

## Part 4 – Codes and Protocols

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## Section 1 – Code of Conduct for Members and for Co-opted Members of Council Committees, Sub-Committees and Scrutiny Commissions

When acting in my official capacity as a member or co-opted member of Lambeth Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act (the Act) provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

The Act further provides for registration and disclosure of interests and in Lambeth Council this will be done in accordance with Part 2 of this Code of Conduct. Members are required to register these interests within 28 days of

their election and keep the register up to date by notifying any changes with 28 days to the Monitoring Officer.

As a Member of Lambeth Council, my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of Lambeth Council or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Treating people with due respect, including the organisations and public I engage with and those I work alongside.

- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

## Part 2

### Interests

This part explains the requirements of the Act and of The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 in relation to disclosable pecuniary interests. These are enforced by criminal sanction.

#### 1. Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the Council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Land	Any beneficial interest in land which is within the Council's area.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge)— (a) the Council is the landlord; and (b) the tenant is a body in which you or your partner has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to your knowledge) has a place of business or land in the Council's area; and (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

In the above schedule:

**“body in which you or your partner has a beneficial interest”** means a firm in which you or your partner is a partner or a body corporate of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest;

**“director”** includes a member of the committee of management of an industrial and provident society;

**“land”** excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly with another) to occupy the land or to receive income;

**“relevant period”** means the period of 12 months ending with the day on which you notify the Monitoring Officer of any disclosable pecuniary interest;

**“securities”** means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial

Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## 2. Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the Council's website.

## 3. Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Act.

## 4. Non-participation in case of disclosable pecuniary interest

(a) If you are present at a meeting of the Council, or any committee, sub-committee, joint committee or joint sub-committee of the Council, or any meeting of the Cabinet or a committee of the Cabinet, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

- You may not participate in any discussion of the matter at the meeting
- You may not participate in any vote taken on the matter at the meeting
- If the interest is not registered, you must disclose the interest to the meeting
- If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days

**Note:** In addition, Standing Order 4.4 requires you to leave the room where the meeting is held while any discussion or voting takes place.

(b) Where a Cabinet Member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the Cabinet Member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

## 5. Dispensations

The Monitoring Officer may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

## 6. Offences

It is a criminal offence to:

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As a Cabinet Member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

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## **Section 2 – Memorandum of Councillors’ Rights, Responsibilities and Officer Relationships**

### **1. INTRODUCTION**

- 1.1. This memorandum sets out the rights and responsibilities of councillors and explains how the relationship between councillors and officers is to be governed.
- 1.2. The memorandum supplements the Members' Code of Conduct and the statutory and common law rights of councillors. It does not replace them. Any breaches of this memorandum by councillors will be treated as if they were breaches of the Members’ Code of Conduct on the basis that any breach may bring the Council or councillor into disrepute.

### **2. COUNCILLORS’ RIGHTS**

- 2.1. Councillors’ rights to support from officers and to access to information do not stem from the seniority of their position in the Council, their role as a Cabinet Member or their membership of the Party Group or Groups which form the Council's administration.
- 2.2. Councillors are entitled to support by virtue of their position as elected representatives of the people of Lambeth. As such all councillors irrespective of political party have a right to receive support from officers and to receive information provided that that support and information is necessary for the performance of their function as a councillor.
- 2.3. Clearly it will be easier for a Cabinet Member to establish a 'need to know' something than for a back bench councillor. Where, however any councillor can demonstrate a need to know something in connection with a committee on which they serve or in connection with a ward matter or constituent's query then they will be entitled to that information. In cases of dispute about the right to information or support the Director of Corporate Affairs shall decide the issue.

Reference should be made to Annex A for further clarification of councillors’ Rights of Access to Information



### **3. OFFICERS AND COUNCILLORS' RELATIONSHIP**

- 3.1. Councillors and officers are required to act in a manner that engenders mutual respect; to avoid over familiarity; and to recognise the duties that officers owe to the Council as a whole.
- 3.2. Councillors and officers shall strive to preserve the distinction between policy making which is the preserve of councillors and management and implementation of policy which is an officer responsibility. This should lead to efficiency of decision making and clarity of responsibility.
- 3.3. A more detailed Protocol on Councillor and Officer Relations is set out in Annex B

### **4. OFFICERS DUTIES**

- 4.1. The Council's arrangements give officers delegated powers and it is reasonable that all councillors should have the opportunity to scrutinise the way that those decisions are made and the decisions themselves.
- 4.2. Senior officers exercising delegated powers recognise that the public has a right to know that those decisions are not influenced by private considerations. All officers must complete and keep updated the declaration of interest form that applies to officers. The forms will be kept by Human Resources and further details are set out in the Officer Code of Conduct.
- 4.3. Officers will keep written records of the decisions that they make under delegated authority in accordance with the requirements of the Council's Constitution. In cases requiring consultation they shall ensure that all relevant parties' views are sought before taking any action. Officers shall take particular care to ensure that Ward Members are aware of substantial (non-key) decisions affecting their Ward, as key decisions are included in the Forward Plan in any event
- 4.4. Officers (save those employed in the political group offices) are employed by the Council to act on behalf of the whole Council. They are not employed as the servants of a particular political party or a particular councillor. Officers shall ensure that their professional advice is made available to the whole Council even if that is unpalatable to any particular sectional interest. Councillors will respect officers' responsibilities to the whole Council.

## Annex A

### Councillors' rights of access to information

1. Section 2 of this memorandum broadly details councillors' rights of access to information. This annex attempts to clarify those rights further.
2. The rights of access relate to 'Council documents'. They do not therefore cover documents or information which are not the property of the Council and, in the case of the statutory right to access, which are not in the possession or under the control of the Council. In practical terms, therefore, communications between councillors of one political party would not be disclosable to another party.
3. The common law right is also founded on the principle of the "need to know". A councillor's motives are therefore relevant in deciding whether information should be disclosed to them. If the information is necessary for a councillor to carry out their function as such then a need to know can be established. If however the request is made out of simple curiosity or for some other ulterior motive the Council is entitled to consider whether access should be granted.
4. Confidentiality is also an issue that needs to be considered. Councillors who receive information in confidence take on a personal responsibility and liability not to improperly disclose that information to other persons. In the case of councillors who can establish a need to know confidential information, to avoid unwarranted disclosure of confidential matters, the Council may from time to time arrange for access to documents to be given but not provide for copies to be taken.
5. In practical broad terms, under the Council's decision making arrangements, rights of access are as follows:

Leaders of parties and members of the Cabinet are entitled to sight of documents and information relating to matters that are to be considered by the Cabinet in the near future.

Cabinet Members and designated opposition councillors are entitled to briefings by officers about Council business. The only caveat is that the councillor concerned would need to be able to show that the briefing is necessary for them to carry out their duties as a councillor.

Arrangements may need to be made from time to time to protect confidential information the disclosure of which would damage the Council. Those arrangements would be discussed on a case by case basis with party leaders.

A councillor is not entitled to inspect any document or have access to any information about a matter in which he or she has a Disclosable Pecuniary Interest or where to do so would be in breach of the Data Protection Act 1998.

There is no right of access to papers which do not 'belong' to the Council. Inter member correspondence and papers are not therefore open to others.

6. A councillor may appeal to the Director of Corporate Affairs against a decision to refuse them access to documents.

## **Annex B**

### **Protocol on councillor /officer relations**

#### **1. Principles underlying councillor officer relations**

The principles underlying this protocol are as follows:

- a. There shall be mutual respect and a professional working relationship between councillors and officers with regard to their respective roles set out below.
- b. Both councillors and officers shall carry out their respective duties in the best interests of the Council.

#### **2. Roles of councillors**

- a. To comply with policies relating to equality issues, as agreed by the Council, in addition to legal requirements.
- b. To establish a strong working partnership with officers to facilitate the provision of high quality services to the community of Lambeth.
- c. To work cooperatively with the community on the co-design and co-development of Council policy.
- d. To monitor and review performance in implementing policy and delivering services.
- e. To provide guidance to officers on how those policies are to be implemented, either if councillors wish to do so, or if officers ask for guidance.
- f. Councillors will not seek to involve themselves in the day-to-day management or operational activities of the Council.
- g. To represent the views of their ward constituents.
- h. To be responsible to the electorate and to serve until their term of office expires.
- i. To act in accordance with the Members' Code of Conduct.
- j. To consult with the Monitoring Officer and the Chief Finance Officer about vires, maladministration, financial impropriety and probity or where they have any doubt as to whether a particular decision is, or is likely to be, contrary to the policy framework, or contrary to, or not wholly in accordance with the budget.

- k. Councillors must respect the obligations of staff who have legal responsibilities over and above their obligations to the Council and councillors. Councillors must not obstruct officers in the discharge of these responsibilities or victimise them for discharging these legal duties.
- l. Councillors must respect officers' political impartiality and must not ask them to undertake work of a party political nature, other than in relation to officers employed in the political group offices
- m. Councillors must not do anything which compromises, or which is likely to compromise, the impartiality of officers or those who work on behalf of the Council, other than in relation to officers employed in the political group offices
- n. Councillors must not abuse or seek to undermine officers or subject them to rudeness or ridicule in open meetings and forums or on any other occasions either through the press or otherwise. Councillors are not prevented from being critical of an officer or of the advice that they receive or of the quality of reports before them. But the manner of the criticism should have regard to this guidance.
- o. Councillors must not bully Officers or put them under undue pressure.
- p. Councillors must have regard to the seniority of officers in determining what is a reasonable request for information or action and must not take advantage of the power relationship between councillors and officers, and the potential vulnerability of officers, particularly at junior levels.
- q. Councillors must not allow close personal familiarity with an officer to adversely affect the good working relationship that should be held with all officers.
- r. When Councillors are involved in the appointment, disciplining or dismissal of staff they will be mindful at all times of their duty to act fairly. When involved in the appointment of staff they will comply with their legal duty to appoint the best person for the job and they will not let personal or political preferences sway them. They will not canvass colleagues to support any particular candidate. Special rules apply to the appointments of assistants to political groups
- s. Only the Cabinet, a committee, a sub-committee or an officer or Cabinet Member with delegated authority can instruct an officer to do anything. An individual councillor, other than a Cabinet Member with delegated authority, cannot. If such a councillor wishes a particular matter carried out it should be raised at the Cabinet or the appropriate committee. This will allow all councillors to be involved in this matter and will avoid the impression that scarce resources are being inappropriately used.

- t. Councillors must not use their position or relationship with officers to advance their personal interests or those of others to influence decisions improperly.

### **3. Roles of officers**

- a. To comply with policies relating to equality issues, as agreed by the Council, in addition to legal requirements.
- b. To implement the policies set by councillors.
- c. To ask for guidance on implementation of the policies set by councillors if they are unclear about any aspect of those policies.
- d. To give such professional advice to councillors as may be required of them from time to time, which must include all relevant options.
- e. To carry out their delegated functions to the best of their ability and in the interests of the Council.
- f. To be and be seen to be politically impartial and act in a politically impartial way, other than in relation to officers employed in the political group offices.
- g. Officers are under a duty to help all councillors and all parts of the Council equally.
- h. Officers must not set policy other than as may have been delegated under the Scheme of Delegation.
- i. Officers must not act or fail to act where this would be unlawful or illegal or which would be likely to amount to maladministration.

### **4. Relationships between Chairs and Members of Overview and Scrutiny Committees and Officers**

The Chair and Members of the Council's Overview and Scrutiny Committees shall:

- a. Seek the advice of the Monitoring Officer where they consider there is doubt about the vires for a decision, or the Monitoring Officer and other appropriate officers where they consider a decision of the Cabinet might be contrary to the policy framework.
- b. Consider the seniority of the officers asked to appear before the Committee, to ensure that more junior officers are not put under undue pressure.

- c. Where they consider it appropriate, ask officers to explain and justify advice given to councillors prior to decisions being taken and justify decisions they themselves have taken under the Scheme of Delegation.
- d. Not question officers in such a way as to be in breach of the Councillors Protocol on councillor/officer relations, above, nor deal with matters which are of a disciplinary nature.
- e. At all times respect the political impartiality of the officers, other than those employed in the political group offices.

Officers shall:

- f. Maintain political impartiality at all times when commenting on the Council's policies and actions, other than those employed in the political group offices.
- g. Be prepared to explain and justify advice given to councillors prior to decisions being taken and justify decisions they themselves have taken under the Scheme of Delegation.
- h. Ensure that an officer of sufficient seniority appears before the relevant committee.

## **5. Officer relationships with party groups**

With the exception of officers employed in the political group offices, all officers shall comply with the following:

- a. Meetings of political groups are essentially political forums and as such are not attended by officers.
- b. Officers may attend these meetings to provide briefings only with the express permission of the Chief Executive, Strategic Directors or Directors and in such instances a similar briefing should be offered to all the political groups on the Council.
- c. Officers shall exercise care when giving briefings or commenting on the policies and actions or any of the Council's committees or panels and maintain political impartiality at all times.
- d. Officers shall respect the confidence of the group discussions.
- e. Officers cannot represent the views of a group to a Council or outside body.
- f. Councillors shall ensure they do not do anything which may compromise officer impartiality.

- g. Members shall recognise that Party Groups are not empowered to make decisions on behalf of the Council and that any conclusions reached by such Groups will not be allowed to be actioned by officers.

## **6. Relationships between councillors in their Ward role and Officers**

When acting in their ward role, councillors need to:

- a. be mindful of their competing roles, i.e. acting for the Council and acting for constituents, and the possible conflicts of interest that can arise and the pressure this can bring on officer time.
- b. recognise the officers' right to suggest that senior officers, the Council, Cabinet or a Committee should authorise additional work requested by individual councillors.

## **7. Other individuals who are members of Council Bodies**

- a. This protocol applies to all those people who are not councillors but who are members of or attend any of the Council's committees or any other bodies.

## **8. Press Releases**

All press releases should:

- a. Be issued through the Council's Press Officer
- b. Be concerned with matters of policy and/or which relate to the Council's functions
- c. Comply with the Code of Practice on Local Authority Publicity

## **9. Correspondence**

- a. When councillors are writing they must make it clear whether they are writing on behalf of the Council or as the Ward Member.
- b. Individual councillors, other than Cabinet Members, do not have the delegated authority to commit the Council to any contract or course of action and need to take care not to give the impression that they have such authority.
- c. All correspondence should be open to inspection by the public and in accordance with the Council's adopted policies. This does not apply to correspondence written in connection with legal proceedings, contractual matters or any other matter where papers can remain 'exempt' within the meaning of Rule 10.4 of the Access to Information Procedure Rules or if this is in conflict with the data protection legislation.



## **10. Breach of Protocol**

Any breaches of this memorandum by councillors will be treated as if they were breaches of the Members' Code of Conduct on the basis that any breach may bring the Council or councillor into disrepute. Similarly, any breaches by officers will be treated as if they were breaches of the Officer Code of Conduct.

## Section 3 – Protocol for Use of Council Resources by Councillors

### 1.0 INTRODUCTION

- 1.1 The Council's Members' Code of Conduct states as follows:  
"As a Member of Lambeth Council, my conduct will in particular address the statutory principles of the code by:

Behaving in accordance with all legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the authority's resources."

- 1.2 The purpose of this Protocol is to assist councillors in discharging the responsibilities set out under paragraph 1.1 above.
- 1.3 This Protocol should be read specifically in conjunction with the Memorandum of Members' Rights, Responsibilities and Officer Relationships and any other Code or Protocol as may be appropriate, which are set out in Part 4 of the Council's Constitution.

### 2.0 SUPPORT SERVICES FOR COUNCILLORS

#### 2.1 General Principles

- 2.1.1 The Council only has power to provide support services to councillors to assist them in the effective and efficient discharge of their duties and role as members of the Council. Such support services can therefore only be used for the efficient discharge of Council duties and not for private purposes or in connection with party political or electoral campaigning activity. For the avoidance of doubt, any expenditure by the Council on activities designed to affect public support for a political party would be unlawful.
- 2.1.2 Councillors must not abuse these facilities. This Protocol sets out the general principles that should be followed by councillors.
- 2.1.3 This Protocol does not affect the activities of councillors using other resources, for example, using support and resources provided by their political parties.
- 2.1.4 Councillors must not use any facilities for their own private purposes, unless they are just using spare capacity at no cost to the Council and in accordance with any instructions given by the Council.

## **2.2 Stationery, photocopying and postal services**

- 2.2.1 Council stationery and photocopying, despatch and postal facilities, wherever provided, are available to provide support to councillors. These services are provided to assist councillors in the performance of their official Council duties and with constituents' casework only. Councillors must not use these resources in connection with party political matters.
- 2.2.2 The Council's postal facilities are available to councillors on matters relating to their duties as councillors, specifically:
- (a) responding to an individual or small group of constituents on specific matters raised by them.
  - (b) communication with an individual or small groups of constituents on specific matters directly affecting them.
  - (c) communication with other organisations as part of dealing with issues raised by constituents.
- 2.2.3 Council post is not available for mail shots, circular letters, the distribution of leaflets or the posting of general information to constituents other than in the circumstances described above. Neither is it available for posting any material which could not be lawfully produced by the Council.
- 2.2.4 Other than responses to casework and in exceptional circumstances post should be sent second-class.

## **2.3 IT facilities and equipment**

Councillors must abide by the guidance that has been issued by the Council regarding the use of IT facilities and equipment and which may be varied from time-to-time.

## 2.4 Councillors' allowances

Councillors' allowances, and subsistence and travel expenses, are paid in accordance with the Members' Allowance Scheme. Councillors may only claim expenses that they have actually incurred, and that they needed to incur for Council activities.

## 3.0 POLITICAL PUBLICITY

- 3.1 Subject to the laws on defamation and discrimination, a councillor is entitled to express his/her political views in communications with constituents, the public, the media and otherwise provided that s/he does not use Council resources or support to do so.
- 3.2 The Council is subject to legal constraints and it is unlawful for the Council to publish material which in whole or in part appears to be designed to affect public support for a political party. "Publicity" has a very wide legal definition and includes any communication to any section of the public.
- 3.3 Any information produced using Council facilities and resources:
- (a) must not promote or denigrate a political party;
  - (b) must not promote or denigrate policies that are clearly those of a political party;
  - (c) must not draw attention to the political group to which a councillor belongs;
  - (d) must not emphasise the political party to which a member belongs by the use of a large font, unnecessary repetition, design features, etc. A single incident, low-key reference to the political group only is permissible.
  - (e) must not include slogans, strap lines, logos or other design features identifiable with a political party;
  - (f) must be objective, balanced, informative and accurate;
  - (g) must not consist of campaigning or persuasive material, as opposed to informative material, except where this is a legally acceptable Council function, for example; it is permissible to encourage a person to register to vote
- 3.4 In considering whether material appears to be designed to affect public support for a political party, regard should be had to the:
- (a) content and style of the material
  - (b) time and other circumstances of publication
  - (c) likely effect on those to whom it is directed
  - (d) whether the material

- (i) refers to a political party or persons identified with a political party;
    - (ii) promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another.
  - (e) where the material is part of a campaign, the effect the campaign appears to be designed to achieve.
- 3.5 If the material could be considered to be “party political” under the above criteria, then any expenditure by the Council could be challenged as being unlawful. It could, however, be issued by the political party at its own expense.
- 3.6 The recipient of any information must be able to clearly distinguish between information coming from the Council and information coming from a party political source. Neither the material produced using Council resources nor the envelope in which it is sent should contain party political material including:
- (a) tear off slips to join a political party;
  - (b) response facility via freepost to a political party office;
  - (c) political posters;
  - (d) political party address or website, local or national;
  - (e) political party literature;
  - (f) recruitment literature.
- 3.7 Under no circumstances should the Council logo be used as part of any political publicity produced by or on behalf of councillors, using non-Council resources.
- 3.8 Officers must not be asked to prepare documents which are: for a councillor’s private purposes; party political; defamatory; discriminatory; or which purport to be on behalf of another councillor.

#### **4 BREACHES OF THIS PROTOCOL AND INTERPRETATION**

- 4.1 Allegations of any breach of this Protocol must be made in writing to the Monitoring Officer.
- 4.2 A breach of this Protocol may also amount to a breach of the Members' Code of Conduct.
- 4.3 The Monitoring Officer will determine questions of interpretation of this Protocol.

## Section 4 – Gifts and Hospitality Protocol for Councillors

The acceptance of gifts and hospitality by councillors is not merely an administrative issue. It reflects directly upon the perception of councillors and of the Council as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit councillors can get out of their position.

The law on the acceptance of gifts and hospitality is primarily set out in the Bribery Act 2010. By way of summary, in order for hospitality to be considered bribery under the Act, the prosecution will need to show that it was given with the intention of inducing improper conduct from the recipient with regard to their business, trade or profession. In other words, such hospitality and gifts need to be given with the intention of persuading the other party to improperly award business to him. Gifts and hospitality are not criminal under the Act if provided simply to improve a relationship and/or network. Bona fide hospitality, promotion or expenditure seeking to improve a company's image, present products or establish cordial relations is a legitimate and an important part of doing business. Such behaviour is not intended to be criminalised.

In addition, the Council's Code of Conduct for Members states:

As a Member of Lambeth Council, my conduct will in particular address the statutory principles of the code of conduct by:

- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the authority's resources.

These requirements are then supplemented by this Protocol, to provide a clear set of rules for the protection of both councillors and the authority. This Protocol sets out:

- (a) the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality
- (b) a procedure for obtaining consent to accept a gift or hospitality, when you consider that it would be proper to accept it
- (c) a procedure for declaring any gift or hospitality which you receive and for accounting for any gift to the authority

This Protocol does not apply to the acceptance of any facilities or hospitality which may be provided to you by this authority. For the avoidance of doubt, this Protocol applies to all councillors, although there are specific procedures in respect of activities relating to the Mayor's Charity Fund. Any breaches of this Protocol by councillors will be treated as if they were breaches of the Members' Code of Conduct on the basis that any breach may bring the Council or councillor into disrepute

## **1** General Principles

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out below, you should not accept it if to do so would be in breach of one or more of these principles:

**(a) Never accept a gift or hospitality as an inducement or reward for anything you do as a councillor**

As a councillor, you must act in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

**(b) You should only accept a gift or hospitality if there is a commensurate benefit to the authority.**

The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the authority which would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to network or to progress the business of the authority expeditiously through a working lunch, or to canvass the interests of the authority and its area at a meeting. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the authority is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

**(c) Never accept a gift or hospitality if acceptance might be open to misinterpretation**

The appearance of impropriety can be just as damaging to the authority and to you as a councillor as actual impropriety. The authority's ability to govern rests upon its reputation for acting fairly and in the public interest. You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the authority favours any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so

interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

- (i) occasions when the authority is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer.
- (ii) determinations of planning or licensing applications or planning or licensing policy, in respect of any person or organisation which stands to gain or lose from the determination,
- (iii) funding decisions, when the authority is determining a grant application by any person or organisation.

**(d) Never accept a gift or hospitality which puts you under an improper obligation**

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the authority.

**(e) Never solicit a gift or hospitality**

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a councillor unless the acceptance of that gift or hospitality would be permitted under this Protocol. You should also take care to avoid giving any indication that you might be open to any such improper offer.

## **2** [Consent regimes](#)

**(a) General consent provisions**

For clarity, the authority has agreed that you may accept gifts and hospitality in the following circumstances:

- (i) civic hospitality provided by another public authority.
- (ii) modest refreshment in the ordinary course of your duties as a councillor
- (iii) tickets for sporting, cultural and entertainment events which are sponsored or promoted by the authority or any body to which



you have been appointed by the authority, and the tickets are offered in relation to that sponsorship or promotion.

- (iv) small gifts of low intrinsic value
- (v) modest souvenir gifts given on the occasion of a visit by or to the authority.
- (vi) other unsolicited gifts not covered above, where it is impracticable to return them to the person or organisation making the gift, will be donated to the Mayor's Charity Fund, or dealt with under the Special Consent provisions below.

**(b) Special consent provisions**

If you wish to accept any gift or hospitality which is in accordance with the General Principles set out in Paragraph 1, but is not within any of the general consents set out in Paragraph 2(a), you may only do so if you have previously obtained specific consent in accordance with the following procedure:

You must make an application in writing to the Monitoring Officer, setting out:

- (i) the nature and your estimate of the market value of the gift or hospitality
- (ii) who the invitation or offer has been made by or on behalf of
- (iii) the connection which you have with the person or organisation making the offer or invitation, such as any work which you have undertaken for the authority in which they have been involved
- (iv) any work, permission, concession or facility which you are aware that the person or organisation making the offer or invitation may seek from the authority
- (v) any special circumstances which lead you to believe that acceptance of the gift or hospitality will not be improper

You must not accept the gift or hospitality until you have received the appropriate consent.

The Monitoring Officer will arrange for details of any approval to be entered in a register maintained by the Head of Democratic Services & Scrutiny which will be available for public inspection on the occasion of the public inspection of the authority's accounts for the relevant year.

### **3 Reporting and Registration of Gifts and Hospitality**

Where you accept any gift or hospitality in accordance with this Protocol you must, as soon as possible after receipt of the gift or hospitality, make a declaration in writing to the Head of Democratic Services & Scrutiny setting out the information set out in Paragraph 2(b) above. A form for this purpose is attached to this Protocol, but you can send the same information by any convenient means. The Head of Democratic Services & Scrutiny will acknowledge receipt and retain a copy of any such declaration in a register which will be available for public inspection until the approval of the authority's accounts for the year in question.

If you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

### **4 Gifts to the authority**

Gifts to the authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function which is organised or supported by the authority. You should not solicit any such gift on behalf of the authority except where the authority has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances and developers' contributions under Section 106 Agreements. If you receive such an offer on behalf of the authority, you must first consider whether it is appropriate for the authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the authority under any improper obligation, whether there is a real benefit to the authority which would outweigh any dis-benefits). If you do not have delegated authority to accept the gift, you should report the offer directly to the Monitoring Officer who has such delegated authority, together with your recommendation. The Monitoring Officer will then write back to the person or organisation making the offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the authority. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the authority to accept the gift, you should consult the Monitoring Officer directly.

## Member's Declaration of Receipt of Gifts or Hospitality

Name	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it? Describe the circumstances, including when made and accepted.	
Does it come within one of the general consents set out in the Gifts and Hospitality Protocol for Members? If so, which?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your role as a Councillor with the person or organisation providing the gift or hospitality?	
Signed	Date

## **Section 5 – Protocol for Members of the Planning Applications Committee**

This Protocol requires revision in light of the changes in the rules relating to interests and predetermination introduced by the Localism Act 2011. Pending the adoption of a revised Protocol, members of the Committee are requested to seek advice from the Director of Corporate Affairs or his representative.

### **1. PURPOSE OF THIS PROTOCOL**

- 1.1 The purpose of this Protocol is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, not impartial or not well founded in any way.
- 1.2 The role of members of the Planning Applications Committee is to make planning decisions openly, impartially, with sound judgement and for justifiable planning reasons.
- 1.3 This Protocol applies to Members at all times when involving themselves in the planning process, including meetings of the Planning Applications Committee, meetings with officers, site visits and meetings with developers and objectors.
- 1.4 This Protocol supplements the Members' Code of Conduct for the purposes of planning control. Any breaches of the protocol will be treated as if they were breaches of the Members' Code of Conduct on the basis that any breach may bring the Council or Member into disrepute.

### **2. MEMBER TRAINING**

- 2.1 All members of the Planning Applications Committee, including substitute members, must attend member training sessions provided by the Council. A programme of regular training sessions will be provided with the aim of ensuring that no member of the Planning Applications Committee (including substitutes) attends the meeting without having had the benefit of appropriate training.

### **3. DECLARATIONS OF INTEREST**

- 3.1 Particular care should be taken by members of the Planning Applications Committee when declaring interests because of the large amount of interest in, and potential financial consequences of many planning decisions.

Within 28 days of becoming a member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'. Section 1, Part 2 of the Members' Code of Conduct provides guidance on the definition of 'disclosable pecuniary interests'.

### 3.2 If you have a disclosable pecuniary interest

- i) You should not take part in the consideration of any planning application. You should not attend any site visits. You should not participate, or give the appearance of trying to participate, in the making of any decision on the matter.
- ii) You should not lobby fellow members of the Planning Applications Committee or those involved in the process. You should not discuss the matter with fellow members.
- iii) You should not seek or accept any preferential treatment, or place yourself in a position that could lead the public to think that you are receiving preferential treatment because of your position as a councillor.

3.3 When making your own application or when acting as agent for another you should take no part in the decision making process.

3.4 If you are present at a meeting of the Planning Applications Committee and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

- i) You may not participate in any discussion of the matter at the meeting
- ii) You may not participate in any vote taken on the matter at the meeting
- iii) If the interest is not registered, you must disclose the interest to the meeting
- iv) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days

In addition, Procedure Rule 4.4 (see Part 3 Section 1 of the Constitution) requires you to leave the room where the meeting is held while any discussion or voting takes place.

## 4. POLITICAL AFFILIATION

4.1 Whilst you may be aware of the views of others and of your party in particular, it is your responsibility alone to decide what view to take on any question which councillors have to decide. You must approach decision making with an open mind in the sense that you must have regard to all material considerations and be prepared to change your views if persuaded that you should after consideration of the relevant material

planning considerations.

- 4.2 Voting along political lines is not a material consideration to the grant of planning permission and serves to make the debate at the Planning Applications Committee meaningless. Agreed voting in the consideration of a planning application has been held to be maladministration by the Ombudsman.
- 4.3 With regard to any group discussions that fall short of party group voting, it should be remembered that the public perception of your behaviour is important. It is not enough to avoid actual impropriety, you should avoid any occasion for suspicion and any appearance of improper conduct.

## 5. LOBBYING

- 5.1 If you are lobbied in connection with a planning application, at whatever stage of that application you should suggest to those who are lobbying you that they contact the relevant officer in order that their opinions can be included in the officer's report to the Committee. You should not normally express an opinion in relation to a planning application until the matter is presented to the Committee. However, if in exceptional circumstances you feel compelled to express an opinion, you should make it clear that your views are provisional and that you will only make up your mind once you have heard all the facts and evidence at the Planning Applications Committee meeting.
- 5.2 Explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality to express a firm point of view or an intention to vote one way or another.
- 5.3 Do not accept gifts or hospitality wherever possible. If a degree of hospitality is unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is over £25 (in accordance with the Gifts and Hospitality Protocol for Councillors).
- 5.4 Unless you have a disclosable pecuniary interest this Protocol does not prevent you from:
- Being able to listen/receive viewpoints from residents or other interested parties.
  - Expressing a view about the merits of an application to residents, interested parties, other members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind.
  - Seeking information through appropriate channels.

5.5 Whenever you enter into correspondence, including emails, with officers in relation to a particular planning application or related matter, such as enforcement, it is important that you do not copy the correspondence to any residents or other interested parties without the prior agreement of the officer. This is to ensure that officers have sufficient time to provide appropriate advice and to avoid any risk of prejudice to the outcome of the application or related matter.

## **6. REPRESENTING WARD INTERESTS**

6.1 If you respond to lobbying in connection with a planning application in your ward by deciding publicly to support a particular outcome, and campaign actively for it, you should make an open declaration at the meeting and not vote.

6.2 If you have decided to support a particular item, and you do not have a disclosable pecuniary interest, you may exercise your right to speak at the meeting as a ward member to represent your views or those of local residents. If you do so:

- You should advise the proper officer's representative at the meeting that you wish to speak in this capacity before the commencement of the item.
- You should remove yourself from the member seating area for the duration of that item.

6.3 If you do have a disclosable pecuniary interest you must not be present in the room when that item on the agenda is being considered regardless of whether or not you are a member of the Committee. Further a member of the Committee with a disclosable pecuniary interest must not be present at any pre-agenda or other meeting of members whilst the item is being discussed.

## **7. CONTACT WITH APPLICANTS/DEVELOPERS**

7.1 Refer applicants/developers who approach you for planning or procedural advice to officers wherever practicable.

7.2 Do not agree to a meeting with applicants or developers, except where this is part of a meeting organised by an officer and at which an officer is present. If you attend a meeting with a constituent and a planning application is discussed make it clear that you have not pre-judged the issue and that you keep an open mind.

7.3 Ensure that you report to the Head of Development Management any significant contact with the applicant and other parties and explain the nature and purpose of the contacts and your involvement in them. Ensure that this is recorded on the planning file.

## 8. SITE VISITS

8.1 Site visits should only take place where the Committee would gain substantial benefit in their consideration of the application and where at least one of the following criteria applies:

i) the impact of the proposed development is difficult to visualise from the plans and any supporting material.

ii) there is a good reason why the comments of the applicant or objectors cannot be expressed adequately in writing.

iii) the proposal is particularly contentious.

8.2 The Lambeth Members' Code of Conduct applies to site visits as it does to any other meeting.

8.3 When attending a site visit:

- Ensure that you treat the site visit only as an opportunity to seek
  - information and to observe the site
  - Ask questions or seek clarification of matters which are relevant to
  - the site inspection
  - Do not express opinions or views to anyone
-



## **Section 6 – Protocol for Members of the Licensing Committee**

### **1. PURPOSE OF THIS PROTOCOL**

The purpose of this Protocol is to ensure that in the licensing process there are no grounds for suggesting that a decision has been biased, not impartial or not well founded in any way.

The role of members of the Licensing Committee is to make licensing decisions openly, impartially, with sound judgement and for justifiable licensing reasons, in accordance with, all relevant national guidance, the Council's Licensing Policy and with a view to promoting the licensing objectives of the Licensing Act 2003, namely:-

- (i) the prevention of crime and disorder
- (ii) public safety
- (iii) the prevention of public nuisance
- (iv) the protection of children from harm

This Protocol applies to Members at all times when involving themselves in the licensing process, including meetings of the Licensing Committee and any sub-committee, meetings with officers, site visits and meetings with applicants, interested parties, responsible authorities or their representatives.

This Protocol supplements the Members' Code of Conduct for the purposes of licensing matters. Any breaches of the protocol will be treated as if they were breaches of the Members' Code of Conduct on the basis that any breach may bring the Council or Member into disrepute.

### **2. MEMBER TRAINING**

- 2.1 All members of the Licensing Committee, including substitute members, must attend member training sessions provided by the Council. A programme of regular training sessions will be provided with the aim of ensuring that no member of the Licensing Committee (including substitutes) attends the meeting without having had the benefit of appropriate training. It should be noted that substitute members of the Licensing Committee are not permitted to sit as members of the Licensing Sub Committee.

### **3. DECLARATIONS OF INTEREST**

- 3.1 Particular care should be taken by members of the Licensing Committee when declaring interests because of the large amount of

interest in, and potential financial and environmental consequences of many licensing decisions.

3.2 Members of the Licensing Committee or its Sub-Committee(s) must act without bias or predetermination, must have no disclosable pecuniary interest (DPI) in any application before them, and must keep an open mind on all applications until they have considered all of the evidence and arguments presented. They shall not take or express any view on the merits of an application, nor organise support for or opposition to any application in advance of a hearing. Any Member who does so shall not be eligible to serve on the Licensing Sub-Committee [meeting] that hears the application.

3.2.1 All Members must at all times comply with the Members Code of Conduct in relation to the disclosure of disclosable pecuniary interests, participation in hearings related to disclosed interests and the registration of disclosable interests and of gifts and hospitality. The Member Code of Conduct sets out the definition of 'disclosable pecuniary interest' and the registration requirements.

3.3 If you have a disclosable pecuniary interest:

- (i) You should not take part in the consideration of any licensing application. You should not attend any site visits. You should not participate, or give the appearance of trying to participate in the making of any decision on the matter. Although you may not make representations orally to the Sub-Committee or make representations on behalf of another you may make written representations addressed to officers in your private capacity, provided the existence or nature of your interest is disclosed in the representation. You may also use a professional representative to make an application on your behalf or arrange for another Member of the Authority to represent your interests or that of a representor (see paragraph 3.5).
- (ii) You should not lobby fellow members of the Licensing Committee or those involved in the process. You should not discuss the matter with fellow members.
- (iii) You should not seek or accept any preferential treatment, or place yourself in a position that could lead the public to think that you are receiving preferential treatment because of your position as a Councillor

3.4 When making your own application or when acting as an agent for another you should take no part in the decision making process.

3.5 If you are asked to represent the views of a party making a representation and you have a disclosable pecuniary interest in the application in question, you should advise the representor of your interest and inform them that another Member may represent their

views on the issue. Should another Member agree to make such representation it should be made clear to the relevant committee or officers that he or she does so because of the original Members disclosable pecuniary interest.

- 3.6 If you are present at a meeting of the Licensing Committee [or Sub-Committee] and you have a disclosable pecuniary interest in any matter to be considered or being considered at that meeting,
- (i) You may not participate in any discussion of the matter at the meeting
  - (ii) You may not participate in any vote taken on the matter at the meeting
  - (iii) If the interest is not registered, you must disclose the interest to the meeting
  - (iv) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days

In addition, Council Procedure Rule 4.4 (see Part 3 section1) requires you to leave the room where

the meeting is held while any discussion of that item takes place.

#### **4. POLITICAL AFFILIATION**

- 4.1 Whilst you may be aware of the views of others and of your party in particular, it is your responsibility alone to decide what view to take on any question that councillors have to decide. You must approach decision-making with an open mind in the sense that you must have regard to all material considerations and be prepared to change your views if persuaded that you should after consideration of the relevant material licensing matters.
- 4.2 Voting along political lines is not a material consideration to the grant of a licensing application and serves to make the debate at the Licensing Committee meaningless. Agreed voting in the consideration of a licensing application is likely to be held to be maladministration by the Ombudsman and may lead to the appeal of a decision in the Magistrates' Court or to Judicial Review.
- 4.3 With regard to any group discussions that fall short of party group voting, it should be remembered that the public perception of your behaviour is important. It is not enough to avoid actual impropriety; you should avoid any occasion for suspicion and any appearance of improper conduct.

## 5. LOBBYING

- 5.1 If you are lobbied in connection with a licensing application, at whatever stage of that application, you should suggest to those who are lobbying you that they contact the relevant officer. You should not normally express an opinion in relation to a licensing application until the matter is presented to the Licensing Committee. However, if in exceptional circumstances you feel compelled to express an opinion, you should make it clear that your views are provisional and that you will only make up your mind once you have heard all the facts and evidence at the Licensing Committee meeting.
- 5.2 Explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality to express a firm point of view or an intention to vote one way or another.
- 5.3 Do not accept gifts or hospitality wherever possible. If a degree of hospitality is unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is over £25 in accordance with the Gifts and Hospitality Protocol for Councillors.
- 5.4 Unless you have a disclosable pecuniary interest, this Protocol does not prevent you from:
  - Being able to listen/receive viewpoints from residents or other interested parties.
  - Making comments to residents, interested parties, other members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind.
  - Seeking information through appropriate channels.
- 5.5 Whenever you enter into correspondence, including emails, with officers in relation to a particular licensing application or related matter, such as enforcement, it is important that you do not copy the correspondence to any residents or other interested parties without the prior agreement of the officer. This is to ensure that officers have sufficient time to provide appropriate advice and to avoid any risk of prejudice to the outcome of the application or related matter.

## 6. REPRESENTING WARD INTERESTS

- 6.1 Members are regarded as interested parties in their own right. They are entitled to make representations or call for reviews in respect of any licensed premises in any ward within the Council's area.
- 6.2 Subject to having a disclosable pecuniary interest, being a ward member does not prevent you from sitting on the Licensing Committee when an application in your ward is being considered.

- 6.3 As a ward member you may be asked to act as the representative of an interested party or responsible authority. You are permitted to act in this capacity unless you have a disclosable pecuniary interest.
- 6.4 You are only entitled to express an opinion or raise questions at the Licensing Committee hearing if you are either:
- a member of that Committee who does not have a disclosable pecuniary interest; or
  - acting as a representative of an interested party or responsible authority.
  - If you have a disclosable pecuniary interest, you must not be present in the room when that item on the agenda is being considered regardless of whether or not you are a member of the Committee. Further a member of the Committee with a disclosable pecuniary interest must not be present at any pre-agenda or other meeting of members whilst the item is being discussed.

## **7. CONTACT WITH APPLICANTS/INTERESTED PARTIES/RESPONSIBLE AUTHORITIES/REPRESENTATIVES**

- 7.1 Refer applicants/interested parties/responsible authorities or their representatives who approach you for licensing or procedural advice to the appropriate officers, wherever practicable.
- 7.2 Do not agree to a meeting with applicants/interested parties/responsible authorities or their representatives, except where this is part of a meeting organised by an officer and at which an officer is present. If you attend a meeting with a constituent and a licensing application is discussed make it clear that you have not pre-judged the issue and that you keep an open mind. Wherever possible you should avoid such meetings.
- 7.3 Ensure that you report to the Head of Licensing Services any significant contact with the applicant/interested parties/responsible authorities or their representatives and explain the nature and purpose of the contacts and your involvement in them. Ensure that this is recorded on the licensing file.

## **8. SITE VISITS**

- 8.1 Site visits should only take place where the Committee would gain substantial benefit in their consideration of the application and where at least one of the following criteria applies:
- (i) the impact of the proposed application is difficult to visualise from the plans and any supporting material.

(ii) there is a good reason why the comments of the applicant or representatives cannot be expressed adequately in writing.

(iii) the proposal is particularly contentious.

8.2 The Lambeth Members' Code of Conduct applies to site visits as it does to any other meeting.

8.3 When attending a site visit:

- Ensure that you treat the site visit only as an opportunity to seek information and to observe the site
- Ask questions or seek clarification of matters which are relevant to the site inspection
- Do not express opinions or views to anyone

## Section 7 – Officers’ Code of Conduct

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## 1. Introduction

- 1.1 This code of conduct applies to all Lambeth employees. Contractors, consultants or agency staff working with the Council will be expected to abide by the standards and principles set out in the code.
- 1.2 The Code is not designed to act as a prescriptive list of expected standards of behaviour, but serves to provide general guidance on how to ensure that actions and behaviour are consistent with the Council's FRESH values and the high standard of conduct required in maintaining public confidence in the services Lambeth provides.
- 1.3 The Council expects all its employees, and those engaged on its behalf, to conduct themselves in a professional and lawful manner. The Council expects all employees to abide by the following core principles:
- 1.4 ***Honesty, Integrity, Impartiality and Objectivity***
- Employees must perform their duties with honesty, integrity, impartiality and objectivity
- 1.5 ***Accountability***
- Employees must be accountable to the authority for their actions
- 1.6 ***Respect for Others***
- Employees must treat others with respect and must not unlawfully discriminate against any person
- 1.7 ***Stewardship***
- Employees must use any public funds entrusted to or handled by them in a responsible and lawful manner
  - Employees must not make personal use of Council property or facilities unless authorised to do so
- 1.8 ***Personal Interests***
- Employees must not allow personal interests to conflict with the Council's service provision
- 1.9 ***Registration of Interests***
- Employees must comply with the Council's rules in relation to registering interests and declaring gifts or hospitality received; see: [Working Arrangements](#) (internal only link).
- 1.10 ***Reporting procedures***
- Employees must not treat colleagues less favourably because they have or because they intend to take action under any of the Council's reporting procedures, for example under the whistleblowing policy



### 1.11 **Openness**

- Employees must not disclose information given to them in confidence, or any information acquired of a confidential nature, without the express consent of a person authorised to give it, unless they are required to do so by law
- Employees must not prevent anyone from gaining access to information to which they are entitled by law.

### 1.12 **Management of Staff**

- Employees who are involved in making appointment or any decisions relating to discipline, promotion, pay or conditions of another employee or prospective employee must take these decisions fairly and impartially.
- Where an employee has any relationship with an employee or a prospective employee, which may cast doubt on their impartiality, they should seek advice from their line manager.

### 1.13 **Duty of trust**

- Employees must act in accordance with the trust that the public is entitled to place in them

1.14 The standards of conduct as set out in this code may also extend to your conduct outside work. Employees have the right to undertake private commitments or activities outside of work, if they so wish. However, where these activities may give rise to a possible conflict of interest or could potentially have an adverse affect on their employment with the Council, they should declare these activities to their line manager.

1.15 The Council reserves the right to take action against any employee whose actions and/or behaviour, inside or outside work could reasonably be regarded as bringing the Council into disrepute.

## 2. **Management of staff**

2.1 Lambeth Council expects integrity and honesty from its employees and prospective employees at all times. Supplying false information or documents, or attempting to deliberately mislead an interview panel, could result in disciplinary action being taken against you and may lead to dismissal.

2.2 Applicants for posts should not approach or attempt to influence officers or elected Members outside of the normal recruitment process. Any such attempt will lead to disqualification from the recruitment process and/or disciplinary action. Canvassing of elected Members of the Council will not be tolerated.

- 2.3 Where an employee is working in a line management relationship with someone who is or becomes a relative, they must declare this to their line manager. For the purpose of this Code 'relative' includes:
- Spouse/partner
  - Parent/parent-in-law
  - Son/step son
  - Daughter/step daughter
  - Brother/sister
  - Grandparent
  - Grandchild
  - Uncle/Aunt
  - Nephew/niece
  - Child of a partner
- 2.4 Relatives will also include the spouse, civil partner or partner of any persons named above.
- 2.5 You will be required to provide up to date contact details, which will be kept on your personnel records. As an employee of the Council you are responsible for ensuring that the Council always holds up to date contact details for you and your next of kin.

### **3. Working with vulnerable clients**

- 3.1 The Council takes very seriously its responsibilities towards the disadvantaged and vulnerable members of the community, in particular children, older persons and disabled persons.
- 3.2 Council employees are expected to take additional care in dealing with the more vulnerable members of the community and must therefore do nothing which may:
- damage public confidence in your motives
  - damage public confidence in your integrity as an employee
  - bring the Council into disrepute.
- 3.3 The Council has a legal obligation under the Protection of Children Act 1999 and the Care Standards Act 2000 to carry out checks for convictions, whether spent or not, where we propose to offer an individual a position working with vulnerable persons. This obligation also extends to existing employees who are moving into such a post.
- 3.4 Employees, whose employment is subject to a Criminal Records Bureau (CRB) disclosure, will be required to renew their CRB disclosures on a three-yearly basis to ensure that the Council are complying with its obligation to safeguard its vulnerable client group. Employees are also required to renew any other membership to a professional body that is a specific requirement of their job, for example, membership with the General Social Care Council (GSCC).

- 3.5 Failure to comply with a management/HR request for CRB renewals, or any other professional membership renewal, may be considered a disciplinary offence and will be dealt with under the Council's disciplinary procedure. Where this occurs, employees may also be suspended from their duties.

#### **4 Disclosure of criminal convictions**

- 4.1 Employees are required to declare any convictions or bind overs received during the course of their employment to their line manager (or in exceptional circumstances someone more senior) at the earliest possible opportunity. Employees should also declare any cautions received during the course of their employment if they relate to fraud or theft, or relate to any matter which would directly or indirectly relate or impact on their responsibilities with regard to children, young persons or vulnerable adults, or if it is likely that the conduct for which the caution was received would have a direct and adverse effect on the employee's work within the Council. In the event that an employee is unsure whether to disclose a caution or not they should contact Human Resources in confidence to discuss the matter. Failure to declare any such conviction, bind over or relevant caution, for whatever reason, may be regarded as gross misconduct under the Council's disciplinary rules.

#### **5. Respect for others**

- 5.1 The Council demands a very high standard of conduct from all its employees at all times, particularly when interacting with colleagues and members of the public. Language or behaviour that is rude, offensive, threatening, violent or abusive will not be tolerated from any employee.
- 5.2 Members of the public have the right to expect courtesy and co-operation at all times. As a Council employee you must:
- treat others with respect
  - not discriminate unlawfully against any person and
  - treat members and co-opted members of the authority professionally
- 5.3 If you are an employee who is in receipt of any of Lambeth's services, you should not expect or seek preferential treatment in the event of any enquiry about any service(s) provided to you by the Council.
- 5.4 Employees must not improperly use any information gained in the course of their employment for their personal gain or to advantage or disadvantage anyone known to them.

## 6. Equalities in employment

- 6.1 Employees are expected to conduct themselves in line with the Council's **Zero Tolerance Statement**, which outlines the council commitment to eliminate harassment or discrimination on the grounds of race, gender, sexual orientation, disability, age, religion or any other factor.

## 7. Accountability

- 7.1 All employees of the Council are expected to work diligently and to contribute positively to the daily tasks of the Council in the provision of services to Lambeth's residents. You must therefore undertake your duties as outlined in your job description to the best of your ability and must abide by the terms of your contract of employment. You must comply with all legitimate instructions from your manager and with all operational procedures and regulations.
- 7.2 As an employee you are accountable to the Council for your actions.
- 7.3 If you are a manager you will be responsible for setting an example to employees in the application of this code. You must ensure that you familiarise yourself with all the Council's employment policies and procedures and apply them in a non-discriminatory way. You will be responsible for communicating expected standards of conduct to the employees in your work area, advising them of any particular rules which may apply.

## 8 Writing & speaking to the public/media/other agencies

- 8.1 Employees must not make any public statement on behalf of the Council or engage in communication with the media in regard to any employment or service matter, without the express consent of their Divisional Director. All enquiries from the press must be referred to the Press Office.
- 8.2 Only Managers and HR officers may provide an employment reference on Council headed paper. If an employee provides a personal reference for a colleague or former colleague they must make it clear that they are doing so in a personal capacity only. Further details on providing references can be found in the Council's **reference policy**.

## 9. Health and safety

### 9.1 Responsibilities

- 9.1.1 All employees have a responsibility, under the Health and Safety at Work Act, to take care in undertaking your duties. It is your responsibility to wear protective clothing and use any safety equipment,

which is issued to you. You must report any accident/incident that you have at work and report any health and safety risks to your manager without delay.

- 9.1.2 If you are a manager, you also have a responsibility for the health and safety of your staff, taking all reasonable steps to ensure that all activities are carried out with due regard to the Council's **safety policy**.

## **9.2 Alcohol, illegal drugs and substance misuse**

- 9.2.1 Alcohol, drugs and substance misuse impairs judgement and can put you, work colleagues and members of the public at risk. Abuse of any such substance whilst you are at work may be treated as a disciplinary offence, and will be dealt with accordingly.

- 9.2.2 For further guidance please refer to the Council's **Drug and alcohol in the workplace policy**.

## **10. Outside Commitments, personal interests, and working for outside bodies.**

- 10.1 Your time outside working hours is your own personal concern. However you must not put yourself in a position where your job and your personal interests conflict. Where the slightest doubt exists, and where there is a potential conflict of interest, employees are advised to either decline acceptance of outside work or membership of an external body or organisation, or to seek the advice of their line manager or divisional director before accepting any such outside work.

- 10.2 It is important for employees to discuss their intention to undertake any other employment with their line manager or any intention to become a member of an external organisation, (whether appointed as the official Council representative on the outside body or otherwise), particularly if they have doubts or concerns, in order that any involvement with the Council and any conflicts of interest can be identified and assessed. This will help to protect the employee should any question of conflict of interest arise subsequently.

- 10.3 Managers should check with their teams whether employees have existing arrangements of which they are unaware and Directors should seek to review the position in relation to membership of outside bodies and/or outside employment at least annually to ensure that a conflict of interest has not arisen where no conflict existed previously.

- 10.4 Employees must exercise great care and diligence when undertaking paid or unpaid work outside the Council. Any paid or unpaid work undertaken should not conflict in any way with their Council duties or make use of material to which the employee has access by virtue of his or her position. Employees must not in their official capacity allow their

personal interests to conflict with the Council's requirements or use their position improperly to confer an advantage or disadvantage on any person.

- 10.5 Employees must declare any activity, relationship or other personal interests, whether financial or financial, where they may be a conflict of interest between their Council duties and their private interests. Employees will also be required to declare personal or business interests which may, or may be perceived to, influence their judgement; this includes membership of organisations/outside bodies where conflicts may arise or any organisation which may seek to influence the policies of the Council, for example a local campaigning group (but excluding any representative body or professional body membership).
- 10.6 Employees must declare membership of any organisation which is not open to the public without formal membership and commitment of allegiance and which has secrecy about rules, membership or conduct, for example, Freemasons.
- 10.7 You must not do private work during your Council work time or whilst you are on sick leave.
- 10.8 The Council will not prevent employees from undertaking additional employment (paid or unpaid) outside working hours provided it does not conflict with the law, the Council's interests or in any way weaken public confidence in the Council. You are required to notify the Council in writing before undertaking any other employment and must declare any voluntary or unpaid work. All Council employees are specifically required to obtain consent in writing from their line manager in advance, on each occasion, if they wish to engage in any other business or take up additional employment.
- 10.9 Many employees undertake valuable voluntary work in the community in their own time and the Council supports this. However, any significant interest in an organisation must be declared, for example, acting as a member of the management committee of a charity) where the Council has some involvement with the organisation. If in doubt the employee should discuss the matter with their line manager.
- 10.10 Employees must conduct themselves at all times in a manner which is consistent with their obligations under the Officer Code of Conduct when carrying out any external activities so as to avoid bringing the Council into disrepute.
- 10.11 Employees should avoid putting themselves in a position where their involvement in a local community group puts them, or could reasonably be perceived as putting them, in a position where their involvement is in direct conflict with the best interests of the Council or is likely to bring the Council into disrepute. In these circumstances an employee must

consider whether it is in the best interest of the Council for them to remain involved with the external organisation.

10.12 The Council will not unreasonably require an employee to cease or refrain from other work/employment unless there is a conflict of interest, or there is a reasonable belief that the physical or mental demands of the other work have a damaging effect on the employee's ability to carry out their normal duties for the Council.

10.13 An employee who fails to declare any personal interests as described above may be subject to disciplinary action being taken against them. Any employee who is in doubt as to whether or not specific outside interests exist and should be declared, should contact HR for guidance

10.14 Examples of circumstances where there is potential for a conflict of interest to arise would include:

- A Finance Officer also working as a treasurer for a charitable organisation that submits bids to the Council for funding;
- A Housing Officer who is also the Chair of an Estate Management Board;
- A senior manager within Children and Young People's Service who is also Chair of Governors of a School in the Borough.

10.15 Conflicts of interest may also arise internally, for example, in circumstances where an employee works in one service which is proactively involved in the delivery of a particular project, as well as another service which has a regulatory role or determines the grant allocation to support such projects.

## **11. Politically neutrality**

### **11.1 Politically restricted posts**

11.1.1 Employees are required to serve the whole Council and its Members, not just Members of any party group. Employees must ensure that the individual rights of all Members are respected.

11.1.2 Employees, who are required as part of their duties to provide advice to Members or other employees, must do so impartially and must not allow their own personal or political opinions to interfere with their work.

11.1.3 Under Section 2 of the Local Government and Housing Act 1989 ("the 1989 Act), the following employees are regarded as holding politically restricted posts:

- Chief Executive
- Chief Officer
- Deputy Chief Officer
- Monitoring Officer
- Political Assistant,

Sensitive posts which meet one or both of the following duties-related criteria:

- giving advice on a regular basis to the authority itself, to the Cabinet or to any committee or sub-committee of the authority or Cabinet or to any joint committee on which the authority are represented or to any Executive member
- speaking on behalf of the authority on a regular basis to journalists or broadcasters

11.1.4 Employees holding politically restricted posts are disqualified from membership of any local authority, other than a parish or community council, from being an MP or MEP and are subject to prescribed restrictions on their political activity. You will be advised on appointment whether your post is politically restricted.

11.1.5 If your post is politically restricted you:

- should not publicly voice support for a political party
- may not campaign for a political party
- may not hold political office
- may not occupy party political posts and
- may not hold particular sensitive or high profile unpaid roles in a political party

11.1.6 A Political Assistant (as defined under the 1989 Act) must not speak to the public in a way that could be perceived as speaking as an authorised representative of a political party nor must they write or publish any written or artistic work that could be perceived in the same way.

11.1.7 Any employee who is a member of a local authority will be permitted paid time off during working hours to perform duties as an elected member. Requests must be made through the employee's line manager

11.1.8 Employees, whether or not they are politically restricted, must in the course of their employment follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

## **11.2 Relationships with elected Members and co-opted Members.**

11.2.1 Mutual respect and good working relationships between employees and Councillors is essential to the successful delivery of the Council's services. Close personal familiarity between employees and individual Members can damage this relationship and should be avoided. For further guidance please refer to the officer/member protocol; see



Constitution Part 4, Section 2: Memorandum of Members' Rights and Responsibilities.

- 11.2.2 Employees must not seek to involve Members in personal matters which relate to any aspect of their employment, for example, pay and grading, grievances etc.

## **12 Bribery, Gifts and hospitality**

- 12.1 You must not undertake any activity or conduct which is contrary to the requirements of the Bribery Act. Where you believe or suspect that a bribe has been offered or accepted by another employee, agency worker, elected member, contractor or agent of the Council you should report this.
- 12.2 You must not seek, request or accept a bribe or payment from a third party that you know or suspect is making the offer with the expectation or hope that they will obtain an advantage or a decision which they would not otherwise receive.
- 12.3 You should not accept hospitality or gifts that are offered to you by any organisation or person able to provide work, goods or services to the Council. Similarly, where you are in a position to influence, you must not show favour to anyone in connection with Council business.
- 12.4 You are required to report all offers of bribes, gifts or hospitality. Bribes must not be accepted. Where an offer of a gift or hospitality is accepted it should only be done so where it is consistent with the Council's gifts and hospitality standard and must be recorded on the [appropriate form](#).
- 12.5 All employees are forbidden to ask for tips or any payment for service or goods provided. All payments for goods and services provided by the Council should be secured via the Council's official income systems.

## **13 Sponsorship – giving and receiving**

- 13.1 Where an organisation wishes to sponsor or is seeking to sponsor a Local Government activity whether by invitation, tender, negotiation or voluntarily, the basic guidelines concerning acceptance of gifts and hospitality apply.
- 13.2 Where the Council wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such a sponsorship. Similarly, where the Council gives support in the community, through sponsorship, grant aid, financial or other means, employees should ensure that impartial advice is given and that no conflict of interests exists.

## **14 Procurement**

### **14.1 Placement of contracts**

14.1.1 If you are required to buy or sell any item or service as part of your duties you must act in accordance with the rules and regulations as set out in the Council's procurement guide and with any specific instructions in use in your directorate.

14.1.2 All relationships of a business or private nature with contractors, or potential contractors, should be made known to the appropriate manager. If you know you have any interest in any contract which the Council has entered into, or proposes to enter into, you are required, by law, to declare your interest to your manager immediately.

14.1.3 If, in the course of your work, you deal with applications to the Council for planning permission, permits, licences, grant or applications for employment, you must declare to your manager if you have a relationship with any applicant.

### **14.2 Separation of roles during tendering**

14.2.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

14.2.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers and other contractors and sub-contractors.

14.2.3 Confidential information on tenders or costs for internal or external contractors should not be disclosed to any unauthorised party or organisation

## **15 Working with the Council's property and money**

### **15.1 Use of Council equipment/facilities**

15.1.1 Employees must not use Council time or facilities, for example, IT equipment, telephones, vehicles or any other Council property in connection with any outside work or activity (paid or unpaid), without the written permission of the relevant Divisional Director. Any telephone usage will only be permitted in very exceptional circumstances and such use must be disclosed and paid for. The misuse or unauthorised use of Council property may result in disciplinary action being taken against an employee.

15.1.2 There is separate guidance on the use of the Council's computer, e-mail and internet facilities and all employees should abide by this guidance at all times in relation to any work undertaken inside or outside the Council.

## **15.2 Use of financial resources**

15.2.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, ensuring value for money to the local community and avoiding legal challenge to the authority.

15.2.2 Managers (the nominated budget holder for an Oracle business unit or cost code) are responsible for managing their budgets. Where they are forecasting overspends, they must formally request a virement for their business unit, their division or their department to secure an increase to their budgets.

15.2.3 Budget holders who overspend significantly without alerting the Council may be subject to disciplinary action in accordance with the Council's **disciplinary rules**.

## **15.3 Overpayment to employees**

15.3.1 Where it occurs that you are receiving an overpayment in salary, allowances or overtime, it is your responsibility to notify your manager as soon as possible after becoming aware of the overpayment, in order to make arrangements for repayment. The Council reserves the right to take steps to recover any overpayment of salary.

## **15.4 Debt to the Council**

15.4.1 The Council owes a duty of fiduciary care to all residents of the Borough. This means taking action against any person who has a debt to the Council. Employees are required to set a good example by not allowing themselves to become indebted to the Council. It is therefore not acceptable for employees to be in arrears on Council rent or tax. Where this occurs, and there is no prior arrangement in place to clear these arrears, the employee may be subject to disciplinary action.

## **15.5 Theft from the Council**

15.5.1 Stealing from the Council, its clients or fellow employees will not be tolerated. Waste, loss, fraud, unauthorised use or wilful negligent damage to Council property are considered as gross misconduct and may result in your dismissal from the Council. Therefore, employees:

- must not steal or remove without authorisation money or property from the Council, its clients or colleagues
- must carry out their duties with care, particularly when handling the Council's money or property (including papers)

- must not take responsibility for money or property unless it is part of their official duties
- must not use equipment including computers, Council vehicles, telephones, or money for any unauthorised purpose
- must not copy Council computer software for their own use
- must not take Council equipment home without the express permission of their line manager.

## **15.6 Ownership of Intellectual Property/Copyright**

15.6.1 Employees should be aware of the rules on the ownership of intellectual property or copyright created during their employment. “Intellectual Property” is a wide term which includes inventions, creative writings and drawings. As a general rule, any Intellectual Property created by an employee during the course of their employment with the Council belongs to the Council and as such must not be used by the employee in relation to any work performed outside the Council, including work undertaken after the conclusion of their employment, without the express consent of the Council.

## **16. Disclosure of information**

16.1 The law requires that certain types of information must be made available to Members, auditors, government departments, service users and the public. The Freedom of Information Act, for example, requires disclosure of certain information in response to written requests, whilst the Data Protection Act requires that the Council comply with statute in relation to the handling and processing of personal data. If you are in doubt guidance should be sought from your line manager before disclosing information.

## **17 Whistleblowing**

17.1 As custodians of public services, local authorities have a duty to ensure that there is no malpractice in the operation or delivery of services.

17.2 The [Whistleblowing Procedure](#) (internal only link) covers any significant concerns that an employee may have about malpractice in any aspect of service provision or the conduct of Officers, Members, Contractors or other agents of the Council.

17.3 This procedure is not an alternative process for raising concerns or grievances over managerial decisions or other matters for which there are appropriate existing procedures within the Council.

## Section 8 – Protocol on the Role of the Monitoring Officer

1. The Monitoring Officer undertakes to discharge his or her responsibilities outlined in this protocol with determination and a manner which will enhance the reputation of the Council. In general terms his or her ability to discharge these duties depends on excellent working relations with colleagues and members but also the flow of information and access to debate particularly at early stages.
2. The following arrangements and understandings between the Monitoring Officer and colleagues and members are designed to help ensure the effective discharge of their functions:-
  - (a) The Monitoring Officer will have advance notice of all meetings whether informal or formal between Chief Officers and members of the Cabinet or Chairs of Committees, where any procedural, vires or other constitutional matters are likely to arise;
  - (b) Chief Officers will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vires or constitutional matters;
  - (c) The Monitoring Officer or his/her staff will have copies of all reports to members;
  - (d) The Monitoring Officer is expected to develop good liaison and working relations with the external auditors and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise;
  - (e) The Monitoring Officer will have a special relationship with the Leader of the Council, Chairs of the Standards and Overview & Scrutiny Committees and will ensure the Chief Executive and Strategic Director of Enabling have up-to-date information regarding emerging issues;
  - (f) The Monitoring Officer will be expected to deal with all complaints made against Members in consultation with the Independent Person.
  - (g) The Chief Executive, Strategic Director of Enabling and Monitoring Officer will meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding probity;
  - (h) In carrying out any investigation the Monitoring Officer will have unqualified access to any information held by the Council and any employee who can assist in the discharge of their functions;
  - (i) The Monitoring Officer will have control of a budget sufficient to enable him or her to seek Counsel's opinion on any matter concerning his or her functions;
  - (j) The Monitoring Officer will be responsible for preparing a training programme for members on the ethical framework subject to the approval of the Standards Committee;

- (k) The Monitoring Officer will report to the Council from time to time on the Constitution and any necessary or desirable changes following consultation in particular with the Chief Executive and Chief Finance Officer;
  - (l) In consultation with the Leader of the Council and the Standards Committee, the Monitoring Officer may defer the making of a formal report under section 5 of the Local Government & Housing Act 1989 where another investigative body is involved;
  - (m) The Monitoring Officer will make a report to the Council from time to time as necessary on the staff, accommodation and resources he/she requires to discharge his/her functions;
  - (n) The Monitoring Officer will appoint a deputy and keep him/her briefed on emerging issues.
-

## Section 9 – Local Code of Corporate Governance for Lambeth Council

### Introduction

Governance is about how local government bodies ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.

Lambeth Council is committed to the principles of good corporate governance identified in the 2007 CIPFA/SOLACE guidance “Delivering Good Governance in Local Government” and confirms its on-going intentions through the adoption and monitoring and development of its own Local Code of Corporate Governance. The Council recognises that achieving high standards of corporate governance will encourage stakeholders to have confidence in us and will allow the Council to undertake its Community leadership role effectively.

A Lead Officer has been given responsibility for: -

- Overseeing the implementation and monitoring the operation of the Code
- Reviewing the operation of the Code in practice on an annual basis
- Reporting annually to the Cabinet and full Council on compliance with the Code and any changes that may be needed to ensure its effectiveness in practice
- Reporting any significant revisions of the Code to stakeholders.

The Chief Executive and the Leader will make an Annual Statement of Assurance, following the annual report to Council, giving their position on whether the corporate governance arrangements are operating effectively.

This document sets out Lambeth Council's Local Code of Corporate Governance and the processes for monitoring its effectiveness. The Code provides the framework for the Council to achieve its aims and objectives.

The Local Code of Corporate Governance for Lambeth can be found:

- On the Lambeth Intranet for Members and Officers
- On the Council's website
- By contacting the Head of Internal Audit and Counter Fraud or the Director of Corporate Affairs

## **The role of corporate governance**

Corporate governance is the way in which organisations are directed and controlled. It defines the distribution of rights and responsibilities among the different stakeholders and participants in the organisation, determines the rules and procedures for making decisions on corporate affairs including the process through which the organisation's objectives are set, and provides the means of attaining those objectives and monitoring performance.

The Council's Code of Practice is underpinned by the following values:

- I. **Openness** in the decision-making and management processes of local authorities and of the approach of individuals within them.
- II. **Inclusivity** to ensure that all stakeholders and potential stakeholders have an opportunity to engage effectively with decision-making processes and actions of local authorities.
- III. **Integrity** based on honesty, selflessness and objectivity and high standards of propriety and probity in the stewardship of public funds and management of the Authority's affairs.
- IV. **Accountability** whereby local authorities and the Members and staff within them, are responsible for their decisions and actions, including their stewardship of public funds and all aspects of performance and submit themselves to appropriate external scrutiny.

### **Actions to be taken by the Council in relation to each principle of corporate governance**

The Corporate Governance framework consists of six core principles. The Council's Local Code of Corporate Governance specifically identifies the actions to be taken in relation to each of the six core principles. On a more practical basis, and in order to assist the reader, a single sheet which defines the local framework by reference to key documents and contributory processes is detailed at the end of the Code.

### **Core Principle 1 – Focussing on the purpose of the council and on outcomes for the community and creating and implementing a vision for the area**

- (a) To exercise strategic leadership by developing and communicating clearly the Council's purpose and vision, and its intended outcomes for citizens and service users, we will:
  - Develop and promote the Council's purpose and vision



- Review on a regular basis the Council’s vision for its area and its implications for the Council’s governance arrangements
  - Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all partners.
  - Publish an annual report on a timely basis to communicate the Councils’ activities and achievements and its financial position and performance.
- (b) To ensure that users receive a high quality of service whether directly, or in partnership, or by commissioning, we will:
- Decide how the quality of service for users is to be measured and make sure that the necessary information is available to review service quality effectively and regularly
  - Put in place effective arrangements to identify and deal with failure in service delivery.
- (c) To ensure that the Council makes the best use of resources and that tax payers and service users receive excellent value for money, we will:
- Decide how value for money is to be measured and make sure that the Council has the information needed to review value for money and performance effectively
  - Measure the environmental impact of policies, plans and decisions.

**Core Principle 2 – Councillors and Officers working together to achieve a common purpose with clearly defined functions and roles**

- (a) To ensure effective leadership throughout the Council and to be clear about “executive” and “non-executive” functions and the roles and responsibilities of the scrutiny function, we will:
- Set out a clear statement of the respective roles and responsibilities of the Cabinet and of the Cabinet Members individually including the Council’s approach towards putting this into practice
  - Set out a clear statement of the respective roles and responsibilities of non-executive Members, Members generally and senior officers
- (b) To ensure that a constructive working relationship exists between Members and Officers and that their respective responsibilities are carried out to a high standard, we will:
- Determine a scheme of delegation and reserve powers within the Council Constitution including a schedule of those matters specifically reserved to the full Council and update this as required
  - Make the Chief Executive responsible and accountable to the Council for all aspects of operational management

- Develop Protocols to ensure that the Leader and Chief Executive have a shared understanding of their respective roles and objectives
  - Make a senior officer, the section 151 officer, responsible to the Council for ensuring that appropriate financial advice is given and for maintaining proper records and an effective system of internal financial control
  - Make a senior officer, the monitoring officer, responsible to the Council for ensuring that agreed procedures are followed and that all legislation is complied with
- (c) To ensure relationships between the Council, its partners and the public are clear so that each knows what to expect of the other, we will:
- Develop Protocols to ensure effective communication between Members and officers in their respective roles
  - Set out the terms and conditions for remuneration of members and officers and an effective structure for managing the process
  - Ensure that effective mechanisms exist to monitor service delivery
  - Ensure that the Council's vision, strategic plans, priorities and targets are developed robustly in consultation with the local communities and key stakeholders and that they are clearly expressed and publicised
  - Ensure that Members working in partnership are clear about their roles and responsibilities, individually and collectively, both to the partnership and to the Council
  - Ensure that all those working in partnership understand clearly the legal basis of the partnership and the extent of each representative's authority to commit their parent organisation to partnership decisions

**Core Principle 3 – Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour**

- (a) To ensure Councillors and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance, we will:
- Ensure that the Council's leadership sets a tone for the organisation by creating a climate of openness, support and respect
  - Define and publicise the standards expected in the conduct of Councillors and officers and in the work of the Council including work with partners and the local communities
  - Put in place and maintain in operation arrangements to ensure that Councillors and officers are not influenced by prejudice, bias or conflicts of interest when dealing with different stakeholders

(b) To ensure that the Council's values are put into practice and remain effective, we will:

- Develop and maintain shared values, including leadership values, for both the Council and its staff which reflect public expectations and communicate these to Councillors, staff, the community and partners
- Put in place arrangements to ensure that systems and processes reflect appropriate ethical standards and to monitor their continuing effectiveness in practice
- Develop and maintain an effective Standards Committee
- Use the Council's shared values as a guide for decision-making and a basis for developing positive and trusting relationships within the Council
- Pursue a partnership vision with an agreed set of values for assessing decision-making and actions which must be demonstrated by the partners' individual and collective behaviour
- Produce an annual report of the work of the Standards Committee

**Core Principle 4 – Taking informed and transparent decisions which are subject to effective scrutiny and risk management**

(a) To be rigorous and transparent about how decisions are taken and to listen and act on the outcomes of constructive Scrutiny will:

- Develop and maintain an effective scrutiny function which encourages effective challenge and which enhances the Council's performance overall and that of organisations for which the Council is responsible
- Develop and maintain open and effective mechanisms for documenting the evidence for decisions and for recording the criteria, rationale and considerations behind decisions
- Put in place arrangements to safeguard Councillors and staff against conflicts of interest together with appropriate processes to maintain them in practice
- Develop and maintain an effective Audit Committee (i.e. Corporate Committee) which is independent of the Cabinet and scrutiny functions and which will produce an annual report for the Council
- Make sure that effective, transparent and accessible arrangements are in place for dealing with complaints

(b) To have good quality information, advice and support which ensure that the services wanted and needed by the community are delivered effectively, we will:

- Ensure that decision-makers in the Council and partner organisations have information that is fit for purpose i.e. relevant, timely and with clear explanations of the technical issues

- Ensure that proper professional advice, on matters with financial or legal implications, is available, recorded well in advance of decision-making and used appropriately
- (c) To ensure that an effective risk management system is in place, we will:
- Ensure that risk management is embedded into the culture of the Council with Councillors and managers recognising this is part of their respective roles
  - Ensure that effective arrangements for whistle-blowing are in place with access for Councillors, staff and those contracting with, or appointed by, the Council. For more information see [Whistleblowing](#)
- (d) To use the Council's legal powers for the full benefit of citizens and communities in the Borough, we will:
- Recognise the limits of lawful action while striving to use Council powers for the full benefit of the community
  - Comply with the specific requirements of legislation and the general duties placed on local authorities by public law
  - Integrate the key principles of administrative law - rationality, legality and natural justice – into the Council's procedures and decision-making processes

**Core Principle 5 – Developing the capacity and capability of members and officers to be effective**

- (a) To make sure that Councillors and officers have the skills, knowledge, experience and resources they need to perform well in their roles, we will:
- Provide induction programmes tailored to individual needs and also opportunities for Councillors and officers to update their knowledge regularly
  - Ensure that the statutory officers (as detailed in the Introduction of the Constitution) have the necessary skills, resources and support to perform effectively
  - Ensure that the roles of the statutory officers are properly understood by all in the Council
- (b) To develop the capability of those with governance responsibilities and to evaluate their performance individually and collectively, we will:
- Assess the skills required by Councillors and officers and develop those skills to enable their roles to be performed effectively

- Develop skills on a continuing basis to improve performance including the ability to scrutinise and challenge and to recognise when outside expert advice is needed
  - Ensure that effective arrangements are in place for reviewing the performance of the Cabinet and individual Cabinet Members and for agreeing action plans to address training or development needs
- (c) To encourage new talent for membership of the Council so best use can be made of individuals' skills and resources in balancing continuity and renewal, we will:
- Ensure that effective arrangements are in place to encourage individuals from all sections of the community to engage with, contribute to, and participate in, the Council's work
  - Ensure that career structures are in place for Councillors and officers to encourage participation and development

**Core Principle 6 – Engaging with local people and other stakeholders to ensure robust public accountability**

- (a) To exercise leadership through a robust scrutiny function which effectively engages local people and all local stakeholders and partnerships and which develops constructive and accountable relationships, we will:
- Make clear to all Councillors, staff and the community that we are democratically accountable for this scrutiny function
  - Consider those institutional stakeholders to whom the Council is accountable and assess the effectiveness of the relationships and any changes required
  - Produce an annual report on the activity of the scrutiny function
- (b) To take an effective and planned approach to dialogue with, and accountability to, the public to ensure effective and appropriate service delivery whether directly by the Council, in partnership or by commissioning, we will:
- Ensure that clear channels of communication are in place with all sections of the community and other stakeholders and put in place monitoring arrangements to ensure that they operate effectively
  - Hold meetings in public unless there are good reasons for confidentiality
  - Ensure that arrangements are in place to enable the Council to engage with all sections of the community effectively.
  - The above arrangements will recognise that different sections of the community have different priorities and will establish processes for dealing with these competing demands

- Establish a clear policy on the types of issues where we will consult, or engage the public and service users, including a feedback mechanism to demonstrate to consultees what has changed as a result of consultation
  - Publish an annual performance plan with information on the Council's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and service user satisfaction in the previous year
  - Ensure that the Council is open and accessible to the community, service users and its own staff and committed to openness and transparency in its dealings including partnerships subject to the protection of confidentiality where necessary and appropriate
- (c) To make the best use of human resources by taking an active and planned approach to meet the Council's responsibility to its staff, we will:
- Develop and maintain a clear policy on the means for consulting and involving staff and their representatives in decision-making

The key policies and procedures that will compose the core of this process are listed below:

- [Effective Human Resource Policies](#)
- Equalities & Diversity
- [Member Code of Conduct](#)
- [Officer Code of Conduct](#)
- Council Constitution (this document)
- **Error! Reference source not found.** (Part 2 Section 4 of this document)
- [Whistleblowing](#) (link only works internally)
- [Audit and Counterfraud Strategy](#)
- [Risk Management Strategy](#)
- [Communications Strategy](#) (link only works internally)
- [Partnerships](#)
- [Lambeth Community Plan 2013-16](#)
- [Lambeth Core Strategy](#)
- [Members Support](#)
- [Procurement Rules](#) (link only works internally)
- [Health & Safety Policies](#) (link only works internally)
- [Information Security](#) (Internal Only link – policy available to view on request)
- [Sustainable Community Strategy](#)

# Lambeth Council Corporate Governance Framework

## Principles, Statutory Obligations and Organisational Objectives

Meeting Statutory Obligations

Implementing local vision

Working together to achieve a common purpose

Adherence to Ethical Values

Meeting Organisational

Taking effective decisions

Developing Members and Officers

Maintaining a Community Focus

### Key Documents: Annual

#### Review / Production

- Annual Performance Report
- Children and Young People's Plan (CYPP) 2007 – 2010
- Corporate IT Security Policy
- Corporate Plan
- Corporate Risk Register
- Delegation from Directors
- Delegations to Directors
- Departmental Service & Financial Plans
- Internal / External Audit Protocol
- IS/IT Strategy
- Medium Term Financial Strategy
- Members Allowances Scheme
- Risk Management Policy Statement
- Safer Lambeth Partnership Plan
- State of the Borough Report
- Statement of Accounts

### Key Documents: Ad-Hoc

#### Review / Production

- Communications Strategy
- Constitution
- Equal Opportunities Policy
- Financial Regulations
- Freedom of Information Publication Scheme
- Health, Safety and Welfare Policy
- Citizen Focus Programme
- Community Engagement Strategic Action Plan
- Council Policy Framework
- Local Development Framework
- Member / Officer Relations
- Members Code of Conduct
- Officers' Code of Conduct
- Officer Recruitment & Selection Procedures
- Partnership Control Policy
- Performance Management Framework

### Contributory Processes/

#### Regulatory Monitoring

Accountability Statements (Depts.)

Job Evaluation / Pay Implementation

Budget Book

Lambeth Talk

Council Tax Leaflet

Lambeth Web

Corporate (Audit) Committee

Corporate Affairs

Corporate Intranet

Member Training

Corporate Governance Working Group

Organisational Development Programme

Monitoring Officer

Risk Management Working Group

Personal Performance Reviews

Criminal Record Bureau Checks

Procurement Board

## Section 10 – Protocol and criteria for consideration of requests for dispensations

1. The Council has delegated authority to the Monitoring Officer (Director of Corporate Affairs), pursuant to section 33 of the Localism Act, to grant dispensations to councillors allowing them to speak and vote at a meeting when they have a Disclosable Pecuniary Interest. In exercising this delegated power, the Monitoring Officer will consult with members of the Standards Committee, other councillors, or the Independent Person, should he/she deem it necessary. The exercise of this delegated power is subject to a right of appeal to the Standards Committee. This protocol sets out how requests for dispensations should be made, the process that will be followed when the request is considered, and the criteria that will be applied when the request is determined.
2. A councillor seeking a dispensation should submit an application in writing to the Monitoring Officer. The application should explain the reasons why a dispensation is desirable. The application must be written by the councillor concerned and not by another. The application should be submitted as early as possible, and (where the meeting date is known) in any event no later than 10 working days before the meeting in question is due to take place.
3. If less than 10 working days notice is given, reasons for urgency and/or exception must be set out in the application. The Monitoring Officer will consider if exceptional and/or urgent reasons exist and in consultation with the Chair of the Standards Committee determine whether to convene a meeting on less notice.
4. In deciding whether to grant the dispensation the Monitoring Officer will consider:
  - a) whether the legal criteria for the grant of a dispensation, as set out in paragraph 5 below, are met;
  - b) the reasons why a dispensation is desirable as put forward in the written application;
  - c) the additional criteria referred to in paragraph 8 below; and
  - d) any other relevant circumstances.
5. The Monitoring Officer may grant a dispensation only in the following circumstances:
  - a) That so many members of the decision-making body have a Disclosable Pecuniary Interest in a matter that it would “impede the transaction of the business”. In practice this means that the decision-making body would be inquorate as a result;



- b) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
- c) That the Monitoring Officer considers that the dispensation is in the interests of persons living in the authority's area;
- d) That, without a dispensation, no member of the Cabinet would be able to participate on the matter (although in the highly unlikely event of this situation arising, the Leader of the Council has authority to make alternative arrangements regarding executive decisions, thus avoiding the need for a dispensation in any event); or
- e) That the Monitoring Officer considers that it is otherwise appropriate to grant a dispensation.

The Monitoring Officer will ignore the reasons for any dispensations that have already been granted to other members at the meeting when deciding whether any of these criteria apply.

6. A dispensation may not be granted:

- a) To allow a councillor to vote at a meeting of the Overview and Scrutiny Committee or its sub-committees about a decision taken by him/her or by any body they were a member of at the time the decision was taken;
- b) To allow a Cabinet member with a Disclosable Pecuniary Interest in a matter to take an executive decision about it on his/her own.

7. Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years. A dispensation may be granted for just one meeting or on an ongoing basis. Any such dispensation will automatically cease to have any effect following the expiry of the councillor's term of office.

The councillor must advise the Monitoring Officer of any change in their circumstances.

8. Where the Monitoring Officer is satisfied that the criteria set out in paragraph 5 above apply, he/she will also take into account the following criteria, in addition to the reasons put forward in the application and any other relevant circumstances:

- a) Is the nature of the councillor's interest such that allowing them to participate would not damage public confidence in the conduct of the authority's business? A dispensation is unlikely to be granted where the decision is one having a direct and significant financial effect on the applicant and/or their partner (which means the councillor's spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they are civil partners).

- b) Can the decision be readily taken in an alternative way without damage to public confidence in the conduct of the authority's business? It may not be in the public interest if the decision, in the absence of dispensations being granted, could be taken only by a small number of councillors, or by members of one political party only, or by an officer under delegated powers. But if a councillor with a Disclosable Pecuniary Interest could be readily substituted by another councillor from the same political party that may be preferable to the grant of a dispensation.
  - c) Is the interest common to the councillor and to a significant proportion of the general public? It might be appropriate to grant a dispensation if this is the case.
  - d) Is the participation of the councillor in the business that the interest relates to justified by the councillor's particular role or expertise?
  - e) Is the business that the interest relates to about a voluntary organisation or a public body which is to be considered by the Overview and Scrutiny Committee or its sub-committees and is the councillor's interest not a financial one? In circumstances such as these, the Monitoring Officer might believe that it is in the public interest to allow the councillor to speak and vote.
9. In cases where a dispensation is granted the Monitoring Officer will consider the nature of the dispensation – i.e. whether the dispensation should allow the councillor to speak and not vote, or to fully participate and vote. The Monitoring Officer will also consider how long the dispensation should apply. In some cases, an application for a dispensation may be made before it is known exactly when the meeting will be. In those cases the Monitoring Officer will normally grant the dispensation for a six month period, to permit flexibility.
10. The decision of the Monitoring Officer will be recorded in writing and kept with the Members' Register of Interests that the Monitoring Officer is required to maintain.
11. If the application for a dispensation is not granted by the Monitoring Officer, the councillor may appeal to the Standards Committee. Any such appeal should be submitted in writing to the Monitoring Officer within 14 days of his/her decision, setting out the grounds of appeal.

