid suspicion of impropriety or misunderstanding.
- 7.3 Officers must respect the confidentiality of any political group discussions. Any breach of this part of the protocol must be brought to the attention of the Monitoring Officer for consideration. For the avoidance of doubt, it must be recognised by all that, in discharging their duties, officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual members. Members shall, at all times, respect the political impartiality of officers and must not expect or encourage officers to give a political view on any matter.
- 7.4 When an officer is requested to attend a political group meeting:
- the request to attend must be made through and approved by the appropriate Chief Officer;
 - such a request can only be made in relation to Council business; and officers will:
 - provide relevant factual advice and assistance;
 - leave during the deliberations of the political group on the issues;
 - respect the confidentiality of any party group decisions at which they are present;
 - not champion, defend, action a request or spend any resources of the Council, or be held responsible for actioning in any way whatsoever the decisions of the political group(s), unless and until such decisions have become the formal decisions of the Council; and
 - inform the other political groups, offering them the right of the same information.

8. Ceremonial Events

- 8.1 The Chairman of the District Council, or in his / her absence the Vice-Chairman, will be the appropriate person to lead District Council ceremonial events and to represent the Council by invitation at ceremonial events of other organisations.
- 8.2 Local members should always be informed of, and where possible, invited to ceremonial events taking place within their own wards.
- 8.3 Any member taking part in a ceremonial event must not seek disproportionate personal publicity or use the occasion for party political advantage, bearing in mind that the member is representing the Council as a whole.
- 8.4 Members should always dress appropriately for a particular occasion, mindful of their community leadership role. The Chairman of the Council will oversee this obligation.

9. Access to Information and Documentation

- 9.1 Any member may request a private and confidential briefing from a senior officer on matters of policy, which have already been or may be discussed by the Council within its decision-making or advisory process. All such requests should be made to the appropriate Chief Officer or Corporate Manager and shall be subject to the exigencies of the service. Briefings should remain strictly confidential and are not to be shared with other members of the Council unless so permitted by the relevant member and officer.

- 9.2 Individual members may request any Chief Officer (or another senior officer) to provide them with factual information, which is necessary in pursuance of the proper performance of their duties. Such requests must be reasonable and must also recognise the need for officers to maintain the distinction between the Executive and scrutiny processes.
- 9.3 As regards the legal rights of members to inspect Council documents, these are partly covered by statute and partly by common law. This is commonly known as the “need to know principle”.
- 9.4 Sometimes a member’s “need to know” will be presumed. For example, a member is unlikely to be refused opportunity to inspect documents relating to the functions or activities of a member body on which they serve. At other times, for example when documents contain confidential information or personal information about a third party, the member will need to satisfy the relevant Chief Officer or Corporate Manager about their “need to know”.
- 9.5 If a Chief Officer or Corporate Manager considers the cost of providing the information requested, or the nature of the request to be unreasonable he / she should seek guidance from the Legal and Democratic Services Manager as to whether the information should be provided. Where necessary, the Legal and Democratic Services Manager will determine whether the information should be provided.
- 9.6 Confidential information relating to casework should not normally be sought. If in exceptional circumstances members wish to discuss confidential aspects of an individual case then they shall first seek advice from the appropriate Chief Officer or Corporate Manager. If a member is already in possession of confidential information regarding a constituent then it is acceptable to discuss this with the relevant officer in order to help bring about a satisfactory resolution to a situation.
- 9.7 Council information provided to a member must only be used by the member for the purpose for which it was provided (i.e., in connection with the proper performance of the member’s duties as a member of the District Council).

10. Correspondence

- 10.1 E-mail relating to the Council must be treated in the same way as formal business correspondence and its distribution considered accordingly. Members should restrict the distribution of e-mail correspondence to the intended recipients and refrain from using multi address distribution lists (for example e-mail replies copied to all members) unless there is good reason so to do. It should be noted that e-mail can be used for documentary evidence in matters such as disciplinary proceedings and libel cases even after it has been deleted.
- 10.2 Official correspondence on behalf of the Council would normally be sent in the name of the appropriate officer, rather than in the name of a member. However, there would be circumstances in which it would be appropriate for correspondence to appear in the name of a member. For example, a local member may deal with correspondence with a local constituent in relation to a local matter in his / her name. Similarly, the Leader of the Council or a portfolio holder may deal with correspondence concerning his / her area of responsibility in his / her name. Any member who receives correspondence should consider whether it is appropriate in the circumstances for it to be passed to an officer for a reply or for him / her to reply in his / her name. The Chairman of Council will respond to correspondence addressed to him / her in consultation with the relevant officers. Any such correspondence should always have regard to the Council’s policies, practices and procedures and any mechanisms, if appropriate, for changing them. A member is advised to seek advice, as necessary, from officers before sending any correspondence in his / her own name. Correspondence which creates legal obligations or gives instructions on behalf of the Council should never be sent out in the name of a member. Correspondence includes any communication by letter, fax or e-mail.

11. Support Services to Members and Party Groups

- 11.1 The only basis on which the Council can lawfully provide support services (e.g., stationery, typing, printing, photocopying and transport) to members is to assist them in discharging their duties as a district councillor. Such support services must therefore only be used on Council business. They should never be used in connection with any party political activity or self-promotion. Where the Council provides ICT equipment in the form of a PC or Laptop computer, the equipment can be used for constituency related tasks or other Council related use. The equipment may also be used for personal use, as long as such use complies with the provisions of section 6, General Use, as set out in the agreement for members' use of the PC or Laptop computer.

12. Publicity and Media

Publicity

- 12.1 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Council, explaining its policies and priorities to electors. In recent years, all local authorities have increasingly used publicity to keep the public informed and to encourage public participation and see this as an essential part of providing services.
- 12.2 Publicity is, however, a sensitive matter in any political environment because of the impact it may have. Expenditure on publicity can be expensive. It is essential therefore to ensure that local authority decisions on publicity are made properly and in accordance with clear principles of good practice.
- 12.3 Officers and members of the Council will, therefore, in making decisions on publicity, take account of the provisions of the national Code of Recommended Practice on Local Authority Publicity and local Publicity Protocol and Media Guidelines (<http://scambs.moderngov.co.uk/mglssueHistoryHome.aspx?lId=16674>) If in doubt, officers and / or members should initially seek advice from the Council's Communications Team.
- 12.4 Particular care should be taken with Council publicity material in the run-up to an election. During the moratorium on publicity prior to elections, advice concerning any media engagement should be obtained from the Communications Team.

Media

- 12.5 Members wishing to publicise themselves or their political parties must do so in an independent capacity without using Council resources, subject to the provisions of the User Agreement for the use of IT. When using council-headed paper or e-mailing using a Council e-mail address the correspondence should not include political comments, nor include an overtly party political stance and should not criticise council policy adopted by Full Council. If members wish to make political statements in correspondence they should not use Council-headed notepaper.
- 12.6 Members should always bear in mind potential damage to the reputation of the Council before issuing any statement to the press and should check the content of such statements with their Group Leader before speaking to the media. Members should also be careful not to make derogatory or inflammatory comments about the Council's partner organisations as such comments may affect the success of future partnership working.

13. When Things Go Wrong

- 13.1 Personal campaigns against members or officers do not project a healthy environment for engendering mutual trust, respect or courtesy and should be avoided. The following procedures should be followed:

Procedure for officers to follow when experiencing difficulties with members

- 13.2 From time to time the relationship between members and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or member, officers will have recourse to a procedure whereby the complaint or grievance will be referred to the Council's Monitoring Officer. An informal meeting will then be arranged between the relevant member and officer, the member's group leader and the Chief Executive. The Chairman of the Standards Committee may also be invited to attend where appropriate. If the matter cannot be resolved internally, if it is a repeat occurrence of an earlier issue or if it concerns a serious breach of the Members' Code of Conduct the member may be referred to Standards for England.

Procedure for members to follow when experiencing difficulties with officers

- 13.3 A member should not raise matters relating to the conduct, behaviour or capability of an officer in a manner that is incompatible with the objectives of this Protocol. An officer has no means of responding to such criticism in public. If any member feels that he / she has not been treated with the proper mutual trust, respect or courtesy or has any concern about the conduct or capability of an officer, he / she should raise the matter, in private, with the relevant officer and if necessary with their line manager. Any concerns with regard to a Corporate Manager or Executive Director should be discussed in private with the Chief Executive. Where the officer concerned is the Chief Executive, the matter should be raised with the Chairman of Council, Leader of the Council or Monitoring Officer, as appropriate to the circumstances. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.

Whistle-blowing

- 13.4 Where an officer or councillor is concerned about potential unlawful conduct of an officer or councillor, the Council's whistle-blowing policy may also be relevant.

14. Interpretation

- 14.1 Questions of interpretation of this Protocol will be determined by the Monitoring Officer.

J Member role descriptions

CONTENTS

- (a) District Councillor
- (b) Chairman of the District Council
- (c) Vice-Chairman of the District Council
- (d) Leader of the District Council
- (e) Deputy Leader of the District Council
- (f) Cabinet Portfolio Holders
- (g) Opposition Group Leader
- (h) Chairman of the Scrutiny and Overview Committee
- (i) Vice-Chairman of the Scrutiny and Overview Committee
- (j) Scrutiny and Overview Committee Members
- (k) Portfolio Holder Monitors (members of Scrutiny and Overview Committee)
- (l) Chairmen of Committees and Sub-Committees with Regulatory Roles
(Planning Committee, Licensing Committee, Licensing (2003 Act) Committee)
- (m) Vice-Chairmen of Committees and Sub-Committees with Regulatory Roles
(Planning Committee, Licensing Committee, Licensing (2003 Act) Committee)
- (n) Chairman of the Standards Committee
- (o) Vice-Chairman of the Standards Committee
- (p) Chairman of Corporate Governance Committee

District Councillor

There are 57 district councillors ('members') representing the 34 electoral wards in the district, each elected to serve for a four-year term. In addition to the local representational role which all members undertake, members will participate in the political management of the Council and some may hold positions of responsibility in the political structures of the Council. Separate role descriptions exist which set out the key duties and responsibilities expected of these position holders.

ROLE DESCRIPTION

Main Purpose of Role

- To represent / champion the interests of the community, business and constituents residing in a particular District Council electoral ward as well as the interests of the Council as a whole.
- To contribute to the political management of the Council and undertake any other role allocated in respect of either Executive / non-executive, Scrutiny and Overview or quasi judicial / appeals functions (e.g., planning and licensing matters).

Duties and Responsibilities

- To champion / represent the interests of those communities and businesses and of all constituents (irrespective of whether or not they voted for the member or did not vote at all).
- To represent the interests of an individual constituent as a champion or advocate.
- To develop an understanding of and impact on the local community of those key District Council strategic and service plans developed by the Council together with those developed by other external partners.
- To develop an understanding of the District Council's Compliments and Complaints Procedures, together with those of the County Council, Police Authority, other public agencies and the Local Government Ombudsman.
- To develop effective relationships with key individuals and partners in the ward (e.g., MP, MEP, county, district and town and parish councillors, key County and District Council officers and Leaders of the community, business and other relevant local organisations).
- To seek to secure the commitment of those individuals and partners in shaping and delivering a shared vision for the community.
- To bring forward proposals supported by the community for securing improvements to the social, environmental or economic well-being and the overall quality of life within the member's own electoral ward.
- To feedback, where appropriate, decisions and issues concerning the ward to community and business interests and individual constituents and to bring forward any views into the District Council's processes.
- To promote the effective use of any resources allocated to the area by the Council and / or partner organisations.
- To attend parish council meetings, community liaison and other public meetings arranged within the ward.
- To attend and participate in meetings within the Council's political structures.
- To participate, as appropriate, in the formulation of District Council policies and scrutiny of practices and service delivery.
- To participate, as appropriate, in performing those regulatory (planning and licensing) and appeal functions for which the Council is responsible.
- To carry out any watchdog / advocacy / champion role (if established and assigned).
- To participate in the Council's strategy to achieve best value and continuous improvement in the delivery of all its services.
- To contribute to and influence the work of any other external organisation on which the member is appointed to represent the Council and to make arrangements to feed back on that organisation's deliberations.

- To participate in any training and development initiatives which are either a constitutional requirement or which are provided to assist members in the effective discharge of the roles required of them.
- In undertaking their duties to observe the principles set out in the Code of Conduct for members and any other codes and protocols adopted by the Council.

Conventions and Protocols

- To enable members to fulfil effectively their duties and responsibilities, members:
 - can expect to be briefed, informed and involved in respect of any issue or initiative affecting their ward.
 - have certain rights of access to information held by the District Council. Councillors should, however, recognise the need to respect any confidentiality of information made available to them to fulfil their responsibilities and respect the privacy of individuals.
 - may not serve (or act as a substitute) on the Planning Committee or the Licensing Act 2003 Committee unless they have undertaken suitable training.
 - who serve on the Planning Committee and Licensing Committee must abide by the Planning and Licensing Committees Procedural Guidance (Supplemental to the Code of Conduct) in relation to planning and licensing matters.

Accountability

- The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.

Chairman of the District Council

The Chairman of the District Council will be elected by the Council annually.

ROLE DESCRIPTION

Main Purpose of Role

In addition to the duties and responsibilities expected to be undertaken by all members, to provide strong, fair and visible ceremonial and civic leadership to the community and the Council putting aside party political considerations.

Duties and Responsibilities

- To be the Civic Leader of South Cambridgeshire.
- To promote the interests and reputation of the District Council and South Cambridgeshire as a whole and to act as an ambassador for both.
- To undertake civic, community and ceremonial functions.
- To uphold and promote the purposes of the Constitution, and to interpret the Constitution where necessary, having particular regard to Article 16.02 and the Council's Standing Order which state that, "the ruling of the Chairman of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall be final".
- To preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of members and the interests of the community.
- To ensure that the Council meeting is a forum for debate for matters of concern to the local community and where members who do not serve on the Cabinet may hold the Cabinet to account.
- In the capacity of Chairman of the Council, to serve on any other bodies either within or outside the Council as appropriate or attend related events and conferences.
- To promote public involvement in the Council's activities.
- To be the conscience of the Council.
- To work closely with the Leader of the Council to provide clarity between civic and political leadership roles
- To respond to correspondence addressed to the Chairman of the Council, in consultation with the relevant officers.
- To undertake functions described elsewhere in this Constitution towards the effective running of the Council meeting, with particular regard to the following:
 - Chairman of (Council) meeting (Standing Order 7)
 - Quorum of Council meetings (Standing Order 8)
 - Questions by the public (Standing Order 10)
 - Questions by Members (Standing Order 11)
 - Notice of Motions (Standing Order 12)
 - Rules of debate (Standing Order 14)
 - Voting (Standing Order 16)
 - Minutes (Standing Order 17)
 - Members' Conduct (Standing Order 20)
 - Disturbance by public (Standing Order 21)

Conventions and Protocols.

- The Chairman will, in carrying out his / her duties, conduct himself / herself without regard to party political considerations and will only express views which are in accordance with the Council's policies, unless he / she makes it clear that such views are entirely personal.
- The Chairman may not concurrently be the Chairman of any other committee or member body.

Accountability

- The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.

Vice-Chairman of the District Council

The Vice-Chairman of the District Council will be elected by the Council annually.

ROLE DESCRIPTION

Main Purpose of Role

In addition to the duties and responsibilities expected to be undertaken by all members to undertake, in his / her absence, those duties expected of the Chairman and encompassed in the role description for that position.

Duties and Responsibilities

- To deputise, as necessary, for the Chairman of the Council.
- To undertake specific tasks and responsibilities as requested by the Chairman.
- To share and support in general, the full workload of the Chairman.
- To work actively with the Chairman to manage the work of the Council meeting.

Conventions and Protocols

- The Vice-Chairman will, in carrying out his / her duties, conduct himself / herself without regard to party political considerations and will only express views which are in accordance with the Council's policies, unless he / she makes it clear that such views are entirely personal.

Accountability

- The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.

Leader of the District Council

The Leader of the Council is elected to that position by the District Council. The Leader of the Council will serve on the Cabinet.

The Cabinet collectively holds responsibility for and takes any necessary decisions on executive functions for which it has responsibility, subject to matters delegated to individual portfolio holders in accordance with Table 2B in Part 3 of this Constitution. Ordinarily the Leader cannot take decisions individually on behalf of the Cabinet. However, he / she and, in his / her absence, the Deputy Leader, shall have all the delegated powers, functions and responsibilities of any portfolio holder in that portfolio holder's absence.

The Leader of the Council will normally be the Leader of a Controlling Political Group forming or being part of the ruling administration of the Council.

ROLE DESCRIPTION

Main Purpose of Role

- In addition to the duties and responsibilities expected to be undertaken by all members, to:
 - bring strong, fair and visible political leadership, direction and drive to the Community and the Council in developing and implementing a vision for the Council, designing and developing solutions that meet the needs and aspirations of the whole community and
 - ensure the effective operation of the Council's constitutional and political structures, including the Cabinet, the proper and effective provision of scrutiny and an effective representational role for all members.

Duties and Responsibilities

- The appointment and removal of Cabinet members and the allocation of portfolio holder responsibilities, in accordance with Article 7 of this Constitution.
- To lead, taking into account input and advice from the Scrutiny and Overview Committee and bodies established by these committees, local partnerships, stakeholders and any other persons as appropriate:
 - the Sustainable Community Strategy planning process and drive for best value;
 - the development of effective corporate policies to enable the Council to develop high quality services to the people of South Cambridgeshire and to promote the social, economic and environmental well-being of the District;
 - the preparation and review of revenue and capital budgets.
- To lead in ensuring that the Council's strategies, plans, objectives and targets are monitored, implemented and achieved, and that such policies have appropriate regard to the community's interests and to any equalities and diversity issues.
- To lead in seeking to achieve the Council's commitment to continuous improvement.
- To ensure that the Council is open and responsive to the community, so that accountability is seen to operate through transparent policy development and decision-making processes, particularly the scrutiny process.
- To uphold the reputation of the Council effectively, taking a lead on media relations.
- To chair the Cabinet and manage its business / work programme.
- To ensure that decisions are taken properly, openly and, where appropriate, publicly and that key decisions are properly programmed and subject to effective public consultation.
- To ensure that proposals are made and decisions taken within appropriate timescales and in accordance with the Council's budget and policy framework and any other appropriate legislation.
- To arrange for the publication of the Council's Forward Plan.
- To lead on member training and development needs to ensure members are properly equipped to carry out their roles, or give full support to the portfolio holder with responsibility for this area, as appropriate.
- To ensure the effective management of the delivery of services and review the effectiveness of the Council's organisation and management processes.

- To develop and maintain a good relationship with the Chief Executive of the Council and other officers, providing the conduit between the political and officer groups and setting an example to the whole organisation.
- To represent the views of his / her Group in relation to any matter on which officers seek consultation and guidance.
- To provide effective leadership and management of and communications within his / her own group and to ensure that members of his / her group comply with local and national codes of conduct and protocols governing member conduct and behaviour and where necessary to deal with any breaches of these codes or protocols.
- To nominate Council members from his / her political group to serve on all appropriate member bodies, including, as appropriate, other outside bodies.
- To provide effective liaison between all political groups and work closely with the Chairman of the Council to provide clarity between civic and political leadership roles.
- To take on an ambassadorial role and represent by virtue of his / her position, the Council and community on district-wide, regional and national bodies and national and international events relating to, or organised by those bodies.
- To exercise specific powers and duties as set out in the Constitution.

Accountability

- The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.

Deputy Leader of the District Council

If the Leader of the Council so wishes he / she may appoint a Deputy Leader who will serve on the Cabinet.

The Cabinet collectively holds responsibility for and takes any necessary decisions on executive functions for which it has responsibility, subject to matters delegated to individual portfolio holders in accordance with Table 2B in Part 3 of this Constitution. Ordinarily the Leader cannot take decisions individually on behalf of the Cabinet, however he / she and, in his / her absence, the Deputy Leader, shall have all the delegated powers, functions and responsibilities of any portfolio holder in that portfolio holder's absence.

ROLE DESCRIPTION

Main purpose of role

In addition to the duties and responsibilities expected to be undertaken by all members to, in the absence of the Leader of the Council, undertake those duties expected of the Leader and encompassed in the role description for that position.

Key Duties and Responsibilities

- To deputise, as necessary, for the Leader of the Council.
- To undertake specific tasks and responsibilities as requested by the Leader.
- To share and support in general, the full workload of the Leader.
- To work actively with the Leader to manage the work of the Cabinet.
- To undertake the responsibilities, if allocated by the Leader, of a Cabinet portfolio holder.

Accountability

- The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.

Cabinet Portfolio Holders

The Leader of the Council will appoint at least two and up to nine members to the Cabinet and will decide on the number of areas of responsibility and the allocation of those to members of the Cabinet (each known as a Cabinet portfolio holder)

The Cabinet collectively holds responsibility for and takes any necessary decisions on executive functions for which it has responsibility. The portfolio holder cannot take decisions individually on executive functions for which he / she has responsibility, unless specifically authorised to do so under delegations set out in Table 2B of Part 3 of this Constitution.

ROLE DESCRIPTION

Main Purpose of Role

- In addition to the duties and responsibilities expected to be undertaken by all members, to:
 - hold political responsibility within the scope of the area assigned;
 - provide political leadership in the formulation of strategies and plans within his / her portfolio, the achievement of best value and in the setting of objectives and targets prior to the approval by Cabinet and / or Council.

Duties and Responsibilities

- Participate effectively as a member of the Cabinet – take joint responsibility with other Cabinet members for all actions and be accountable collectively.
- Challenge issues prior to making decisions if felt appropriate to do so. Ensure appropriate regard to the community's interests and to any equalities and diversity issues. Encourage openness and honesty.
- To exercise delegated powers in accordance with the Council Constitution.
- Shape and develop the strategic priorities and vision of the Council, participating in debates and discussion about policy issues across the range of services provided by the Council.
- In connection with the portfolio:
 - (a) build good relationships with appropriate senior officers and work with them in developing policy or strategic issues prior to formal reporting. Be supportive in dealing with any problems at a strategic level
 - (b) keep abreast of related developments and policies at national, regional and local level
 - (c) enhance the Council's reputation through taking the national stage where possible and participating in regional and national networks
 - (d) represent the Cabinet at the Scrutiny and Overview Committee in connection with any related matter that may be requisitioned (called in). Similarly, attend Scrutiny and Overview Committee at that body's request in connection with any issues associated with the portfolio that are being scrutinised.
 - (e) be aware of issues of importance to the community and other stakeholders concerning portfolio services and work towards implementing the Sustainable Community Strategy
 - (f) be aware of key budgetary issues affecting the portfolio of the Cabinet member
- Facilitate a corporate leadership role where appropriate to do so, and foster links through partnerships such as the Local Strategic Partnership.
- Be responsible for continuous personal development. Take advantage of learning opportunities to build on understanding and knowledge, and to develop relevant skills.
- Along with colleague Cabinet members be available as appropriate for other members to discuss any queries or matters of concern.
- To provide political leadership in ensuring that service strategies, plans, objectives and targets within his / her portfolio are implemented, monitored, and achieved.
- To remain accountable and answerable to the Council in relation to his / her portfolio.
- On a programmed basis, to report regularly to the Council setting out progress achieved in the implementation of the service plan within his / her portfolio and outline any proposed developments or current issues and activity within his / her area.

- At meetings of the Cabinet to present / speak to and to move any necessary motions in relation to his / her portfolio.
- To attend, if required, the Scrutiny and Overview Committee or panel thereof to be held to account for matters within his / her portfolio and to be questioned.
- To advise the Cabinet on how to respond to a scrutiny report relating to his / her portfolio.
- To be the principal political spokesperson for his / her portfolio
- To engender a culture of 'no surprises' for local members by:
 - considering whether any particular area of policy or issue specifically affects a particular member's division;
 - briefing relevant local members at the earliest opportunity and in any event making every endeavour to do so before any matter is considered by the Cabinet or action to be taken becomes public;
 - keeping a local member informed about and where practicable inviting the local member to intended visits or events within the member's ward;
 - being aware that if a media enquiry relates to a specific electoral ward and requires a political response that journalists are advised to also contact the relevant local member.
- To represent, by virtue of his / her position, the Council on local, regional or national bodies or at related events and conferences.
- To attend or be represented at such civic and ceremonial functions as deemed appropriate.

Conventions and Protocols The Cabinet portfolio holder remains accountable to the Council in relation to the scope of the area assigned to him / her.

- Questions at Council will be answered by the relevant Cabinet portfolio holder.

Accountability

- The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.

Opposition Group Leader

Each Political Group other than that forming the ruling administration on the Council will appoint one of its members to the position of Group Leader / Co-ordinator / Convenor.

ROLE DESCRIPTION

Main Purpose of Role

In addition to the duties and responsibilities expected to be undertaken by all members, to provide leadership of an opposition group.

Duties and Responsibilities

- To provide for residents, stakeholders and partners, visible political leadership in relation to the opposition group's views on the design, preparation and implementation of the Council's policies, strategies, budgets and service delivery.
- To lead the opposition group and provide strategic direction for that group in endeavouring to ensure that the Council works in the best interests of the local community.
- To act as the group's spokesperson on all aspects of the Council's agreed and developing budget and policy framework and fulfil the role of principal spokesperson for his / her group.
- To ensure that members of his / her group comply with local and national codes of conduct and protocols governing member conduct and behaviour and where necessary to deal with any breaches of these codes or protocols.
- To provide, as appropriate, alternatives or amendments to the District Council's policies, strategies and budgets.
- To provide strong and effective leadership of an opposition group including challenging the running of the Council by the controlling group(s) as appropriate.
- To represent the views of his / her Group in relation to any matter on which officers seek consultation and guidance.
- To maintain effective relationships with the Leader of the Council, other members of the Council, the Chief Executive, Corporate Managers and other relevant senior officers.
- To ensure effective contact with community leaders and other external stakeholders, as appropriate, and represent their views in ensuring effective opposition to the ruling administration, as appropriate.
- To nominate members of his / her group to serve on all appropriate member bodies, including as necessary other outside bodies.
- To represent, by virtue of his / her position, the Council on district-wide, regional and national bodies and national and international events relating to, or organised by, those bodies.
- If deemed appropriate to take personal responsibility for 'shadowing' one or more service or corporate area of the District Council's activity.
- If deemed appropriate to appoint members of his / her Group to 'shadow' particular service or corporate areas of the District Council's activity.

Accountability

- The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will be subject to any member personal development arrangements agreed by the Council.

Chairman of the Scrutiny and Overview Committee

The Council has established a Scrutiny and Overview Committee to manage and co-ordinate the Council's Scrutiny activities. Its Terms of Reference can be found in Article 6 of this Constitution.

ROLE DESCRIPTION

Main Purpose of Role

- In addition to the duties and responsibilities expected to be undertaken by all members, to lead the management and co-ordination of the Council's Scrutiny activities.

Duties and Responsibilities

- To chair the Scrutiny and Overview Committee and manage its business in an efficient manner, ensuring effective engagement by all members and participants.
- To provide leadership and direction for the committee.
- To promote the role of Scrutiny and Overview both within and outside the Council
- To ensure that adequate resources (financial and officer support) are identified and sought from the Council.
- To engender a culture for scrutiny in which party political considerations are put aside, focussing instead on achieving the best outcomes for the community.
- To lead the committee in conducting its business with respect, equality, fairness, dignity and with regard to the principles of natural justice.
- To lead the committee in conducting its business in a consensual open, responsible and transparent way.
- To lead and encourage members of the committee in the formulation of a scrutiny programme which is manageable, balanced and meets the criteria for chosen topics.
- To lead and encourage the committee in challenging the corporate performance of the Council and in using performance monitoring information to inform scrutiny priorities.
- To ensure that individual scrutiny exercises are conducted in an appropriate and timely manner.
- To take a lead role in evaluating the effectiveness of individual scrutiny panels.
- To participate actively, as appropriate, in scrutiny exercises being undertaken by the committee, and any task-and-finish panels established by it.
- To ensure the production of high quality reports which are well-drafted, focused, relevant and timely and are well presented to the Cabinet and Council, the public, other stakeholders and the media.
- To present any reports produced by the committee to the Cabinet and / or Council.
- To report annually to Council as part of the Scrutiny and Overview arrangements.
- To take an active role in monitoring the work of the Cabinet, and reviewing the Forward Plan.
- To develop and maintain a constructive and effective working relationship and links with the Cabinet and its members.
- To develop and maintain an effective working relationship and links with the Vice-Chairman and other members of the Scrutiny and Overview Committee, non-councillors involved in the scrutiny arrangements, including external stakeholders and partners, scrutiny support and other relevant officers.
- To bring forward suggestions to ensure the future development of the Council's scrutiny practices.
- To act as the public face / spokesperson for the committee.
- To exercise the powers of the Chairman of the committee set out in this Constitution, having particular regard to the following:
 - giving consent to the taking of a Special Urgency decision (Access to Information Procedure Rule 16)
 - giving consent to the taking urgent decisions outside the Budget or Policy Framework (Budget and Policy Framework Procedure Rule 4)
 - call-in of decision outside the budget or policy framework (Budget and Policy Framework Procedure Rule 7)

- discretion to refuse a call-in request in certain circumstances (Scrutiny and Overview Committee Procedure Rule 12)
- To consider the training and development requirements of those members engaged in scrutiny and bring forward suggestions for meeting these needs.

Accountability

- The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.

Vice-Chairman of the Scrutiny and Overview Committee

The Council has established a Scrutiny and Overview Committee to manage and co-ordinate the Council's Scrutiny activities. Its Terms of Reference can be found in Article 6 of this Constitution.

ROLE DESCRIPTION

Main Purpose of Role

In addition to the duties and responsibilities expected to be undertaken by all members, to undertake, in the absence of the Chairman, those duties expected of the Chairman and encompassed in the role description for that position.

Duties and Responsibilities

- To deputise for the Chairman of the committee.
- To undertake specific tasks and responsibilities as requested by the Chairman.
- To share and support in general, the full workload of the Chairman.
- To work actively with the Chairman to manage the work of the Group.
- To lead, as required, certain small task-and-finish panels or sub-groups.

Accountability

- The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.

Scrutiny and Overview Committee members

Scrutiny aims to improve the delivery of public services through providing critical but constructive challenge to the Cabinet and other organisations on issues of public concern, by acting as a community leader and championing the concerns of the public.

ROLES, RESPONSIBILITIES, AND EXPECTATIONS

Offering 'critical friend' challenge to the Cabinet and other organisations to help improve services in South Cambridgeshire

- objectively hold the Council's executive to account by reviewing service performance against stated strategies, targets and aspirations;
- offer suggestions for improvement and highlight areas of weaknesses in Council services and policies, and identify efficiency savings;
- investigate the basis on which major decisions are taken and ensure that they are consistent with the Council policy;
- undertake similar 'critical friend' challenge of other local service providers.

Contributing to in-depth review of services and the development of policy

- participate in in-depth reviews of services involving analysis and evaluation of the implementation of existing policies, strategies and plans;
- contribute to the development of policy through active participation in member-led reviews into particular issues or service areas.

Providing community leadership and engaging the public

- engage with service users and other key stakeholders in order to effectively represent and forward their interests to the Council and other organisations through the scrutiny system;
- on behalf of the public, bring to the attention of the Chairman or the Committee any issue or idea that may warrant further investigation, development or scrutiny by the relevant scrutiny committee;
- contribute to the scrutiny of external bodies where appropriate, whose services have an impact on South Cambridgeshire communities.

Conduct and Behaviour

- prepare effectively for meetings by reading all the relevant papers in advance so as to fully understand key issues;
- effectively and objectively question Cabinet members, officers and other individuals who offer evidence to the committee, and treat all with respect and courtesy;
- work effectively with fellow members of the relevant committee putting aside party differences;
- undergo appropriate training;
- to help fulfil the roles and expectations set out above.

The general expectations regarding Council Members' behaviour are set out in the Members' Code of Conduct.

Portfolio Holder Monitors (members of Scrutiny and Overview Committee)

Scrutiny aims to improve the delivery of public services through providing critical but constructive challenge to the Cabinet and other organisations on issues of public concern, by acting as a community leader and championing the concerns of the public.

External inspectors have praised our system of Cabinet monitors as an example of good practice. The monitor acts as a bridge between the Scrutiny and Overview Committee and the Cabinet, promoting constructive dialogue and supporting effective scrutiny that adds value to the work of the Cabinet.

ROLES, RESPONSIBILITIES, AND EXPECTATIONS

1. Attend all public meetings of the relevant Portfolio Holder. Where the monitor is unable to attend, he/she may arrange for another Member of the Scrutiny and Overview Committee to deputise.
2. Prepare effectively for meetings by reading all the relevant papers in advance so as to fully understand key issues.
3. Effectively and objectively question the Portfolio Holder, officers and other individuals at the meeting.
4. Consider whether Portfolio Holder meetings effectively:
 - review service performance against stated strategies, targets and aspirations;
 - identify areas of weaknesses in Council services and policies;
 - identify potential efficiency savings that are consistent with stated strategies, targets and aspirations;
 - take account of stakeholders' views.
5. Working with the Portfolio Holder, identify any issues where scrutiny might usefully add value and report these to the next meeting of the Scrutiny and Overview Committee, along with any stakeholder views expressed at the Portfolio Holder's meeting and significant matters arising which the monitor feels require bringing to the Committee's attention..
6. Inform the Portfolio Holder of any current or proposed scrutiny activities which relate to the portfolio.
7. Develop a professional 'critical friend' relationship with the Portfolio Holder.

Chairmen of Committees and Sub-Committees with Regulatory Roles

(Planning Committee, Licensing Committee, Licensing (2003 Act) Committee)

ROLE DESCRIPTION

Main Purpose of Role

In addition to the duties and responsibilities expected to be undertaken by all members, to ensure the effective discharge of the functions assigned to the Planning Committee, Licensing Committee and Licensing Committee (2003 Act) ensuring that the provisions of the Council's Procedural Guidance on Planning and Licensing Committees (Part 5, Section M of this Constitution) are complied with.

Duties and Responsibilities

- To chair and manage the business of the committee in a fair, impartial open and efficient manner ensuring effective engagement by all members.
- To provide leadership and direction for it.
- To determine priorities in the light of the volume of work presented to the committee.
- To facilitate the participation in the committee by the public and any others in accordance with any scheme agreed from time to time.
- To ensure that the committee takes balanced decisions based on all relevant evidence, always with impartiality and fairness.
- To ensure that committee decisions are recorded with full justifications.
- To promote actively national and local codes of good practice in relation to planning and licensing matters.
- To maintain effective working relationships and links with the Vice-Chairman, other members of the committee and relevant officers.
- To develop a thorough understanding of:
 - the process, relevant policies and other material considerations as they relate to the Council's planning and licensing activities.
 - the legal and probity framework relating to planning, development control and licensing.
 - local and national initiatives or developments which are likely to impact on the Council as Planning and Licensing Authority.

Conventions / Protocols

- Every member who serves on the committee will undertake to abide by the Procedural Guidance for Members and Officers in Planning and Licensing (Part 5, Section M of this Constitution).

No member may serve on regulatory committees unless and until they have undertaken suitable training.

Accountability

The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.

Vice-Chairmen of Committees and Sub-Committees with Regulatory Roles

(Planning Committee, Licensing Committee, Licensing (2003 Act) Committee)

R O L E D E S C R I P T I O N

Main Purpose of Role

In addition to the duties and responsibilities expected to be undertaken by all members, to undertake, in the absence of the Chairman, those duties expected of the Chairman and encompassed in the role description for that position.

Duties and Responsibilities

- To deputise as necessary for the Chairman of the committee.
- To undertake specific tasks and responsibilities as requested by the Chairman.
- To share and support in general, the full workload of the Chairman.
- To work actively with the Chairman to manage the work of the committee.

Conventions / Protocols

- Every member who serves on the committee will undertake to abide by the Procedural Guidance for Members and Officers in Planning and Licensing (Part 5, Section M of this Constitution).
- No member may serve on regulatory committees unless and until they have undertaken suitable training.

Accountability

- The tasks and duties outlined in this role description relate to the political or member level activities of the District Council. Accountability for members' performance is ultimately through the political and electoral process but will also be subject to any member personal development arrangements agreed by the Council.

Chairman of the Standards Committee

The Council is required to establish a Standards Committee to include an agreed number of people who are not elected members of the Council.

The committee will elect one independent person to chair the committee.

ROLE DESCRIPTION

Main Purpose of Role

- To take a leading role in promoting and maintaining high standards of conduct by the Council, its members and co-opted members.

Duties and Responsibilities

- To chair and manage the business of the committee in an efficient manner, ensuring effective engagement by all members.
- To provide leadership and direction for the committee.
- To determine priorities in the light of the volume of work presented to the committee.
- To ensure that the committee conducts any necessary inquiries, hearings and investigations having regard to the nature of the issue, the rules of natural justice and those local and national procedures adopted by the District Council.
- To promote actively, and on a regular basis, the Members' Code of Conduct and Protocols in place
- To ensure that the committee monitors on a regular basis the operation of the Members' Code of Conduct and Protocols currently in place.
- To review the Council's working arrangements for probity and high standards of conduct in public life.
- To command the respect and confidence of the Council in relation to matters of standards and probity.
- To maintain effective working relationships and links with the Vice-Chairman and members of the committee, the Chairman of the Council and other relevant members, the Monitoring Officer and any other relevant officers.
- To maintain an overview of best practice both nationally and locally.
- To bring forward suggestions for member training and development in relation to ethical issues.
- To represent, by virtue of his / her position, the Council and committee on relevant external bodies and events as required.

Accountability

- The tasks and duties outlined in this role description relate to the activities of the postholders within the political structures of the Council. Accountability for the postholders' performance is to the Council.

Vice-Chairman of the Standards Committee

The committee will appoint one independent person as Vice-Chairman of the committee.

ROLE DESCRIPTION**Main Purpose of Role**

In addition to undertaking those duties and responsibilities expected of all members as appropriate, to undertake, in the absence of the Chairman, those duties expected of the Chairman and encompassed in the role description for that position.

Duties and Responsibilities

- To deputise as necessary for the Chairman of the committee.
- To undertake specific tasks and responsibilities as requested by the Chairman.
- To share and support in general, the full workload of the Chairman.
- To work actively with the Chairman to manage the work of the committee.

Accountability

- The tasks and duties outlined in this role description relate to the activities of the postholders within the political structures of the Council. Accountability for the postholders' performance is to the Council.

Chairman of Corporate Governance Committee

The Corporate Governance Committee has been established to oversee the Council's corporate governance arrangements, specifically to ensure that the Council's risk management and internal control arrangements are sound. The Committee also has responsibility for approving the Council's annual Statement of Accounts.

The Committee will comprise non-Executive (Cabinet) Members only. The Chairman of the Scrutiny and Overview Committee shall not be eligible to Chair the Committee, although he / she may be a member of it.

ROLE DESCRIPTION

Main Purpose of Role

- To take a leading role in ensuring that the Council's systems of corporate governance, risk management and internal control remain robust, and that the Committee raises issues of concern with Council and Cabinet where necessary.

Duties and Responsibilities

- To chair and manage the business of the committee in an efficient manner, ensuring effective engagement by all members.
- To provide leadership and direction for the committee.
- To determine priorities in the light of the volume of work presented to the committee.
- To ensure that the Committee successfully achieves its objectives set within its Terms of Reference, specifically:
 - To ensure the Committee carries out timely and in-depth reviews of the Council's corporate governance, risk management and internal control arrangements such that it is able to provide assurance that these arrangements are sound;
 - To ensure that the Committee makes appropriate recommendations to Cabinet and Council regarding matters of concern, and that it monitors recommendations to ensure that they are implemented as agreed.
- To command the respect and confidence of the Council in relation to matters of corporate governance.
- To sign and date the Statement of Accounts to represent completion of the Council's approval process of the annual accounts; to ensure that the annual corporate governance statement meets the requirements expected by the relevant guidance, and to act as member champion for the Council's risk management strategy.
- To maintain effective working relationships and links with the Vice-Chairman and members of the committee, the Leader of the Council and other relevant members, the Chief Executive, Chief Finance Officer and other relevant officers.
- To maintain effective working relationships with the Council's external auditors, and to ensure that the Committee contributes fully to the agreement of annual programmes of work.
- To maintain an overview of best practice in the field of corporate governance (as exhibited in the CIPFA / SOLACE framework) and to ensure that this is reflected in the Council's local code of corporate governance.
- To bring forward suggestions for member training and development in relation to corporate governance issues.
- To represent, by virtue of his / her position, the Council and committee on relevant external bodies and events as required.

Accountability

- The tasks and duties outlined in this role description relate to the activities of the postholders within the political structures of the Council. Accountability for the postholders' performance is to the Council.

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skill framework for elected members

community leadership (CL) engages enthusiastically and empathetically with the community in order to learn, understand and act upon issues of local concern. Mediates fairly and constructively, encouraging trust by representing all sections of the community.

positive indicators

- engages proactively with community, canvasses opinion and seeks new ways of representing others
- keeps up-to-date with community and issues of local concern, drawing information and resources from a range of sources and people
- approachable, is empathetic and understanding and encourages trust
- provides a voice for all sections of the community and develops partnerships inside the council and with external organisations,
- mediates fairly and constructively between people with conflicting needs
- campaigns with enthusiasm, courage and persistence on behalf of others

negative indicators

- does not engage in community activities, waits to be approached and is difficult to contact (eg says 'I'm not your councillor')
- keeps a low public profile and is not easily recognised by members of the community
- is exclusive in approach, and does not focus equally on community groups or issues
- does not have detailed understanding of local issues and needs
- concentrates on council processes and meetings rather than constituents
- unrealistic about what can be achieved and does not deliver on promises

regulating and monitoring (RM) understands and executes judicial role by following protocol, evaluating arguments and making decisions that balance public needs and local policy. Ensures progress by monitoring and intervening where necessary.

positive indicators

- evaluates arguments according to evidence, makes independent and impartial judgements
- chairs meetings effectively, follows protocol and keeps process on track
- follows legal process, balancing public needs and local policy
- monitors performance and intervenes as appropriate to ensure progress
- seeks feedback on own performance and engages in self-directed learning
- understands and acts on judicial role in order to meet legal responsibilities (eg duty of care, corporate parenting)

negative indicators

- does not declare personal interest and makes decisions for personal gain
- does not check facts or consider all sides of a story, makes subjective and uninformed judgements
- leaves monitoring and checks on progress to others
- makes decisions without taking advice or considering regulations and wider development frameworks
- fails to recognise or address limits of own knowledge and expertise
- misses deadlines, leaves business unfinished and lacks balance between council work and other commitments

skill framework for elected members

scrutiny and challenge (SC) acts as a critical friend by seeking opportunities for scrutiny and providing constructive feedback. Analyses information quickly and presents arguments in a concise, meaningful and easily accessible way.

positive indicators

- looks for new methods and topics for critical challenge and scrutiny
- quickly analyses and assimilates complex information, taking account of the wider strategic context
- presents arguments in a concise, meaningful and easily accessible way
- inquisitorial, asks for explanations and checks for implementation of recommendations
- objective, rigorous and resilient in challenging process, decisions and people
- acts as a critical friend, provides constructive feedback and acknowledges the success of others

negative indicators

- does not prepare thoroughly or check facts, uses selective information and draws subjective or biased conclusions
- overly reliant on officers and tends to back down when challenged
- fails to recognise or engage in scrutiny as part of their role
- assimilates new information slowly, focuses on detail and does not distinguish between important, irrelevant and inaccurate information
- adversarial in style, aggressive and confrontational when challenged
- prefers political 'blood sports' to working collaboratively for the good of the council, abuses scrutiny processes for political gain

communication skills (CS) listens sensitively, uses appropriate language and checks for understanding. Communicates regularly with individuals and groups in the community, speaks clearly and confidently in public, and makes sure that people are informed.

positive indicators

- communicates regularly with community via newsletters, phone calls and local media
- listens sensitively, checks for understanding and adapts style as necessary
- builds relationships with local media and creates opportunities for communicating key decisions, activities and achievements
- speaks clearly and confidently in public, uses accessible language and avoids jargon or 'council-speak'
- provides regular feedback, keeps people informed and manages expectations
- uses appropriate language to communicate key points verbally and in writing (eg letters, reports, interviews and presentations)

negative indicators

- interrupts, appears not to listen and uses inappropriate or insensitive language (eg shouting, being rude or abusive)
- communicates reactively and is slow to respond when approached by others (eg public, colleagues, officers or media)
- fails to listen to others' views and presents rigid and inflexible arguments,
- uses information dishonestly to discredit others and is unwilling or unable to deliver unpopular messages
- fails to participate in meetings and lacks confidence speaking in public
- presents subjective and confused arguments using poor language and style

skill framework for elected members

working in partnership (WP) builds positive relationships by making others feel valued, trusted and included and by working collaboratively to achieve goals. Maintains calm and focus, recognises when to delegate or provide support and is able to take a long-term view in developing partnerships.

positive indicators

- builds good relationships with colleagues, officers and wider community
- achieves goals by co-ordinating others, maintaining task focus and persisting in the face of setbacks
- empowers others to take responsibility, knows when to delegate or provide support
- makes others feel valued, trusted and included, recognises and is inclusive of people from different backgrounds
- patient, takes a long-term view in developing networks and partnerships
- maintains calm and focus when criticised or under pressure

negative indicators

- uses status and position to exert control or impose solutions, fails to involve people in decisions
- exclusive in approach, fails to utilise diverse skills and perspectives of others
- unable to work across political divide and places political gain before collaborative working
- acts alone rather than seeking help or working as part of a team
- uses divisive tactics to upset relationships, council policies and decisions
- defensive when criticised, blames others for failure and does not admit to being wrong

political understanding (PU) acts ethically, consistently and with integrity when communicating values or representing group views in decisions and actions. Works across group boundaries without compromising values or ethics.

positive indicators

- actively represents group views and values through decisions and actions
- helps develop cohesion within the group and contributes to healthy communication between the group and the council
- communicates political values through canvassing, electoral campaigning and by identifying new ways of engaging the public
- committed to developing own political intelligence and understanding of local and national political landscape
- acts ethically, understands and communicates political values to others
- works across group boundaries without compromising political values

negative indicators

- demonstrates inconsistent political values, lacks integrity and tends to say what others want to hear
- has poor knowledge of group manifesto, values and objectives
- puts personal motivations first, goes native or changes beliefs to match with those in power
- acts alone and fails to support group colleagues in public forums
- fails to translate group values into ways of helping the community
- lacks understanding of how central government policy impacts on local issues and council functioning

skill framework for cabinet members

providing vision (PV) creates a shared council vision by establishing strategic policies and prioritising actions. Actively encourages involvement of others in policy formation and works collaboratively to analyse information and promote understanding. Open to new ideas and ways of doing things

positive indicators

- establishes strategic policies and prioritises actions based on local needs, manifesto and regional opportunities
- works with officers to collate and analyse information and inform budget priorities and performance plans
- actively encourages involvement of stakeholders in policy formation
- creates and communicates a shared council vision, providing clear direction and promoting understanding
- open to new ideas and adapts innovatively to a changing environment (eg e-government)
- acts to broaden perspective and enhance effectiveness by learning from others and sharing best practice (eg other councils, IDEA)

negative indicators

- takes short-term 'quick fix' approaches to policy formation, focuses on day-to-day issues rather than future needs and fails to see beyond the next election
- excludes members, officers and public from decision-making and is overly selective in use of information to guide policy decisions
- resistant to change, prefers 'old ways' of doing things and fails to draw on the experience of others (eg councils, peer support)
- does not identify or act on opportunities to promote the council or influence national and regional agendas
- inward looking, does not communicate and explain council vision and policies
- does not work within CPA guidelines or act on recommendations

managing performance (MP) works closely with others to develop, promote and achieve objectives and represent council at a strategic level. Encourages scrutiny, monitors performance and responds positively to feedback and ideas.

positive indicators

- works closely with senior officers to develop, agree and implement portfolio strategies
- sets and communicates realistic and achievable objectives, monitors performance and acts to address deficits
- develops knowledge of council systems and inputs council views at area specific meetings (eg planning, licensing)
- emphasises a team approach and shares responsibility for success and failure
- encourages scrutiny and responds positively to feedback, challenge and ideas
- represents electorate and council at a strategic level through links and partnerships at local, regional and national levels

negative indicators

- uses support inconsistently or ineffectively, fails to consult or is too reliant on officers or external support
- inflexible and resistant to scrutiny, alternative views and solutions
- creates a 'them and us' attitude to officers, opposition, non-cabinet members or external councils and agencies
- operates in secret and fails to open processes and decision-making to others – 'tells' rather than 'sells'
- overly focused on process and debate, fails to reach conclusions
- fails to integrate own portfolio with wider cabinet agenda

skill framework for leaders

excellence in leadership (EL) provides visionary and charismatic leadership, is well prepared, able to troubleshoot and juggle conflicting responsibilities. Works to shape a culture of excellence by acting as the public face of the council and a role model for others. Encourages co-operation and communication across political and council boundaries.

positive indicators

- provides visionary and charismatic leadership, inspires trust in others and gains commitment to policies and decisions
- shapes a culture of excellence and acts as a role model for appropriate behaviour, ethical practice and democratic process
- builds strong relationships with senior officers and cabinet based on open communication, co-operative working and trust
- acts as the public face of the council and champions council needs in regional and national debates
- works across political and council boundaries to foster communication and encourage co-operation
- well prepared and able to troubleshoot, judges what to get involved in and when to say 'No'
- committed to learning, developing others and sharing best practice
- effectively 'juggles' numerous, potentially conflicting, responsibilities

negative indicators

- maintains personal control by imposing views and being overly directive
- demonstrates partiality for own party members and uses position to promote party agenda to the detriment of wider council needs
- defensive, avoids making difficult or unpopular decisions and unwilling to admit mistakes
- lacks clear parameters between own role and that of CEO, fails to delegate or make use of others' strengths
- overly reactive, fails to plan ahead or foster a sense of mission
- does not encourage communication with community or promote the council, lacks public recognition as a figurehead
- inconsistent in style and behaviour, fails to 'walk the talk' or set an example for others
- lacks detailed knowledge of different council sectors and fails to integrate information to provide an overview of council functioning

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Internet and Email Policies

Any access to the corporate internet and email facilities must be via Council supplied hardware and software, a signed usage agreement is required.

Monitoring of the internet and email usage via these facilities can take place to ensure it is not being misused.

All e-mail received by or sent from the Council's systems will be retained by the Council's archive system and will be available for retrieval at a later date should this be required.

When working at South Cambs Hall, web content filtering and blocking facilities will be used to prevent access to unauthorised or inappropriate content.

You should not use the Council's facilities for political lobbying.

Never give out your Council email address to a website.

Do not download software (including games and screensavers) from the internet. If you have a specific requirement contact the HelpDesk on 01954 713400 or by email (helpdesk@scambs.gov.uk).

You must not at any time use, display or transmit material which is obscene, sexually explicit, pornographic, racist, defamatory, depicts criminal or terrorist acts or could be described as objectionable in any other way.

Email (incoming and outgoing) must be treated in the same way as other formal correspondence. Where possible, do not send highly confidential material via email unless it can be encrypted or password protected.

Unless specifically authorised, do not attempt to access another user's email or internet facilities.

Avoid sending email with large attachments (>5Mb)

Do not open email from untrusted sources.

Do not represent your personal opinions as those of the Council.

Remember.....

The Council's facilities are primarily for the conducting of Council business.

Responsible personal use is allowed.

Inappropriate use of the internet or email will be considered a disciplinary offence and may lead to dismissal. It could also lead to criminal or civil action if legislation is contravened.

It is your responsibility to comply with the ICT Security Policy and Usage Guidelines.

Don't be afraid to ask! If you think you have a legitimate business need to access a function, service or area of the internet which has been barred/ removed, please contact Democratic Services or the Head of ICT to discuss the options available.

For more in-depth information including the web filter and email filter settings, the full document is available on the Council's intranet at:

<http://InSite/PoliciesStrategiesProcedures>

Your quick and easy guide to all you need to know about computer security as a Member

For more information about the ICT Security Policy and Usage Guidelines contact:

Steve Rayment
Head of ICT
Extension 3010
email: steve.rayment@scambs.gov.uk

April 2011



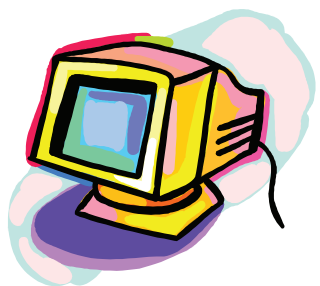
South
Cambridgeshire
District Council

ICT Security Policy and Usage Guidelines April 2011



**Your quick and
easy guide to all
you need to know
about computer
security as a
Member**

Why have an ICT Security Policy?



In today's modern world more and more of the Council's business is being conducted electronically. The Council has a responsibility to ensure the availability, integrity and confidentiality of its systems and data. The recent increases in the

use of the internet and email has placed further demands on those systems.

The ICT Security Policy and Usage Guidelines exist to protect both the Council, its staff and Members. This leaflet is designed to help guide you through the important issues covered in that document.

In addition to our own Council policies, we need to ensure that IT legislation is adhered to and this includes:

Electronic Communications Act 2000
Regulation of Investigatory Powers Act 2000
Telecommunications (Fraud) Act 1997
Computer Misuse Act 1990 (c.18)
Copyright, Designs and Patents Act 1988
Environmental Information Regulations 2004
Freedom of Information Act 2000
Data Protection Act 1998

please note: The DPA also applies to any paper filing systems

This policy applies to all onsite, offsite, desktop and portable hardware and software, which may or may not be provided by the Council but is used for the conducting of Council business as agreed in the 'user agreement'. Any breach of this legislation may result in further investigation and appropriate action.

It is your responsibility to ensure you are fully aware of the policy and its contents.

The Rights of the Council

The Council reserves the right to monitor and / or log all uses of the internet, intranet and email systems from its premises and if required, access any email or email account.

For Council owned equipment, it reserves the right to request sight of the equipment and carry out appropriate checks for inventory (hardware and software) as may be required from time to time.

The Council reserves the right to:

Withdraw access to any computer systems and services.

Prohibit access to certain webpage's, areas of the internet and other internet resources.

Computer Security

Common sense and the adherence to some fundamental principles form the backbone of Computer Security and is encompassed in 4 main areas.

System Access

You should only access systems and information that you have been authorised to do.

Never allow another user/member to have access to your passwords.

Do not write your password down and always protect it.

Always log out, shut down or lock your computer when unattended. Ensure all dialup modems are disconnected when not in use.

Do not connect any non-SCDC provided equipment to the councils network.

Information Policies

Always ensure sensitive and/or confidential information to which you have access is used securely and is not disclosed to unauthorised users.

Always inform the Senior Information Management Officer of any new databases that store personal data.

Always keep the data in a secure manner. The most common used location on the PC / Laptop is 'My Documents' - remember that all such data is vulnerable to possible loss; if you have important information, please ensure you create a backup copy.

Sensitive data should never be transmitted via email or in any other plain text or common format. ICT Support can assist with secure, encrypted transmission of sensitive data

Software Policies

Never download or copy unlicensed or illegal copies of software under any circumstances.

Never install any software on Council owned equipment without proper authorisation and preferably, always ask ICT support to carry out the installation for you.

The Council reserves the right to remove any software from it's equipment, which is not authorised or is found to be inappropriate or the cause of technical issues.

Computer Hardware/Physical Systems Policies

Always take reasonable steps to ensure the physical security of Council provided equipment.

Do not leave equipment in full view and where appropriate, keep away from windows, doors etc.

If you are using equipment provided by the Council, regardless of location, all policies will apply.

All Council provided equipment is to be asset tagged and identified as belonging to the Council.



ICT Security policy and usage guidelines

2011-12

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Foreword

Computers and their associated systems are central to the operation of the Council. The increasing importance of the use of electronic information not only internally with the Council but for 'citizen-centric' and 'business to business' communication highlights the need to understand how this technology exposes the Council to risk and legal liability.

The ease of use of email (quick, effective, cheap) encourages the adoption of a more relaxed manner. It is seen as more akin to a verbal form of communication (telephone) rather than a formal typed letter. However, it is important to realise that emails produce an evidential record. Users may give less thought to an email than a formal typed letter/memo and thus may state comments that could eventually be used in support or in defence of an organisation's legal position in the event of a dispute. Emails are not private, they are the most exposed form of communication.

In addition, it is difficult to ascertain the tone of the email message and therefore bullying and intimidating reprimands through this medium may lead to stress or personal injury claims.

At the touch of a button, emails can be sent immediately anywhere in the world or to too many people – at best it could lead the sender to make an embarrassing apology or at worst it could become the basis of a lawsuit in Court.

It is also worth remembering the Internet is not a secure medium. There is a risk that information provided over the Internet might be intercepted by people you wouldn't want to read it. Information you provide to a website may be made available anywhere in the world and may not be protected by data protection legislation.

The objective of this document is to emphasise the importance of access to and use of ICT facilities such as the Internet and email and to protect the privacy and legal interests of the Council, its employees, members, contractors and its customers.

The approach used in this document is to encourage you to consider a series of issues about the usage and environment of ICT systems. For ease of use, the document is split into several sections. Please ensure you are familiar with the policy and its implications; if in doubt, please ask.

Steve Rayment
Head of ICT

Table of Contents

<i>Document Section</i>	<i>Intended Audience</i>
<u>Section One – User Security Policy & Guidelines Introduction</u>	Users and Management <i>Introduces documents, relevant legislation and the powers of the Council.</i>
<u>Section Two – Computer Security Policy</u>	Users <i>Provides policies and guidelines on computer security, protection of information and data, compliance with GCSx.</i>
<u>Section Three – Internet and Email Security & Usage Policy</u>	Users <i>Provides policies and guidelines for Internet and Email use.</i>
<u>Section Four – ICT Security Management</u>	Management <i>Discusses background and context to policies, policy management responsibilities, and guidance relating to the reasons behind the policies.</i>
<u>Section Five – Internet and Email Filtering Policy</u>	ICT Staff <i>Discusses procedures for monitoring email traffic and internet access.</i>
<u>Section Six – Web and Email Filtering Code of Conduct</u>	ICT Staff <i>Discusses procedures for monitoring email traffic and internet access.</i>
<u>Appendix 1- Web Filter Category Settings</u>	Users <i>Lists allowed and blocked Web Filter URL categories.</i>
<u>Appendix 2 – Email Filter Settings</u>	Users <i>Lists general configuration of Email Filter settings, email disclaimer, outlines how file attachments will be processed.</i>
<u>Appendix 3 – Internet Acceptable Use Policy</u>	Users <i>Policy the Council agrees to abide by when using Internet services.</i>
<u>Appendix 4 – ICT Security / GCSx Acceptable Use Policy</u>	Users <i>Acceptable Use Policy (AUP) and statement for signature.</i>

Version Control

Version Number	Date	Revision Details	Updated by
	<i>June 2006</i>	<i>Updated to include current position and infrastructure changes</i>	<i>Steve Rayment</i>
	<i>Sept 2007</i>	<i>General review and update</i>	<i>Steve Rayment</i>
<i>Final version (v2)</i>	<i>March 2008</i>	<i>Updated to include infrastructure review and protection of sensitive data</i>	<i>Steve Rayment</i>
<i>Revised (v3)</i>	<i>August 2009</i>	<i>Update to include infrastructure review, references to GCSx and information handling.</i>	<i>Steve Rayment</i>
<i>Revised (v3.2)</i>	<i>January 2010</i>	<i>Updated to include revised file compression requirements.</i>	<i>Steve Rayment</i>
<i>Revised (v3.3)</i>	<i>April 2010</i>	<i>Updated to include GCSX</i>	<i>Steve Rayment</i>
<i>Revised (v4.0)</i>	<i>May 2010</i>	<i>Updated to include compliance statement</i>	<i>Steve Rayment</i>
<i>Revised (v4.1)</i>	<i>October 2010</i>	<i>Updated to include amendments to GCSX requirements of CoCo 4.1</i>	<i>Steve Rayment</i>
V4.1	April 2011	No changes required	Steve Rayment

Section One

ICT Security Policy & Guidelines Introduction

1. Introduction

An effective level of computer security, based on risk and exposure, is required within the Council to ensure that the confidentiality, availability and integrity of computer systems is established and maintained. This has become particularly important with the Internet and Email accessibility provided by the Council.

The summarised guidelines in this section should be read by everyone and continually referenced to provide the reader with a complete picture of the Council's minimum computer security requirements.

This policy has the full support of the Cabinet and Senior Management Team of South Cambridgeshire District Council.

2. Scope

This policy applies to all users of the Council ICT systems, services and network regardless of location or method of connection to those systems, services and network. Users include but are not limited to, Council staff, temporary staff, elected Members, contractors and their staff, agents, vendors, suppliers and visitors.

3. Guidance

The ICT Team will provide advice and guidance on all aspects of ICT security, including any questions on this document. If you suspect there has been a security breach, you should contact the Helpdesk immediately (x3400).

4. IT Legislation

You must adhere to current and future legislation relating to data/information sharing, manipulation and copying. This includes (but is not limited to):

Electronic Communications Act 2000

- An Act to make provision to facilitate the use of electronic communications and electronic data storage
- An electronic signature shall be admissible in evidence

Telecommunications (Fraud) Act 1997

- An Act to amend the Telecommunications Act 1984 to make further provision for the prevention of fraud in connection with use of a telecommunication system.

Computer Misuse Act 1990 (c. 18)

- Unauthorised access to programs and data.
- Unauthorised access with intent to commit a crime.
- Unauthorised modification of contents (this includes introducing viruses).

Computer Copyright Act 1988

- Under this law, a piece of software is regarded as the intellectual property of the person who wrote it, or the organisation, which employed the person to write it.

Data Protection Act 1998

Personal data should:

- be held for specific purposes
- be obtained and processed fairly and lawfully
- be adequate, relevant and not more than is required for the specific purpose
- be accurate and kept up-to-date

Personal data should not:

- be disclosed or used in any manner which is incompatible with the specific purpose for which it was obtained
- be held any longer than necessary

A breach of this legislation may result in disciplinary action. These guidelines apply to all onsite, offsite, desktop and portable hardware and software (as well as paper filing systems).

Freedom of Information Act 2000

The Freedom of Information Act applies to all 'public authorities' - this includes:

- central and local government
- the health service
- schools, colleges and universities
- the police
- lots of other non-departmental public bodies, committees and advisory bodies.

The FOI Act was passed to make a major step forwards in terms of openness and accountability and is part of a wider group of policies and gives any person the legal right to ask for and be given any information which is held by a public authority.

Environmental Information Regulations 2004

The Environmental Information Regulations provides the right to obtain information about the environment held by public authorities, unless there are good reasons to keep it confidential.

- The Environmental Information Regulations provide members of the public with the right to access environmental information held by public authorities in England, Wales and Northern Ireland.
- The regulations give members of the public the right to request environmental information from public authorities. We generally have 20 working days in which to provide them with this information, providing it isn't exempt.
- The Environmental Information Regulations applies to public authorities and companies that are wholly owned by public authorities

5. The Rights of the Council

South Cambridgeshire District Council reserves the right to monitor and/or log all uses of the Internet, email, and the Intranet.

All information sent via email remains the property of South Cambridgeshire District Council and may not be considered the property of the private individual.

The Council reserves the right to:

- Withdraw users' access to any computer systems and communication services, including Internet services
- Prohibit access to certain systems, services, newsgroups, web pages and other computer based resources or peripheral devices.
- Remove or substitute the hardware or software used to access the Internet at any time and for any reason.

6. Roles and Responsibilities

For this policy to be effective everybody must take personal responsibility for security should maintain awareness and remain vigilant. The responsibility for the maintenance and updating of this policy lies with the Head of ICT.

7. Enforcement

South Cambridgeshire District Council considers any violation of the policies set out to be a serious offence. All breaches of the policy will be investigated by the Human Resources section in-conjunction with Legal, Audit and ICT. Any action taken will be in accordance with the relevant disciplinary procedure.

Section Two

Computer Security Policy

1. Introduction

This section is intended for all users and relates to the general use and security of ICT equipment. It includes:

<i>Sub-section</i>	<i>Subject Area</i>
System Access Policies	Controls relating to user access of computer equipment, such as passwords.
Information Policies	Policies to protect the confidentiality and integrity of the Council's data.
Software Policies	Policies to protect the integrity, appropriateness and legality of the Council's software packages.
Computer Hardware/Physical Systems Policies	Policies and guidelines to protect ICT hardware against potential damage (either to the hardware or to staff) or theft.

The Council has agreed the policies and guidelines. Failure to comply with the policies and guidelines will be considered a serious offence and may lead to disciplinary procedures.

2. System Access Policies

<i>Number</i>	<i>Policy Item</i>
1.	You should only access information that is your own, that is publicly available, or that to which you have been given authorised access.
2.	Never use or borrow a colleague's user name or password or allow anyone to borrow yours. If you have forgotten your user name or password, contact the Help Desk (x3400). Violation of this access policy will be considered a disciplinary offence.
3.	All users must have 'strong' passwords. Passwords must be alphanumeric, have a minimum of 7 characters in length and contain at least one digit. It is the user's responsibility to prevent their user ID and password being used to gain unauthorized access to Council systems. Change your passwords if you have any reason to believe that someone else knows them.
4.	Passwords must not be written down in a way that can be interpreted by someone else.
5.	Always protect your password.
6.	Network access passwords will be changed every 60 days. You will receive automatic reminders to do this. Password history protection disables your ability to 'recycle' recently used passwords.
7.	When accessing non-work related Internet sites, never use a South Cambridgeshire District Council password or User ID to register a login.

<i>Number</i>	<i>Policy Item</i>
8.	<p>Always log out, shut down or "lock" your computer when it is unattended (particularly at lunchtime and during meetings). PC's will automatically lock if left unattended for more than 10 minutes. Alternatively, you can lock your PC by pressing Ctrl, Alt, Delete at the same time, then clicking on "Lock Computer".</p> <p>Unless you have special requirements authorised by the ICT Support Services Manager or Head of ICT, you should shut down your computer at the end of the working day. (NB. Always do this before switching it off). In the event that computers are not shut down, automated systems will be employed to enforce energy savings requirement.</p>
9.	Managers must ensure that access rights to systems are removed when users leave Council employment, or such access rights are modified appropriately when users move to a different job function. This should be instigated by providing details to the Help Desk (x3400) in advance of the change in status.
10.	Managers / HR must ensure that the Help Desk (x3400) is informed of any new starters in order for them to be registered on the appropriate systems and if necessary additional equipment ordered.
11.	In all cases, unless there is a technical exception that cannot be overcome, all remote access to SCDC systems will be facilitated by correctly authenticated 2 factor SSL-VPN sessions. Access to Councils network and systems from internet cafes or other 'untrusted' environments is strictly forbidden, any such actions could result in disciplinary proceedings. Only under exceptional circumstances will modems be used by third parties to access systems. Any such modems must be disabled or disconnected at all times except when legitimately required. The process by which a third party will access the system will be managed by the ICT Support Team.

3. Information Policies

<i>Number</i>	<i>Policy Item</i>
1.	ICT will ensure appropriate controls and procedures are established to protect the security of data on networks, and the protection of connected services from unauthorised access.
2.	Anti-virus checks should be done routinely on all software, disks and systems. All South Cambridgeshire District Council PCs and Laptops have SOPHOS Antivirus (automatic virus checking software) installed; it is an offence to change the installed setting as this could interfere with its accuracy of virus detection. Any item found to be infected must be reported immediately to the Help Desk (x3400). Computers and/or laptops used to remotely access Council systems should be updated with the latest antivirus software, operating system releases, security patches and application software releases. NAC (network access control) will be used to quarantine any device found not to meet the Councils security standards. Access to Councils network and systems from internet cafes or other 'untrusted' environments is strictly forbidden, any such actions could result in disciplinary proceedings
3.	You must inform the Senior Information Management Officer of all new databases created that will be used to store personal data.
4.	If there is any doubt relating to the source or content of information, seek advice from the Help Desk (x3400) before opening or saving the file.
5.	Reasonable precautions must be taken when transferring personal / sensitive data in either hardcopy or electronic form. Always ensure sensitive information to which you have access is used securely and is only disclosed to those users who are authorised to have access to it. For example, always destroy printed output of a sensitive nature. Confidential output must be placed in a secure confidential waste bin or shredded.

Number	Policy Item
6.	<p>Ensure that personal / sensitive data is transferred under conditions of security appropriate to the type of data and anticipated risk. Employees are responsible for:</p> <ul style="list-style-type: none"> ○ The security of any data they extract or otherwise remove from Council owned systems ○ The security of any data they place on personally owned or Council owned computers being used from remote locations. <p>Access to Councils network and systems from internet cafes or other 'untrusted' environments is strictly forbidden, any such actions could result in disciplinary proceedings</p> <p>Sensitive data should never be transmitted via email or in any other plain text or common format. ICT Support can assist with secure, encrypted transmission of sensitive data.</p>
7.	<p>Sensitive computer data should be stored in the shared folders on servers provided by ICT, such as the W, X and Y drive. This will ensure the security of the data copy and that regular backups are taken. You should only store personal data locally on your PC hard drives with your manager's permission, and in this case you are responsible for taking back-ups and storing them securely. Use of the Z drive should be restricted to personal confidential matter, do not use the Z drive to store documents to be shared / accessed by colleagues.</p>
8.	<p>Avoid copying or downloading sensitive data from the Councils systems to your PC, PDA, Laptop etc unless absolutely required. Controls to protect the sensitivity of Council data may not be available on other systems or devices. In all cases, you should ensure you have the appropriate permissions.</p>

4. Software Policies

Number	Policy Item
1.	<p>If you believe that you have a computer virus, or you receive an email relating to a computer virus, contact the Help Desk (x3400) immediately.</p>
2.	<p>No user should make or use unlicensed or illegal copies of copyrighted software under any circumstances. Users are not permitted to bring software from home (or any other external source) and load it onto Council computers. Under no circumstances should personal or unsolicited software be loaded onto a Council machine</p>
3.	<p>Never intentionally access or transmit computer viruses, malware, adware or similar software.</p>
4.	<p>All new software should be checked and installed by ICT, unless agreed otherwise with the ICT Support Services Manager or Head of ICT. Every piece of software is required to have a licence and the Council will not condone the use of any software that does not have a licence</p>
5.	<p>Any software not installed and/or supported by ICT which:</p> <ul style="list-style-type: none"> ○ Causes a technical problem ○ Is being used illegally ○ Is found to be offensive or inappropriate ○ Contravenes ICT Strategy requirements ○ Is otherwise considered to be a security risk <p>may be removed from your PC and/or the standard corporate PC 'image' will be restored.</p>
6.	<p>Unauthorised users should not access, copy, alter, or interfere with computer programs or data. Unauthorised changes to software must not be made.</p>
7.	<p>Staff negotiating contracts under which software is to be written for the Council must ensure that suitable arrangements are made for the copyright to be vested in the Council. If appropriate, line of business applications should be considered for ESCROW status.</p>
8.	<p>Users must not attempt to disable or reconfigure any computer system security software including the Councils Anti Virus or Personal Firewall software.</p>

5. Computer Hardware/Physical Systems Policies

<i>Number</i>	<i>Policy Item</i>
1.	Always take appropriate steps to ensure the security of South Cambridgeshire District Council hardware when away from the premises. For example, never leave computer equipment (PARTICULARLY LAPTOPS) in your vehicle, hidden from view or not. Security of the equipment is the users responsibility.
2.	Personal computers should, where possible and appropriate, be sited away from windows and doors; if appropriate, the equipment should be secured to furniture to reduce the likelihood of theft.
3.	Where systems and/or equipment are made available to you for use outside of normal South Cambridgeshire District Council office locations, then all the policies here will apply.
4.	Access to peripheral devices with memory storage capabilities will be controlled to ensure appropriate security of sensitive data. Devices such as writeable CD's, PDA's, digital cameras etc will only be allowed access to the Councils systems after authorisation by the ICT Support Services Manager and / or the Head of ICT. The Councils systems will only allow access to council owned and encrypted USB memory devices, all other such devices will be refused access.
5.	All equipment should be identified via a secure label ("asset tag") and included in the Council's inventory list maintained by ICT. Users should report any deliveries of ICT equipment and other related hardware to ICT so that such marking can take place. Users should report to the Help Desk (x3400) any equipment that is not asset tagged.
6.	ICT must ensure that all ICT hardware complies with Health & Safety regulations. All users are required to co-operate with ICT staff in their efforts to ensure Health & Safety regulations are being met.
7.	Unless specifically authorised by the Head of ICT, you should not connect non-South Cambridgeshire District Council hardware to the network. In exceptional circumstances, where connection to the network is to be allowed, this will only be permitted once the hardware in question has been subjected to the appropriate anti-virus health checks and verified as clean and safe.
8.	Do not install modems on South Cambridgeshire District Council PCs or laptops. If a modem is required, the request needs to be authorised by the ICT Support Services Manager and / or Head of ICT.
9.	When leaving the employment of the Council, all manuals, equipment, documentation and any other materials belonging to the Council must be returned on or before your last working day.
10.	Information Technology facilities and equipment supporting critical or sensitive business activities must be housed in secure areas and physically protected from security threats and environmental hazards. The Council has provided a secure ICT Computer Room managed by the ICT Support team for this purpose. Where it is not practicable to locate equipment in the ICT Computer Room, please contact the Help Desk (x3400) for advice on secure equipment location.
11.	Any potential security problems relating to computer hardware should be reported to the Help Desk.
12.	Wherever practicable output devices, such as printers, should be located where they are readily visible to the person who requested the output, so that sensitive data can be collected immediately. When using corporate multi-functional printing devices, users should use the appropriate password protection to ensure the confidentiality of sensitive data.

6. Government Connect Secure Extranet (GCSx) Policies

Number	Policy Item
	For nominated users of the Government Connect Secure Extranet (GCSx), In addition to the policies contained within this document, the GCSx network requires:
1.	<p>All users of the GCSx connection must be aware of the commitments and security measures surrounding the use of this network. All Councillors, Committees, Services, Partners, Employees of the Council, contractual third parties and agents of the Council using the GCSx facilities, must adhere to this policy.</p> <p>All users requiring access to the GCSx network in any way will be required to:</p> <ul style="list-style-type: none"> ○ Read and understand the GCSx Acceptable Usage Policy (AUP) and sign the Personal Commitment Statement. ○ Understand that any communication sent via GSI / GCSx may be intercepted or monitored. ○ Agree to comply with all of the Councils security rules and associated ICT Security Policies and Usage Guidelines
2.	<p>Users of the GCSx will take all reasonable precautions to prevent the unauthorized disclosure of Sensitive, PROTECTED or RESTRICTED information.</p> <p>Users will follow the Councils Information Protection Policy for processing records and information, which are protectively marked; understand the risks of disclosing PROTECTED or RESTRICTED records and information via unsecure communication methods; the impact and actions to be taken in the event of data loss.</p> <ul style="list-style-type: none"> ○ All information assets, where appropriate, must be assessed and classified by the owner in accordance with the HMG Security Policy Framework (SPF). ○ Information up to RESTRICTED sent via the Government Connect Secure Extranet (GCSx) must be labelled appropriately. ○ Access to information assets, systems and services must be conditional on acceptance of the appropriate Acceptable Usage Policy (AUP). ○ PROTECT and RESTRICTED information must not be disclosed to any other person or organisation via any insecure methods including paper based methods, fax and telephone. ○ Disclosing PROTECT or RESTRICTED classified information to any external organisation is also prohibited, unless via the GCSx email. ○ Where GCSx email is available to connect the sender and receiver of the email message, this must be used for all external email use and must be used for communicating PROTECT or RESTRICTED material. ○ The disclosure of PROTECT or RESTRICTED classified information in any way other than via GCSx email will be considered a disciplinary offence.

3.	<p>All information security events or incidents must be reported immediately to the ICT Helpdesk to ensure timely investigation, response and action. ICT Helpdesk will escalate to the Head of ICT where appropriate.</p> <p>An Information Security Incident includes, but is not restricted to:</p> <ul style="list-style-type: none"> ○ The loss or theft of data or information ○ The transfer of data or information to those who are not entitled to receive that information ○ Attempts (either failed or successful) to gain unauthorised access to data or information storage or a computer system ○ Changes to information or data or system hardware, firmware, or software characteristics without the Council's knowledge, instruction, or consent ○ Unwanted disruption or denial of service to a system ○ The unauthorised use of a system for the processing or storage of data by any person <p>Where appropriate, ICT will report the incident to the Computer Emergency Response Team at GovCert.UK for action/follow-up.</p>
4.	<p>Security scanning will take place on a regular basis and at least:</p> <ul style="list-style-type: none"> ○ On a quarterly basis, network scanning will be conducted to ensure a safe and compliant infrastructure. ○ On an annual basis, ICT will carry out an IT Health Check as part of the annual Government Secure Intranet re-authorisation submission. ○ Users will be required to participate in the testing.
5.	<p>Users of the GCSX network will be allocated a unique user ID.</p> <p>All users must have strong passwords, which must be protected at all times. Passwords must be alphanumeric, have a minimum of 7 characters in length and contain at least one digit. It is the user's responsibility to prevent their user ID and password being used to gain unauthorized access to Council systems.</p> <ul style="list-style-type: none"> ○ Passwords must be protected at all times and must be changed at least every 60 days. Password history prevents recycling of existing passwords. ○ User access rights will be reviewed at regular intervals ○ Partner agencies or 3rd party suppliers must not be given details of how to access the Council's network without permission from ICT Helpdesk ○ Partners or 3rd party suppliers must contact the ICT Helpdesk before connecting to the Council's network
6.	<p>If mobile services are accessed from outside the United Kingdom then users must follow the instructions given by ICT and understand the risks of using IT equipment abroad.</p>
7.	<p>Mobile and/or remote working solutions must be via Council approved means. Access to Council's network and systems from internet cafes or other 'untrusted' environments is strictly forbidden, any such actions could result in disciplinary proceedings.</p>
8.	<p>All user activities will be logged and will be reviewed by Management and Gov Connect as required.</p>
9.	<p>Users must not copy sensitive data onto personal portable media devices, always ensure a Council owned device is used. PC's will be configured to restrict access to unauthorised devices.</p>

10.	Protectively marked email information must only be sent via the GSi network. Protected information must not be sent or forwarded to personal email accounts or less secure domains.
11.	<p>Users must ensure that appropriate security measures are taken to stop unauthorised access to PROTECTED or RESTRICTED information, either on portable computer devices or in printed format.</p> <p>Confidentiality and Data Protection principles apply.</p>
13.	<p>It is the Councils policy to manage the use of all removable media devices. The use of removable media devices will only be approved if there is a valid business case for its use. All use of removable media / removable media devices is monitored, all content on removable media / removable media devices is checked for integrity.</p> <ul style="list-style-type: none"> ○ Any removable media device that has not been supplied by ICT must not be connected to Council equipment or the Councils network. ○ All data stored on removable media devices must be encrypted where possible. ○ Damaged or faulty removable media devices must not be used. <p>Special care must be taken to physically protect the removable media device and stored data from loss, theft or damage. Anyone using removable media devices to transfer data must consider the most appropriate way to transport the device and be able to demonstrate that they took reasonable care to avoid damage or loss</p> <p>Removable media devices that are no longer required, or have become damaged, must be returned to ICT to be disposed of securely to avoid data leakage.</p>
14.	<p>The Council and its users must adhere to all current and future legislation relating to data/information sharing, manipulation and copying.</p> <ul style="list-style-type: none"> ○ The Council will ensure compliance with the Data Protection Act 1998 ○ Staff should be aware of their responsibilities in regard to the Data Protection Act. ○ The Council has established a number of roles to assure compliance of this policy ○ Every Council user has a duty to provide advice and assistance to anyone requesting information under the Freedom of Information Act ○ All Councilors must accept responsibility for maintaining Information Security standards within the Council ○ PROTECT or RESTRICTED information, and equipment used to store and process this information, must be stored securely. ○ Desktop PCs should not have data stored on the local hard drive. ○ Non-electronic information must be assigned an owner and a classification. PROTECT or RESTRICTED information must have appropriate information security controls in place to protect it.

Section Three

Internet and Email Security & Usage Policy

1. Introduction

This section is intended for all Council staff and others offered access to Council ICT resources including elected Members, temporary staff, contractors and their staff, agents, vendors, suppliers and visitors, and relates to the specific use of the Council's Internet and email facilities. It includes:

<i>Sub-section</i>	<i>Subject Area</i>
Email Policies	Controls and guidance relating to the use of email facilities provided by the Council.
Internet Use Policies	Controls and guidance relating to the use of Internet access facilities provided by the Council.

The Council has agreed the policies and guidelines. Failure to comply with the policies and guidelines will be considered a serious offence and may lead to disciplinary procedures.

2. Email Policies

<i>Number</i>	<i>Policy Item</i>
1.	All incoming and outgoing email relating to the Council and / or it's associated services, processes and procedures must be made via Council owned email addresses, the use of private email addressing for Council business is strictly prohibited.
2.	All incoming and outgoing email relating to the Council must be treated in the same way as formal business correspondence, and must follow normal authorisation and other procedures (such as correspondence logging and response monitoring). It should be noted that email can be used for documentary evidence in disciplinary proceedings, libel cases etc. even after it has been deleted.
3.	Do consider if email is the best way to send a message. Include a meaningful subject line and ensure your message is clear and not open to interpretation. Don't send email for the sake of it and only copy your email to those people who need a copy.
4.	Official Council records communicated through email must be identified, managed, protected, and maintained as long as needed for ongoing operations, audits, data protection, legal actions, or any other known purpose.
5.	Emails received that invoke an emotional response and generate an impulse for an immediate response should only be responded to after due consideration and in a measured way. Do not send messages that could be perceived as aggressive, abusive, sexually offensive, racially biased or discriminatory.
6.	Do not engage in activities that violate the privacy of others or unfairly criticise, misrepresent others; this includes copying distribution to other individuals, creation or transmission of anonymous messages or deliberately forging messages or email header information, (ie without clear identification of the sender).
7.	Do not send messages in CAPITALS – it may be interpreted as shouting.
8.	Email and message services using the internet are not secure. Where possible, highly confidential material should not be sent by email. Where this is not possible, encryption and/or password protection should be used. For further information please contact the Help Desk (x3400).

Number	Policy Item
9.	All emails are seen to originate from the Council. Therefore, the messages concerned shall not in any way contravene any legislation or this policy. In addition a corporate disclaimer will be added to all emails by default, using corporate content security software.
10.	Please note that deleting an email does not guarantee that the communication has been fully erased and therefore email must be treated as permanent.
11.	Users must not use an email account assigned to another individual to send or receive messages.
12.	If you receive a chain email or an email notifying you of a virus, do not forward it – contact the Help Desk (x3400) first.
13.	Do not open attachments from anyone you do not know. Be very careful of external emails that you are sent from an unknown or unexpected source as attached files can often contain deliberate viruses.
14.	You must not use email or the Internet send or receive email that is obscene, sexually explicit, pornographic, racist, defamatory, hateful, incites or depicts violence, or describes techniques for criminal or terrorist acts or other objectionable material of any description including any material that may contravene any legislation; for example, by broadcasting unsolicited or libellous messages, by sending inappropriate mail, or by using someone else's name or User ID.
15.	Avoid responding to unsolicited mail. Responding to unsolicited mail only confirms that you have an active email address and could open you up to further solicitation that can clog your email inbox. If you are receiving repeated unsolicited mail from one source, please notify the Help Desk (x3400).
16.	If you are going to be away, a colleague should be entrusted to check your messages, or rules should be set on your computer system to automatically forward email to a colleague whilst you are away. On the other hand if you are sending a strictly confidential email, which should not be read by a delegated individual, then the message security should be set to 'confidential' and your email client configured to prevent access to such emails to anyone but the addressee. The Help Desk (x3400) can help you to configure your email client.
17.	You should avoid sending excessively large emails or attachments. If you want to send a large file, typically a 10Mb or more attachment, then please contact the Help Desk (x3400) for assistance.
18.	The Council's email system should be used primarily for the conduct of the Council's business. Responsible private use is allowed, but should take place in your own time.
19.	Never use the Council's email system for political lobbying or private business, or knowingly doing anything that is illegal under English law or the law of any other country. Remember that both the civil and criminal law recognises e-mail as evidence of libel, copyright infringement, software theft, discrimination and harassment.
20.	Users should be aware that email messages remain the property of the Council and can be accessed and monitored by authorised staff. Any private correspondence held on email systems will be treated in the same manner as business-related information and messages.
21.	Users should not represent their personal opinions as those of the Council, do not use your Council e-mail address to express a personal opinion. That may be interpreted as Council policy.
22.	Users should refrain from using the Council's email system to send or receive high volumes of emails for bulk mailing, without the prior permission of your Corporate Manager or Head of ICT.

3. Internet Use Policies

Number	Policy Item
1.	Access to Internet services must only be initiated by using Council-approved systems, software and Internet connections.

Number	Policy Item
2.	The Council, to ensure facilities are not being misused, will undertake regular monitoring of both Internet and email systems use.
3.	A 'firewall' has been placed between the South Cambridgeshire District Council network and the Internet to protect our systems. Users must not circumvent the firewall by using modems or 'network tunnelling' software to connect to the Internet.
4.	Content security software has been installed to monitor and control the viewing of Web content. This works on the principle of a list, automatically updated daily, of Web sites considered inappropriate for viewing. If you require access to a site which is reported as being blocked by the content security software, please inform your manager who can then request the Help Desk (x3400) for the site, if appropriate, to be made accessible.
5.	Never use the Council's internet account for political lobbying or private business, or knowingly doing anything that is illegal under English law or the law of any other country. Remember that both the civil and criminal law recognises activities perpetrated via internet access as evidence of libel, copyright infringement, software theft, discrimination and harassment.
6.	Internet access facilities should be used primarily for the conduct of the Council's business. Responsible private use is allowed, but should take place in your own time. All users will be prevented from accessing specific types of site at any time by content security software. A list of these sites will be provided and maintained by a third party.
7.	When providing your contact details to a Web site avoid giving out your Council email address since many Web sites will distribute your address to other parties, possibly resulting in unsolicited mail.
8.	Some organisations and companies accept orders for goods and services via the Internet. The fact that Internet access has been granted does not authorise you to place orders for yourself or in the name of the Council. Any orders placed in this way must be authorised through the normal procedures.
9.	You must not participate in any activities that could intentionally cause congestion and disruption of networks and systems.
10.	If you receive any offensive electronic information you must report it immediately to the Help Desk (x3400).
11.	It is unacceptable to use, display or transmit any information which is obscene, sexually explicit, pornographic, racist, defamatory, hateful, incites or depicts violence, or describes techniques for criminal or terrorist acts or other objectionable material of any description including any material that may contravene any legislation.
12.	Never access or transmit information about, or software designed for, breaching security controls or creating computer viruses. Deliberate introduction of any damaging virus is a crime under the Computer Misuse Act 1990.
13.	Unless otherwise authorised by the Head of ICT or the ICT Support Services Manager, you must not download software applications from the Internet. If in doubt, contact the Help Desk (x3400). For clarity, software applications include games & screensavers as well as demonstration, evaluation free and shareware software.
14.	Do not take part in 'chat lines', instant messaging services, newsgroups, social networks or online games, as Internet Relay Chat (IRC) and similar functions are susceptible to virus transmission. If your work requires the legitimate use of 'chat lines' or similar messaging facilities please contact the Help Desk (x3400) for advice and guidance. The Councils automated filtering systems are configured to block any such access unless authorised.
15.	You must not transgress copyright law in any way including downloading copyright material, or making South Cambridgeshire District Council copyright material accessible to others.
16.	Web sites you visit may implant software known as 'cookies' on your machine. Some of these cookies serve a useful purpose, for example to facilitate e-commerce transactions, but some are used to track your movements on the Internet. Check your 'Cookie' files and consider deleting those you do not want. For more information contact the Help Desk (x3400).

<i>Number</i>	<i>Policy Item</i>
17.	Inappropriate use of the Internet will be considered a disciplinary offence and may lead to dismissal. It could also lead to criminal or civil action if illegal material is involved or if legislation, such as the Data Protection Act, is contravened.
18.	Above all, use common sense. Be smart when you are on the Internet, and maintain a healthy dose of scepticism. Use caution when revealing personal information, such as your physical address.

Section Four

ICT Security Policy Management

1. Introduction

This section provides part of the framework for security and control over the use of ICT by introducing a set of reference guidelines for Council staff, elected Members, temporary staff, contractors and their staff, agents, vendors, suppliers and visitors, to establish and maintain a controlled environment for Internet and Email Security. This section is intended for use by management staff to help them manage the policies and understand why the Council's security controls are needed.

In summary, South Cambridgeshire District Council must provide sufficient control safeguards and security organisation to underpin the Council's ICT Security policy and usage guidelines. Without these, the long-term health of the Council is at risk.

Definition of Security

ICT Security can be defined as *“the protection afforded to an automated information system in order to attain the applicable objectives of preserving the integrity, availability and confidentiality of information system resources (including hardware, software, firmware, information/data, and telecommunications)”*.

The risk concerns the following categories of loss:

Category	Description
Confidentiality of information	Confidentiality refers to the privacy of personal or corporate information. This includes issues of copyright.
Integrity of data	Integrity refers to the accuracy of data. Loss of data integrity may be gross and evident, as when a computer disk fails, or subtle, such as when a character in a file is altered.
Assets	<p>The assets that must be protected include:</p> <ul style="list-style-type: none"> ○ Computer and peripheral equipment ○ Communications equipment ○ Network infrastructure including WiFi connectivity ○ Computing and communications premises ○ Power, water, environmental control, and communications utilities ○ Supplies and data storage media ○ System computer programs and documentation ○ Application computer programs and documentation ○ Information

Efficient and appropriate use	Efficient and appropriate use ensures that Council ICT resources are used for the purposes for which they were intended, in a manner that does not interfere with the rights of others.
System availability	Availability is concerned with the full functionality of a system (e.g. finance or payroll) and its components.

The potential causes of these losses are termed 'threats'. These threats may be human or non-human, natural, accidental, or deliberate. Examples of threats, particularly relating to email, are provided in this section.

Reasons for ICT Security

Confidentiality of information is mandated by common law, formal statute, explicit agreement, or convention. Different classes of information warrant different degrees of confidentiality.

The hardware and software components that constitute the Council's ICT assets represent a sizeable financial investment that must be protected. The same is true for the information stored in its ICT systems, some of which may have taken huge resources to generate, and some of which can never be reproduced.

The use of Council ICT assets in other than a manner and the purpose for which they were intended represents a misuse of valuable Council resources, and possibly a danger to its reputation or a violation of the law.

Finally, proper functionality of ICT systems is required for the efficient operation of the Council. A number of systems are of paramount importance to enable the Council to discharge its responsibilities and carry out its business.

2. Responsibilities

To build and maintain an appropriate security environment requires the organisation and management of data security within South Cambridgeshire District Council.

The following responsibilities have been identified and assigned.

Policy Management

Overall Policy Approval

Approval of the ICT Security policy and usage guidelines is vested with the Senior Management Team of the Council and the appropriate Portfolio Holder.

Management of the ICT Security policy and usage guidelines

Information security is a business responsibility that must be supported by Management. A process must be in place to ensure that information security requirements are monitored at a high level. The Head of ICT, will act as the security adviser, to:

- Monitor exposure to threats to the Council
- Ensure the security of the Councils information assets.
- Review and monitor any security incidents.
- Originate, approve and support initiatives to improve security.
- Promote awareness of information security throughout the Council.
- Consider security measures for new systems or services.

Formulation, review and maintenance of the ICT Security policy and usage guidelines is the responsibility of the Head of ICT and the ICT Support Services Manager.

Policy Implementation

Each user of the Council's ICT systems, including Internet and email services, will be responsible for implementing the policy.

Head of ICT

It is the responsibility of the Head of ICT to:

- Provide specialist advice on computer security
- Where required, provide a security 'sign-off' for all new computer systems and major system enhancements during development and before implementation
- Evaluate all new computer security products proposed for implementation in South Cambridgeshire District Council systems
- Determine a strategy for computer security training for all staff and ensuring its implementation
- Authorise removal of any ICT assets from Council property, as advised by System Owners (see section 2.5) and ICT staff.
- Investigate any suspected security breaches with the Internal Auditor
- Maintain security documentation

Senior Management Team

It is the responsibility of this group, at their meetings, to:

- Review any identified security risks
- Make appropriate recommendations for the updating of the ICT Security policy and usage guidelines.

System Owners

It is the responsibility of System Owners (those with overall responsibility for a system and its information) to:

- Produce and maintain user system access rights
- Ensure that user's access rights are removed from the system when their jobs change or they leave the Council
- Notify the Helpdesk (x3400) of users to be deleted from their systems, so that network access rights to the system can be removed
- Authorise requests for extended/out of hours network access for users
- Ensure all systems are registered under the Data Protection Act
- Determine appropriate access levels
- Ensure all computer assets are accounted for and have a nominated 'owner' who will take appropriate steps to secure that asset
- In consultation with the Head of ICT, request the removal of ICT assets from Council property.
- Ensure all incidents, breaches or potential incidents of computer security are reported via the Head of ICT as soon as possible
- Ensure all users adhere to the Copyright, Misuse and Data Protection Acts and the organisation's ICT Security policy and usage guidelines

System Users

It is the responsibility of system users (any person making use of the system in the course of their normal duties) to:

- Ensure the security of hardware and software assets placed in their care
- Protect ICT equipment against theft and malicious or accidental damage
- Comply with the ICT Security policy and usage guidelines.

Data Protection Officer

- Produce and maintain Data Protection Act Registrations
- Produce and maintain Risk Register associated with the Act

ICT Support Services Manager

It is the responsibility of the ICT Support Services Manager to:

- Produce, maintain and test the ICT Disaster Recovery Plan
- Produce and maintain an ICT equipment Asset Register and Security mark all hardware
- Produce and maintain an ICT software Asset Register and ensure compliance with effective use of software licences including periodic software audits
- Maintain access controls for all systems
- Ensure the security of hardware and software assets
- Ensure Information Security is given adequate consideration in procurement
- Protect ICT equipment against theft and malicious or accidental damage
- Administer User ID's and the associated system access rights in conjunction with System Owners
- Take daily backup copies of data held on file servers, keep them safely and for a period agreed as part of the ICT Backup strategy
- Comply with the ICT Security policy and usage guidelines
- Ensure that virus protection is monitored and continually upgraded
- Provide advice about these security guidelines

Availability

It is intended that this ICT Security policy and usage guidelines be accessible in its entirety via the Council's Intranet (In-Site). There is the requirement that all users of Council ICT resources be familiar with relevant sections of this policy; the policy should be covered as part of the induction of new staff.

Changes

The ICT Security policy and usage guidelines is to be a 'living' document that will be altered as required to deal with changes in technology, applications, procedures, legal and social imperatives, perceived dangers, etc.

Major changes will be made in consultation with the Senior Management Team, the Portfolio Holder and with the approval of the Chief Executive.

The Head of ICT will approve minor changes.

3. ICT Infrastructure Controls

In order to facilitate the policies defined in the ICT Security policy and usage guidelines the Council has:

- Installed a CheckPoint firewall solution to prevent unauthorised access to the network.
- Installed the Barracuda 'Email Filter', which intelligently scans email messages for offensive words and phrases in order to prevent them entering the email system, automatically attaches legal disclaimers to email, scans attachments and other security functions.
- Installed the Barracuda 'Web Filter' Internet content security solution, which allows the Council to monitor and control Web transfers, including Hypertext transfer protocol (HTTP), secure Hypertext transfer protocol (HTTPS) and file transfer protocol (FTP).
- Installed the AEP Netilla appliance with 2-factor authentication for secure remote access to the network and associated services.
- Implemented the SOPHOS anti-virus solution for all PC's, Servers and Laptops.
- Implemented a Windows 2003 Active Directory infrastructure for the management of network users, internal server and workstation security.
- Implemented Quest 'AfterMail' to provide an email archive solution and compliance with the requirements of the Freedom of Information Act.
- Implemented LANDesk 8.0 and Phoenix Licence Dashboard (Software Asset Manager) to provide accurate inventory management of physical hardware assets and software licenses.
- Installed Centennial DeviceWall peripheral and USB device management to ensure only approved items are allowed to connect to the Councils computers and download information from the Councils systems.

The use of these tools will assist in the monitoring and control of Internet, email and other ICT security. It should be recognised that such facilities, whilst valuable tools, require 'common sense' personnel and information management in order to be most effective.

4. Guidance Notes on ICT Security

Electronic mail or email is one of the most popular uses of the Internet. With access to Internet email, one can potentially correspond with millions of people worldwide.

It is however, easy to have email 'accidents'. An email message can be sent instantly with little hope of retrieval. A single keystroke or mouse-click can misroute the message. Email messages may be archived for years, so that an ill-considered remark can return to haunt the sender later. Email folders can grow until the email system becomes unstable. Wrongly configured discussion group software can send messages to the wrong groups. Errors in email lists can flood the subscribers with hundreds of error messages. Sometimes error messages will bounce back and forth between email servers, multiplying until they crash the servers.

When an organisation's internal email system is connected to the Internet, the effect of accidents can be multiplied a thousand fold.

Email Monitoring, Protocol and Guidelines

The relevant policies and guidelines, as detailed in Section 3 of this document, should be made clear and easily available to Council staff. This can be achieved by publishing the document on the Council's Intranet.

Contract of Employment

All Council staff should receive training in the use of email and to be made aware of the kinds of monitoring proposed. This will enable the Council to escape liability for the acts of users to a certain extent. An appropriate mechanism should be used to indicate that the user has read, fully understands and adheres to the policy.

Vetting Emails

Where the Council is concerned that an incident may put the Council's reputation at risk, it reserves the right to vet the user's email; this is clearly stated in the policy. The Council reminds users that their use of the email system is not private and is subject to Council scrutiny. This will help also to discourage misuse.

Confidentiality Notice

A disclaimer containing a confidentiality notice should be considered within a standard Council email format and is similar to those often found on faxes. The clause is designed to preserve the confidentiality of the Council's information in the event that any unauthorised access to it occurs. It will not exclude liability on defamation but can limit liability on negligence.

Personal Emails

The ICT Security policy and usage guidelines define limits on personal use of email; in the same manner as personal use limits are defined for other systems and services.

Sending email from the Council's address can be likened to sending a letter on Council letterhead. If you use your Council account to send email to an email discussion group, it may appear as though the Council endorses whatever opinions have been put in the message.

The key is to educate system users to the legal implications. It must be made clear that their messages are in no way associated with the Council and that the guidelines in the ICT Security policy and usage guidelines are followed.

Deleting Emails

It should be brought to the attention of system users that deleting an email from the desktop client (Outlook 2000 or Outlook 2003) does not remove all copies of the email. It remains on the system and additional copies of the email may have been forwarded to another party or saved to a backup disk. To support and assist with the requirements of the Freedom of Information Act, the Council uses the email archiving system (AfterMail) to create an archive of email messages sent to, from or via the Council's email system.

Statements of Facts Untrue

Statements of facts that damage the reputation of the person or organisation or holds him/her up to hatred, ridicule or contempt are libellous. It is important to note that emails need not be insulting to damage reputation. Therefore, if expressing an opinion it is important to ensure that the relevant facts are set out. Users should take great care in what they say so that they do not bind the Council to a contract it does not want or in terms it does not agree, and that they do not write anything that would jeopardise the integrity or reputation of the Council. An aggrieved party can sue in the jurisdiction from where the libel is published.

Insurance Cover

Consideration should be given to extending insurance cover to include liability in defamation, if this is not already included in existing insurance provision.

Highly Confidential/Sensitive Information

Users should be advised internet based services are not secure and that where possible highly confidential material should not be sent by normal email. Where confidential material must be sent via email, an encryption or password protection technique should be employed to comply with Council policy. This should also be part of the training given to users especially Members, senior managers and directors of the Council.

Delegating Email

The public increasingly expects a rapid response from email; therefore if a user is going to be away, a colleague should be entrusted to check messages. This can be done by setting rules in the email client to forward email to a delegate. On the other hand if a message is strictly confidential and must not be seen by anyone except the recipient then the message security should be set to 'confidential' which means the delegated colleague is unable to read the message.

Email Threats

The most common mail transfer protocols (SMTP, POP3, IMAP4) do not typically include provisions for reliable authentication as part of the core protocol, allowing email messages to be easily forged. Nor do these protocols require the use of encryption that could ensure the privacy of email messages. These 'weaknesses' of email introduce the following threats:

Impersonation

The sender address on Internet email cannot be trusted, since the sender can create a false return address, or the header could have been modified in transit, or the sender could have connected directly to the SMTP port on the target machine to enter the email.

Eavesdropping

Email headers and contents are transmitted 'in the clear'. As a result, the contents of a message can be read or altered in transit. The header can be modified to hide or change the sender, or to redirect the message.

Mailbombing

Mailbombing is an email-based attack. The attacked system is flooded with email until it fails. For example Motorola was flooded by emails when an unidentified individual sent out an email claiming that the company were offering free WAP phones to the first 10,000 replies to an email account based at Motorola. This flooded Motorola's messaging system in the UK and was seen as an extremely malicious attack on the organisation.

Junk and Harassing Mail

Since anyone in the world can send you email, it can be difficult to stop someone from sending it to you. If you give your Council email address to any Web site, they can potentially pass that address onto a number of different sources.

ICT Housekeeping Guidelines

The following guidelines may assist in managing ICT security risks:

Documentation

Documentation of all aspects of computer support and operations is important to ensure continuity and consistency. Formalising operational practices and procedures with sufficient detail helps to eliminate security lapses and oversights, gives new personnel sufficiently detailed instructions, and provides a quality assurance function to help ensure that operations will be performed correctly and efficiently.

Maintenance

System maintenance requires either physical or logical access to the system. Support and operations staff, hardware or software vendors, or third-party service providers may maintain a system. Maintenance may be performed on site, or it may be necessary to move equipment to a repair site. Maintenance may also be performed remotely via communications connections. If someone who does not normally have access to the system performs maintenance, a security vulnerability is introduced.

Supervision of maintenance personnel may prevent some problems, such as 'snooping around' the physical area. However, once someone has access to the system, it is very difficult for supervision to prevent damage done through the maintenance process.

Many computer systems provide maintenance accounts. These special login accounts are normally preconfigured at the factory with pre-set, widely known passwords. It is critical to change these passwords or otherwise disable the accounts until they are needed.

One of the most common methods hackers use to break into systems is through maintenance accounts that still have factory-set or easily guessed passwords.

Procedures should be developed to ensure that only authorised maintenance personnel can use these accounts. If the account is to be used remotely, authentication of the maintenance provider can be performed using a variety of methods including SSL-VPN. This helps ensure that remote diagnostic activities actually originate from a known user at the vendor's site. Other techniques can also help, including encryption and decryption of diagnostic communications, strong identification and authentication techniques, such as tokens (e.g. the RSAsecureID standard supported by Windows 2003), and remote disconnect verification. Wherever possible, all such remote connections to the SCDC network should be facilitated by a SSL-VPN link.

Anti-Virus Regulations

To protect Council computer systems against viruses and to facilitate virus detection, prevention measures in conjunction with appropriate user awareness procedures should be implemented. Anti-Virus procedures will include:

- processes and appropriate user awareness procedures to prevent the introduction of viruses into the Council
- ICT Support Section must ensure that Virus scanning software is kept up-to-date, and is installed on all systems
- ICT Support Section have responsibility for carrying out virus scanning on all software and data originating externally
- all PCs must be scanned automatically using up-to-date SOPHOS anti-virus scanning software
- any removable device (diskette, USB stick or similar) of uncertain or unauthorised origin must be checked for viruses using virus scanning software before use
- all virus occurrences should be reported to the Help Desk (x3400), logged and treated as security incidents
- all users should be aware of the procedures for dealing with virus incidents

Copyright

To ensure unauthorised software is not used:

- Software licences shall always be complied with and the use of unauthorised software prohibited
- Copying of software, other than by ICT for back-up purposes, is forbidden and may lead to disciplinary procedures
- ICT will undertake regular audits to ensure compliance with terms of licences
- Procedures will be developed for reporting the discovery of unauthorised software to the Head of ICT
- Any unauthorised software may be isolated, disabled or removed by ICT staff
- All contracts with external service providers will insist that necessary licences are held by ICT for any products used as part of the service

Section Five

Internet and Email Filtering Policy

1. Introduction

This section is intended to cover the solution used to monitor Internet and email use within the Council.

South Cambridgeshire District Council must provide sufficient control safeguards and security organisation to underpin the Council's ICT Security policy and usage guidelines. The goal of this section is to outline the Internet access controls and email filtering to be implemented to protect the Council's ICT resources.

The Council's resources, including the network, servers, computers, email & voicemail, are provided for business purposes. At any time and without prior notice the Council maintains the right & ability to examine any systems and inspect and review any and all data recorded in those systems. Any information stored on a server or computer, whether information is contained on a hard drive, computer disk or in any other manner may be subject to scrutiny by the Council. This scrutiny helps ensure compliance with Council policies and the law.

In order to ensure compliance with the ICT Security policy and usage guidelines, the Council will employ monitoring software to check on the use of the Internet facility and to check the content of email. The Council specifically reserves the right for authorised personnel to access, retrieve, read and delete any communication that is created on, received through or sent in the email system, to ensure compliance with Council policy and any relevant legislation. Such monitoring will be used for legitimate purposes only and operate under the monitoring code of conduct outlined in the ICT Security policy and usage guidelines.

The objectives of the ICT Security policy and usage guidelines are:

- To encourage effective and positive use of the Council's resources
- To avoid security threats by promoting awareness & good practice
- To shield the Council against potential liability

Common Areas of Risk

Several common areas where there is a risk to the Council's ICT systems or potential for abuse of systems are identified below.

Employee Productivity

The information and resources available through the Internet can help employees to be more productive and effective. The Council's use of the Internet will increase as the implementation of electronic government become a reality. Most employee use of the Internet and email systems will be legitimate, but with access to services such as sports scores, games or chat rooms there is a risk that some employees could abuse their Internet access. The Council is obliged to take reasonable steps to monitor use of its Internet connection.

Network Performance

The Council has a leased line connection to the Internet but the combination of recreational surfing and bandwidth-intensive activities such as streaming audio and video, MP3 downloads and image downloads can have a significant impact on network performance that impedes 'business' traffic.

Security

The Council's permanent connection to Internet opens the Council's ICT network and systems to potential security breaches. Network security issues become more acute when the Council's network is connected to the Internet and the Council needs to take all reasonable steps to maintain the security of its data and networks and to ensure that its systems are not compromised by the introduction of viruses, malicious code or 'Trojan horses', either by email or by download from web sites.

Legal Liability

The Council aims to reduce its liability by identifying areas of risk and mitigating for these. Areas of risk that are commonly identified are:

- Letting users surf anywhere on the Internet
- Sexual harassment as a result of bringing objectionable or sexually explicit material into the workplace.
- Copyright infringement through the use of material retrieved such as software programs or photographs which have been used 'because it's on the web'
- Misrepresentation can also occur unintentionally, particularly through the use of email. Unless providing specific advice or guidance as part of their job function, users should know and make it clear to the people with whom they communicate that opinions expressed via email and other electronic media are their own, not the Council's.

Adverse Publicity

Several major international companies have been forced to dismiss employees that were found guilty of accessing illegal and offensive material through the Internet and for circulating messages that were not intended for them. Adverse publicity could be very damaging for the Council, its Members and its staff.

2. Web and Email Filtering Software

The Council has deployed specialist devices to automatically provide web and email filtering services for users of Council equipment and systems. These devices provide the facility to implement and monitor the Council's security policy.

Web Filtering

Blocking Sites

It is impossible to expect users to know about the content of every site that they visit, sites that they are referred on to from other sites or search results pages. To prevent users accidentally visiting sites that are inappropriate or liable to cause offence or distress to themselves or their colleagues the Council has chosen to subscribe to a maintained list of categorised sites that can be used to block access.

The current category list is attached as Appendix 1, showing which categories will be allowed or blocked. Updates and changes to this list will be made as categories and/or requirements change. Changes will be authorised by the Head of ICT in agreement with Management Team.

When users try to access a blocked site they will be presented with an error page, stating the site's category and steps they can take to access the site if they have a legitimate need to do so. Attempted access to blocked sites will be recorded and will form part of a monthly report that will be used to monitor the effectiveness of the policies or to modify whether the categories in Appendix 1 are allowed or blocked.

Monitoring of Sites and Traffic

The web filtering system enables monitoring and logging of web traffic, including statistics such as sites visited and traffic passed. All information will be logged to a database to allow a set of standard management reports to be run on the logs. The Head of ICT and/or the ICT Support Services Manager will review monthly reports to show which sites have been visited, how many times these sites have been visited and how much data has been transferred. These reports will be primarily of the 'Top Ten' variety and will be used to identify sites that would benefit from being cached on the Council's web system, thus reducing usage of Internet network bandwidth.

The objectives of analysing these reports are:

- To monitor exposure to threats to information assets.
- To review and monitor any security incidents.
- To originate, approve and support initiatives to improve security.
- To ensure compliance with the ICT Security policy and usage guidelines.

Inappropriate Activity

In cases of persistent inappropriate activity, ICT Support will be requested to inform the Head of ICT. The matter may then be dealt with in association with the user, the user's line manager and the HR section, in line with current disciplinary procedures.

Email Management.

Electronic mail or email is one of the most popular uses of the Internet. With access to Internet email, one can potentially correspond with millions of people worldwide.

It is however, easy to have email 'accidents'. An email message can be sent instantly with little hope of retrieval. A single keystroke or mouse-click can misroute the message. With the Council's internal email system connected to the Internet, the effect of accidents can be multiplied considerably. Email messages may be archived for years, so that an ill-considered remark can return to haunt the sender later

The addition of email filtering software will allow incoming email to be scanned and, if necessary cleaned or quarantined before it is allowed onto the Council's network. Similarly outbound email can be checked to prevent users inadvertently passing inappropriate or infected email messages on to external organisations.

Whenever the email filtering software is used to block, delay or quarantine messages the sender and/or recipient will automatically be notified, so that, if necessary, appropriate action can be taken to allow the message through.

Inbound email

All inbound email will be checked for viruses, worms, trojans, malware and inappropriate content.

Outbound email

All outbound email will be checked for viruses, worms, trojans, malware and inappropriate content.

Email attachments

Attachments of certain types will be restricted. The objectives of restricting certain attachments are:

- To prevent the introduction of viruses that are transmitted as a particular type of attachment, such as Visual Basic Script (.vbs) mailing worms where the Council does not use such attachments.
- To prevent misuse of network bandwidth by sending inappropriate file attachments.
- To prevent large attachments interfering with other network usage.

Attachments may be deleted, quarantined or rescheduled for sending outside of normal business hours, depending on the type of attachment and any perceived risk to the Council.

Email Circulars, Mass Mailings and Chain Emails

The email filtering system has the ability to detect email circulars, mass mailings and chain emails. These types of emails are identified from a list of known messages maintained by Barracuda. The email filter system will be used to filter these messages before they reach users mailboxes, avoiding the distress that these messages often cause and preventing the messages from being propagated further. In addition the email filtering system will be used to prevent bulk mailings to external recipients, as these are often a symptom of email mass-mailing worm viruses. The sender will automatically be notified if they have had bulk-mailed messages blocked, so that these messages can be allowed if they are legitimate.

Legal Disclaimer & Confidentiality Notice

The email filtering system allows a disclaimer containing a confidentiality notice to be attached to all outbound email messages. This disclaimer will be developed, in association with the Council's Legal Section, and will be implemented under the supervision of Management Team. Any future changes to this disclaimer will be proposed by the Head of ICT to Senior Management Team.

Email Message Content

The email filtering system has the ability to check for obscenities and profanities. A list of common obscenities and profanities is supplied and maintained by the system vendor and weighting is applied to each word. Scores are totalled for a message and the message can be blocked once a threshold has been reached. This message can be used to prevent users from receiving offensive or abusive messages and can be applied to both internal messages (on the Council's Microsoft Exchange Server) and external email (messages to or from Internet addresses).

Section Six

Web and Email Filtering Code of Conduct

1. Introduction

This section is intended to provide guidance for the system administrators of the web and email filtering system used to monitor use by users including Council staff and Members. It is included within the ICT Security policy and usage guidelines to provide transparency of operation to all users; those employed by the Council and those contracted to provide services to the Council.

2. Code of Conduct

It is expected that all users will deal with email and web access in a professional manner. To ensure that the requirements are clear they are detailed below.

To build and maintain an appropriate security environment requires the organisation and management of data security within South Cambridgeshire District Council.

Monitoring and Reporting

Automatic Monitoring

All monitoring of Internet and email use will be carried out by automated systems configured to a standard agreed by Management Team.

No monitoring of specific messages or specific users will be carried out, except where authorised by Senior Management Team or Head of ICT (usually as part of a Council disciplinary or grievance process).

In the event that a system administrator accidentally or unintentionally opens any email messages the content of such messages will be treated as confidential and must not be disclosed or discussed.

Email messages should be treated in the same manner as physical post. Inappropriate or unauthorised opening of messages will be dealt with in the same manner as unauthorised opening or tampering with physical post.

Reporting

Standard reports detailing service/ system utilisation, will be used wherever possible to provide management information to the Head of ICT and/or the ICT Support Services Manager. These reports may also be presented to Senior Management Team, Corporate Managers, Portfolio Holder, Section Heads, or other groups/committees as appropriate.

These reports will only be used to:

- Monitor exposure to threats to information assets.
- Review and monitor any security incidents.
- Originate, approve and support initiatives to improve security.
- Promote awareness of information security throughout the Council.
- Consider security measures for new systems or services.
- Ensure compliance with the ICT Security policy and usage guidelines

Persistent Inappropriate Use or Abuse of Email System

Persistent abuse of Internet access or the email system should be considered a security incident and should be reported to the Head of ICT and/or The ICT Support Services Manager as a security incident using the usual reporting methods.

Responsibilities

Head of ICT

It is the responsibility of the Head of ICT:

- To review Internet usage on a regular basis
- To review the number of blocked sites that users have attempted to access
- To review the number of security incidents
- To make recommendations regarding changes in the ICT Security policy and usage guidelines to the ICT Steering Group
- To advise of changes in the configuration of the web and email filtering systems to the Management Team
- To ensure that users are made aware of the filtering and monitoring which is taking place

Management Team

It is the responsibility of Management Team:

- To debate & agree proposed changes to the web and email filtering systems
- Where advised by the Head of ICT, to review reports detailing activity or levels of use that raise cause for concern.

ICT Support Services Manager

- To produce regular and when required, ad hoc usage reports
- To implement configuration changes to the email filter and web filter systems
- To administer and maintain email filter and web filter systems
- To ensure that only authorised users have access to the Internet
- To ensure that the email server, web filter and email filter systems are kept secure
- With the Head of ICT, to take necessary actions to ensure the security of the Council's ICT network

Changes

Changes to the configuration of the web and email filtering systems will be subject to normal change control procedures. All major changes will be logged and tracked, providing an audit trail which will include details of who requested the work and when it was completed/implemented.

Any changes that are made to the web filter and email filter systems, as an emergency measure to ensure the security of the Council's network, will be notified to the Head of ICT or the ICT Support Services Manager.

Issues

All users should be made aware of the kinds of monitoring proposed. A screen based sign-off is used to indicate compliance with the ICT Security policy and usage guidelines and ensure that the user has read, fully understands and adheres to the policy, before access to ICT systems is given. The fact that web access and email will be monitored should be made clear to all users.

In the case that any user has an issue relating to the way that their email or Internet access has been monitored it should be discussed with their line manager in the first instance. If the issue cannot be resolved with the line manager the issue should be escalated to the Head of ICT.

Appendix 1 - Web Filter Category Settings

The following Web Filter category settings will apply.

Where sites are blocked these may be allowed to specific users, if justified by business requirements. The internal database is updated daily.

Category	Status	
Abortion/Advocacy Groups	Block	
Adult/Mature Content	Block	
Advertisements	Block	
Alcohol/Tobacco	Block	
Arts/Entertainment		Allow
Business and Economy		Allow
Chat/Instant Messaging (IM)	Block	
Cult/Occult	Block	
Cultural Institutions		Allow
Drugs/Illegal Drugs	Block	
E-Mail		Allow
Education		Allow
Freeware/Software Downloads	Block	
Gambling	Block	
Games	Block	
Gay and Lesbian Issues	Block	
Government		Allow
Hacking/Proxy Avoidance Systems	Block	
Health		Allow
Humour/Jokes	Block	
Illegal Skills/Questionable Skills	Block	
Information Technology/Computers		Allow
Internet Auctions		Allow
Intimate Apparel/Swimsuit	Block	
Job Search		Allow

Category	Status	
Kid's Friendly		Allow
MP3/Streaming	Block	
Military		Allow
News and Media		Allow
Not Rated		Allow (logged)
Nudism	Block	
Online Banking		Allow
Online Brokerage and Trading		Allow
Other		Allow
Pay to Surf sites	Block	
Personals and Dating	Block	
Political/Advocacy Groups		Allow
Pornography	Block	
Real Estate		Allow
Reference		Allow
Religion		Allow
Restaurants and Dining		Allow
Search Engines and Portals		Allow
Sex Education	Block	
Shopping		Allow
Society and Lifestyle		Allow
Sports /Recreation		Allow
Travel		Allow
Usenet News Groups	Block	
Vehicles		Allow
Violence/Hate Racism	Block	
Weapons	Block	
Web Communications	Block	
Web Hosting		Allow

Appendix 2 – Email Filter Settings

Basic System Configuration

- Disable SMTP relay, except for allowed hosts (Exchange Server) to prevent mail relay through the Council network
- Scan inbound and outbound email for viruses. If the email message is infected quarantine the message and notify the sender and recipient.
- Add legal disclaimer to all outbound email. The following disclaimer will be applied:

“Privileged/Confidential Information may be contained in this message.

If you should not have received it, tell me and delete it without forwarding, copying or disclosing it to anyone. The Council does not represent or warrant that it or any attached files are free from computer viruses or other defects. It and any attached files are provided, and may be used, only on the basis that the user assumes all responsibility for any loss, damage or consequence resulting directly or indirectly from them or their use. Any views or opinions presented are those of the author and do not necessarily represent those of South Cambridgeshire District Council unless stated otherwise.

All e-mail sent to or from this address will be processed by South Cambridgeshire District Corporate E-mail system/ Email Archiving system and may be subject to scrutiny by someone other than the addressee.

This email will also be kept for a period of time before it is destroyed.

The South Cambridgeshire website can be found at <http://www.scambs.gov.uk>”

File attachments

Email file attachments will be dealt with in the following manner:

File	Type	Route	Action	Notification
.vbs	Visual Basic Script	In & out	Quarantine	ICT Helpdesk
.exe	Executable file	In & out	Quarantine	
.zip .zipexe .tar .g-zip .g-tar	WinZip (and alternative algorithms) for compressed files	In & out	Allow	
.jpg	JPEG picture	In & out	Allow	None
.avi	Video file	In & out	Quarantine	ICT Helpdesk

File	Type	Route	Action	Notification
.mpg	MPEG video file	In & Out	Quarantine	ICT Helpdesk
.mp3	Music files	In & Out	Block	ICT Helpdesk
	Large attachments more than> 10 Mb	In	Bounced back to originator as undeliverable	Sender
	Large attachments more than> 10 Mb	Out	User advised that large attachment is not possible	Sender

Risk Filter

Risk Filter is a list of known mail messages, subject lines and/or senders maintained and updated by Barracuda. Risk Filter and associated database will be used to automatically control the blocking or distribution of the following types of messages:

- Spam
- Chain letters
- Junk Mail
- Bulk mailing

The internal database is updated daily.

Lexical Analysis

Lexical analysis of email messages allows for better control of inappropriate use.

Lexical analysis allows threshold values to be set for a list of terms and phrases maintained by Barracuda. Messages could be quarantined or deleted, based on threshold values and assessment of risk. Further actions or alerts could be instigated if/when certain of these rules are triggered.

This policy is applied to internal (Outlook/Exchange Server) and external (inbound & outbound Internet) email messages.

Appendix 3 – Internet Acceptable Use Policy

The Council abides by an Internet Acceptable Use Policy as part of its contract for Internet services. A copy of the policy is included below.

ACCEPTABLE USE POLICY

This Acceptable Use Policy specifies the actions prohibited to users of the SCD / CCN Internet Network. Users may be defined as "anyone who uses or accesses the SCD / CCN Network or Internet service". The Council reserves the right to modify this Policy at any time. Any modifications to this Policy will be made when the Council feels it is appropriate and it is the User's responsibility to ensure their awareness of any such changes.

ILLEGAL USE

The SCD / CCN Network may be used only for lawful purposes. Transmission, distribution or storage of any material in violation of any applicable law or regulation is prohibited. This includes, without limitation, material protected by copyright, trademark, trade secret or intellectual property right used without proper authorisation, and material that is obscene, defamatory, constitutes an illegal threat, or violates export control laws.

THE NETWORK

The SCD / CCN Network may be used to link into other networks worldwide and the user agrees to conform to the acceptable use policies of these networks.

In addition the user undertakes to conform to the Internet protocols and standards.

The user may not circumvent user authentication or security of any host, network, or account (referred to as "cracking" or "hacking"), nor interfere with service to any user, host, or network (referred to as "denial of service attacks").

Without prejudice to the foregoing, the Council considers that any application that overloads the SCD / CCN by whatever means will be considered as making profligate use of the SCD / CCN Network and is as such NOT allowed. Use of IP multicast other than by means provided and co-ordinated by the Council is likewise prohibited.

Users who violate systems or network security may incur criminal or civil liability. The Council will fully co-operate with investigations of suspected criminal violations, violation of systems or network security under the leadership of law enforcement or relevant authorities.

SYSTEM AND NETWORK SECURITY

Violations of system or network security are prohibited, and may result in criminal and civil liability. The Council will investigate incidents involving such violations and will involve and will co-operate with law enforcement if a criminal violation is suspected. Examples of system or network security violations include, without limitation, the following:

Unauthorised access to or use of data, systems or networks, including any attempt to probe, scan or test the vulnerability of a system or network or to breach security or authentication measures without express authorisation of the owner of the system or network;

Unauthorised monitoring of data or traffic on any network or system without express authorisation of the owner of the system or network;

Interference with service to any user, host or network including, without limitation, mail bombing, flooding, deliberate attempts to overload a system and broadcast attacks;

Forging of any TCP-IP packet header or any part of the header information in an email or a newsgroup posting.

If approached with complaints relating to any of the above violations, The Council will co-operate with investigations in order to bring such misuse and violations to an end.

E-MAIL

It is explicitly prohibited to send unsolicited bulk mail messages ("junk mail" or "spam") of any kind (commercial advertising, political tracts, announcements) etc.

It is also explicitly prohibited to allow others to send unsolicited bulk mail messages either directly or by relaying through the Councils systems. For the avoidance of doubt, Users may not forward or propagate chain letters nor malicious e-mail.

A User may not solicit mail for any other address other than that of the user, except with full consent of the owner of the referred address.

USENET NEWS

All Users of the SCDC / CCN Network are advised that access to UseNet News Groups is restricted and only allowed where specific business need has been identified.

Where Users are given access to the UseNet service, they should, before using the service, familiarise themselves with the contents of the following newsgroups: news.newusers.questions; news.announce.newusers; and news.answers

Excessive cross posting (i.e., posting the same article to large numbers of newsgroups) is forbidden.

Posting of irrelevant material to newsgroups (also known as USENET spam) is also forbidden.

Posting binaries to a non-binary newsgroup is forbidden.

INTERNET WATCH FOUNDATION

The Council shall abide by advice given by the independent industry body The Internet Watch Foundation ("IWF") in relation to content of the Internet. For further information regarding IWF and its policy, please refer to www.internetwatch.org.uk

Complaints regarding Illegal Use or System or Network Security issues, Email abuse, USENET abuse or Spamming should be sent to the Head of ICT

Appendix 4 – ICT Security / GCSx Acceptable Use Policy**(Only applies nominated members of staff – not applicable to Members)**

Each GCSx user must read and sign to verify they have read, understood and accepted these policies and agree to comply with all of the Councils security rules and policies.

For the avoidance of doubt, the security rules relating to secure e-mail and information systems usage include:

- I acknowledge that my use of the GCSx may be monitored and/or recorded for lawful purposes.
- I agree to be responsible for my use of the GCSx using my unique user credentials (user ID and password, access token or other mechanism as provided) and e-mail address.
- I will not use a colleague's credentials to access the GCSx and will equally ensure that my credentials are not shared and are protected against misuse; and,
- I will protect such credentials at least to the same level of secrecy as the information they may be used to access, (in particular, I will not write down or share my password other than for the purposes of placing a secured copy in a secure location at my employer's premises).
- I will not attempt to access any computer system that I have not been given explicit permission to access.
- I will not attempt to access the GCSx other than from IT equipment and systems and locations, which have been explicitly authorised to use for this purpose.
- I will not transmit information via the GCSx that I know, suspect or have been advised is of a higher level of sensitivity than my GCSx domain is designed to carry.
- I will not transmit information via the GCSx that I know or suspect to be unacceptable within the context and purpose for which it is being communicated.
- I will not make false claims or denials relating to my use of the GCSx (e.g. falsely denying that an e-mail had been sent or received).
- I will protect any sensitive or not protectively marked material sent, received, stored or processed by me via the GCSx to the same level as I would paper copies of similar material.
- I will appropriately label, using the HMG Security Policy Framework (SPF), information up to RESTRICTED sent via the GCSx.
- I will always check that the recipients of e-mail messages are correct so that potentially sensitive or PROTECT or RESTRICTED information is not accidentally released into the public domain. I will not send PROTECT or RESTRICTED information over public networks such as the Internet.

- I will not auto-forward email from my GCSx account to any other non-GCSx email account.
- I will not forward or disclose any sensitive or PROTECT or RESTRICTED material received via the GCSx unless the recipient(s) can be trusted to handle the material securely according to its sensitivity and forwarding is via a suitably secure communication channel.
- I will seek to prevent inadvertent disclosure of sensitive or PROTECT or RESTRICTED information by avoiding being overlooked when working, by taking care when printing information received via GCSx (e.g. by using printers in secure locations or collecting printouts immediately they are printed, checking that there is no interleaving of printouts, etc) and by carefully checking the distribution list for any material to be transmitted.
- I will securely store or destroy any printed material.
- I will not leave my computer unattended in such a state as to risk unauthorised disclosure of information sent or received via GCSx.
- Where ICT has implemented other measures to protect unauthorised viewing of information displayed on IT systems (such as an inactivity timeout that causes the screen to be blanked requiring a user logon for reactivation), then I will not attempt to disable such protection.
- I confirm that I am familiar with the Council's ICT Security Policy and Usage Guidelines, procedures and any special instructions that relate to GCSx.
- I will inform my manager immediately if I detect, suspect or witness an incident that may be a breach of security.
- I will not attempt to bypass or subvert system security controls or to use them for any purpose other than that intended.
- I will not remove equipment or information from council premises without appropriate approval.
- I will take precautions to protect all computer media and portable computers when carrying them outside my organisation's premises (e.g. leaving a laptop unattended or on display in a car such that it would encourage an opportunist theft) in accordance with the Council's ICT Security and Usage Policy.
- I will not knowingly introduce viruses, Trojan horses or other malware into the system or GCSx.
- I will not disable any anti-virus protection provided at my computer.
- I will comply with the Data Protection Act 1998 and any other legal, statutory or contractual obligations that the Council informs me are relevant.
- If I am about to leave the Council, I will inform my manager prior to departure of any important information held in my account and manage my account in accordance with the Council's email and records management policy.

GCSx Personal Commitment Statement

I,,

accept that I have been granted the access rights to the Council's ICT systems and GCSx network. I understand the business reasons for these access rights, and I understand that any breach of these, and specifically any attempt to access services or assets that I am not authorised to access, may lead to disciplinary action.

I also accept and confirm that I will abide by this policy (GCSx Acceptable Usage Policy), my GCSx Personal Commitment Statement, and SCDC's policies referenced in (but not limited to) the ICT & Security Policy & Usage Guidelines. I understand that failure to comply with this agreement may lead to disciplinary action.

If you do not understand the implications of this policy or how it may apply to you, seek advice from your Line manager or the Head of ICT before signing this form.

Signature of User:

Date:

A copy of this signed agreement is to be retained by the User and Line Manager and a further copy sent to the Head of ICT



**South
Cambridgeshire**
District Council

Member Development Strategy 2011-14

Summer 2011



FOREWARD

We are pleased to introduce this strategy and its associated training and development programme for elected members.

In South Cambridgeshire District Council we take training and development of our members and staff very seriously, and are always looking for ways to improve our approach and content.

This strategy focuses on elected member development and has been put together following discussions with members from all political groups at the Member Development Task and Finish Group. The associated work programmes will reflect the development needs which members themselves will identify through the annual assessment of Councillors' needs.

The strategy will assist members to build their skills to enable them to play a full part in the work of the authority and in leading their communities. It will help members to be more effective in their many and varied roles.

This document outlines the approach the Council will take towards the development of its members. It adopts a more structured process and proposes a varied range of development opportunities. We are confident the strategy will be of benefit to:

- **Individual Members** – who will have more opportunities to enhance their existing skills and learn new ones.
- **The Council** – which will be better able to meet its business objectives and work towards maintaining effective corporate governance.
- **The local community** – which will have a well informed and trained political representation.

Thank you for your commitment to the strategy and its associated programme. We hope you will enjoy the events you attend, continue to provide constructive feedback which will help us to improve future programmes, and give ongoing support to this important area of work.

Councillor Mrs Susan Ellington
Member Development
Portfolio Holder

Jean Hunter
Chief Executive

Date: 14 April 2011

CONTENTS

1.	Why a Member Development Strategy is needed	1
2.	Achievements so far	2
3.	Objectives	3
4.	Delivery	3
5.	Timetable	3
6.	Responsibilities	4
7.	Types of training and development	4
8.	Training methods	6
9.	Resourcing	7
10.	Outcomes	7

Member Development Strategy

1. Why a Member Development Strategy is needed

The Council is operating in a constantly changing environment, requiring elected members and its workforce to be flexible and responsive to change. The Government's agenda presents us with an extremely challenging and demanding programme which includes:

- A challenging and changing role for elected members
- A strong emphasis on value for money

In embracing these challenges, we must continue to develop our members and organisation into one which:

- Makes the most of its opportunities
- Sets high performance standards and is not afraid to be measured by them
- Makes maximum use of all resources available to it, especially E-Government
- Is an influential community leader and partner
- Is respected as a good employer and seen as a role model by others in the community it serves

All member training and development activity is designed to help the Council to achieve the following Corporate Aim and approaches:

To make South Cambridgeshire a safe and healthy place where residents are proud to live, and where there will be opportunities for employment, enterprise and world-leading innovation. We will be a listening Council, providing a voice for rural life and first-class services accessible to all.

With the five key corporate aims:

AIM A – We are committed to being a listening Council, providing first class services accessible to all

AIM B – We are committed to ensuring the South Cambridgeshire continues to be a safe and healthy place for you and your family

AIM C – We are committed to making South Cambridgeshire a place in which residents can feel proud to live

AIM D – We are committed to assisting provision of local jobs for you and your family

AIM E – We are committed to providing a voice for rural life.

Member Development Strategy

We are building an approach to member development that promotes strong leadership and a high performance culture - a culture which is adaptable to new ways of working, sharing responsibility with our partners for the delivery of good quality services, and continually seeking improvements in our performance.

This strategy has been developed by a Member Task Group set up by the Portfolio Holder responsible for member development. It has been subject to consultation with all elected Members and informal discussions between the Portfolio Holder and political group leaders, and has the support of Cabinet and the (officer) Executive Management Team (EMT). After the strategy has been adopted, the Task group's next objective will be to oversee changes to the Council's working practices to ensure that the authority achieves Member Development Charter Status during 2011/12.

The strategy has been adopted by the Council and is therefore owned by every Councillor. It will primarily be the responsibility of the Portfolio Holder responsible for member development to ensure that the strategy is reviewed annually.

2. Achievements so far

The Council has made significant strides recently in its efforts to improve the quality, frequency and relevance of Member training and development. Between April 2010 and March 2011, we carried out activities in many areas, including:

- Signing-up to the Member Development Charter;
- New Member induction, comprising a targeted induction day for newly-elected Members which followed the May 2010 local elections;
- Basic training in key areas of the Council's services on finance, planning, licensing and employment;
- A member development programme of training modules on key areas of need based on a representative series of interviews with Members;
- Advertising these through the Councillors' Weekly Bulletin and through a monthly paper list of the forthcoming training events;
- Attendance by Cabinet and other leading Members on the National Leadership Academy.

We are very grateful to the East of England Local Government Association who have funded the £3,000 necessary to fund the guidance and assessment by the South East Employers. The Council achieved its performance indicator target of 79% of its Members attending a skills training session during the course of the year. By achieving the Member Development Charter the Council will be able to maintain this momentum and ensure a greater focus on the quality, not just the quantity, of training opportunities for our Members.

Member Development Strategy

3. Objectives

Our objectives for member development are:

- To provide elected members with flexible and responsive training and development that is based on individual and organisational needs.
- To ensure members are in a position to function fully within their roles, working with officers and partners, especially parish councils, in order to achieve the vision and aims of the council.
- To achieve Member Development Charter status in 2011/12.

4. Delivery

Responsibility for achieving Charter status and delivering the member development strategy rests with the Portfolio Holder responsible for Member Development. Democratic Services are responsible for the operational delivery of specific initiatives identified in the annual work programmes. It is the responsibility of the political groups to ensure that their Members take advantage of the training and development opportunities presented. The Portfolio Holder will keep the strategy and annual work programmes arising from it under review. EMT and group leaders will receive reports to ensure that the strategy continues to be relevant, fit-for-purpose and driven from the most senior level of the Council's management structure.

The strategy will be delivered through a Member Training and Development Programme which will be agreed following the adoption of the strategy and reviewed annually.

- This programme will be compiled after an analysis of training and development needs highlighted through the one-to-one / self-assessment development review process.
- The Portfolio Holder will develop and agree the annual programme following wide consultation with all Members and the support of a dedicated task and finish group
- The programme will provide a single, comprehensive point of reference for **all** Member training and development initiatives, including the resource implications of each.
- Any formal training event provided in house will record attendance and give all attendees an evaluation form to complete.
- Partnership training opportunities with other local authorities and partners will be sought.

5. Timetable

The timetable for agreeing the Training and Development Programme each year will be as follows:

- September-October: Annual development reviews completed by Members.
- November-January: The Portfolio Holder will develop a training programme for the following year and will consider setting up a task and finish group for this purpose."
- February: Portfolio Holder agrees the annual programme, including detailed costings.

Member Development Strategy

- May: Programme implementation begins

The Democratic Services section will lead on the provision of administrative and other support for this process and will provide the central reference point for the arrangement of training and development initiatives carried out as part of the annual work programme.

6. Responsibilities

The Portfolio Holder responsible for member development will, with officer support::

- Champion and encourage Member development in the council;
- Keep the Member Development Strategy and the Training and Development Programme under review through shaping and prioritising member development activities;
- Promote the Strategy and training and development activities among all Members of the council;
- Monitor and evaluate training and development activities.

This strategy places responsibility on **all Members** for:

- A commitment to lifelong learning;
- Improving their own performance;
- Helping others to improve their performance;
- Participating fully in the preparation and maintenance of individual development plans;
- Applying what they have learnt to their council roles;
- Communicating their development needs via their member development interview, or via their group leader, the Portfolio Holder responsible for member development or officers;
- Ensuring their attendance at courses that have been arranged, to which they have signed up.

7. Types of training and development

The strategy identifies three main types of Member training and development:

I. Core Skills Programme

The core skills training and development programme will be developed within the following four contexts:

- i. **Strategic Leadership** – this will aim to ensure members understand national developments and policy areas that will impact on their leadership and representational role in South Cambridgeshire. Training / briefings will be on such issues as:
 - Local government white papers
 - National policies, strategies and programmes

Member Development Strategy

- Local government performance regimes
- Roles and responsibilities of local government tiers
- Regional working
- ii. **Corporate Governance** – this will aim to ensure members understand the depth and breadth of their roles and responsibilities in governing the district council. Training / briefings will be on such issues as, for example:
 - Strategic planning within the council
 - Corporate objectives, and the links to service plans, team and individual targets
 - Local government finance
 - Medium term planning
 - Performance and risk management
 - Effective scrutiny
 - Equalities, diversity and community cohesion
 - Role of elected members within communities
 - Partnership working
 - Briefings on forthcoming legislation relevant to the Council
- iii. **Technical Skills** – this will aim to provide specific skills training for members based on their individual needs. We will use the process (see below) to help identify specific training and development needs. Training / briefings / support will include skills training such as:
 - Leadership
 - Strategic thinking
 - Scrutiny and questioning
 - Change management
 - Media and communications
 - Chairing and managing meetings
 - Public speaking / presentation
 - Negotiation / influencing
 - Report writing / speed reading
 - Time management
 - Accessing e-mails and use of ICT
- iv. **Personal Support** – this will aim to provide support within the main political groups and personal support to members through mentoring.

II. Development reviews

- To carry out development reviews (through one-to-one interviews) on an annual basis with all members in order to:

Member Development Strategy

- Establish their role for that year;
- Agree their objectives (both personal and organisational);
- Identify any support and development required;
- Agree the most appropriate method of answering that need;
- Inform the annual Member Training and Development Programme.
- From the annual development review, to produce a training plan for every elected member.

III. Induction Programme

To have a comprehensive Induction Programme for newly elected (and re-elected) members that is spread out over their first three months and includes the following:

- An informal welcome to South Cambridgeshire District Council with the opportunity to meet key people from each service.
- An introduction to South Cambridgeshire District Council, how it is structured, who does what and where, and its corporate objectives and service priorities.
- An introduction to the Local Strategic Partnership and partnership working.
- An introduction to how the Council operates financially and the impact this has on elected members.
- An introduction to the scrutiny function and how to be effective at meetings attended.
- Mandatory training for members wishing to sit on regulatory committees.
- To support newly-elected members through their first year with a mentoring system, so that they are partnered with a member of their group to give help and support when required.

8. Training methods

We will consider a variety of methods to train and develop our members. Some or all of the following may apply:

- Attendance on national training and development programmes
- Coaching / mentoring (on-the-job), planned and appropriate time put aside to maximise effectiveness
- In-house training courses at times convenient for Members
- CD ROM / on-line computer based learning packages
- Planned experiences outside the organisation e.g. visits to other authorities and participation in partnership learning
- External courses / conferences / seminars
- Distance learning courses
- Library materials
- Group briefings

Member Development Strategy

A list of training and development activities for members will be continually updated and will be available in print and electronic forms.

9. Resourcing

The strategy will not achieve its aims unless it is adequately funded by the Council. The Member training and development budget for 2010-2011 is around £5,000, and in addition there are separate budgets for training on licensing, scrutiny and standards. We currently have no staff whose sole jobs are to organise and carry out training and development. The annual training and development programme will identify the resource implications of training initiatives being offered; the programme will need to be cost-effective and budgeted for within the Medium Term Financial Strategy and annual revenue budget.

Wherever possible, the Council will make best use of the talent, skills and knowledge available internally, and will work with key external partners to carry out training and identify funding and other support which may become available.

10. Outcomes

The strategy will be effective if the following outcomes, against which it will be measured, are achieved:

- (1) The objectives for member development set out in section 3 above are met.
- (2) It leads to a commitment to member development from all levels of the council and an individual commitment to development from members themselves.
- (3) The member training and development programme reflects individual development requirements, and assists members in achieving the Council's corporate objectives.
- (4) Member training and development contributes to improving the authority's effectiveness.
- (5) Evaluation and feedback from training and development initiatives make members aware of the impact of their investment in their own training and development on the performance of the council.
- (6) The Council achieves the Member Development Charter.