

Sheffield City Council Constitution

CONSTITUTION

MAY 2022

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DRAFTING NOTE: all wording within this document enclosed within square brackets has not yet been amended and is subject to change

Part 2

Articles of the Constitution

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Article 1 - The Constitution

1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

These Articles (Part 2), together with the contents of Parts 1, 3, 4, 5, 6 and 7, form the Constitution of The Sheffield Metropolitan District Council (known as The Sheffield City Council).

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision-making;
3. help Councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.

The Council's vision is to be amongst the best performing Councils, providing the best quality services in the Country. It will work in active partnership with the community to create a successful Sheffield with a good quality of life for all its inhabitants.

1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated in paragraph 1.03 above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 16.

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Article 2 - Members of the Council

2.01 Composition and Eligibility

- (a) **Composition.** The Council comprises 84 Members, otherwise called Councillors. Councillors will be elected by the voters of each Ward in accordance with a scheme drawn up by the Boundary Committee for England and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of the District or those living or working there will be eligible to hold the office of Councillor.

2.02 Election and Terms of Councillors

The ordinary election of a third (or as near as may be) of all Councillors will be held on the first Thursday in May in each year except every fourth year beginning in 2013 when there will be no regular election. The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.03 Roles and Functions of all Councillors

- (a) **Key Roles.** All Councillors will:
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision-making;
 - (iii) effectively represent the interests of their Ward and of individual constituents;
 - (iv) respond to constituents' enquiries and representations, fairly and impartially;
 - (v) participate in the governance and management of the Council;
 - (vi) maintain the highest standards of conduct and ethics;
 - (vii) be available to represent the Council on other bodies; and

- (viii) be available to serve on any Committee (including Area Committees) established by the Council.

(b) **Rights and Duties**

- (i) Councillors will have right of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public any information which is confidential or exempt without the consent of the Council, or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.
- (iii) For these purposes "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.

2.04 Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocols set out in Part 5 of this Constitution.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowance Scheme set out in Part 6 of this Constitution.

Article 3 - Citizens and the Council

3.01 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution.

- (a) **Voting and Petitions.** Citizens on the electoral roll for the area have the right to vote and to sign a petition to request a referendum for a change to the governance arrangements of the Council.
- (b) **Information.** Citizens have the right to:
- attend meetings of the Council and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - find out from published work programmes what decisions will be taken and when;
 - see reports and background papers, and any records of decisions made by the Council and Committees;
 - inspect the Council's accounts and make their views known to the External Auditor;
 - obtain a copy of the Constitution; and
 - inspect the register of Councillors' interests.
- (c) **Participation.** Citizens have the right to:
- participate in the question time at meetings of the Council, Committees and other Council bodies; and
 - contact their local Councillor about any matters of concern to them.
- (d) **Complaints.** Citizens have the right to complain to:
- the Council itself under its complaints scheme;
 - the Ombudsman after using the Council's own complaints scheme; and

- the Council’s Audit and Standards Committee about an alleged breach of the Members’ Code of Conduct.

3.02 **Citizens' Responsibilities**

Citizens must not be violent, abusive or threatening to Councillors or Officers and must not wilfully harm things owned by the Council, Councillors or Officers.

Article 4 - The Full Council

4.01 Meanings

(a) **Policy Framework.** The Policy Framework means the following plans and strategies:-

- Annual Library Plan (Section 1(2) Public Libraries and Museums Act 1964);
- Development plan documents (Section 15, Planning and Compulsory Purchase Act 2004);
- Plans and Alterations which together comprise the Development Plan;
- Licensing Authority Policy Statements under the Licensing Act 2003 and the Gambling Act 2005;
- Crime and Disorder Reduction Strategy (Crime and Disorder Act 1998);
- Youth Justice Plan (Crime and Disorder Act 1998);
- The Council's Corporate Plan and associated Annual Plans

(b) **Budget.** The annual budget which includes the allocation of financial resources to different services and projects, including:

- revenue expenditure;
- proposed contingency funds including reserves and balances;
- setting the Council Tax (and any other local tax which may be within the control of the Council);
- decisions relating to the control of the Council's borrowing requirement;
- capital expenditure;
- the Treasury Management Strategy; and
- the Housing Revenue Account.

4.02 Functions of the Full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the Policy Framework;
- (c) approving or adopting the Budget;
- (d) agreeing the capital strategy and programme;

- (e) subject to the urgency procedure in the Budget and Policy Framework Procedure Rules, making decisions about any matter which would otherwise be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget;
- (f) consideration of adverse reports of the Local Government Ombudsman where it is proposed that the Council take no action or the recommended action should not be taken (Section 31A, Local Government Act 1974);
- (g) election of the Lord Mayor and appointment of a Deputy Lord Mayor (Sections 4 and 5, Local Government Act 1972);
- (h) appointing and removing the Leader;
- (i) agreeing or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
- (j) appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- (k) adopting a Councillors' Allowances Scheme under Article 2.05;
- (l) changing the name of the Area (Section 74, Local Government Act 1972);
- (m) conferring the Freedom of the City and the title of Honorary Freeman (Section 249, Local Government Act 1972);
- (n) approving the Members' Code of Conduct and any amendments to this;
- (o) confirming the appointment of the Head of the Paid Service and the dismissal of the Head of the Paid Service, Monitoring Officer or Chief Finance Officer;
- (p) making, amending, revoking, re-enacting or adopting bylaws, and promoting or opposing the making of local legislation or personal Bills (Section 239, Local Government Act 1972);
- (q) approving schemes for local authority lotteries;
- (r) resolving under the Local Government (Miscellaneous Provisions) Act 1982 that provisions in that Act relating to Sex Establishments or Street Trading shall be adopted or applied;

- (s) approving:-
- for public consultation draft proposals for the preparation or alteration to a development plan;
 - submission to the Secretary of State of any plan or strategy that is required to be so submitted including submission for independent examination of a development plan document as required by section 20 Planning and Compulsory Purchase Act 2004;
- (t) making a request under section 57 Local Democracy, Economic Development and Construction Act 2009 for single-member electoral areas;
- (u) passing a resolution to change a scheme for elections under section 32(1), 37(1) or 39(1) Local Government and Public Involvement in Health Act 2007;
- (v) making an order giving effect to recommendations made in a community governance review under section 86 Local Government and Public Involvement in Health Act 2007;
- (w) making arrangements with one or more local authorities for the discharging of any function by a joint committee and making appointments to such a joint committee;
- (x) all other matters which, by law, must be reserved to Council:
and
- (y) any other functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than a Committee or officer.

(For the avoidance of doubt, a Committee may only amend, modify, revise, vary, withdraw or revoke any plan in the Policy Framework to the extent that it is required by the Secretary of State, a person appointed to carry out an independent examination under Section 20, Planning and Compulsory Purchase Act 2004 or as authorised by Full Council.)

4.03 **Council Meetings**

There are three types of Council meeting:

- (a) the Annual Meeting;
- (b) Ordinary Meetings; and
- (c) Extraordinary or Special Meetings;

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 **Responsibility for Functions**

The Council will maintain Part 3 of this Constitution setting out the responsibilities for the Council's functions.

Article 5 – Chairing the Council

5.01 Role and Function of the Lord Mayor

The Lord Mayor and Deputy Lord Mayor will be elected by the Council annually at its Annual Meeting. The Lord Mayor, and in his or her absence the Deputy Lord Mayor, will have the roles and functions set out below.

5.02 Ceremonial Role

The Lord Mayor will act as the City's First Citizen and will discharge ceremonial duties on behalf of the Council so as to:

- (a) uphold and promote the purposes of the Constitution, and interpret the Constitution when necessary;
- (b) promote public involvement in the Council's activities;
- (c) be the conscience of the Council and Councillors; and
- (d) attend such civic and ceremonial functions as the Council and he/she determines appropriate.

5.03 Chairing the Council Meeting

The Lord Mayor (or in his or her absence the Deputy Lord Mayor) will chair meetings of the Council, so as to:

- (a) uphold and promote the purposes of the Constitution, and interpret the Constitution when necessary;
- (b) ensure its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community; and
- (c) ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on a Committee of the Council may ask questions of the Chair of that Committee.

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Article 6 - Leader, Deputy Leader And Group Leaders Of The Council

7.01 Appointment of Leader and Deputy Leader

- (a) At the Annual Meeting of Council the Council will appoint a Leader of the Council, who shall act be the political head of the Council, and a Deputy Leader to assume the Leader's responsibilities in his/her absence.
- (b) Once appointed, the Leader and the Deputy Leader will hold office until the next Annual Meeting unless he/she:-
 - (i) resigns from the office;
 - (ii) is no longer a member of the Council; or
 - (iii) is removed from office by resolution of the Council.
- (c) Where there is a vacancy in the office of Leader, the Deputy Leader will assume the responsibilities of the Leader until a new Leader is appointed at an ordinary meeting of the Council. Where both the Leader and Deputy Leader cease to hold office at the same time, the Lord Mayor shall call a meeting of the Full Council as soon as possible, to appoint a new Leader and Deputy Leader.

7.02 Role and Function of the Leader

The Leader will:

- (a) Act as the Council's principal public spokesperson;
- (b) provide a focal point for political leadership and strategic direction for the Council;
- (c) represent the interests of the Council in circumstances where that is necessary; and
- (d) ensure effective Corporate Governance and ethical conduct throughout the Council.

The Leader shall be:

- (a) the Chair of the Strategy and Resources Committee;

- (b) the Council’s appointed Member of the South Yorkshire Mayoral Combined Authority;
- (c) entitled to attend and speak at all meetings of the Council’s Committees and Sub-committees in an ex officio capacity, provided that they will only be entitled to vote if appointed as a voting member of that Committee or Sub-Committee; and
- (d) be available to respond to questions at Full Council meetings.

7.03 Key Responsibilities of the Leader

The Leader will:

- (a) Be the political (rather than ceremonial) leader of the Council, for the benefit of all the City’s communities - its citizens, taxpayers, businesses, public bodies and other public authorities.
- (b) Represent and pursue the interests of the Council in the community and at international, national and regional levels.
- (c) Be the key contact for outside organisations (including Central Government, Local Authority Associations and Council partners), and internally for the Council’s Chief Officers.
- (d) Be the representative voice of the Council, for example, in its dealings with Central Government, other Local Authorities and their Associations, and positively promote the Council as a whole to the media.
- (e) Promote the long-term financial, business and economic stability of the Council and the City.
- (f) Meet regularly to progress the Council’s objectives with Committee Chairs, the Chief Officers, Group Leaders, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament, etc.
- (g) Promote high standards of corporate governance and ethical and inclusive conduct throughout the Council [including working with all political groups].
- (h) Promote and maintain professional working relationships and mutual respect between all Members and officers.

- (i) Work across the Council, particularly with the Chairs and Vice-Chairs of its Committees and Sub-Committees, and to be responsible for the development and implementation of the Council's strategic vision for the policy framework, budgets and other strategies.
- (j) [Establish] policy direction and the Council's priorities (to be set out in the Council's Corporate Plan) and to facilitate discussion thereon, and to lead in providing policy direction and guidance to the Chief Executive and Chief Officers.
- (k) Be involved in arrangements around major emergencies. The Leader and Deputy Leader must be informed if an emergency is likely to take place or has been declared under the Council's emergency planning or business continuity procedures.

7.04 Role and Function of the Deputy Leader

The Deputy Leader will:

- (a) assist the Leader of the Council in representing the Council to its citizens, stakeholders and partners and in providing political leadership for the Council and the City;
- (b) assist the Leader in carrying out the key responsibilities associated with the role of Leader (as set out at 7.03 above);
- (c) work with the Leader on budget and policy development; and
- (d) undertake the powers, functions and responsibilities of the Leader in their absence.
- (e) be the Council's appointed Substitute Member of the South Yorkshire Mayoral Combined Authority (unless another Member of the Council is so appointed)

7.05 Political Group Leaders

- (a) Political groups, and the leader (and any deputy group leader) of a political group, have a formal role under the provisions of the Local Government and Housing Act 1989 and The Local Government (Committees and Political Groups) Regulations 1990 in respect of political balance of committees and appointments to those committees by the Council.

- (b) The Council acknowledges the key leadership role played by the leaders of all political groups on the Council and the importance of their commitment to cross party working.

The role and responsibilities of Political Group Leaders are:

- (a) To provide the leadership of a political group.
- (b) To be the principal political spokesperson for the political group.
- (c) To nominate members of their Group to serve on Committees, Working Groups, outside bodies, etc.
- (d) To be a representative voice in dealings with government agencies, local authority associations etc.
- (e) To encourage the highest standards of conduct by members of the group.
- (f) To be responsible for the appointment of group spokespersons and allocation of other responsibilities to group members as appropriate.
- (g) To assist in ensuring appropriate levels of attendance are maintained by group members.
- (h) To encourage a culture of learning and development among members, including the active participation of group members in briefings, seminars and other learning and development processes.
- (i) To attend Group Leaders' briefings and maintain effective liaison with the other group leaders.

Article 7 – Policy Committees

6.01 Policy Committees

The Council will appoint the Policy Committees set out in Part 3 of this Constitution to discharge the functions there described. Policy Committees will operate in accordance with the Terms of Reference set out in Part 3.

6.02 Role of the Policy Committee Chair

The Chair of a Policy Committee will carry out the following functions:

- (a) Be the primary officer point of contact with regard to the Committee's ongoing business, formulation of a draft work programme for the Committee's consideration, and for advice about engagement with the Committee;
- (b) Be the primary spokesperson for the committee they chair;
- (c) In the case of the Chair of the Children's Services Policy Committee, be the Statutory Lead Member for Children's Services;
- (d) Convene and chair regular pre-agenda and pre-meeting briefings with all the Group Spokespersons from their Committee.

6.03 Scrutiny

The Council has certain statutory powers and duties in respect of scrutiny of various matters:-

- (a) the power to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area, including the power of referral to the Secretary of State for Health and Social Care, under section 244 of the National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013;
- (b) the power to review and scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions under section 19 of the Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009;
- (c) the duty to review and scrutinise the exercise by risk management authorities of flood risk management functions under section 9JB of the Local Government Act 2000; and

- (d) the power to make such reports and/or recommendations to the Full Council or other responsible person as appropriate in connection with the discharge of any of these functions.

The Council has not resolved to have an overview and scrutiny committee appointed under section 9JA of the Local Government Act 2000.

The Council will exercise its statutory scrutiny functions through the appropriate Policy Committees, or subcommittees established for the purpose (whose members may if necessary include members of other Policy Committees), in accordance with the Terms of Reference set out in Part 3 of this Constitution.

Article 8 - Regulatory and Other Council Committees

8.01 Regulatory and other Committees

The Council will appoint the Regulatory and other Committees set out in Part 3 of this Constitution to discharge the functions there described. Ad hoc Committees may be established at any time by the Council and decisions taken by them within their terms of reference will be effective, notwithstanding that Part 3 of this Constitution has not been updated to reflect their establishment.

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Article 9 - The Audit and Standards Committee

9.1 Audit and Standards Committee

The Council will establish an Audit and Standards Committee to

- (a) oversee and assess the Council’s risk management, control and corporate governance arrangements and advise the Council on the adequacy and effectiveness of these arrangements; and
- (b) determine complaints under the Members’ Code of Conduct referred to it by the Monitoring Officer and promote high standards of Councillor conduct.

9.1.1 Composition

The Audit and Standards Committee will comprise:-

- (i) 7 Members with proportionality applied.
- (ii) a maximum of 3 non-voting co-opted members.

(Where standards related matters are to be considered by the Committee, the three Parish/Town Councils would be invited to jointly send one representative to attend the meeting for those items as an observer).

9.1.2 Role and Functions

The Audit and Standards Committee and its Sub-Committees will have the terms of reference as set out in Part 3 of this Constitution.

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Article 10 – The Health and Wellbeing Board

10.1 Sheffield Health and Wellbeing Board

The Sheffield Health and Wellbeing Board is established under the Health and Social Care Act 2012 as a statutory committee of Sheffield City Council.

The role of the Board is to develop and maintain a vision for a city free from inequalities in health and wellbeing, taking a view of the whole population from pre-birth to end of life. The Board will be the system leader for health and wellbeing, acting as a strong and effective partnership to improve the commissioning and delivery of services across the NHS and the Council, leading in turn to improved health and wellbeing outcomes and reduced health inequalities for the people of Sheffield.

10.2 Composition, Role and Functions

The Sheffield Health and Wellbeing Board will have the composition, role and functions as set out in its terms of reference at Part 3 of this Constitution.

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Article 11 – Area Committees

11.01 Area Committees

The Council may from time to time establish such Area Committees as it sees fit as set out in Part 3 of the Constitution.

11.02 Composition

- (a) **Membership.** An Area Committee comprises all Ward Councillors from the Wards in its area.
- (b) **Quorum.** The quorum will be established by Full Council.
- (c) **Joint Meetings.** Two or more Area Committees may hold a joint meeting to discuss a matter which affects the area of each Area Committee.

11.03 Terms of Reference

Area Committees shall operate according to Terms of Reference set out in Part 3 of this Constitution.

11.04 Rules of Procedure

The Area Committees shall operate according to Area Committee Procedure Rules and Access to Information Rules set out in Part 4 of the Constitution.

11.05 Delegations

The Area Committees shall carry out such functions as are delegated by the Full Council as set out in Part 3 of this Constitution.

Full Council retains the right to remove, reserve or limit any of the powers delegated by it to an Area Committee at any time and for any reason it deems fit.

11.06 Operational Framework

Area Committees must operate within the Constitution (including but not limited to the Financial Regulations and the other rules of procedure contained in Part 4) and Commissioning and Procurement Guidelines. When making decisions they will comply with the principles of decision making set out in these Articles.

The Councillors' Code of Conduct applies fully to Councillors when serving on an Area Committee. Councillors must ensure that Council procedures are followed regarding Disclosable Pecuniary Interests, personal interests and other conflicts of interest.

Article 12 – Joint Arrangements

12.01 General Power of Competence

The Council may, subject to restrictions and limitations, exercise its general power of competence (section 1, Localism Act 2011) to:-

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

12.02 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities (including non-principal authorities) to exercise functions, or advise the Council. Such arrangements may involve the appointment of Joint Committees with these other local authorities. The appointment of individuals to Joint Committees is a function of the Full Council.
- (b) The Council may establish joint arrangements with the Executive of one or more local authorities to exercise functions which are executive functions of the other local authority or authorities. Such arrangements may involve the appointment of Joint Committees with these other local authorities. The appointment of individuals to such Joint Committees is a function of the Full Council, albeit that the executive arrangements of the other local authority or authorities may require members of their Executive only to be appointed to such Joint Committees.
- (c) The Council nominates representatives to the South Yorkshire Joint Authorities and to the South Yorkshire Police and Crime Panel.
- (d) The Council must maintain a list and details of the joint arrangements it has established.

12.03 Procedure for Joint Committees

The Access to Information Procedure Rules in Part 4 of this Constitution apply to Joint Committees.

If the Joint Committee contains Members who are not Executive Members of any participating authority then the Access to Information regime in Part VA of the Local Government Act 1972 will apply.

12.04 Delegation to and from other Local Authorities

- (a) The Council may delegate functions to another local authority or, in certain circumstances in accordance with the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012, the Executive of another local authority.
- (b) Arrangements can only be made for a function to be carried out by the Executive of another local authority if that function is the responsibility of that other authority's Executive.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Full Council.

12.05 Contracting Out

The Council may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 13 - Officers

13.01 Management Structure

- (a) **General.** The Full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Full Council will engage a person for the post of Head of the Paid Service (known as the Chief Executive) and other Chief Officers (Executive Directors) to form the Executive Management Team. The Council will also engage Heads of Service (or Directors). The Head of the Paid Service will maintain a description of these posts and of the overall management structure of the Council in Part 7 of this Constitution.

(c) **Statutory Officers**

In addition to the Head of the Paid Service, the Council will designate officers, as identified in Part 7 of this Constitution, to the following posts:

- Monitoring Officer, under section 5 of the Local Government and Housing Act 1989
- Chief Finance Officer, under Section 151 of the Local Government Act 1972
- Director of Children’s Services, under section 18 of the Children Act 2004
- Director of Adult Social Services, under section 6 of the Local Authority Social Services Act 1970
- Director of Public Health, under Section 73A of the National Health Service Act 2006 (local authorities and the NHS)

13.02 Functions of the Head of Paid Service

Discharge of functions

The Head of the Paid Service will report to Full Council and any Committees as appropriate on the manner and the discharge of the Council’s functions, including the number and grade of officers required for the discharge of functions and the organisation of these officers.

Corporate management responsibility

The Head of the Paid Service will have overall corporate management

and operational responsibility, including overall management responsibility for all staff.

Providing advice

The Head of the Paid Service will provide professional advice to all Members involved in the decision-making process.

Service strategies

The Head of the Paid Service will advise and assist in formulating service policies and programmes which are affordable and effective and make the best use of available resources in achieving Council priorities;

Emergency and urgency powers

The Head of the Paid Service, or in his/her absence his/her designated deputy, has the power to act in cases of emergency or urgency to discharge all the functions delegated to other Officers in consultation, where possible, with the Leader or in the Leader's absence the Deputy Leader or other designated deputy.

Restrictions on functions

The Head of the Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

13.03 Functions of the Monitoring Officer

Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Councillors, officers and the public.

Ensuring lawfulness and fairness of decision making

After consulting with the Head of the Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council in relation to any function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Unlawfulness, maladministration or injustice

The Council must, within 21 days of receiving it, consider the report of the Monitoring Officer at a meeting of the Council. The Council must ensure that no further action is taken in respect of the proposal or decision until the report has been considered and the Council has resolved:

- i) what action has been taken in response to the report;

- ii) what action the Council proposes to take in response to the report and when it proposes to take that action; and
- iii) the reasons for taking that action, or the reasons for not taking any action.

Members' Conduct

The Monitoring Officer will contribute to supporting the statutory duty to promote and maintain high standards of conduct for its Elected Members under the Localism Act 2011 by maintaining the Members' Code of Conduct and providing a process for investigating complaints under the Code.

The Monitoring Officer will also:

- (i) work closely with the Independent Person and the Audit and Standards Committee in dealing with issues relating to Members' conduct.
- (ii) submit a bi-annual report to Council in relation to alleged breaches of the Members' Code of Conduct.
- (iii) provide advice to the Council and individual members in relation to standards issues.
- (iv) maintain a statutory register of Members' interests.

Proper officer for access to information

The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

Advising whether committee decisions are within the Budget and Policy Framework

The Monitoring Officer will advise whether decisions of Committees of the Council are in accordance with the Budget and Policy Framework.

Providing advice

The Monitoring Officer will provide advice to all Councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues.

Restrictions on posts

The Monitoring Officer cannot be the Chief Finance Officer or the Head of the Paid Service.

Dispensations

The Monitoring Officer or his/her Deputy can grant dispensations to participate in the business of the authority where a Member has a Disclosable Pecuniary Interest, in accordance with Section 33 of the Localism Act 2011.

13.04 Functions of the Chief Finance Officer

Ensuring lawfulness and financial prudence of decision making

After consulting with the Head of the Paid Service and the Monitoring Officer, the Director of Legal and Governance and the Chief Finance Officer will report to the Full Council and to the Council's External Auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

Unlawful expenditure by the Council

The Council must, within 21 days of receiving it, consider the report at a meeting where it will decide whether it agrees or disagrees with the views contained in the report and what action to take. The Council must ensure that no further action is taken on the matter in question until the working day after its meeting to consider the report and the Council will be deemed to have no authority to take such action until then. The Council must decide:

- i) what action has been taken in response to the report;
- ii) what action the Council proposes to take in response to the report and when it proposes to take that action; and
- iii) the reasons for taking that action or the reasons for not taking any action.

The Chief Finance Officer will as soon as is reasonably practicable notify the Council's External Auditor of the date, time and place of the proposed meeting. As soon as is reasonably practicable after the meeting, the Chief Finance Officer will notify its external auditor of any decision made at the meeting.

Administration of financial affairs

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

Contributing to corporate management

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

Providing advice

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

Provision of financial information

The Chief Finance Officer will provide such financial information as he or she is required or considers appropriate to give to the media, members of the public and the community.

13.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

13.06 Functions of the Director of Children’s Services

The Director of Children’s Services is professionally accountable for the delivery of the Council's education and social services functions for children, and any health functions for children delegated to the authority by a National Health Service body.

13.07 Functions of the Director of Adult Social Services

The Director of Adult Social Services is responsible for all of the Council’s social services functions, other than those for which the Council’s Director of Children’s Services is responsible.

13.08 Conduct

Officers will comply with the Officers’ Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

13.09 Employment

The recruitment, selection and dismissal of officers will be carried out in compliance with the Officer Employment Rules set out in Part 4 of this Constitution.

13.10 **Proper Officers**

The Council will designate and describe in Part 7 of this Constitution officers to undertake the various statutory Proper Officers' functions.

Article 14 - Decision Making

14.01 Responsibility for Decision Making

The Council will maintain in Part 3 of this Constitution an up to date record and scheme of delegation of which part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas of functions.

14.02 Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights, giving consideration to such issues at an early stage in the process;
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

Furthermore, the Council will explain what options were considered and give reasons for the decision.

14.03 Decision Making by the Full Council

- (a) Decisions relating to the functions listed in Article 4.02 will be made by the Full Council and not delegated.
- (b) When considering any matter, the Council will follow this Article and the Council Procedures Rules set out in Part 4 of this Constitution. Committees and Sub-Committees of the Council will follow this Article and such parts of the Council Procedure Rules as are relevant to them.

14.04 Decision Making by Area Committees

When considering any matter, Area Committees will follow this Article and the Area Committee Procedure Rules set out in Part 4 of this Constitution.

14.05 Decision Making by Council Bodies acting as Tribunals

The Council, Councillors (individually or collectively) or an Officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 15 - Finance, Contracts and Legal Matters

15.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

15.02 Contracts

Every contract made by the Council will comply with the Contracts Standing Orders set out in Part 4 of this Constitution.

15.03 Legal proceedings

The Director of Legal and Governance is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director of Legal and Governance considers that such action is necessary or appropriate to protect the Council's interests.

15.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Legal and Governance or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

All contracts entered into on behalf of the local authority, including contracts placed or confirmed by order, shall be in writing. Contracts with a value of £500,000 or more shall be by deed and under the Common Seal of the Council except with the approval of the Director of Legal and Governance. Contracts with a value of less than £500,000 shall be by deed and under the Common Seal of the Council if the Director of Legal and Governance so recommends.

15.05 The Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Director of Legal and Governance. A decision of the Council, or of any part of it, including a properly delegated decision by an officer, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Director of Legal and Governance should be sealed. The affixing of the Common Seal will be attested by the Director of Legal and Governance, an Assistant

Director of Legal and Governance, or some other person authorised by the Director of Legal and Governance.

Article 16 - Review and Revision of the Constitution

16.01 Duty to Monitor and Review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

16.02 Protocol for Monitoring and Review of the Constitution by the Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to achieve better the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

- (a) observe meetings of different parts of the Councillor and Officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with him/her by Councillors, Officers, the public and other relevant stakeholders; and
- (d) compare practices in the Council with those in other comparable authorities, or national examples of best practice.

16.03 Changes to the Constitution

Changes to the Constitution will only be made:

- (a) with the approval of the Full Council after consideration of the proposal by a Committee of the Council, the Chief Executive or the Monitoring Officer and Director of Legal and Governance; or
- (b) by the Director of Legal and Governance, in consultation with the Lord Mayor, in accordance with any powers explicitly delegated by Full Council in relation to minor or consequential amendments.

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Article 17 - Suspension, Interpretation and Publication of the Constitution

17.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules in other Parts of this Constitution may be suspended as set out in and to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the Councillors entitled to vote are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

17.02 Interpretation

The ruling of the Lord Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

17.03 Publication

- (a) The Monitoring Officer will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and on the Council's website.
- (b) The Monitoring Officer will ensure that a summary of the Constitution is made widely available within the area and is updated as necessary.

17.04 Definitions

In this Constitution '**Executive Director**' means an Officer designated in the Council's Management Structure in Part 7 as an Executive Director.

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Part 3

Responsibility for Functions

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PART 3 – RESPONSIBILITY FOR FUNCTIONS

3.1 INTRODUCTION

Part 3 of the Constitution sets out which bodies and individuals within the Council are responsible for carrying out particular functions.

Functions may be exercised by the Full Council, or be delegated to a Council Committee or Sub-Committee, to an Area Committee, to Joint Arrangements or to a Council Officer.

Matters delegated to a Committee or Sub-Committee are set out in its terms of reference. Those terms of reference, together with Arrangements for the Delegation of Functions to Officers, are set out in this Part 3 of the Constitution.

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3.2 FUNCTIONS RESERVED TO FULL COUNCIL

The functions to be exercised only by the Full Council, whether as a matter of law or of local determination are those set out in Article 4.02 (Functions of the Full Council).

3.2.1 BUDGET AND POLICY FRAMEWORK

The Strategy & Resources Committee, or such other Policy Committee as is agreed by that Committee, will prepare in draft and submit to Full Council for adoption as elements of the Budget and Policy Framework those policies, plans and strategies listed below. Council may require the Committee to reconsider or amend any draft plan or strategy submitted for consideration.

- Annual library plan: Section 1(2) Public Libraries and Museums Act 1964 (such information as the Secretary of State may require for carrying out his duty under the Section)
- Crime and Disorder Reduction Strategy: Sections 5 and 6 Crime and Disorder Act 1998
- Youth Justice Plan: Section 40 Crime and Disorder Act 1998
- Licensing Authority Policy Statements under the Licensing Act 2003 and the Gambling Act 2005
- Development Plan documents: as specified in the Local Development Scheme required by Section 15 Planning and Compulsory Purchase Act 2004
- Plans and alterations which together comprise the Development Plan: Part 2 and Schedule 8 Planning and Compulsory Purchase Act 2004
- A plan or strategy relating to the Council's borrowing, investments, capital expenditure and determination of minimum revenue provision
- The Council's Corporate Plan and associated Annual Plans
- For the purpose of its submission to the Secretary of State or any Minister of the Crown, any plan or strategy referred to above (whether or not in draft) of which any part is required to be so submitted

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3.3. MATTERS DELEGATED TO COUNCIL COMMITTEES AND SUB-COMMITTEES

The current Council Committees, their terms of reference, and the functions delegated to them are set out in detail below:

- 3.3.1 Policy Committees
- 3.3.2 Arrangements for Urgent Decision Making
- 3.3.3 Area Committees
- 3.3.4 Regulatory Committees
- 3.3.5 Other Committees
- 3.3.6 Sheffield Health and Wellbeing Board

Unless otherwise stated, a Committee may further delegate to a Sub-Committee or Council Officer and a Sub-Committee may further delegate to a Council Officer.

The Full Council will decide the constitution, membership and terms of reference of each Committee (except for those matters relating to Area Committees which are set out in legislation).

The Monitoring Officer shall ensure that all consequential amendments to this part of the Constitution are made promptly.

3.3.1 POLICY COMMITTEES

The Council has established eight Policy Committees aligned with the functions of the Council:

1. Strategy and Resources
2. Communities, Parks and Leisure
3. Education, Children and Families
4. Adult Health and Social Care
5. Housing
6. Waste and Street Scene
7. Economic Development and Skills
8. Transport, Regeneration and Climate

Matters Reserved to All Policy Committees

Within the remit of each Policy Committee and subject to decisions being (i) within the approved Budget, (ii) not contrary to the Policy Framework, (iii) in accordance with the priorities set out in the Council's Corporate Plan, and (iv) any Capital Programme expenditure having been approved by the Strategy and Resources Policy Committee, the following matters are reserved to Policy Committees:

Strategic Service and Financial Planning and Review

- Agreeing statutory and other strategies
- Agreeing policy issues;
- Approval of the proposed withdrawal or variation of any service where this is outside the scope of an agreed Service Plan **and** the likely impact on present or future users of the service is considered significant;
- Any alterations to agreed budgets or Council Service Plans which the Chief Finance Officer considers to be significant (provided these remain within the constraints of the Budget and Policy Framework);
- Agreeing fees and charges (other than any set by Full Council as part of the budget process) in line with the medium term financial strategy and any policies in respect of fees and charges;
- Agreeing to policy and performance priorities for the short and medium term, taking into account the needs of the Council as a whole;
- Considering reviews of Service performance against approved plans.

Consultation and Petitions

- Agreeing the Council's response to consultation by Government or other external agencies where this relates to proposed policy changes which the Chair of the Committee or of the Strategy and Resources Policy Committee consider to be significant;
- Dealing with petitions in accordance with Council procedure.

Contracts

Agreeing the commission or purchasing decision and the budget on any given requirement is reserved to a Policy Committee.

After that decision, procurement and contracting decisions are reserved to Committee only if:

- It is proposed that the contract is not awarded to the person submitting the most economically advantageous tender decided by reference to pre-determined award criteria, where payment is to be made by the Council, or the highest, where payment is to be received by the Council, unless the decision maker has decided on a single tender procurement strategy for the contract; or
- The contract is not within available budget (including any proper virement) in accordance with the Financial Framework; or
- Award of the contract would contravene a Council policy; or
- Award of the contract would represent a significant departure from a relevant Council Service Plan.
- A variation of an existing contract results in:
 - An increase in contract value of more than £250,000;
 - An increase in service delivery period of more than four years;
 - A significant effect on Council's overall budget strategy; or

- It is not within the available budget, contravenes policy or is a significant departure from a service plan.
- There are any additional procurement requirements imposed by an external funder which require consideration by the Committee

Council Supply Agreements

A Council Supply Agreement is a contractually binding agreement under which the Council agrees to provide works, services or supplies to a third party in return for payment, in money or in-kind, otherwise than in fulfilment of a statutory duty, but does not include an agreement under which the Council receives grant aid.

The decision to enter into a proposed Council Supply Agreement or to agree a variation where one of the following criteria applies or to terminate an existing Council Supply Agreement which fulfils any of the following criteria is reserved to the Committee:

- in the opinion of the Chief Finance Officer it would significantly affect the Council's overall budget strategy;
- in the opinion of the either the Chief Finance Officer or the Chief Legal Officer it would involve a significant level of risk to the Council;
- it would require the Council to incur gross expenditure in order to discharge its obligations under the agreement which is (a) reasonably anticipated to be in excess of £100,000 or (b) not provided for in a relevant budget;
- it would involve the Council in receiving payment the value of which is reasonably anticipated to be in excess of £250,000;
- it would require the Council to provide works, services or supplies for a period exceeding 3 years; or
- it would contravene a Council policy.

Community Right to Challenge

The decision to accept an expression of interest (including a modified expression of interest) submitted pursuant to the Community Right to Challenge contained in Part 5 of the Localism Act 2011.

Urgent decisions

Shall be taken in accordance with the Arrangements for Urgent Decision Making set out at Part 3 3 2 below.

The Terms of Reference, including any Sub-Committees, for each Policy Committee are detailed below.

STRATEGY AND RESOURCES POLICY COMMITTEE

The Leader of the Council is the Chair of the Committee. Membership includes the Chairs of each of the Council's Policy Committees and such other Members as are necessary for political proportionality. Members of the Committee may not nominate substitute members.

Corporate responsibilities

The following Corporate responsibilities are within the remit of the Committee:

- Cross-cutting responsibility for development and submission to Full Council for adoption of the Budget and Policy Framework
- Providing strategic direction to the operation of the Council by developing and recommending the Corporate Plan (including determination of the priorities set out therein) to Full Council and making decisions on cross-cutting policies and practice where such decisions are not reserved to full Council
- Responsibility for any issue identified as being of significant strategic importance or financial risk to the Council (which is considered to be by its nature cross-cutting)
- Responsibility for any policy matter not otherwise allocated to a Committee
- Considering reports which an Ombudsman requires to be published by the Council where it is proposed that the Council take the recommended action

Functions of the Council

The following functions are within the remit of Strategy and Resources Policy Committee:

- Finance and Commercial Services
- Legal and Governance
- Human Resources and Customer Services
- Business Change and Information Solutions

The Committee will take decisions within its remit on any reserved matter. When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

Relationship with the other Policy Committees

The Committee is responsible for:

- Developing an annual work plan (including work programming), with reference to the Corporate Plan, in consultation with the other Policy Committees. The Committee co-ordinates and implements the Corporate Plan and will consider the combined Policy Committee Work

Programme every other meeting to ensure corporate objectives are being achieved.

- Determining key cross-cutting policies and key plans that impact on more than one Policy Committee, decisions that have a significant impact on a cross cutting issue, strategy or plan, and determining any matter that has a major impact on a number of Council services or the Council as a whole.
- Determining any matter of dispute or difference between any Policy Committees.
- A co-ordinating role across all other Policy Committees and exercising a corporate view of outcomes, performance, budget monitoring and risk management.
- Considering the overall performance of the Authority and the performance of other Policy Committees, including holding them to account with regard to delivery against the Corporate Plan. Where there is a serious performance concern, the Committee may refer this concern to Full Council for consideration.
- The exercise of any function not otherwise allocated and, if it considers appropriate, the exercise of functions of any Policy Committee or Sub-Committee.
- Monitoring referrals from Area Committees to Policy Committees, including monitoring patterns and lessons to be learned, in consultation with Area Committee chairs. For the avoidance of doubt an Area Committee may only refer a matter to the Committee if it is the appropriate Policy Committee for that referral.

Strategy and Resources Policy Committee may refer any issue falling within its remit to another Policy Committee for decision if it considers appropriate.

Another Policy Committee may refer any matter within its remit to Strategy and Resources Policy Committee if it considers appropriate.

Finance Sub-Committee

The Finance Sub-Committee is established as a sub-committee of the Strategy and Resources Policy Committee. Its membership may include Councillors who are not members of, and may be chaired by a Member who is not the Chair of, the Committee.

It may take decisions in respect of the following Finance and Property matters which are otherwise reserved to the Strategy and Resources Policy Committee, more particularly detailed below:

- a. Strategic financial overview
- b. Property decisions
- c. Accountable Body decisions
- d. Corporate Revenue and Capital monitoring and capital allocations

Finance

- Agreement upon the annual budget for Services within Portfolios including the application of the overall capital programme (within the Budget and Policy Framework);
- Agreement of Council policies in respect of fees and charges;
- Commitments to funding in future years not covered within the Council's medium term financial plan;
- Where required by Financial Regulations, agreement upon virements from one division of a Service to another or between Services within Portfolios or between Portfolios and within the approved budget.

Capital Programme

Agreement of reports on the implementation of the capital programme provided under the Capital Programme Financial Reporting and Control Procedures, including:-

- (a) approval of all new schemes; except expenditure relating to feasibility works up to the value of £100,000 in accordance with the Financial Procedure Rules and
- (b) approval of a variation to an existing scheme which increases the value of the scheme by more than £100,000;

Property

- (a) Acquisitions of Property where the consideration to be paid by the Council exceeds £250,000, but not including any acquisition of Property that the Council is obliged by Law to complete;
- (b) Disposals of Property, being of the freehold or leasehold but not including a mortgagee sale or disposal that Council must by law complete such as Right to Buy, lease enfranchisement or easements to certain service providers
 - Where the Council has been required by Law to publicly advertise the proposed Disposal (e.g. public open space); **and** one or more objections to the proposed Disposal has been received;
 - Which are not subject to a competitive process where the consideration to be received by the Council exceeds £300,000;
 - For less than the best consideration reasonably obtainable where the Chief Property Officer estimates that the difference between the consideration to be received by the Council and the best consideration reasonably obtainable does not exceed £150,000;
 - Which are clearly controversial;
 - Which for any statutory or other legal reason need to be decided by a committee, not an officer
 - Which involve the transfer of a freehold interest, the grant of a lease for a term of not less than twenty-five years or the assignment of a lease with a remaining term of not less than

twenty-five years AND a relevant councillor or parish/town
council has objected

- (c) Appropriation of surplus property that has not been identified for disposal by the Finance Sub-Committee or Strategy and Resources Committee to another purpose

Grant Aid, Loans and Guarantees

Provided that no decision that the Council will act as the Accountable Body for external grant aid or provide a guarantee in relation to the liabilities of a third party shall be taken unless the Chief Finance Officer has been consulted and has approved the arrangement:

- Making any decision in relation to grant aid which the Leader identifies as being of strategic importance;
- Agreeing to establish a fund (not being a fund wholly established with external grant aid for which the Council is the Accountable Body and which is received for this purpose) in excess of £100,000 from which individual grants or loans will be paid and agreeing the eligibility criteria for these grants or loans;
- approving the payment of any grant or loan in excess of £50,000 (including a grant or loan paid wholly or in part by the Council out of external grant aid) subject to the proviso that an officer may make the decision where (a) paying the grant or loan to that specific recipient is required or clearly intended by the terms of the Council's agreement with the external funder, and (b) the committee has made the decision to accept the external funding and act as Accountable Body in knowledge of this requirement/intention;
- Approving the withdrawal or reclaiming of grant aid which has been awarded to a third party where the amount of grant aid to be withdrawn or reclaimed is in excess of £25,000;
- Agreeing to the Council becoming the Accountable Body for any award of grant aid from an external funder to the Council or to a third party where:-
 - (i) the grant aid to be received by the Council is anticipated to be in excess of £750,000; or
 - (ii) the grant aid to be received by the third party is anticipated to be in excess of £50,000;
- Agreeing to the Council guaranteeing the liabilities of a third party where the financial exposure of the Council under the guarantee is or may be in excess of £50,000.

Charity Trustee Sub-Committee

A standing sub-committee of the Strategy and Resources Policy Committee is established to take all decisions of the Council as charitable trustee, including but not limited to disposals of and other dealings with charitable land, and will meet as required.

COMMUNITIES, PARKS AND LEISURE POLICY COMMITTEE

Functions of the Council

The following functions are within the remit of Community, Parks and Leisure Policy Committee:

- Communities
- Parks, Leisure and Libraries

Within its remit the Committee:

- Takes decisions on any reserved matter;
- Is responsible for regular monitoring of data including performance and financial information and for monitoring the performance of services;
- Is responsible for delivery against the Corporate Plan and any associated Annual Plans and reporting performance to Strategy and Resources Policy Committee;
- Must keep its work programme under review at each meeting;
- May consider any matters referred by an Area Committee.

The Committee may refer matters to Strategy and Resources Policy Committee but to no other Policy Committee. It is responsible for delivery on matters referred by Strategy and Resources Policy Committee and, in the case of cross-cutting issues, for communication, through the Chairs, with any affected Policy Committee.

When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

Matters Reserved to Communities, Parks and Leisure Policy Committee

The Committee oversee any communities or localism strategy within which Area Committees operate.

The Committee is the Council's Crime and Disorder Committee and exercises the functions under Section 19, Police and Justice Act 2006.

EDUCATION, CHILDREN AND FAMILIES POLICY COMMITTEE

Functions of the Council

The following functions are within the remit of Education, Children and Families Policy Committee:

- Education and Skills
- Children and Families

Within its remit the Committee:

- Takes decisions on any reserved matter;
- Is responsible for regular monitoring of data including performance and financial information and for monitoring the performance of services;
- Is responsible for delivery against the Corporate Plan and any associated Annual Plans and reporting performance to Strategy and Resources Policy Committee;
- Must keep its work programme under review at each meeting;
- May consider any matters referred by an Area Committee.

The Committee may refer matters to Strategy and Resources Policy Committee but to no other Policy Committee. It is responsible for delivery on matters referred by Strategy and Resources Policy Committee and, in the case of cross-cutting issues, for communication, through the Chairs, with any affected Policy Committee.

When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

Matters Reserved to the Education, Children and Families Policy Committee
Decision making in respect of the establishment, alteration or discontinuance of schools, other than those that must be referred to the Schools Adjudicator.

ADULT HEALTH AND SOCIAL CARE POLICY COMMITTEE

Functions of the Council

The following functions are within the remit of Adult Health and Social Care Policy Committee:

- Adult Health and Social Care

Within its remit the Committee:

- Takes decisions on any reserved matter;
 - Is responsible for regular monitoring of data including performance and financial information and for monitoring the performance of services;
 - Is responsible for delivery against the Corporate Plan and any associated Annual Plans and reporting performance to Strategy and Resources Policy Committee;
 - Must keep its work programme under review at each meeting;
-

- May consider any matters referred by an Area Committee.

The Committee may refer matters to Strategy and Resources Policy Committee but to no other Policy Committee. It is responsible for delivery on matters referred by Strategy and Resources Policy Committee and, in the case of cross-cutting issues, for communication, through the Chairs, with any affected Policy Committee.

When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

Health Scrutiny Sub-Committee

The Adult Health and Social Care Policy Committee is responsible for the review and scrutiny of local health services, including the power of referral to the Secretary of State for Health, under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. It exercises this function through the Health Scrutiny Sub-Committee which is a standing sub-committee established for this purpose and whose membership comprises members of this Committee and Education, Children's and Families Policy Committee.

HOUSING POLICY COMMITTEE

Functions of the Council

The following functions are within the remit of Housing Policy Committee:

- Housing (public sector, private sector and related functions)

Within its remit the Committee:

- Takes decisions on any reserved matter;
- Is responsible for regular monitoring of data including performance and financial information and for monitoring the performance of services;
- Is responsible for delivery against the Corporate Plan and any associated Annual Plans and reporting performance to Strategy and Resources Policy Committee;
- Must keep its work programme under review at each meeting;
- May consider any matters referred by an Area Committee.

The Committee may refer matters to Strategy and Resources Policy Committee but to no other Policy Committee. It is responsible for delivery on matters referred by Strategy and Resources Policy Committee and, in the case of cross-cutting issues, for communication, through the Chairs, with any affected Policy Committee.

When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

Matters Reserved to Housing Policy Committee

Delivery of the Housing Revenue Account (HRA) Business Plan

WASTE AND STREET SCENE POLICY COMMITTEE

Functions of the Council

The following functions are within the remit of Waste and Street Scene Policy Committee:

- Street Scene and Regulations

Within its remit the Committee:

- Takes decisions on any reserved matter;
- Is responsible for regular monitoring of data including performance and financial information and for monitoring the performance of services;
- Is responsible for delivery against the Corporate Plan and any associated Annual Plans and reporting performance to Strategy and Resources Policy Committee;
- Must keep its work programme under review at each meeting;
- May consider any matters referred by an Area Committee.

The Committee may refer matters to Strategy and Resources Policy Committee but to no other Policy Committee. It is responsible for delivery on matters referred by Strategy and Resources Policy Committee and, in the case of cross-cutting issues, for communication, through the Chairs, with any affected Policy Committee.

When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

ECONOMIC DEVELOPMENT AND SKILLS POLICY COMMITTEE

Functions of the Council

The following functions are within the remit of Economic Development and Skills Policy Committee:

- Economy and Culture
- Adult education and Skills

Within its remit the Committee:

- Takes decisions on any reserved matter;
- Is responsible for regular monitoring of data including performance and financial information and for monitoring the performance of services;
- Is responsible for delivery against the Corporate Plan and any associated Annual Plans and reporting performance to Strategy and Resources Policy Committee;
- Must keep its work programme under review at each meeting;
- May consider any matters referred by an Area Committee.

The Committee may refer matters to Strategy and Resources Policy Committee but to no other Policy Committee. It is responsible for delivery on matters referred by Strategy and Resources Policy Committee and, in the case of cross-cutting issues, for communication, through the Chairs, with any affected Policy Committee.

When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

TRANSPORT, REGENERATION AND CLIMATE CHANGE POLICY COMMITTEE

Functions of the Council

The following functions are within the remit of Transport, Regeneration and Climate Change Policy Committee:

- City Centre and Central Area Portfolio Development
- Investment and Climate Change

Within its remit the Committee:

- Takes decisions on any reserved matter;
 - Champions heritage;
 - Is responsible for regular monitoring of data including performance and financial information and for monitoring the performance of services;
 - Is responsible for delivery against the Corporate Plan and any associated Annual Plans and reporting performance to Strategy and Resources Policy Committee;
 - Must keep its work programme under review at each meeting;
 - May consider any matters referred by an Area Committee.
-

The Committee may refer matters to Strategy and Resources Policy Committee but to no other Policy Committee. It is responsible for delivery on matters referred by Strategy and Resources Policy Committee and, in the case of cross-cutting issues, for communication, through the Chairs, with any affected Policy Committee.

When devising policy, evaluating service delivery and taking decisions the Committee must consider:

- Public engagement in informing its work
- Equality, diversity and inclusion implications
- Climate and Bio-diversity

Matters Reserved to Transport, Regeneration and Climate Change Policy Committee

The 'Streets Ahead' Project (Highways PFI):

Decisions taken pursuant to the Highways Maintenance PFI Contract dated 31st July 2012 between (1) the Council and (2) Amey Hallam Highways Limited ('the Streets Ahead Contract') are reserved to the Committee where they relate to:-

- termination of the Streets Ahead Contract;
- the final approval of the making of High Value Changes (as defined in the Streets Ahead Contract); or
- step-in by the taking of any Required Action (as defined in the Streets Ahead Contract).

Functions arising from the Council's roles as the Highways Authority and Road Traffic Authority, including transport and parking matters where these relate to:-

- The Capital Programme;
- policy statements;
- matters that have drawn objections from members of the public;
- schemes with a value in excess of £250,000.

Review and scrutiny of the exercise by risk management authorities of flood risk management functions under section 9JB of the Local Government Act 2000.

3.3.2 ARRANGEMENTS FOR URGENT DECISION MAKING

An Urgency Sub-Committee is established for each Policy Committee with a quorum of three members (to include the Chair or Deputy Chair). All members of the parent committee and their named substitutes (where applicable) may act as substitute members of an Urgency Sub-Committee.

A meeting of an Urgency Sub-Committee may be convened to take any Urgent Decision reserved to the parent Policy Committee PROVIDED THAT the Monitoring Officer in consultation with the Chair has confirmed that the decision could not have been foreseen and to delay taking the decision until the next scheduled meeting of the Policy Committee would seriously prejudice either the Council's or the public's interests.

Any Urgent Decision may be taken at a meeting of Strategy & Resources Policy Committee meetings for reasons of efficiency ONLY IF the Urgency Sub-Committee of the relevant Policy Committee has been unable to meet in the necessary timeframe.

An Urgent Decision may be taken by certain Officers in consultation (wherever practicably possible) with the Chair of the appropriate Policy Committee ONLY IF, in the opinion of the Monitoring Officer in consultation (wherever practicably possible) with the Chair, it would not be possible to convene an Urgency Sub-Committee Meeting or take the decision to a scheduled meeting of Strategy and Resources Policy Committee within a timescale that would not seriously prejudice either the Council's or the public's interests. The Officers who may take an Urgent Decision are:

Any matter:

- The Chief Executive

Where the matter falls within his/her portfolio, service or budget area or such other corporate area of responsibility to which s/he may be nominated from time to time:

- Executive Director
- Chief Legal Officer
- Director of Finance and Commercial Services

In cases of Extreme Urgency (where a decision-maker reasonably believes that a failure to deal with a matter immediately would be likely to result in an appreciable risk of significant administrative, financial or other detriment to the Council and/or another individual or organisation) decisions may be taken by certain Officers in accordance with the provisions for Extreme Urgency at paragraph 3.5.7 Arrangements for the Delegation of Functions to Officers at Part 3.5 of this Constitution.

All decisions taken in accordance with these Arrangements for Urgent Decision Making must be reported at the next scheduled meeting of the Policy Committee. Use of these Arrangements shall be monitored by the Strategy and Resources Policy Committee and shall be considered by the Governance Committee in reviews of the Constitution and of the effectiveness of the current arrangements for a committee system of governance.

3.3.3 AREA COMMITTEES

Terms of Reference

- (a) To promote the involvement of local people in the democratic process and to bring decision making closer to local people.
- (b) To agree a Community Plan setting priorities for the area of the committee, monitor delivery of that plan and keep it under review.
- (c) To agree a plan for engaging with local residents and voluntary and community sector organisations in improving the committee area.
- (d) To take decisions about local matters delegated by the Council after engagement with the community or public consultation carried out pursuant to a prior decision.
- (e) To make decisions relating to funding as delegated from time to time by the Council to fit with the priorities set out in the Community Plan and following engagement with the community:
 - (i) Approve grants from budgets allocated to the Area Committee.
 - (ii) Approve the funding of community projects from budgets allocated to the Area Committee.
 - (iii) Approve other expenditure from the Area Committee budgets
- (f) To act as a formal consultation mechanism on Council and partner strategies and policies.
- (g) To engage with local people and oversee an ongoing programme of events to enable local people to influence Council decisions.
- (h) To act as a focal point for the results of consultation and engagement exercises and respond appropriately.
- (i) Where a matter does not fall within the powers delegated to the Area Committee, to make recommendations to the appropriate decision-maker or body.
- (j) Where a matter under consideration impacts on another Area Committee's area, the Area Committee shall not take a decision without first consulting the other Area Committee.

- (k) To meet a minimum of four times in every year.
- (l) To provide a report to Full Council on its Community Plan and progress against objectives no more than once in a municipal year.

3.3.4 REGULATORY COMMITTEES

LICENSING COMMITTEE

The Licensing Committee operates as two distinct Committees (Statutory Licensing Committee and Regulatory Licensing Committee) with identical membership and in accordance with the Terms of Reference set out below.

Terms of Reference

(a) **Statutory Licensing Committee**

The Statutory Licensing Committee shall be the licensing committee for the purposes of Section 6, Licensing Act 2003, and shall exercise the functions of the Council as licensing authority under the Licensing Act 2003 and Gambling Act 2005, when it shall operate in accordance with the provisions of the Licensing Act 2003 and regulations made thereunder.

Where licensing matters (including policy and adoption of legislation) are to be determined by Full Council the Statutory Licensing Committee shall consider the matters and make recommendations to Full Council.

(b) **Regulatory Licensing Committee**

Except where by law or this Part of the Constitution they are functions reserved to Full Council, or where by virtue of this Constitution responsibility is delegated elsewhere, the Regulatory Licensing Committee (which may include a Regulatory Licensing Sub-committee) shall exercise all other functions of the Council relating to licensing, registration and ancillary matters, when it shall operate as a Committee of the Council in accordance with the Council Procedure Rules at Part 4 of this Constitution. Such functions include but are not limited to:

- acupuncture, tattooing, ear-piercing, electrolysis;
- animal breeding, boarding, training and exhibiting, zoos, dangerous wild animals etc;
- caravan sites;
- charity collections and street collections;
- hackney carriage and private hire vehicle licences, drivers and operators;

- hypnotism exhibitions, demonstrations or performances;
- market and street trading,
- pavement licences;
- pleasure boats and pleasure vessels;
- scrap metal dealers and motor salvage operators;
- sex establishments including sexual entertainment venues;
- solemnisation of marriages;
- sports ground safety;
- theatres, cinemas and entertainments.

The Regulatory Licensing Committee shall exercise the powers of the Council as Commons Registration Authority to register common land or town and village greens, and to exercise the power to register variation of rights of common, PROVIDED that authority to determine the validity of an application to register land as common land or a town or village green is delegated to the Director of Legal and Governance.

PLANNING AND HIGHWAYS COMMITTEE

The Committee exercises the Council’s Planning and Highways functions with the following terms of reference.

Terms of Reference

- (a) To exercise the functions of the Council as planning and highways authority including
- development control
 - advertisement control
 - building control
 - conservation matters
 - tree preservation orders
 - listed buildings
 - enforcement
 - removal of permitted development rights
 - “hybrid” applications or notifications
 - street naming
 - functions relating to public rights of way under the Highways Act 1980 and other legislation
 - control of scaffolding and hoarding

Including but not limited to considering and determining applications submitted under the Planning Acts and related legislation for planning

permission, permission in principle, technical details consent, listed building consent, and reserved matters pursuant to major planning applications.

- (b) To exercise the function under Section 278, Highways Act 1980.

Matters Reserved

Matters are reserved to the Planning and Highways Committee where the matter falls within the Committee's Terms of Reference and:-

- (a) the proposal is a major opportunity for development that represents a significant regeneration opportunity for the City;
- (b) the decision would represent a significant departure from policy;
- (c) the Council's policy position is unclear or difficult to determine;
- (d) the decision would be in conflict with a substantial number of representations made on planning grounds and where the outcome is not clearly predetermined by approved planning policy;
- (e) the matter relates to a planning application submitted by or on behalf of a Council officer who is involved in the planning application process or a Member of the Planning and Highways Committee where the matter relates to the exercise of a planning function;
- (f) the matter relates to an application submitted by or on behalf of an officer of the Local Highway Authority or by a Member of the Planning and Highways Committee where the matter relates to the exercise of a highway function;
- (g) formal enforcement or legal proceedings in respect of unauthorised development which are subject to the appropriate application of criteria (a) to (e).

For the avoidance of doubt, functions falling within the Planning and Highways Committee's Terms of Reference but which are not reserved to the Planning and Highways Committee are exercisable by the Planning and Highways Committee but are also exercisable by Council officers in accordance with the Arrangements for Delegation of Functions to Officers at Part 3.5 of this Constitution.

3.3.5 OTHER COMMITTEES

GOVERNANCE COMMITTEE

Terms of Reference

- (a) To keep the Council’s constitutional arrangements, including the Constitution and the governance system it describes, under review.
- (b) To consider officers’ proposals for changes to the Constitution and recommend such changes as it considers necessary to Full Council for approval.
- (c) To keep the thresholds for decisions reserved to Policy Committees under review and recommend any changes as it considers necessary to Full Council.
- (d) To seek direct engagement and participation of the public and stakeholders and partners in the Committee’s ongoing consideration of the health of Sheffield’s democratic environment.
- (e) To be responsible for the Council’s Member Development Strategy and annual Member Development and Induction Plan, including to monitor, review and make recommendations to the Council with regard to the Learning and Development policy for Councillors, Co-opted members and Representatives.
- (f) To conduct a review of the effectiveness of the arrangements for a committee system of governance, commencing six months after implementation (November 2022) with a view to Full Council implementing any necessary changes at its Annual Meeting in May 2023. This review will:
 - a. Take account of any changes to the local and national context;
 - b. Include the previously agreed ‘strategic aims’ and ‘design principles’ in its assessment criteria; and
 - c. Actively seek and use feedback from residents, stakeholders, councillors, officers and partners to inform its judgements against those criteria.

AUDIT AND STANDARDS COMMITTEE

Terms of Reference

Accounts

- (1) To approve the Council's Statement of Accounts and the Annual Governance Statement in accordance with the Accounts and Audit Regulations 2015.
- (2) To consider and accept the Annual Letter from the Local Auditor in accordance with the Accounts and Audit Regulations 2015 and to monitor the Council's response to any issues of concern identified.
- (3) To consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

Audit Activity

- (4) To consider the Internal Audit annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- (5) To consider summaries of specific Internal Audit reports as requested.
- (6) To consider reports dealing with the management and performance of the Internal Audit service, including compliance with Public Sector Internal Audit Standards.
- (7) To consider reports dealing with the implementation of agreed Internal Audit recommendations.
- (8) To consider any report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
- (9) To consider specific reports as agreed with the local auditor.
- (10) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (11) To liaise with the Public Sector Audit Appointments or any relevant organisation over the appointment of the Council's local auditor and to decide upon the appointment process for the local auditor and to participate in the process, as and when required.

Regulatory Framework and Risk Management

- (12) To maintain an overview of the Council's Constitution in respect of contracts standing orders, financial regulations and codes of conduct and behaviour.
- (13) To monitor the effective development and operation of risk management in the Council.
- (14) To monitor Council policies on the anti-fraud and anti-corruption strategy.
- (15) To oversee the production of the Council's Annual Governance Statement and monitor progress on any issues and consider the Council's compliance with its own and other published standards and controls.

Standards

- (16) To promote and maintain high standards of conduct by Councillors, Co-opted Members and Representatives on Committees and Sub-Committees.
 - (17) To assist Councillors, Co-opted Members and Representatives to observe the Members' Code of Conduct.
 - (18) To advise the Council on the adoption or revision of the Members' Code of Conduct and Protocols relating to Councillor and Officer behaviour.
 - (19) To monitor the operation of the Members' Code of Conduct.
 - (20) To advise, train or arrange to train Councillors, Co-opted Members and Representatives on matters relating to the Members' Code of Conduct.
 - (21) To discharge the functions of dealing with complaints against Councillors and Co-opted Members as set out in Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-Opted Members.
 - (22) To advise the Council on the adoption and revision of its Whistle-blowing Policy and monitoring the operation of that Policy.
 - (23) To monitor and review procedures relating to gifts, hospitality and personal interests, for Councillors and officers.
 - (24) To monitor the Council's complaints process and the Council's response to complaints to the Ombudsman.
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ADMISSIONS COMMITTEE

Terms of Reference

To hear and determine:-

- (a) admission cases and appeals against decisions of the Executive Director, People relating to parental choice of schools; and
- (b) appeals against decisions of the Executive Director, People relating to the issue of home to school travel passes.

APPEALS AND COLLECTIVE DISPUTES PANEL

Terms of reference

- (a) To hear and determine all matters which require Member decision relating to processes in connection with:-
 - (i) the discipline and dismissal of staff (other than senior officers within the terms of reference of the Senior Officer Employment Committee); and
 - (ii) disputes between the Council and its employees.
- (b) To establish such Sub-Panels as appropriate to undertake the hearing or determination of matters relating to the discipline and dismissal of staff (other than Senior Officers within the terms of reference of the Senior Officer Employment Committee) and disputes between the Council and its employees.

SENIOR OFFICER EMPLOYMENT COMMITTEE

Terms of Reference

- (a) To consider, subject to legal requirements relating to the Council's Statutory Officers (within the meaning of section 2 of the Local Government and Housing Act 1989) and to the Officer Employment Procedure Rules in Part 4 of this Constitution, and make recommendations to the Council on all matters relating to the appointment of the Chief Executive and the dismissal of the Chief Executive, Monitoring Officer and Chief Finance Officer.

- (b) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Procedure Rules in Part 4 of this Constitution, all matters relating to the appointment of:-
- Executive Directors and other Officers who report directly to the Chief Executive;
 - The Council's Statutory Chief Officers, other than the Chief Executive.
- (c) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Procedure Rules in Part 4 of this Constitution, all matters relating to the dismissal of:-
- Executive Directors and other Officers who report directly to the Chief Executive;
 - The Council's Statutory Officers, other than the Chief Executive, Monitoring Officer and Chief Finance Officer.
- (d) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Rules in Part 4 of this Constitution, all matters relating to the discipline short of dismissal of:-
- Executive Directors and other Officers who report directly to the Chief Executive;
 - The Council's Statutory Officers.
- (e) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Rules in Part 4 of this Constitution, all matters relating to the appointment, discipline and dismissal of:-
- Officers who report directly to any of the Officers described above (other than the Monitoring Officer) for all or most of their duties (but not any person whose duties are solely secretarial or clerical).
- (f) To establish such Sub-Committees as appropriate to undertake recruitment and to hear individual matters, which may include authority to make appointments and other decisions, and authority to make recommendations direct to the Council.

COMPLAINTS REVIEW PANEL

Terms of Reference

To consider and determine, in accordance with legislative requirements, complaints in relation to the discharge of, or any failure to discharge the Council's social services functions in relation to an individual.

INDEPENDENT REMUNERATION PANEL

Terms of Reference

To make recommendations to the Council on the allowances to be paid to elected Members, as laid down in the Local Authorities (Members' Allowances) (England) Regulations 2003 and Section 7, Superannuation Act 1972, namely:-

- (a) the level of basic allowance for all Members;
- (b) categories of special responsibility for which a special responsibility allowance should be paid and the levels of those allowances;
- (c) the rate of childcare / dependency allowance;
- (d) Travel & Subsistence Allowance;
- (e) any annual uplift;
- (f) which Members of the Council are entitled to join the LGPS;
- (g) which aspect of Members' Allowance is to be pensionable.

3.3.6 SHEFFIELD HEALTH AND WELLBEING BOARD

Terms of Reference

1. Role and Function of the Health and Wellbeing Board
 - 1.1 The Sheffield Health and Wellbeing Board (the Board) is established under the Health and Social Care Act 2012 as a statutory committee of Sheffield City Council (the Council) from 1 April 2013. However, it will operate as a multi-agency board of equal partners.
 - 1.2 The Board will develop and maintain a vision for a city free from inequalities in health and wellbeing, taking a view of the whole population from pre-birth to end of life.
 - 1.3 The Board will be the system leader for health & wellbeing, acting as a strong and effective partnership to improve the commissioning and delivery of services across the NHS and the Council, leading in turn to improved health and wellbeing outcomes and reduced health inequalities for the people of Sheffield.

- 1.4 In doing this, the Board will take an interest in all the determinants of health and wellbeing in Sheffield and will work across organisational boundaries in pursuit of this.
- 1.5 The Board will be ambitious for Sheffield and hold organisations in Sheffield to account for the delivery of the Board’s vision for the city. It should enable organisations to work in an integrated way, for the purpose of advancing the health and wellbeing of people in Sheffield.
- 1.6 The Board is statutorily required to carry out the following functions:
- To undertake a Joint Strategic Needs Assessment (JSNA);
 - To undertake a Pharmaceutical Needs Assessment (PNA);
 - To develop and publish a Joint Health and Wellbeing Strategy (JHWS) for Sheffield;
 - To provide an opinion on whether the Council is discharging its duty to have regard to the JSNA, and the JHWS, in the exercise of its functions;
 - To review the extent to which the [Clinical Commissioning Group (CCG)] has contributed to the delivery of the JHWS; to provide an opinion to the [CCG] on whether their draft commissioning plan takes proper account of the JHWS; and, to provide an opinion to NHS England on whether a commissioning plan published by the [CCG] takes proper account of the JHWS;
 - To support joint commissioning and encourage integrated working and pooled budget arrangements in relation to arrangements for providing health, health-related or social care services;
 - To discharge all functions relating to the Better Care Fund that are required or permitted by law to be exercised by the Board; and
 - To receive and approve any other plans or strategies that are required either as a matter of law or policy to be approved by the Board.
- 1.7 In addition to these the Board will also take an interest in how all organisations in Sheffield function together to deliver on the Joint Health & Wellbeing Strategy.
- 1.8 The Board will own and oversee the strategic vision for health and wellbeing in Sheffield, hold all partners and organisations to account for delivering against this by taking an interest in all associated strategies and plans and when appropriate requesting details on how specific
-

policies or strategies help to achieve the aims of the Joint Health & Wellbeing Strategy.

1.9 The Board will continue to oversee the strategic direction of the Better Care Fund and the delivery of better integrated care, as part of its statutory duty to encourage integrated working between commissioners. This will include signing off quarterly and annual Better Care Fund submissions.

2. Membership

2.1 The membership of the Board is as follows:

- Sheffield City Council:
 - Chair of Adult Health and Social Care Policy Committee
 - Chair of Education, Children and Families Policy Committee
 - Chair of Housing Policy Committee
 - Chief Executive
 - Director of Adult Social Services
 - Director of Children’s Services
 - Executive Director for [Place]
- [Sheffield NHS Clinical Commissioning Group
 - Governing Body Chair
 - One other Governing Body GP
 - Accountable Officer
 - Medical Director
 - Director of Strategy]
- Other Commissioners
 - Senior Representative from NHS England
- Providers
 - Accountable Care Partnership Programme Director
 - NHS Provider – Clinical Representative
 - NHS Provider – Non-Executive Representative
 - VCF Provider
 - VCF Organisation
 - Blue Light Service
- Independent Voice
 - Chair of Healthwatch Sheffield
 - Director of Public Health
 - University

2.2 Other representatives from the wider health and wellbeing community in Sheffield may be invited to attend the Board from time to time to contribute to discussion of specific issues.

2.3 Any changes to personnel will be approved through Full Council on an annual basis.

3. Governance

3.1 Chair: The Board will be co-chaired by the Council Chair of the Adult Health and Social Care Policy Committee and the [Chair of the CCG], with chairing of meetings generally alternating between them.

3.2 Attendance at meetings and deputies: In order to maintain consistency it is assumed that Board members will attend all meetings. Each member must name 1 deputy, who should be well briefed on the Board's purpose and activities, fulfil the same or similar function in their primary role (as opposed to being from the same organisation), and attend meetings and vote on behalf of the member when they are absent.

3.3 Quorum: 1 Elected Member of the Council & 1 other Council Representative (Elected Member or Officer), 1 [CCG Governing Body GP] and 1 other [CCG] Representative, 1 Provider Representative, and 1 Independent Voice Representative, with an in-meeting majority for Commissioners.

3.4 Decision-making and voting: The Board will operate on a consensus basis. Where consensus cannot be achieved the matter will be put to a vote. Decisions will be made by simple majority: the Chair for the meeting at which the vote is taken will have the casting vote. All votes shall be taken by a show of hands unless decided otherwise by the Chair.

3.5 Authority of representatives: It is accepted that some decisions and / or representations will need to be made in accordance with the governance procedures of the organisations represented on the Board: however, representatives should have sufficient authority to speak for their organisations and make decisions within their own delegations.

3.6 Accountability and scrutiny: As a Council committee, the Board will be formally accountable to the Council.

3.7 Relationship to other groups: The Board has formally agreed a protocol with the city's Safeguarding Boards. The Board will seek to develop close relationships with the city's Accountable Care Partnership and any Committee or Sub-Committee of the Council with responsibility for the

review and scrutiny of local health services as part of its work to hold the health and wellbeing system to account. It will also develop relationships with other bodies in the city such as the Sheffield City Partnership Board and Safer & Sustainable Communities Partnership, especially where the agendas of such bodies overlap with the Board's.

4. Meetings, agendas and papers

- 4.1 The Board will normally meet quarterly in public, interspersed with private strategy development meetings. There will be no fewer than 2 meetings per financial year, with a maximum of 32 weeks between meetings.
- 4.2 Dates, venues, agendas and papers for public meetings will be published in advance on the Council's website.
- 4.3 The Co-Chairs will agree the agenda for each meeting, supported by an officer subgroup.
- 4.4 Agendas and papers will be circulated to all members and be available on the Council's website 7 days in advance of the meeting.
- 4.5 Minutes will be circulated to all members and published on the Council's website as soon as possible after the meeting.
- 4.6 It is expected that those who write papers will work collaboratively with others to provide a city-wide perspective on any given issue.

5. Role of a Health and Wellbeing Board Member

- 5.1 All members of the Board, as a statutory committee of the Council, must observe the Council's code of conduct for members and co-opted members. Other responsibilities include:
- Attending Board meetings whenever possible and fully and positively contributing to discussions, reading and digesting any documents and information provided prior to meetings;
 - The membership of the Health & Wellbeing Board is constructed to provide a broad range of perspectives on the development of strategy. With this in mind, members are asked to bring the insight, knowledge, perspective and strategic capacity they have as a consequence of their everyday role, and not act simply as a representative of their organisation, but with the interests of the whole city and its residents at heart;
 - Fully and effectively communicating outcomes and key decisions of the Board to their own organisations, acting as ambassadors for the work of the Board, and participating where appropriate in

communications/marketing and stakeholder engagement activity to support the objectives of the Board, including working with the media;

- Contributing to the development of the JSNA and JHWS;
- Ensuring that commissioning is in line with the requirements of the JHWS and working to deliver improvements in performance against measures within the public health, NHS and adult social care outcomes frameworks;
- Declaring any conflict of interest, particularly in the event of a vote being required and in relation to the providing of services;
- Acting in a respectful, inclusive and open manner with all colleagues to encourage debate and challenge.

6. Engagement with the public and providers

6.1 Healthwatch Sheffield is the Board’s statutory partner for involving Sheffield people in discussions and decision-making around health and wellbeing in the city. It is expected that the Healthwatch Sheffield representative(s) will clearly ensure Sheffield people’s views are included in all Board discussions, with Elected Members, and other Independent Voice members also having a role in this regard.

6.2 Formal public meetings will be held quarterly, with members of the public invited to ask questions. An answer may take the form of:

- An oral answer;
- A written answer to the member of the public, circulated to the Board and placed on the Council’s website;
- Where the desired information is contained in a publication, a reference to that publication.

The Board’s chairs retain the right to restrict the length of time given to answering public questions at any meetings held.

6.3 The Board will work with Healthwatch Sheffield to engage with the public on the issues affecting health and wellbeing in Sheffield through a range of means, ensuring the output from this engagement is linked to the Board’s Forward Plan, and is fed into and reflected in Board discussions. This work will:

- Provide an avenue for members of the public to impact on the Board’s discussions and work;
- Engage the public and/or providers in the development of the Joint Health & Wellbeing Strategy;
- Develop the Board’s understanding of local people’s and providers’ experiences and priorities for health and wellbeing;

- Communicate the work of the Board in shaping health and wellbeing in Sheffield;
- Develop a shared perspective of the ways in which providers can contribute to the Board’s delivery.

6.4 The Board will maintain a website with up-to-date information about its work and send out regular newsletters.

7. Review

7.1 These Terms of Reference will be reviewed annually.

3.4 JOINT ARRANGEMENTS

The following functions are discharged by way of the specified joint arrangements.

Function	Joint Arrangement
Archaeology Service	Executive Committee and Joint Advisory Committee for the South Yorkshire Archaeology Service
Archives	South Yorkshire Joint Advisory Committee on Archives
Emergency Planning	Sheffield and Rotherham Emergency Planning Joint Committee
Health scrutiny	South Yorkshire, Derbyshire and Nottinghamshire Joint Health Overview and Scrutiny Committee
Health and Social Care Commissioning Plans	Joint Commissioning Committee

The Council will make appointments to joint committees as appropriate.

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3.5 ARRANGEMENTS FOR THE DELEGATION OF FUNCTIONS TO OFFICERS

3.5.1 General Delegations to Officers

Unless reserved to a committee or to Full Council, any function is deemed delegated to and individually exercisable by:-

- the Chief Executive;
- an Executive Director where the matter falls within his/her area of portfolio, service or budgetary responsibility or such other corporate area of responsibility to which s/he may be nominated from time to time;
- a Director where the matter falls within his/her area of service or budgetary responsibility or such other corporate area of responsibility to which s/he may be nominated from time to time; or
- a Head of Service designated as having specific responsibility for a function by the Chief Executive or Executive Director.

Responsibilities are set out in the Management Structure at Part 7 of this Constitution. The Chief Executive and Executive Directors are responsible for ensuring that this Management Structure is kept up to date so that the Officer responsible for the exercise of any function may be identified.

An Executive Director or Director with delegated authority to exercise a function may authorise an Officer of suitable experience and seniority to exercise that function on behalf of and in the name of the Executive Director or Director without having delegated authority in his/her own right to do so, subject to any procedural safeguards considered necessary being put in place. The Executive Director or Director will remain responsible for any decision taken pursuant to such arrangements.

Each Director will maintain a list of the Officers authorised to exercise any function. Each Executive Director will be responsible for ensuring that such lists are kept up to date and that a central record is held for each portfolio.

3.5.2 Chief Legal Officer

The Chief Legal Officer has general authority to commence, defend or settle any legal proceedings as s/he considers necessary or appropriate to protect the interests of the Council.

Subject to the ability of any Officer or decision-making body to discharge any Council function relating to anti-social behaviour where

this is or required by law, the Chief Legal Officer is authorised to discharge any Council function relating to measures to counter anti-social behaviour, including giving any consents or confirmations on behalf of the Council. With the exception of any action taken under the general authority in respect of legal proceedings, this authorisation shall not extend to a Council function relating to anti-social behaviour relating to a particular tenancy.

The Chief Legal Officer may arrange for the discharge of any of the functions delegated to him/her to be undertaken by other Officers as s/he considers appropriate including, for example, authorising such Officers to take particular steps.

3.5.3 Chief Property Officer

The Chief Property Officer is authorised to make any decision in respect of Property matters not reserved to a committee or Full Council with the exception of the following decisions which may be made by an Executive Director:

- a declaration that operational property is surplus to the requirements of a service within the Portfolio

3.5.4 Chief Planning Officer

The Chief Planning Officer is authorised to make any decision in respect of the following areas of responsibility to the extent that they are not reserved to the Planning and Highways Committee or Full Council:

- Planning applications and permissions
- Development control
- Development management
- Local Plan

3.5.5 Human Resources Matters and Appointments to External Bodies

No Officer at Director grade or above shall be seconded by an Officer to a body outside the Council without prior consultation with the relevant Policy Committee Chair.

Prior to taking steps to restructure a Council service the relevant Executive Director or Director must seek advice from the Director of Human Resources and Customer Services.

Appointments of Officers to serve on external bodies shall be made in accordance with established Council procedures and any guidance issued by the Chief Legal Officer.

3.5.6 The ‘Streets Ahead’ Project (Highways PFI)

The Head of Highway Maintenance is authorised to make decisions, other than those reserved to a Committee or Full Council, on behalf of the Council as the ‘Authority Representative’ under the Highways Maintenance PFI Contract dated 31st July 2012 between (1) the Council and (2) Amey Hallam Highways Limited (‘the Streets Ahead Contract’), including authorising the making of call-off contracts (as deeds and in the agreed contractual form) for the provision of non-core services pursuant to the Streets Ahead Contract’.

3.5.6 Other Highways Related Issues

Other than those matters reserved to a committee or Full Council, any functions in relation to the Council’s roles as Highways Authority and Road Traffic Authority, including transport and parking (except any function that relates to highways maintenance and street naming and numbering and section 287, Highways Act 1980 (power to erect barriers in streets in cases of emergency)) may be discharged by the Chief Executive, by the Executive Director, [Place], by the Director of [City Growth] and by the Head of Strategic Transport, Sustainability and Infrastructure in each case acting individually.

Other than those matters reserved to a committee or Full Council, any functions of the Executive in relation to the Council’s role as Highways Authority in so far as they relate to highways maintenance and street naming and numbering and section 287, Highways Act 1980 (power to erect barriers in streets in cases of emergency) may be discharged by the Chief Executive, by the Executive Director, [Place], by the Director of [Culture and Environment] and by the Head of Highways Maintenance in each case acting individually.

3.5.7 Extreme Urgency

‘Extreme Urgency’ means a situation where a decision-maker reasonably believes that a failure to deal with a matter immediately would be likely to result in an appreciable risk of significant administrative, financial or other detriment to the Council and/or another individual or organisation.

The following Officers may make a decision in a case of Extreme Urgency, other than a decision which is reserved to Full Council, subject to the conditions set out below.

- In all cases a decision must comply with the Council’s Financial Regulations and Contracts Standing Orders, and the statutory and Constitutional requirements for the making, recording and publicising of decisions.

- The action being taken and the reasons for it being taken must be reported as soon as possible to the Chief Executive (except for those decisions taken by the Chief Executive) and the Chair (or in their absence, the Deputy Chair) of the appropriate Policy Committee or of the Strategy and Resources Policy Committee.
- Where the matter requires expenditure which has not been budgeted for, prior consultation must take place wherever possible with the Chief Finance Officer (except for those decisions taken by the Chief Finance Officer).

Any matter:

- The Chief Executive

Where the matter falls within his/her portfolio, service or budget area or such other corporate area of responsibility to which s/he may be nominated from time to time:

- Executive Director
- Chief Legal Officer
- Director of Finance and Commercial Services

Part 4

Rules of Procedure

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ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all meetings of the Council, its Policy Committees, Area Committees, the Audit and Standards Committee, Regulatory Committees and any other Committees established by the Council (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

- 3.1 Members of the public and the media shall, subject to the exceptions contained in these and other Rules in this Constitution, be entitled to attend all meetings to which these Rules apply.
- 3.2 Attendance at meetings may be limited by the capacity of the room in which the meeting is held. The Chair of the meeting may eject members of the public from a meeting in respect of disturbance or unruly behaviour. At meetings of the Full Council, in addition to Members and officers of the Council, admittance to the floor of the Council Chamber shall be at the discretion of the Lord Mayor.
- 3.3 Photography, video and sound recording at meetings shall be permitted under the direction of the Chair of the meeting in accordance with **Council Procedure Rule 21**.

4. NOTICE OF MEETING

The Council will give at least five clear working days' notice (excluding the days on which the meeting is called and on which it is held) of any meeting to which these Rules apply by posting details of the meeting at Sheffield Town Hall and/or Howden House and on the Council's website, except that where the meeting is convened at shorter notice in accordance with these Rules, details shall be posted from the time the meeting is convened.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports which are open to the public, available for inspection at Sheffield Town Hall and on the Council's website at least five clear working days before the meeting except that:

- (a) where the meeting is convened at shorter notice in accordance with these Rules, copies of the agenda and reports shall be available for inspection from the time the meeting is convened; and
- (b) where an item is added to an agenda in accordance with these Rules, copies of which are open to inspection by the public, copies of the item (and of the revised agenda) and copies of any report for the meeting relating to that item, shall be available for inspection for the time the item was added to the agenda.

Nothing in this section requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the Council.

6. ITEMS OF BUSINESS

An item of business may not be considered at a meeting unless:

- (a) A copy of the agenda including the item (or a copy of the item) is available for inspection by the public for at least five clear days before the meeting; or,
- (b) Where the meeting is convened at shorter notice in accordance with these Rules, such copies are available for inspection from the time the meeting is convened; or
- (c) There are, in the opinion of the Chair of the meeting, special circumstances for considering the item as a matter of urgency, which shall be specified in the minutes of the meeting.

7. SUPPLY OF COPIES

The Council will supply to any person, on payment of a charge for copying, postage and any other costs, copies of:-

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

- (c) if the Monitoring Officer thinks fit, any other documents supplied to Councillors in connection with an item.

8. ACCESS TO MINUTES AND DOCUMENTS AFTER THE MEETING

The Council will make available for inspection and, upon payment of a charge for copying, postage and any other costs, copies of the following for six years after a meeting:

- (a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

9. BACKGROUND PAPERS

9.1 List of background papers

The officer responsible for a report will set out in it a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in these Rules).

9.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers. These documents will be available on the Council's website and at the Sheffield Town Hall.

10. SUMMARY OF THE PUBLIC’S RIGHTS

- 10.1 A written summary of the public’s rights to attend meetings and to inspect and copy documents will be included in each agenda for Council meetings which will be available to the public at the Town Hall, Pinstone Street, Sheffield S1 2HH and on the Council’s website.

11 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS AND DOCUMENTS

11.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely that confidential information would be disclosed.

Confidential information means:

(a) information provided to the Council by a Government Department upon terms (however expressed) which forbid the disclosure of the information to the public; and

(b) information the disclosure of which to the public is prohibited by or under any enactment or by order of the Court.

11.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

Exempt information means information falling within one or more of the following categories, subject to the conditions relating to that category.

Category	Condition
1. Information relating to an individual	Information is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information and provided the information does not relate to proposed development for which the Local Planning Authority may grant itself planning permission under Planning Regulations.
2. Information which is likely to reveal the identity of an individual	Information is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information, provided the information does not relate to proposed development for which the Local Planning Authority may grant itself planning permission under Planning Regulations.
3. Information relating to the financial or business affairs of any particular person (including the authority holding the information)	Information falling within this paragraph is not exempt if it must be registered under various statutes, such as the Companies Acts, Charities Acts, Friendly Societies Acts, Co-operative and Community Benefit Societies Acts or the Building Societies Acts. Information is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Minister of the Crown and employees of, or office holders under, the Council.	Information is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information, provided the information does not relate to proposed development for which the Local Planning Authority may grant itself planning permission under Planning Regulations.

<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	<p>Information is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information, provided the information does not relate to proposed development for which the Local Planning Authority may grant itself planning permission under Planning Regulations.</p>
<p>6. Information which reveals that the Council proposes</p> <p>a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>b) to make an order or direction under any enactment</p>	<p>Information is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information, provided the information does not relate to proposed development for which the Local Planning Authority may grant itself planning permission under Planning Regulations.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>	<p>Information is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information, provided the information does not relate to proposed development for which the Local Planning Authority may grant itself planning permission under Planning Regulations.</p>

11.3 Exclusion of access by the public to reports

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with this Rule, the meeting is likely not to be open to the public. Where the whole or part of any report for a public meeting is not available for inspection by the public, every copy of the report shall be marked “not for publication” and it shall be stated on the report:

- that it contains confidential information; and either
- Identifies which of the descriptions of confidential or exempt information in this Rule may apply.

12. PUBLIC ACCESS TO MEETINGS

12.1 A meeting of the Council or a Committee must comply with the public access requirements of these Rules when it meets collectively.

13. BASIS OF DECISIONS

13.1 A decision may only be taken:

- (a) on the basis of a written report, setting out key legal, financial, service, equal opportunities, human rights, land and property and corporate implications, as well as the reasons for report recommendations and the alternatives considered and rejected; and
- (b) when the Monitoring Officer or his or her nominee is present.

14. DECISIONS MADE BY OFFICERS

14.1 As prescribed by the Openness of Local Government Bodies Regulations 2014 certain categories of decisions taken by officers are required to be recorded.

Officers must comply with the above Regulations and general principles of open and transparent decision making. The Director of Legal and Governance will provide guidance as to which decisions fall within the regulation.

14.2 The written record must be produced as soon as is reasonably practicable after the decision is made and must contain the following information:

- the date the decision was made;
- a record of the decision taken along with reasons for the decision;
- details of any alternative options considered and rejected when the decision was made;
- (if the decision was made under an express specific authorisation) the name of any Member who has declared a conflict of interest in relation to the decision.

14.3 The Regulations also require the written record, together with any background papers to be published on the website. To simplify this procedure a short report, including the key legal, financial, service, equal opportunities, human rights, land and property and corporate implications, should be prepared for the decision maker to base their

decision on.

15. ADDITIONAL COUNCILLORS' RIGHTS OF ACCESS TO DOCUMENTS

15.1 Material relating to previous business

Subject to the following exception, all Councillors will be entitled to inspect any document (except those in draft form) which:

(a) is in the possession of or under the control of the Council; and

(b) contains material relating to any business which has been transacted at a meeting of the Council or a committee or sub-committee of the Council.

15.2 Exception

This provision does not require a document to be available if it appears to the Monitoring Officer that it contains confidential or exempt information as defined in these Rules, (other than paragraphs 3 and 6 of Schedule 12A of the Local Government Act 1972 as stated above).

15.3 Rights to be additional

These rights are additional to any other rights Councillors may have.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. The Framework for Executive Decisions

In these Procedure Rules ‘**Budget**’ and ‘**Policy Framework**’ have the meanings given to them in Article 4 of the Constitution.

For the avoidance of doubt, any of the functions or responsibilities of the Executive Director, Resources in these Procedure Rules may be discharged by such officers who may be nominated by her/him from time to time to exercise those duties on her/his behalf.

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a Budget or a Policy Framework (or any constituent part of this) is in place, it will be the responsibility of Committees of the Council to implement it to the extent that this involves the discharging of any functions delegated to a Committee in Part 3 of this Constitution.

The arrangements for the management of the Council's Budget are set out in the Financial Procedure Rules (The Financial Regulations) which appear later in this part of the Constitution.

In addition, the following provisions apply:-

2. Process for preparing the Budget

The process by which the Budget shall be developed is:-

- (a) The Strategy and Resources Committee will publish a timetable for making proposals to the Council for the adoption of the Revenue Budget and Capital Programme and its arrangements for any consultation after publication of those proposals. The consultation period will be not less than 6 weeks
- (b) At the end of the consultation period, the Committee will draw up firm proposals for submission to the Council, taking account of responses to the consultation.
- (c) The proposals drawn up by the Committee for the adoption of the Revenue Budget and Capital Programme must then be referred by the Proper Officer, at the earliest opportunity, to the Council for decision.
- (d) In reaching a decision on the Committee's proposals, the Council may approve them, amend them, or substitute and approve its own proposals in their place.

- (e) In approving the Revenue Budget and Capital Programme, the Council will also specify the degree of in-year changes which may be made by a Committee of the Council under the rules relating to virement within the Revenue Budget and Capital Programme, as set out in the Financial Regulations and associated Codes of Practice (see (5) below).

Any other changes to the Revenue Budget or Capital Programme are reserved to the Council.

3. Decisions contrary to the Policy Framework, or contrary to or not wholly in accordance with the approved Budget.

Subject to the rules relating to urgency (see 4 below) and virement (see 5 below), a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by the Council may only be taken by the Council.

If any Committee or any officers, Area Committees or joint arrangements which discharge Council functions have any doubt whether a proposed decision is in accordance with the approved Budget, they shall take advice from the Director of Legal and Governance and the Executive Director, Resources.

If the advice of **either** of those officers is that a decision would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget, then, again subject to the rules on virement, the decision may only be taken by the Council, unless it is a matter of urgency (see 4 below).

4. Urgent decisions contrary to the Policy Framework, or contrary to or not wholly in accordance with the approved Budget

A decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the approved Budget but which is a matter of urgency may be taken other than by the Council only if:

- (i) it is not practical to convene a quorate meeting of the City Council; and
- (ii) if the Lord Mayor or the Deputy Lord Mayor agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of the Council and the consent of the Lord Mayor or the Deputy Lord Mayor to

the decision being taken as a matter of urgency must be noted on the record of the decision.

Following the decision, the Chair of the Committee which made the decision, or if an officer the Decision Taker, will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was a matter of urgency.

5. Virement

The rules relating to virement within the Revenue Budget and Capital Programme are set out in the Financial Regulations and associated Codes of Practice.

6. In-year Changes to the Budget and Policy Framework

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by any Committee or any officer or joint arrangements discharging Council functions must be in line with it. No changes to any policy or strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:

(a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;

(b) necessary to ensure compliance with the law, Ministerial direction or Government guidance;

(c) in relation to the Policy Framework, in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

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OFFICER EMPLOYMENT PROCEDURE RULES

1. Officers

- a) For the purposes of Section 4 of the Local Government and Housing Act 1989, as modified by Schedule 5 to the Local Government Act 2000, the Head of Paid Service shall be the Chief Executive.
- b) For the purposes of Section 5 of the Local Government and Housing Act 1989, the Monitoring Officer shall be the Director of Legal and Governance.
- c) For the purposes of Section 151 of the Local Government Act 1972, the Officer with responsibility for the administration of the financial affairs of the Council, the ‘Chief Finance Officer’, shall be the Executive Director of Resources.
- d) Chief Officer for the purpose of these Officer Employment Procedure Rules means the Head of Paid Service, Chief Finance Officer, any Executive Director, any Officer who reports **directly** to the Chief Executive, or any Statutory Chief Officer as defined in section 2 (6) (a), (c) or (d) of the Local Government and Housing Act 1989:
 - Director of Children’s Services appointed under section 18 of the Children Act 2004, who shall be the Executive Director of People
 - Director of Adult Social Services appointed under section 6 of the Local Authority Social Services Act 1970, who shall be the Director of Adult Health and Social Care
 - Director of Public Health appointed under section 73A National Health Service Act 2006 (local authorities and NHS), who shall be the Director of Public Health.

And any Officer who reports **directly** to any of the Officers listed above for all or most of their duties, but not any person whose duties are solely secretarial or clerical.

2. Recruitment and Appointment

2.1 Where the Council recruits officers, the Council will:

- (a) Draw up a job description, person and health specification which includes:
 - (i) The duties of the officer concerned;
 - (ii) Any skills, knowledge and attainments to be sought in the person to be appointed; and
 - (iii) The identification of any job duties which have a potential to cause harm to the employee's health.
- (b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
- (c) Make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request; and
- (d) Where no qualified person has applied, the Council shall review (a) and (b) above and where required shall make further arrangements for advertisement.

2.2 Declarations

- (a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council, or of the partner of such persons.
- (b) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

2.3 Seeking support for appointment

- (a) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any

recruitment information. No Councillor will seek support for any person for any appointment with the Council; and

- (b) Councillors may provide a reference for a candidate if they are not directly involved in the recruitment process. However, any attempt by a Councillor to influence the process in the favour of the applicant will result in the applicant's disqualification.

2.4 Where a post has been advertised, the Council shall:

- (a) Interview all qualified applicants for the post, or
- (b) Select a shortlist of such qualified applicants and interview those included on the shortlist.

2.5 Where the Council is seeking to reduce the number of employees, the Council may seek to mitigate redundancy through internal recruitment processes.

3. Recruitment of Head of Paid Service and Chief Officers

3.1 Where the Council proposes to appoint a Chief Officer, the Council will follow Procedure Rule 2 above.

4. Appointment of Head of Paid Service

4.1 The Full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council (the Senior Officer Employment Committee or a sub-committee thereof). Full Council will approve the appointment before an offer of appointment is made to that person.

5. Appointment of Chief Officers

- (a) A committee or sub-committee of the Council will appoint Chief Officers.
- (b) After the offer of appointment has been accepted, the appointment will be reported to the next available meeting of the Council for information.

- (c) Full Council is to approve any salary package for any post (not including schools) that is in excess of £100,000, before an offer of appointment is made.

6. Appointment of Director of Public Health

The Council is to act jointly with the Secretary of State for Health and Social Care when appointing a Director of Public Health. The Council is to follow its established Officer Employment Procedure rules, as set out here, and is also to:

- (a) Involve the UK Health Security Agency on behalf of the Secretary of State for Health and Social Care in all stages of the recruitment and appointment process and follow the guidance issued by the Secretary of State on appointing Directors of Public Health;
- (b) Engage with the Faculty of Public Health on the draft job description, person specification and advert to ensure it covers the statutory responsibilities of this role and necessary areas of professional and technical competence;
- (c) Ensure all candidates meet the statutory requirements for appropriate regulation and registration; and
- (d) Organise the Appointment Committee to include:
- Members of the Committee at Procedure Rule 5 above
 - Chief Executive or his/her nominated deputy
 - UK Health Security Agency Regional Director or another senior professionally qualified member of Public Health Committee acting on his/her behalf
 - External professional assessor appointed after consultation with the Faculty of Public Health
 - Senior NHS representation.

7. Other Appointments

7.1 Officers below Chief Officer

Appointments of officers below Chief Officer (other than Assistants to Political Groups) are the responsibility of the Head of Paid Service, or his/her nominee, and may not be made by Councillors.

7.2 Appointment of Consultants in Public Health

The Council is to be supported by the UK Health Security Agency and follow the statutory guidance on appointing Consultants in Public Health and is to:

- (a) Incorporate Faculty of Public Health role template into the job description and person specification;
- (b) Ensure all candidates are appropriately qualified and formally regulated; and
- (c) Consider who is to be involved in the appointment process, having regard to the list provided in the statutory guidance.

7.3 Assistants to Political Groups

- (a) The Council can create up to three assistants for political groups, subject to certain qualifying criteria as defined in Section 9 of the Local Government and Housing Act 1989.
- (b) The Council can only allocate one Political Assistant post to each of the qualifying groups.
- (c) The Council shall only make an appointment to any Political Assistant post once it has allocated a Political Assistant to each of the qualifying groups.
- (d) Appointment of Political Assistants shall be an Officer Responsibility. The selection process may include members of the relevant Political Group.
- (e) The Chair of the recruitment process shall be an Officer and the final recruitment decision shall be an Officer Responsibility, i.e. it is a matter for the Council as employer, under Section 112 of the Local Government Act 1972, to decide the terms on which the Political Assistant is employed.
- (f) The Political Assistant Post is a fixed term contract which must end at the first Annual Council meeting after the person has been in post for 3 years, as set out in the HR Protocol for Political Assistants held by the Director of Human Resources and Customer Services.

**8. Disciplinary Action and Dismissal of Certain Officers:
Head of Paid Service, Monitoring Officer and Chief Finance Officer**

8.1 Suspension – The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

8.2 The Panel will be established as set out in Appendix A of these procedure rules and will be responsible for advising the Council on Dismissal. The Panel will:

- Commission an independent person to carry out an investigation of the alleged misconduct;
- Hear the evidence from the relevant officer;
- Consider the conclusions of the investigation;
- Decide whether dismissal is an appropriate disciplinary action.

8.3 If the Panel considers dismissal to be the appropriate action they will:

- Formulate advice, views or recommendations;
- Present a report to Council, incorporating:
 - any advice, views or recommendations of the Panel;
 - the conclusions of any investigation into the proposed dismissal;
 - any representations from the relevant officer.

8.4 The Council will make the decision on the dismissal, considering the above. The Panel's recommendations are **not binding** on the Council.

8.5 If the Panel do not consider dismissal to be appropriate, the Panel will refer the matter to the Senior Officer Employment Committee for a decision on any other disciplinary action.

9. Disciplinary Action and Dismissal of other Chief Officers

9.1 Suspension – Chief Officers may be suspended whilst an investigation takes place.

- 9.2 Disciplinary Action and Dismissal** – The Senior Officer Employment Committee will take into account the recommendations of the report made by an Investigator appointed by the Committee and will make the decision to dismiss Chief Officers (except for the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer).
- 9.3** Appeals against dismissal of these Officers will be heard by the members of the Senior Officer Employment Committee who were not involved in the original decision.
- 9.4** No decision to dismiss the Director of Public Health will be taken unless the Secretary of State for Health and Social Care (or the UK Health Security Agency on his behalf) has been consulted;
- 9.5** That Committee will take disciplinary action for any Chief Officer, including the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer.
- 10. Disciplinary Action and Dismissal of other Officers**
- (a) Councillors will not** be involved in the disciplinary action against any officer below Chief Officers, except where such involvement is necessary for any investigation or inquiry into alleged misconduct though the Council’s disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action.
- (b) Appeal against Dismissal** for disciplinary, capability or other substantial reasons shall be to the Appeals and Collective Disputes Committee, which shall comprise of three Members who have been accredited by attending appropriate training sessions.
- (c) Appeals against dismissal by reason of redundancy** shall be to a panel of authorised Chief Officers.

Appendix A: The Panel

- 1.0** A statutory officer cannot be dismissed unless these provisions relating to the Panel are complied with.
- 2.0** The Panel is appointed (under section 102(4) of the Local Government Act 1972) as an advisory committee of the Council and shall be a sub-committee of the Senior Officer Employment Committee. The Panel is subject to all the legal requirements for committees, including the proportionality rules.
- 3.0** The Council must invite independent persons (who have been appointed by this or another authority under section 28(7) of the Localism Act 2011 for Standards regime purposes) to be considered for appointment to the Panel.
- 4.0** The Council must appoint to the Panel at least two independent persons who have accepted an invitation, in the following priority order:
- an independent person who has been appointed by this authority and who is a local government elector;
 - any other independent person who has been appointed by this authority;
 - an independent person who has been appointed by another authority or authorities.
- 5.0** The remuneration, allowances or fees paid to an independent person appointed to the Panel must be no more than the level of the remuneration, allowances or fees payable to them for their role as an Independent Person for the Standards regime.
- 6.0** The Panel must be appointed at least 20 working days before a meeting of the authority to consider whether or not to approve a proposal to dismiss a statutory officer.
- 7.0** A decision to dismiss **must** be taken by Full Council. In making the decision Council **must** take into account the factors as specified:
- a) any advice, views or recommendations of the Panel;
 - b) the conclusions of any investigation into the proposed dismissal;
and
 - c) any representations from the relevant officer.

The Panel's recommendations are **not binding** on the Council

AREA COMMITTEE PROCEDURE RULES

1. ARRANGEMENTS FOR AREA COMMITTEES

1.1 Composition

There shall be seven Area Committees as set out in the table below. They shall be constituted and operate in accordance with Article 10 of this Constitution and these Procedure Rules.

Name of Area Committee	Comprising these Wards
Central	Broomhill and Sharrow Vale City Hillsborough Walkley
East	Darnall Manor Castle Park and Arbourthorne Richmond
North	East Ecclesfield Stannington Stocksbridge and Upper Don West Ecclesfield
North East	Burngreave Firth Park Shiregreen and Brightside Southey
South	Beauchief and Greenhill Gleadless Valley Graves Park Nether Edge and Sharrow
South East	Birley Beighton Mosborough Woodhouse
South West	Crookes and Crosspool Dore and Totley Ecclesall Fulwood

1.2 Delegation of functions

The Area Committees shall operate according to the Terms of Reference set out in Part 3 of this Constitution. They shall carry out such functions as are delegated by the Full Council.

1.3 Sub-delegation of Functions

- (a) Where functions have been delegated to an Area Committee, they may be delegated further to an officer of the Council.
- (b) The further delegation of a function does not prevent it from being discharged by the Area Committee.

1.4 Conflicts of Interest

- (a) Where the Chair or any Member of an Area Committee has a conflict of interest this will be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If the exercise of a function has been delegated to an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

2 THE OPERATION OF AREA COMMITTEES

2.1 Frequency and location of meetings

Each Area Committee will meet at least 4 times each year at a publicly accessible location agreed by its Chair. Meetings shall be convened more regularly if the Chair decides it is necessary.

2.2 Public access to meetings and papers

Meetings, agenda and minutes of Area Committees will be open to the public and press, except as permitted under legislation and the Access to Information Rules in Part 4 of this Constitution.

2.3 Quorum

The quorum for a meeting of an Area Committee shall be half of its membership.

2.4 Meetings of and decisions taken by an Area Committee

Meetings of Area Committees will be convened and conducted in accordance with the Access to Information Rules in Part 4 of this Constitution.

2.5 The Chair of Meetings

Each Area Committee shall appoint a Chair and Deputy Chair for the year from its membership comprising the Ward Councillors of that Area Committee. Meetings will be chaired by the Chair if present and, in his or her absence, the Deputy Chair will chair. In the absence of both the Chair and the Deputy Chair, the Members present shall elect one of their number to chair.

2.6 The Business to be Conducted

At each meeting of an Area Committee, the following business will be conducted:

- (i) exclusion of the public and press;
- (ii) consideration of the minutes of the last meeting;
- (iii) declarations of interest, if any;
- (iv) public questions and petitions;
- (v) any matters referred to the Area Committee for consideration by the Full Council or a Council Committee;
- (vi) matters set out in the agenda for the meeting.

2.7 Placing items on the Area Committee agenda

- (a) A Chief Officer may, in consultation with the Chair and subject to compliance with the Access to Information Rules in Part 4 of this Constitution, put on the agenda of an Area Committee meeting, any matter which he or she considers necessary or appropriate,
- (b) A matter referred to an Area Committee by Full Council or a Council Committee shall be placed on the agenda for the next Area Committee meeting, subject to compliance with the Access to Information Rules. The Leader of the Council, or the Chair or other Member of a referring Council Committee may address the Area Committee on a matter referred to it but shall not be entitled to participate in debate or to vote on the item unless he or she is a Member of the Area Committee
- (c) The Chief Executive, the Monitoring Officer and the Chief Finance Officer may, subject to compliance with the Access to Information Rules in Part 4 of

this Constitution, put any matter they consider necessary or appropriate on the agenda of any Area Committee meeting. Any of those officers may, where they consider it necessary to do so, require a meeting of an Area Committee to be called to consider a particular matter.

2.8 Attendance by others

- (a) Area Committees may, through the Chair, invite representatives of other public, private or voluntary/community organisations with an interest in the issue and/or members of the general public to meetings to contribute to their discussions.
- (b) External experts and other persons identified as possible contributors may be invited to attend meetings to give evidence and advice and answer questions put to them by an Area Committee, but cannot be required to do so and therefore their participation will be on a voluntary basis.

2.9 Placing items on a Council Committee agenda

- (a) An Area Committee can request that an item discussed at one of its meetings is placed on the agenda of the next meeting of the relevant Committee of the Council;
- (b) The request will be forwarded in writing by the Chair to the Chair of the relevant Committee who will take one of the following actions:
 - (i) refer the matter to an Executive Director
 - (ii) refer the matter to another relevant officer
 - (iii) refer the matter to the Committee by way of a report;

Part 5

Codes and Protocols

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Sheffield City Council

COUNCILLOR CODE OF CONDUCT

Joint statement of Councillors

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to.

We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors. As councillors, we represent residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently.

We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations. Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct, and safeguard the public's trust in local government.

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority.

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee". For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor or co-opted member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors or co-opted members, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and co-opted members and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors, co-opted members and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles. Building on these principles, the following general principles have been developed specifically for the role of councillor and co-opted member. In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor or co-opted member. This Code of Conduct applies to you when you are acting in your capacity as a councillor or co-opted member which may include when:

- you misuse your position as a councillor or co-opted member
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor or co-opted member;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor or co-opted member.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor or co-opted member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect As a councillor or co-opted member:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor or co-opted member, you can express, challenge, criticise and disagree with views,

ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor officer protocol.

2. Bullying, harassment and discrimination

As a councillor or co-opted member:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Members must promote equality and inclusion by providing an environment free from harassment, discrimination, and victimisation and bullying and by treating people with

respect, regardless of their age, disability, gender, race, religion/ belief, sexual orientation or marriage/ civil partnership status.

The Equality Act 2010 places specific duties on local authorities. Councillors and co-opted members have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

Members should be aware of the Council's Equality Objectives 2019-22 and act in accordance with the Council's Equality, Diversity and Inclusion Policy and Dignity and Respect at Work Policy.

3. Impartiality of officers of the council

As a councillor or co-opted member:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor or co-opted member:

4.1 I do not disclose information:

- a. given to me in confidence**
- b. by anyone acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**

3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor or co-opted member:

5.1 I do not bring my role or local authority into disrepute.

As a councillor or co-opted member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute. You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor or co-opted member:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor or co-opted member:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor or co-opted member:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any standards investigation or sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the

local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

You must not make trivial, malicious or vexatious allegations against other Councillors/Officers.

9. Interests

As a councillor or co-opted member:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority. You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable.

You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor or co-opted member:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £10, or accumulatively in excess of £10 from the same source over the four-year term of office which you have been offered as a Member from any person or body other than the Authority within 28 days of receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

11. Bias

11.1 I must not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.

11.2 When making a decision, I consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you are not prohibited from participating in a decision in your political role as member.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or 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.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which affects –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**.

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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 made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) 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 and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

<p>Licenses</p>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer Corporate tenancies Any tenancy where (to the councillor’s knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<p>Securities</p>	<p>Any beneficial interest in securities* of a body where— (a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; 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 councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

* ‘director’ includes a member of the committee of management of an industrial and provident society.

* ‘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.

Table 2: Other Registrable Interests

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

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

b) any body

- i. exercising functions of a public nature
- ii. any body directed to charitable purposes or
- iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Appendix D - LIST OF POLICIES

- Sheffield City Council Electronic Communications Policy
- Members' ICT Usage Policy
- Equality, Diversity and Inclusion Policy
- Sheffield City Council Equality Objectives 2019-22

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MONITORING OFFICER PROTOCOL

1. STATUTORY RESPONSIBILITIES

- 1.1 The Monitoring Officer is a statutory appointment pursuant to Section 5 of the Local Government and Housing Act 1989 This Protocol sets out the Monitoring Officer's role in relating to the statutory duty to promote and maintain high standards of conduct under the Localism Act 2011.
- 1.2 The role of the Monitoring Officer rests with the Director of Legal and Governance. The Monitoring Officer may nominate a member of staff to act as Deputy Monitoring Officer while absent or ill and has appointed the Assistant Directors of Legal and Governance as Deputy Monitoring Officers. The Deputies will act only in the absence of the Monitoring Officer.
- 1.3 This Protocol should be read in conjunction with Articles 13 and 16 of the Constitution which set out all Monitoring Officer functions. It should also be read in conjunction with the procedure for investigating standards complaints. A list of the functions of the Monitoring Officer appears in the attached Schedule.

2. WORKING ARRANGEMENTS

- 2.1 It is vital that Members and Officers work with the Monitoring Officer and his or her staff, to effectively discharge the Council business, statutory responsibilities and promote the corporate health of the Council.
- 2.2 The Monitoring Officer's duties will be discharged in accordance with the Council's Constitution, legislative requirements and relevant Government guidance. The Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:-
 - (a) complying with the law (including any relevant Codes of Conduct);
 - (b) complying with any general guidance, codes or protocols issued from time to time by the Monitoring Officer;
 - (c) making lawful and proportionate decisions;
 - (d) generally, not taking action that would bring the Council, their offices or professions into disrepute;
 - (e) seeking early advice on issues relating to constitutional or ethical matters;

- (f) raising alerts to issues that may become of concern to the Authority about legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise; and
- (g) Reporting to the Monitoring Officer at the earliest opportunity convictions of criminal offences which might amount to a breach of the Members Code of Conduct.

2.3 The Monitoring Officer will:

- 2.3.1 Have advance notice and access to information (including agendas, minutes, reports and related papers) of all relevant meetings of the Authority, (including meetings at which Officer delegated decisions are taken) at which a binding decision may be made (including meetings where there may be a failure to take a decision which should be taken);
- 2.3.2 Have the right to attend (and be heard) any meeting of the Authority (including meetings at which Officer delegated decisions are taken) before any binding decision is taken (including a meeting where there may be failure to take a decision where one should be taken).
- 2.3.3 Meet regularly with the Head of Paid Service and the Section 151 Officer to consider and recommend action in connection with corporate Governance issues, matters of concern regarding legal, ethical standards probity, procedural, constitutional issues that are likely and do arise;
- 2.3.4 In undertaking or arranging investigations will have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of the functions.
- 2.3.5 Report to Council as necessary on resources.

3. RELATIONSHIPS

- 3.1 The Monitoring Officer will develop effective working liaison and relationship to ensuring effective and efficient discharge of Council business with:
 - (a) The Lord Mayor, Chairs of Policy, Regulatory, Audit and Standards and other Committees of the Council; and
 - (b) The Local Auditor and the Local Government Ombudsman or their successors;
- 3.2 Refer any breaches to, or give and receive any relevant information, whether confidential or otherwise, (through appropriate protocols, if necessary), to the bodies in 3.1 (b).

4. PROCEDURE FOR DEALING WITH COMPLAINTS REGARDING CITY, PARISH AND TOWN COUNCILLORS AND CO-OPTED MEMBERS

- 4.1 The procedure for dealing with complaints that a member of the City Council, Parish and Town Councils or a Co-opted Member has failed to comply with the Members' Code of Conduct is set out in Appendix A.
- 4.2 The Monitoring Officer reserves the right to deal with any issues arising in the course of business that concerns the conduct or alleged conduct of a Member, in the absence of a complaint, if the Monitoring Officer deems it reasonable and appropriate to do so.

SCHEDULE

A list of the functions of the Monitoring Officer

1. Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2. Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
3. Appointment of Deputy	Section 5 Local Government and Housing Act 1989
4. Report on resources	Section 5 Local Government and Housing Act 1989
5. Maintain register of Members Interests and gifts and hospitality	Localism Act 2011
6. To be responsible for the operation and maintenance of the whistleblowing policy	Whistleblowing Policy and Procedure (in the Officers' Code of Conduct)
7. Proper Officer – Local Government Access to Information Regulations	Part 2 of the Constitution 13.03 (e)
8. Advise on vires, maladministration, impropriety, probity	Part 2 of the Constitution 13.03 (g)

Appendix A

SHEFFIELD CITY COUNCIL

PROCEDURE FOR DEALING WITH COMPLAINTS REGARDING CITY, PARISH AND TOWN COUNCILLORS AND CO-OPTED MEMBERS

1. Introduction

1.1 Under the Localism Act 2011, the Council has a duty to promote and maintain high standards of conduct for its elected and co-opted members and have arrangements in place to deal with complaints.

1.2 This Procedure sets out how the Council will deal with a complaint alleging a breach of the Members' Code of Conduct by:-

- Sheffield City Councillors
- Voting and non-voting co-opted members of the Council
- Bradfield Parish Councillors
- Ecclesfield Parish Councillors
- Stocksbridge Town Councillors

(In this Procedure the term 'Member' is used to describe a Councillor or Co-opted Member)

1.3 In dealing with complaints we will be fair to both the complainant and Member and progress matters in accordance with the timescales set out in the Procedure. Complaints will be handled in the strictest confidence at all times.

1.4 The Council has a duty to ensure no conflict of interest with officers when undertaking standards investigations. If a conflict of interest is identified, it will be determined in consultation with the Independent Person whether the matter should be dealt with by an alternative Monitoring Officer.

1.5 The Council has a clear and straightforward public interest test, which is used by the Monitoring Officer when considering complaints.

2. Monitoring Officer

2.1 Gillian Duckworth, Director of Legal and Governance, is the Council's Monitoring Officer. This is a statutory role, responsible for ensuring that the Council, its Members and officers carry out their functions in a lawful and ethical manner. The role includes supporting the Audit and Standards Committee and the three Independent Persons in dealing with complaints alleging a breach of the Members' Code of Conduct.

3. Independent Persons

- 3.1 The Council appoints Independent Persons from outside the Council to assist the Monitoring Officer and the Audit and Standards Committee in considering complaints. This is statutory requirement under the Localism Act 2011. Sheffield has appointed two Independent Persons - David Waxman and Jo Cairns.
- 3.2 The Independent Person must be consulted at various stages in the complaints process:
1. The Independent Person should be consulted on an allegation and should be given the option to review and comment on allegations which the Monitoring Officer is minded to dismiss as being malicious, without merit, vexatious or trivial.
 2. As to whether to undertake a formal investigation.
 3. Before the Hearing Sub-Committee.

4. Making a Complaint/Withdrawing a Complaint

- 4.1 Complaints alleging a breach of the Members' Code of Conduct should be made in writing using the complaint form and sent to Gillian Duckworth, Monitoring Officer, Sheffield City Council, Town Hall, Sheffield S1 2HH or email gillian.duckworth@sheffield.gov.uk. The complaint form is available from:-
- Website - <http://www.sheffield.gov.uk/home/your-city-council/council-meetings>
 - Email - committee@sheffield.gov.uk
 - Phone - Democratic Services on 0114 273 4015
- 4.2 If you need advice or assistance in submitting a complaint please contact Sarah Hyde in Democratic Services (email sarah.hyde@sheffield.gov.uk or phone 0114 273 4015).
- 4.3 Details of the complaint, including the name of the complainant, will be shared with the Member. The complainant can request at section 2 of the complaint form for their identity to be kept confidential. Requests for confidentiality will be considered by the Monitoring Officer, in consultation with the Independent Person, and the complainant will be informed in writing of the outcome. In the interest of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We are unlikely to withhold your identity unless there are exceptional circumstances; for example, that

you can demonstrate that you will suffer significant harm or distress as a result of disclosure. In exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

- 4.4 Anonymous complaints will not be considered.
- 4.5 The complainant can withdraw their complaint at any time by informing the Monitoring Officer in writing. The Monitoring Officer will confirm this in writing with the complainant within 5 working days and also inform the Member that the complaint has been withdrawn.
- 4.6 Where a complaint has been withdrawn, the Monitoring Officer reserves the right to pursue the issues in the complaint.
- 5.0 Acknowledging the Complaint/Rejecting a Complaint/Informing the Member**
- 5.1 The Monitoring Officer will acknowledge receipt of the complaint in writing within 5 working days, with details of how the complaint will be dealt with and providing a copy of this Procedure and the Code of Conduct.
- 5.2 If necessary, the Monitoring Officer will clarify any matters with the complainant as soon as possible before the Member is informed.
- 5.3 The Monitoring Officer also reserves the right to reject a complaint if it is considered to be trivial, vexatious, repetitious, not a standards matter or a general misuse of the opportunity. The complainant will be informed of the reasons why a complaint has been rejected.
- 5.4 The Member will be informed in writing within 5 working days that a complaint has been made about them, subject to paragraph 5.2. This will include the name of the complainant (unless the Monitoring Officer has agreed to the complainant's request that their name is kept confidential) and details of the complaint. They will also receive a copy of this Procedure and the Code of Conduct. To assist the Monitoring Officer in assessing the complaint, the Member will be invited to submit within 10 working days a written statement of fact in response to the complaint.
- 5.5 The Monitoring Officer will also inform the Leader of the relevant political Group, Group Whip and Chair of the Audit and Standards Committee that a complaint has been received and provide a summary of the complaint.

5.6 Where a complaint relates to a Parish or Town Councillor, the Monitoring Officer will also inform the Clerk of that Council of the name of the Member and details of the complaint. The Clerk will also be kept informed of the progress and the outcome of the complaint.

6. Assessment by the Monitoring Officer

6.1 Before assessment of the complaint, it may be necessary for the Monitoring Officer to request further information or clarification from the complainant and/or Member and, where necessary, obtain other available information, such as the minutes of a meeting.

6.2 The Monitoring Officer, in consultation with the Independent Person, will consider (a) the complaint, any remedy sought by the complainant, any written statement of fact submitted by the Member and any other information obtained; (b) whether the member was acting in their official capacity and that the Code of Conduct does apply; (c) if the allegation constitutes a potential breach of the Code of Conduct; and (d) would consideration of the complaint be in the public interest; and then take one of the following courses of action:-

1. Take no action or
2. Take other action through informal resolution or
3. Refer the matter for investigation
4. Refer the matter to the Consideration Sub-Committee

6.3 The complainant and the Member will be informed in writing within 10 working days of the outcome and the reasons for the decision.

6.4 The Monitoring Officer will also inform the Leader of the relevant political Group, Group Whip and Chair of the Audit and Standards Committee of the assessment decision. Where a complaint relates to a Parish or Town Councillor, the Monitoring Officer will also inform the Clerk of that Council.

6.5 Where a complaint is not referred for investigation, the Monitoring Officer will seek to deal with the matter within 8 weeks.

6.6 Take No Action

6.6.1 It is likely that no action will be taken where:-

- A significant amount of time has elapsed since the events which are the subject of the complaint.

- The allegation relates to a cultural or recurring issue relating to standards within the Council.
- The matter should be dealt with by some other method.
- Complaints have been made about the Member relating to similar issues that have previously been dealt with through this Procedure.
- The complaint appears to be trivial, vexatious, repetitious or a general misuse of the opportunity.
- The conduct occurred during political debate or could be regarded as a political expression of views or opinion.

6.7 Take Other Action Through Informal Resolution

6.7.1 Informal resolution may be the simplest and most cost effective way of resolving the complaint and without determining if an actual breach of the Code has taken place. It may be appropriate where:

- The Monitoring Officer considers that this is the most effective way of resolving the matter to the complainant's satisfaction;
- The Member appears to have a poor understanding of the Code of Conduct and/or related Council procedures;
- The conduct complained of appears to be a symptom of wider underlying conflicts which, if unresolved, are likely to lead to further misconduct or allegations of misconduct;
- The conduct complained of appears to the Monitoring Officer not to require a formal sanction;
- The complaint appears to reveal a lack of guidance, protocols and procedures within the District or Parish/Town Council;
- The complaint consists of allegations and retaliatory allegations between councillors;
- The complaint consists of allegations about how formal meetings are conducted; and
- The conduct complained of may be due to misleading, unclear or misunderstood advice from officers.

- 6.7.2 The Monitoring Officer, in consultation with the Independent Person, may take any of the following actions:-
- Take such steps as they think appropriate to prevent a future breach of the Code including training, guidance and introducing or amending policies/protocols.
 - Ask the Whips to address the issue raised within their political parties or with an individual Member.
 - Mediate between the parties involved to resolve the issues.
 - Seek an apology from the Member.
 - Any other action capable of resolving the complaint.
- 6.7.3 If a member of the public making a complaint is not satisfied with the action to be taken through informal resolution they can make a request in writing to the Monitoring Officer for reconsideration. If appropriate, the Monitoring Officer may then recommend additional mediation, reconsider the original action proposed, or refer the complaint to Consideration Sub-Committee.
- 6.8 Refer the Matter for Investigation
- 6.8.1 It is expected that the Monitoring Officer will refer only the most serious breaches for investigation or where the Member fundamentally disputes or does not accept the allegations in the complaint.
- 6.8.2 If a complaint has been referred for investigation, the Monitoring Officer, in consultation with the Independent Person, will appoint a person to undertake the investigation and this may be either a Council Officer or an outside agent, depending on the complexity and subject of the complaint.
- 6.8.3 The Investigating Officer will inform the complainant and Member of the process and proposed timescale of the investigation. The investigation may involve interviewing both parties and possibly other witnesses, together with reviewing any relevant documentation or paperwork.
- 6.8.4 The Investigating Officer will prepare a draft report on the outcome of the investigation and provide the complainant and Member with a copy for review and comment.
- 6.8.5 The Investigating Officer will submit a final version of the report to the Monitoring Officer that will make a finding that either (a) there has been a breach of the Code of Conduct or (b) there has not been a breach of

the Code of Conduct. The final report will also be sent to the complainant and Member.

- 6.8.6 The Monitoring Officer will submit the Investigating Officer's report to the Consideration Sub-Committee.
- 6.8.7 An investigation will be completed within 12 weeks of a referral by the Monitoring Officer. The Consideration Sub-Committee will meet within two months of the final report being submitted to the Monitoring Officer.
- 6.9 Refer the matter to the Consideration Sub-Committee
- 6.9.1 The Monitoring Officer can refer a complaint direct to the Sub-Committee if it is considered that there is a breach of the Code but there is no dispute over the events in relation to the complaint and an investigation is not considered necessary.
- 6.9.2 If a member of the public making a complaint is not satisfied with the action to be taken through informal resolution they can make a request in writing to the Monitoring Officer for reconsideration. If appropriate, the Monitoring Officer may then recommend additional mediation, reconsider the original action proposed, or refer the complaint to Consideration Sub-Committee.

7 Consideration Sub-Committee

- 7.1 The Consideration Sub-Committee comprises 3 Councillors and 1 non-voting co-opted Independent Member.
- 7.2 The complainant and Member are not required to attend the meeting of the Sub-Committee.
- 7.3 The Monitoring Officer will submit a report on the outcome of an investigation or a matter referred to the Sub-Committee. The Investigating Officer will attend the meeting.
- 7.4 The Sub-Committee will consider the Monitoring Officer's report and, after taking the views of the Independent Person into account, can:-
- (a) take no action; or
 - (b) take other action including any of the following actions:-
 - Take such steps as the Sub-Committee considers appropriate to prevent a future breach of the Code including training, guidance and introducing or amending policies/protocols.

- Ask the Whips to address the issue raised within their political parties or with an individual Member.
- Request the Monitoring Officer, in consultation with the Independent Person, to mediate between the parties involved to resolve the issues.
- Seek an apology from the Member.
- Any other action capable of resolving the complaint.

(c) refer the matter to a Hearing Sub-Committee.

7.5 Where the Consideration Sub-Committee is considering a report on the referral of a complaint where a member of the public is not satisfied with the action to be taken through informal resolution, the only option available to the Sub-Committee is to ratify the original informal resolution, or to take other action including any of the following actions:-

- Take such steps as the Consideration Sub-Committee considers appropriate to prevent a future breach of the Code including training, guidance and introducing or amending policies/protocols.
- Ask the Whips to address the issue raised within their political parties or with an individual Member.
- Request the Monitoring Officer, in consultation with the Independent Person, to mediate between the parties involved to resolve the issues.
- Seek an apology from the Member.
- Any other action capable of resolving the complaint.

7.6 The Monitoring Officer will inform the complainant and Member in writing within 10 working days of the outcome and the reasons for the Sub-Committee's decision.

8. Hearing Sub-Committee

8.1 The Hearing Sub-Committee comprises 3 Councillors and 1 non-voting co-opted Independent Member.

8.2 The Sub-Committee will meet within two months of a referral by the Consideration Sub-Committee to consider the allegation.

- 8.3 The Sub-Committee will meet in public unless it decides that all or part of the meeting should be held in private in accordance with the Access to Information Procedure Rules in the Council's Constitution.
- 8.4 In advance of the Hearing, there will be a pre-hearing process to allow matters at the Hearing to be dealt with more fairly and economically.
- 8.5 The complainant and member will be given the opportunity to attend the Hearing and present witnesses. The Monitoring Officer, any Investigating Officer and Independent Person will also attend. The procedure at the Hearing will include:-
- Making findings of fact
 - Deciding if there has been a breach of the Code of Conduct
 - Consider the remedies/sanctions available if there is a finding that the Member has breached of the Code of Conduct
- 8.6 Full details of the pre-hearing and hearing process are set out in the Procedure at Hearings. The Member and complainant will be provided with a copy of the Procedure.
- 8.7 A Finding of No Breach of the Code of Conduct
- 8.7.1 If the Sub-Committee finds that the Member did not breach the Code of Conduct no further action will be taken in respect of the complaint. However, the Sub-Committee can make a recommendation to the authority with a view to promoting and maintaining high standards of conduct in general (e.g. proposed changes to internal procedures or training for Members).
- 8.8 A Finding of a Breach of the Code of Conduct
- 8.8.1 If the Sub-Committee finds that a breach of the Code of Conduct has occurred they may make any of the following recommendations and may specify to whom they wish them to be directed:-
- Recommending to the Member's Group Leader and/or Group Whip (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council.
 - Instructing the Monitoring Officer to arrange training for the member.
 - That policies/procedures are amended.
 - That a briefing/information note be issued.

- That an apology be given.
- That the Member is censured in writing and a copy of the letter is published on the Council's website.
- Take no action where it is not considered appropriate in the circumstances to impose a sanction.

8.8.2 The Monitoring Officer will inform the complainant and the Member of the outcome from the Sub-Committee hearing in writing within 10 working days.

8.8.3 The findings and decision of the Sub-Committee will be also be available on the Council's website and copies will be supplied to the Chief Executive, Leaders of all the political Groups and the Group Whips.

8.8.4 Where the matter relates to a Parish or Town Councillor, the Clerk of that Council will be informed of the outcome of a Hearing.

9. Appeals

9.1 There is no right of appeal for the complainant or Member against a decision of the Monitoring Officer, Consideration Sub-Committee or Hearing Sub-Committee.

9.2 If the complainant feels that the Council has failed to deal with their complaint properly, they can make a complaint to the Local Government and Social Care Ombudsman (<http://www.lgo.org.uk/make-a-complaint/how-to-complain> or phone 0300 061 0614).

10. Reports

10.1 An annual report will be submitted to the Audit and Standards Committee with a summary of all Standards Complaints received and their outcome.

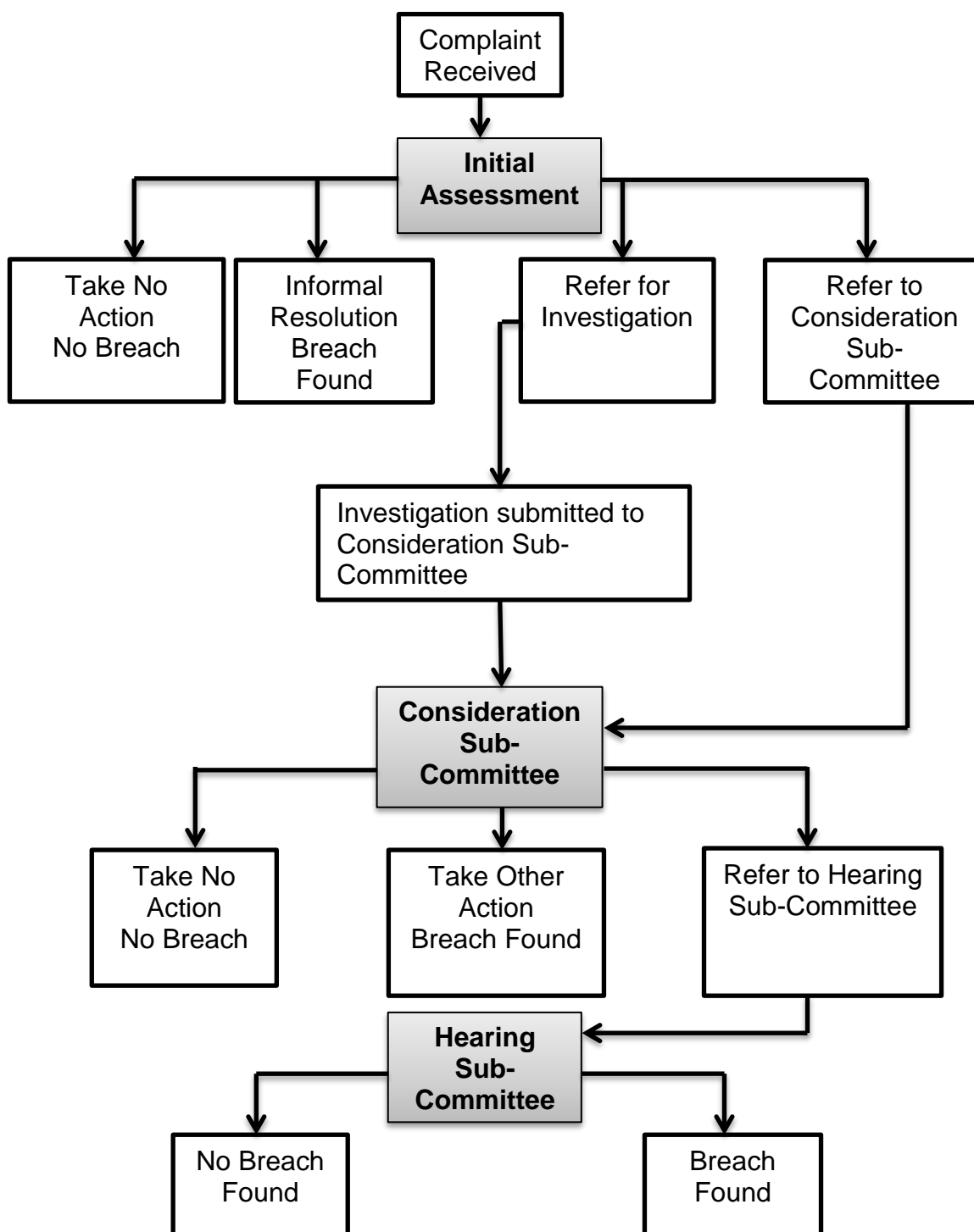
11. Data Protection

11.1 Complaints will be handled in the strictest confidence at all times. We will ensure that any information received as part of the handling of the complaint is disclosed only to those who can demonstrate a valid need to know it. However, when a complaint is considered at a Standards Committee Hearing then any information will be dealt with in accordance with the Access to Information Procedure Rules in the Council's Constitution.

11.2 Complaints records will be stored safely and securely. Records of the number of complaints received, the outcomes and the subject Members, will be kept for so long afterwards as we consider it may be required to deal with any questions or complaints about the service which we provide. Personal information about the complainant and details of the complaint itself will be deleted after 7 years unless we elect to retain it for a longer period in order to comply with our legal and regulatory obligations.

12. Review and Changes to the Procedure

12.1 The Monitoring Officer will review the Procedure annually, in consultation with the Independent Persons, and submit a report on any proposed changes to the Audit and Standards Committee for consideration. In accordance with the Constitution, any changes will require final approval at Full Council.



If a breach is found, the following options are available:

- Recommending to the Member's Group Leader and/or Group Whip (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council.
- Instructing the Monitoring Officer to arrange training for the member.
- That policies/procedures are amended.
- That a briefing/information note be issued.
- That an apology be given.
- That the Member is censured in writing and a copy of the letter is published on the Council's website. (**only after Hearing Sub-Committee**)
- Take no action where it is not considered appropriate in the circumstances to impose a sanction.

Sheffield City Council

Officers’ Code of Conduct, including appendices

Publication Date: September 2019

Author: HR Service



Officers’ Code of Conduct

This Code of Conduct applies to all non-school based employees. The Code of Conduct adopted by the relevant Governing Body will apply to employees within schools.

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1.0 INTRODUCTION

About this Code of Conduct

- 1.1 In the Code of Conduct, when we use the word “you” we mean a Council employee, casual worker, agency staff, contractors, volunteers, and consultants and self-employed people engaged in work for the Council.**

When we use the words “we” or “us”, we mean the Council.

- 1.2 This Code of Conduct for Employees is based on key principles. These principles are developed from the work of the Nolan Committee for standards in public life.
- 1.3 In the Code of Conduct you will find the minimum standards that all Council employees must keep to. These standards also apply to casual workers, agency staff, contractors, volunteers, and consultants and self-employed people engaged in work for the Council.
- 1.4 If you are an employee, this Code of Conduct is part of your terms and conditions of employment. Some parts of the Council may have their own Codes in addition to this one.
- 1.5 If your service area has its own Code, you should keep to that Code as well as this Code. You also need to follow any security policies or Codes of Practice that the council has.
- 1.6 We believe that you are responsible for your own actions. That means it is your responsibility to read the Code of Conduct, and any other Code which may apply to your job.
- 1.7 If there are any parts of this Code, or other Code, that you are unsure of or do not understand, you must ask your manager or someone in HR, to help you. This will ensure you are able to follow the Code.
- 1.8 You can find explanations for some of the words and phrases in this Code in the glossary section, on page 16 of this document.
- 1.9 This Code is not a full list of what you are expected to do or not to do. There may be other things that the Council will look at as misconduct, or gross misconduct. If there is anything that you are unsure about, please ask your manager or HR Adviser.
- 1.10 People who live in Sheffield expect you to have high standards of behaviour. If someone has suspicions that you could be influenced unfairly, this could damage confidence in the Council. You must not put yourself in a situation where anyone might think that you are dishonest.
- 1.11 The Council has the right to monitor employees. This includes surveillance. If the Council monitors employees in this way, it will keep within the laws that deal with monitoring.

1.12 You may have disciplinary action taken against you if you:

- Do not keep to this Code of Conduct.
- Commit a criminal offence.
- Do something we would classify as misconduct.
- Do something that may bring the Council into disrepute, whether during working hours or outside of them.
- Do not properly perform your duties as an employee.

Disciplinary action includes the possibility of being dismissed without notice being given.

1.13 This Code is in accordance with the rules in the Human Rights Act.

2.0 PUBLIC DUTY, PRIVATE INTEREST, FRAUD AND THEFT

(i) General

- 2.1 Your duty as an employee and any interests outside your job must not conflict. If there is anything you are involved in outside of work which might affect your job, you must declare this to your manager. Read Declaration of Interests Policy (DO!) Appendix A
- 2.2 You must always do your job safely. To make sure you do not put the public, other employees or yourself at risk, you must follow Corporate and Directorate Health and Safety policies. You must also follow safe systems of work and any Codes of practice that apply to your job.
- 2.3 If you are a member of an organisation that:
- Is not open to the public
 - Requires formal membership and an oath of allegiance
 - Has any secrecy about its rules, the process of becoming a member, or conduct of members.
- 2.4 You must declare this in writing to your Head of Service or Director. See Declaration of Interests Policy **Appendix A**.
- 2.5 The Council has responsibility for the administration of public money. We emphasise to the public and to employees that we think honesty and that having proper control of finances is very important.
- 2.6 The Council is committed to the fight against fraud, whether an employee, a contractor, or a member of the public has committed the fraud.
- 2.7 You must not use the fact that you are a Council employee to obtain, gain directly or indirectly - for yourself, any business associates, your friends or your family. This is covered in the Council’s Anti-Bribery Policy in **Appendix B**.

- 2.8 As the Council is committed to the prevention and detection of fraud, we have a policy statement on Fraud and Corruption. This is shown in **Appendix B**.
- 2.9 We also have a Gifts and Hospitality Policy and Code of Practice. This is shown in **Appendix C**.
- 2.10 In addition to these two policies, we have a Whistleblowing Policy and Procedure, so that you can report any fraud or corruption more easily. This is shown in **Appendix D**.
- 2.11 If you are using public funds, you must use them responsibly, and you must keep within the law. You must make sure that we use our resources sensibly and legally, and that the community gets value for money.
- 2.12 You must keep to the rules within the Council’s Standing Orders and Financial Framework. The Standing Orders are available on the Council’s Internet site.
- 2.13 If you:
- Commit fraud against the Council, or any person or organisation, or try to.
 - Steal from the Council, or any person or organisation, or try to.
- 2.14 This will be considered misconduct and may be considered gross misconduct. This includes deliberately putting false information on time sheets, subsistence claims or mileage claims.
- 2.15 If you have concerns that someone is stealing, committing fraud or behaving in a way that might be unethical, you must report this to your manager, or someone named in the Whistleblowing Policy and Procedure. This procedure is shown in **Appendix D**.
- 2.16 We know that it is not always easy to report on the behaviour of other people. We will give you full support if you raise concerns. If you wish to remain anonymous, we will make every effort to respect this.
- 2.17 We know there are two sides to a story, and we will ensure hearings are fair.
- 2.18 Sometimes allegations will turn out to be wrong. If you deliberately make false or malicious allegations, this will be treated as misconduct.
- (ii) Financial Inducements, Gifts and Hospitality**
- 2.19 You must never accept a financial payment, bribes or inducement from any individual, body, or organisation. For example: payments or inducements from contractors, developers, or consultants. This is covered in the Council’s Anti-Bribery Policy in **Appendix B**.
- 2.20 To take financial payments or inducements is against the law. It is an offence under Section 117 of the Local Government Act 1972.
-

- 2.21 You must refuse any gift or hospitality offered to you or your family that others may think could influence you.
- 2.22 You may accept gifts of small value such as pens, diaries and calendars.
- 2.23 For further guidance on gifts, hospitality and inducements, you can read the Gifts and Hospitality Policy and Code of Practice. This is shown in **Appendix C**.
- 2.24 Any gifts or hospitality you have been offered, whether you have turned them down or accepted them, must be recorded. If you are unsure of the process of recording goods and hospitality in your service area, seek advice from your manager.

(iii) Employee Declarations of Financial and other interests

- 2.25 You have a legal duty to declare any financial or other interest in an existing or proposed contract. See Declaration of Interests Policy (DOI) Appendix A.
- 2.26 If the Council gives support in the community, through financial help or other help, you must make sure that any advice you give is fair and balanced. You must make sure that there is no conflict of interest.
- 2.27 You are free to use all Council services. If you do so, you will not be treated more or less fairly because you work for the Council.
- 2.28 Members of the public expect you to be fair and treat people equally, no matter who you are delivering services to.
- 2.29 You must make sure you don’t do anything in your job that might make people think you are being unfair or biased.
- 2.30 You must not try and obtain services in a different way to the public because you work for the Council. This includes putting pressure on colleagues to get services.
- 2.31 If you think there might be a conflict of interest, you must look at the Declarations of Interest Policy (DOI), **Appendix A**. If you are not sure, you should ask your manager to help you.
- 2.32 The Monitoring Officer will review any declarations that have been made every year. If the Monitoring Officer needs to make declarations, the Chief Executive will review them every year.
- 2.33 The Director of Human Resources is responsible for making sure all the Employment Policies, Practices and Procedures that the Council has are kept to.

2.34 Every Head of Service, Director and Executive Director is responsible for monitoring their employees activities, making sure they have kept to this Code and any other Codes and made declarations when they need to. Any monitoring will comply with all relevant laws.

3.0 CONTRACTORS

3.1 As part of your job, you may be required to supervise or engage contractors or have an official relationship with them. If you have any work relationship with contractors, or potential contractors, you must tell your Head of Service or Director in writing if you have ever had a private or domestic relationship with the contractors.

3.2 The orders we place and contracts we give should be given fairly. This means that we must award orders and contracts based on merit and fair competition against other tenders. You must not show favouritism in doing this. For example, if your friends, partners or relatives run a business, you could not award them a contract unfairly because of this. You must not discriminate against anyone unfairly if you deal with tenders, evaluation or awarding contracts.

4.0 RELATIONSHIPS WITH PROSPECTIVE AND CURRENT CONTRACTORS

4.1 If you are involved in the process of tendering and dealing with contractors you should understand that being a client and being a contractor are two separate roles. If you have a client or contractor responsibility, you need to be open and accountable for your actions.

4.2 If you work in a contractor or client unit you must be fair and impartial when you deal with customers, suppliers and any other contractors or subcontractors.

4.3 If you have access to any information about contracts or costs for contracts that is not public, you must not disclose that information to anyone unauthorised.

4.4 You must make sure that you don’t show special favour to anyone who works for us or used to work for us when you award contracts. You must make sure you do not show special favour to anyone who is a partner, associate or relative of an employee when you award contracts.

4.5 If you are thinking about a ‘management buyout’, you must inform the Chief Executive as soon as you definitely intend to do it. You must also inform your Executive Director and Head of Service or Director. You must withdraw from doing any work for us that includes preparation, tendering, evaluation, and awarding contracts or orders.

4.6 If Competitive tendering is being carried out, and you are involved in the process, you must let your Head of Service or Director know when you are a member of an organisation that is interested in tendering. You must also let your Head of Service or Director know if you have affiliation to an organisation that is interested in tendering.

5.0 INFORMATION GOVERNANCE, SECURITY AND SOCIAL NETWORKING

- 5.1 You are responsible for the information you handle for or on behalf of the Council and must ensure it is safe from unauthorised access, use, alteration, disclosure or deletion.
- 5.2 You must comply with the Council’s information policies and take the time to read and understand the Information Governance and Security Policy ICT Acceptable Usage Policy and Data Protection Policy, see **Appendix E, F and G**. If you are unsure about these policies, you should speak to your manager in one to one discussions /supervision’. The Council also has Information Management Officers who can help.
- 5.3 You are personally responsible for content that you publish on-line and must follow the Social Networking Policy, **Appendix H**.
- 5.4 You must take time to read the Social Networking Policy and understand your responsibilities and behaviours expected, when using social networking in a personal or work capacity. Ask you manager if you are unsure about the Social Networking Policy and Guidance.
- 5.5 The City Council records the use of some electronic communication use in accordance with the law.
- 5.6 Failure to comply with Council policy and / or the misuse any City Council information or resources could result in disciplinary action.

6.0 USE OF COUNCIL SYSTEMS, PROPERTY AND FACILITIES

6.1 Anything that belongs to the Council, including:

- Telephones - including mobile phones, handsets, BlackBerry, smartphones
- Computers - including laptops, tablets, i-pads
- IT equipment – including monitors, cameras, memory sticks, hard drives
- Stationery
- Offices
- Car parks
- Vehicles
- Facilities

can only be used for Council business unless permission is given by management.

- 6.2 If, with your managers’ permission, you use a Council telephone or mobile telephone to make private calls or text messages, or send private faxes using a Council fax machine, you must pay for this through the approved systems in place. If you are unsure about how to pay for calls, speak to your manager.
- 6.3 The Council has systems in place that log telephone, email and Internet usage. These systems may be used to identify any usage for private purposes. We may monitor any

communications using Council systems. If we monitor your use of Council resources, we will do it within the law and Council policy.

6.4 You must keep to any Council system security measures.

7.0 OTHER EMPLOYMENT

7.1 If you do have any other employment whilst you are working for the Council, the work you do must not conflict with the interests of the Council or bring it into disrepute. You must only do other work outside of your working hours with the Council. You need formal prior permission of your manager to do any work outside your role with the Council. See **Appendix A: Declaration of Interests Policy**

7.2 If you do any work that is damaging to the interests or reputation of the Council, we may take disciplinary action against you, even if you have declared this work to your manager.

7.3 If you are a:

- School Governor
- Councillor for another Local Authority
- Member of a Voluntary Reserve Forces - Reservists and Adult Instructor of Cadets
- Justice of the Peace
- Member of an Employment Tribunal

These roles do not count as other employment. You should still make your manager aware of these duties and ask for any time off you need in a reasonable and timely manner. Unpaid voluntary work in the Community is not classed as other employment, but you still need to declare it to your manager, as there may be a conflict of interest with your Council job.

7.5 You can find further guidance on receiving payment or fees for other work in **Appendix F**.

8.0 DISCLOSURE OF INFORMATION, CONFIDENTIALITY AND REFERENCES

8.1 You should be fair and open when you deal with others. You should make sure that elected members and members of the public have access to information they need unless there is a good reason not to allow this, according to the Freedom of Information Act.

8.2 You must act in accordance with the law when handling personal and other information. You must take special care when handling personal and confidential information, and never use it inappropriately. You may be prosecuted personally under the Data Protection Act, so it is important you know what your responsibilities are. Please read the Council’s Data Protection Policy at Appendix F. If you are unsure about this, consult your manager. The Council also has Information Management Officers who can help.

- 8.3 You must not disclose any confidential, personal or financial information about an employee to an unauthorised person. You must not disclose any personal or financial information about an employee to any external agency without their approval. If you are not sure who is an authorised person, you should consult the Director of Human Resources.
- 8.4 If you are asked for personal information for a reference, for example for a job or mortgage application, you may provide information only after you confirm the identity of the enquirer. To do this, you can reply in writing to the enquirer, or call them back to make sure they are who they say they are.
- 8.5 If the request is for a reference for a colleague or ex-employee, only the employee’s line manager can provide an employment reference. Any employee may give a reference in a personal capacity. If you misrepresent the Council, this will be treated as misconduct.
- 8.6 You must not disclose confidential information to a third party. This includes information relating to:
- Competitive tendering or tendering for work.
 - Exempt items under the Local Government (Access to Information Act, 1985)
 - An employee, elected member or service user.
- 8.7 You must not use any information that you get in the course of your employment for personal gain, or give it to anyone else who may use it in this way.
- 8.8 If in the course of your job, you deal with someone you’re related to, or have a close relationship with, declare it to your manager. You must be fair and act in a professional way.
- 8.9 Inappropriate disclosure of confidential information can be considered misconduct, and may be considered gross misconduct which can lead to dismissal.

9.0 COMMUNICATIONS WITH THE MEDIA

- 9.1 All contact with the media that is about Council activities is handled by the Communications service, together with Heads of Service, Directors and Executive Directors. If you have an idea for a positive story about something the Council is doing, or if a journalist approaches you, you must contact the Communications Service to get approval before you give any information. This includes giving information verbally, through e-mail or in writing.
- 9.2 If you are writing something that will be published, and it doesn’t talk about the Council but does relate to your job, you should tell your Head of Service or Director before it is published. An example of this might be an article in a professional journal.

10.0 POLITICAL NEUTRALITY

- 10.1 You must not allow your personal or political opinions to interfere with your work. Some posts are “politically restricted”. If this applies to you, you should already have been told about the restrictions separately.
- 10.2 More information on this is available in **Appendix I**. If you need any more advice or information, ask your manager or HR Adviser.
- 10.3 You work to all elected members and must ensure their rights are respected. You must not be biased in dealing with members of one political group rather than another.
- 10.4 If your job requires you to advise political groups, you must make sure you take a neutral stance and point of view.
- 10.5 If you have contact with an elected member, whether work related or of a personal nature, you must keep to the Protocol for Member Officer Relations.
- 10.6 If you are on Council business, you must not wear anything that shows you are in favour of or against a political party or a pressure group. You may not display any items showing political affiliation or opposition on your vehicle, or items like tools or other equipment.

11.0 THE LOCAL COMMUNITY AND SERVICE USERS

- 11.1 You must remember that you have a responsibility to people in Sheffield. You must make sure that you deliver services politely, efficiently and fairly to everyone in the community.
- 11.2 You should be as open as possible about what you do, and the work of the Council.
- 11.3 You must not do anything that might affect confidence in the Council.
- 11.4 You should make sure that you keep to the law and any other guidance.
- 11.5 We will not accept it if any employee physically or emotionally abuses a service user, member of the public or other employee. This includes any harassment, discrimination, victimisation or bullying.
- 11.6 We have an Equality and Diversity Policy. You must keep to this policy at all times.
- 11.7 If you act in this way it may be decided that is misconduct or gross misconduct, which can result in disciplinary action including dismissal.
- 11.8 When you work with young people or vulnerable adults you are in a position of trust. If you abuse that trust, it will be regarded as potential gross misconduct.
- 11.9 Any sexual misconduct or assault will be regarded as potential gross misconduct.

- 11.10 If you do not follow any policies or procedures meant to keep vulnerable service users or others safe, this will be regarded as potential gross misconduct.
- 11.11 Any act of gross misconduct may lead to disciplinary action and the possibility of dismissal without notice.
- 11.12 If you work with young people or vulnerable adults, you must read any relevant Codes of practice as well as this Code, and keep to them. You must keep to any relevant laws, such as the Children’s Act and the Child Protection and Adult Abuse Protection Procedures.
- 11.13 If you see any abusive behaviour, you must report it to your line manager, or use the Whistleblowing policy (see **Appendix D**) to report it.

12.0 RECRUITMENT AND OTHER EMPLOYMENT MATTERS

- 12.1 If you are involved in recruitment, you must take care not to discriminate against anyone, or in favour of anyone. You must keep to the Recruitment and Selection Code of Practice in full.
- 12.2 To make sure you are not acting unfairly, you must not be involved in any selection and appointment (for example, interviewing someone) when you are related to an applicant. You must not be involved in selection or appointment where you have a close relationship with an applicant- personal or business.
- 12.3 If you think there might be a conflict of interest, you must inform your manager or HR Adviser.
- 12.4 Decisions that you make at work should be fair and unbiased. You must not be involved with decisions to do with discipline, promotion, or pay for anyone who is related to you, or someone you have a close relationship with. This includes personal relationships and business relationships.
- 12.5 If there are any reasons why 12.1-12.4 should not be followed, or you need help and advice with what to do next, you should contact the Director of Human Resources.

13.0 EQUALITIES

- 13.1 You must at all times make sure you keep to the Council’s policies on equality, diversity and inclusion including behaving and working in a way which eliminates discrimination, harassment and victimisation, advances equality of opportunity and fosters good relations. See Dignity and Respect at Work Policy. **Appendix K**
- 13.2 All employees, customers, elected members, partners, trade union representatives, and members of the public must be treated in a way that creates mutual respect. You should promote equality, diversity and inclusion by providing an environment and services free from harassment, discrimination, victimisation and bullying and by treating people with

respect, regardless of their age, disability, race, religion/ belief, sex, sexual orientation or marriage/civil partnership.

- 13.3 At all times you must create an environment that, promotes fairness, equality, diversity and inclusion, promotes dignity and respect for all, recognises and values individual differences and the contributions of all and actively prevents and opposes intimidation, discrimination, harassment, bullying or victimisation.
- 13.4 The Equality Act 2010 provides the legal framework for the Council in relation to equality, diversity and inclusion.
- 13.5 Breaching equality policies and the law may be treated as misconduct, up to and including gross misconduct, which carries the possible penalty of dismissal without notice.

14.0 DRESS AND PERSONAL APPEARANCE

- 14.1 When you work for the Council, you are a representative of your service, and of the Council. You must dress in a way that is appropriate, or required, for your workplace and the work you are doing. You must be clean and tidy and make sure you have good personal hygiene.
- 14.2 If you are provided with clothing for uniform or health and safety reasons, you must wear it. This includes your name badge and other identity badges where provided.

15.0 HEALTH AND SAFETY

- 15.1 You have a responsibility to work safely and make sure your working environment is healthy and safe. You are required to keep to Corporate Health and Safety Policies. You are also required to follow any policy, regulations or Codes of practice on Health and Safety that apply to your Portfolio or area of work.
- 15.2 You must keep to any relevant Health and Safety laws.

16.0 CRIMINAL CONVICTIONS/ BARRING

- 16.1 Before you started working for us, you must have told us about any unspent criminal convictions, formal cautions, warnings, reprimands, binding over or other orders, pending prosecutions or criminal investigations.

If you applied for a role, which involves working with children and vulnerable adults and your job is covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended by the 2013 Amendment Order. you must have told us about all convictions, formal cautions, warnings, reprimands, binding over or other orders, pending prosecutions or criminal investigations that are not ‘protected’ as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended by the 2013 Amendment Order, before you started working for us.

For information on which convictions are protected visit www.gov.uk/dbs and <http://hub.unlock.org.uk/knowledgebase/filtering-cautions-convictions/>.

If you do not have internet access or do not understand what this means to you please discuss this with your line manager.

You must tell us about :

- Cautions relating to [specified offences](#) as listed by Government
- Cautions given less than 6 years ago (where individual over 18 at the time of caution)
- Cautions given less than 2 years ago (where individual under 18 at the time of caution)
- Convictions relating to [specified offences](#) as listed by Government
- Convictions that resulted in a custodial sentence (regardless of whether served)
- Convictions given less than 11 years ago (where individual over 18 at the time of conviction)
- Convictions given less than 5.5 years ago (where individual under 18 at the time of conviction)
- Similar offences committed under the law of Scotland, Northern Ireland or laws relevant to the armed services.

16.2 If you are required, under the Act, to provide us with your Disclosure and Barring Service (DBS) Certificate, we will ask you to:-

- Complete a DBS Application Form
- Or give written permission for us to check your status on-line
- Or give permission for us to view your personal file of a previous/other role within the Council to check the outcome from a recent Enhanced DBS check.

You must bring in your DBS Certificate to show and discuss with us, when required

16.3 If you have been barred from working with children and/or vulnerable adults and you seek employment to do so, this is a criminal activity and against the law and you will be dismissed without notice and immediately reported to the Police Authority.

16.4 If your work involves driving, you must tell your manager about any driving offences, or pending driving offences.

16.5 If you use your own vehicle for Council Business and carry passengers, you must also tell your manager about any driving offences or pending driving offences.

16.6 When employed by us, you must tell your manager, if you have any criminal proceedings pending against you, if you are bound over, receive a conviction, formal caution, reprimand or warning.

16.7 Once employed by us, you must tell your manager immediately, if you know that you are on, or will appear on, one or both of the DBS barred lists.

- 16.8 If you do not tell us about these convictions, formal cautions, warnings, reprimands, binding over or other orders, pending prosecutions or criminal investigations, this may be treated as possible gross misconduct and might lead to disciplinary action – including the possibility of dismissal without notice.
- 16.9 If you work with young people or vulnerable adults and you believe that you are or might be thought of as a risk to these groups it is extremely important that you seek advice from your manager. If you do not disclose this, this may be treated as possible gross misconduct and might lead to disciplinary action – including the possibility of dismissal without notice.
- 16.10 If you work in a childcare role, as part of early or later years childcare provisions, or are directly involved in the line management of such provision, you must not be disqualified from working in such provision. Certain cautions, convictions, care orders may mean that you are automatically disqualified from such work.
- 16.11 You must complete a childcare disqualification declaration in relation to yourself and discuss with us when required.
- 16.12 You must tell your manager immediately, if you receive any convictions, cautions or other orders that may lead to your disqualification under the Childcare (Disqualification) Regulations 2009.

17.0 ALCOHOL, DRUGS AND SUBSTANCES

- 17.1 While you are at work, you must be in a condition to do your job safely.
- 17.2 The effects of drinking alcohol cause you to perform your work less well. It is a health and safety risk. Because of this, you must not drink alcohol:
- Before you start work
 - During your working hours
 - During a lunch break from work
 - On any other break during your working day
 - At functions such as conferences within working hours.
- 17.3 If you drink alcoholic drinks at these times, this may be regarded as misconduct or gross misconduct, which could lead to dismissal.
- 17.4 If you use substances, illegal drugs, or prescription drugs that have not been prescribed for you, or are not taken in accordance with your physician’s directions, this will not be accepted. This may result in the Council contacting the police to report it. Use of illegal drugs or prescription drugs that have not been prescribed for you or are not taken in accordance with your physician’s directions before or during work, on breaks or at functions may be considered misconduct or gross misconduct, which could lead to dismissal.

17.5 If you are concerned that you may have a dependence on alcohol, drugs or any other substances, you are encouraged to seek help and advice from your General Practitioner and speak to your manager in confidence, who will discuss actions, that you could take to address the problem. See Alcohol, Drug and Substance Misuse Policy, Appendix L.

18.0 GENERAL CONDUCT

18.1 You must follow instructions, providing they are lawful. You must make sure you do not do anything that might affect the Council’s legal position. You should show respect for service users, colleagues and elected members.

18.2 We expect you to use good judgement, and take account of other people’s views. We expect you to take responsibility and decide your own view on any issue that comes up while you work for the Council.

18.3 If you need further information or advice about what to do in a situation, you should contact your manager, an HR Adviser or the Chief Internal Auditor.

18.4 You should read this Code together with the appendices, and any other Codes of Practice or policies that are about conduct or security.

19.0 DATE OF IMPLEMENTATION

Revised 4 September 2019

20.0 APPENDICES

- A Declaration of Interests Policy (*February 2016*)
- B Anti-Fraud and Corruption Policy Statement and Framework (including the Anti-Bribery Policy and Procedures) (*May 2018*)
- C Gifts and Hospitality Corporate Policy (*January 2018*) and Procedure (*April 2018*)
- D Whistleblowing Policy and Procedure (*June 2018*)
- E Information Governance and Security Policy (*July 2015*)
- F ICT Acceptable Use Policy (*June 2015*)
- G Data Protection Policy (*May 2019*)
- H Social Networking Policy (*July 2015*)
- I Other employment related to activities – fees (*July 2015*)
- J Politically Restricted Posts (*April 2015*)

- K Dignity and Respect at Work Policy (*August 2011*) and Procedure (*November 2018*)
- L Alcohol, Drug and Substance Misuse Policy (*July 2015*)

GLOSSARY TO CODE OF CONDUCT

Contractor- An individual, partnership, company or other service that has a contract with us to do or provide something. For example, to design, develop, manufacture, maintain or provide services.

Conflict of Interest- A conflict between private interests and your duties with the Council. This can exist whether or not money is involved, and whether the conflict is actual or just perceived.

Competitive Tender- Where several potential contractors are invited to prepare proposals to provide a project or service, on the basis of quality and price.

Disciplinary- Disciplinary action is action taken by an employer for violating policy or procedure (including the Code of Conduct). For more details on this, see the Council’s Disciplinary Policy.

Disrepute- To bring something into disrepute is to lower its reputation, damage its image.

Misconduct- Breaking the Code of Conduct, another Code or terms and conditions may be considered misconduct. There are different types of misconduct depending on the exact circumstances and consequences. The most serious type is **gross misconduct**. For more information on this, see the Council’s **Disciplinary Policy**.

Inducement- something that encourages you towards an action- an incentive. This could be money, food, gifts, or anything else that might benefit you. If you are offered or take something that people may think is an inducement, you could be accused of making decisions unfairly based on what you received.

Whistleblowing (also ‘whistle blowing’) - Revealing wrongdoing to someone in authority. For more information on this, see **Appendix D**, the Whistleblowing policy.

RELEVANT LAW

This section points to relevant law on some topics from the Code of Conduct. It should not be considered an exhaustive list as legislation frequently changes. If you are unsure about whether an action would be lawful, please investigate further.

Monitoring and Surveillance:

The Regulatory and Investigatory Powers Act, the Data Protection Act, and the Human Rights Act.

Use of IT Equipment:

The Data Protection Act, The Obscene Publications Act,
The Computer Misuse Act, The Theft Act.

Equalities:

Equality Act 2010

APPENDIX A

Sheffield City Council

Policy and Procedure Declaration of Interest

Publication Date: February 2016

Author: HR Service



Declaration of Interest - Policy and Procedure

Policy

1. Introduction

- 1.1 All customers are entitled to the highest standards of fairness and equity from all employees providing our services. This Policy and Procedure exists to protect you and service users against any allegations of favour or disadvantage.
- 1.2 It is important that employees and the Council are protected from accusations of impropriety. Therefore an employee must declare any interest to their manager that they may have with any organisation, services, activity or person that may cause a direct or indirect conflict of interest with their employment or that may bring the Council into disrepute. To ensure this happens, all employees are to complete and submit an annual Declaration of Interest Form.
- 1.3 Employees are responsible for declaring any private interests relating to their public duties. You should declare both financial and non-financial interests including, where relevant, those of your spouse or partner or members of your family if you are benefiting from such arrangements.
- 1.4 Employees should declare if they are a member of an organisation, which is not open to the public
- 1.5 Employees should declare if they have any other employment, business or voluntary work
- 1.6 In many cases the interests may not create a conflict or the fact that they are known interests will allow the individual’s manager to ensure they are not placed in a position where conflict could arise.
- 1.7 It is not possible to give comprehensive examples or detailed definitions of everything that might give rise to a conflict of interest between their duties and these interests or their ability to carry out their role effectively
- 1.8 Where an employee does not have any interests to declare, they should complete the annual Declaration of Interest Form and submit a ‘nil return’.
- 1.9 Every Head of Service, Director and Executive Director is responsible for ensuring their managers and staff are aware of the need to make of interests or declaration of no interests. Any monitoring will comply with all relevant laws.
- 1.10 Any potential conflicts of interest will be recorded in accordance with the Declaration of Interest Procedure.

- 1.11 The Council’s Monitoring Officer will review any declarations (or a random selection of) that have been made each year. If the Monitoring Officer needs to make declarations, the Chief Executive will review them each year.
- 1.12 If an employee fails to follow the requirements of this policy or procedure they may be subject to disciplinary action.
- 1.13 Any employee, who considers they have been unfairly treated under the terms of the policy, may raise a grievance under the Council’s Individual Grievance Procedure. The grievance should be submitted to their line manager or with the person making the decision.

2. Scope

- 2.1 This policy applies to all non-school based employees. The Policy adopted by the relevant Governing Body will apply to employees within schools.

3. General Declaration of Financial and Other Interests

- 3.1 Employees should ensure they declare financial interest in order to comply with their statutory duty under [Section 117 of the Local Government Act 1972](#).
- 3.2 As an employee of Sheffield City Council, you have a legal duty to declare any financial or other interest in an existing or proposed contract or any proposed or existing council activity or service which could cause potential conflict. This declaration includes involvement with voluntary organisations, which the council supports and/or services carried out for the council by its commercial partners, for example Capita, Kier, Amey and other similar partner organisations.
- 3.2 You have a legal duty to declare any interest or associations that may cause direct or indirect conflict with your work for the Council. You must declare interests in or associations with any organisation, service, and activity or person.
- 3.3 If the Council has sponsored an event or a service, you must inform your line manager if you may benefit from it in any way. You must also tell your line manager if you are aware that anyone connected with you will benefit from it (this includes your relatives, your partner or spouse, or any business associates you may have).
- 3.4 You must declare an interest if anyone connected with you will benefit from the position you hold in the Council. This includes your relatives, your partner or spouse, or any business associates you may have. This is to ensure the status gained from working for the council is not utilised to influence a member of the public’s choice when commissioning work or a service.
- 3.5 If you apply for a service or make representations for services on behalf of relatives, colleagues or friends or people with whom you have a close relationship, you must declare an interest where your employment position gives you significant influence.

3.6 You must also declare a personal interest, if you help someone you know from outside your job to:-

- Apply for a service that you have influence over or are responsible for
- Improve the chances of success of an agency within a tendering process

4. Declaration of Membership of Organisations Not Open to the Public

4.1 You must declare and provide information about any organisation in which you have a personal interest that is not open to the public which requires formal membership, oaths of allegiance and has secrecy about rules, membership or conduct.

4.2 The following is the Council’s definition of what constitutes a society with secret rules (secret society).

‘Any lodge, chapter, society, trust or regular gathering or meeting, which:

- a) is not open to members of the public who are not members of that lodge, chapter, society or trust; and
- b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
- c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

4.3 A lodge, chapter, society, trust, gathering or meeting as defined above should not be regarded as a secret society if it forms part of the activity of a generally recognised religion.

5. Declaration of Other Employment or Engagement in Other Business or Voluntary Work

5.1 If you have secured other employment or voluntary work whilst you are working for the Council, you must first complete a ‘Declaration of Interest Form – see procedure’. Your manager should respond within the agreed timescale and advise if there may be any possible conflict of interest before you commence the work. This includes paid work for another employer and working in a self-employed or business partnership basis.

5.2 If you do undertake other work, you must ensure the additional hours do not impact on your performance of your duties undertaken for Sheffield City Council.

5.3 When considering undertaking other work, consideration must be given to compliance with the statutory requirements of the Working Time Regulations. The council must be made aware of any additional work that could mean you exceed an average of 48 hours of work in total in a week.

- 5.4 Those undertaking additional work outside the authority must sign a Working Time Regulations ‘Opt out Agreement’ and to confirm they understand the health and safety implications of working excessive hours. This must be held on your personal file in HR Connect.
- 5.5 You must not refer to your role in Sheffield City Council in any promotional material, which may be used to assure members of the public or give credence to another organisation.
- 5.6 The Council accepts no liability for your other work or engagement in other business or voluntary work and will not be responsible for any payments, expenses or demands however incurred.
- 5.7 With regard to any other work or engagement in other business or voluntary work you are responsible for:-
- ensuring that you have the correct insurance; and
 - that you are registered with the relevant professional or regulatory bodies; and
 - that you pay any tax, national insurance, or other statutory payments due; and
 - for ensuring that you have the correct membership of trade or professional organisations; and that you comply with any statutory requirements or professional or trade codes of conduct.
- 5.8 There may be circumstances where the Council may need to retract permission, for example:-
- Where attendance or timekeeping is of concern and may be attributed to you undertaking other work
 - Where your performance falls below an acceptable standard and may be attributed to you undertaking other work
 - Where a new conflict of interest arises that previously did not exist or where a conflict later becomes apparent for any reason

6. Reporting of Declarations of Interest

- 6.1 If you think there might be a conflict of interest, you must speak to your line manager and follow the Declaration of Interest Procedure.

Procedure

1. On joining the Council, as part of your induction, you must complete a ‘Declaration of Interest Form’ to declare any interests or that you have no interests.

2. Each year, you will be asked to complete a ‘Declaration of Interest Form’ to ensure that your’ declaration of interests register’ is up-to-date.
3. If at any point during the year, your circumstances change, for example, you undertake other work or become aware of a potential conflict of interest, you must complete a new ‘Declaration of Interest’ Form. You must do this within 28 days of becoming aware of any new interest or change to any interest that you have previously registered
4. You can find this Declaration of Interest Form in your [MyView](#) account. Use the menu on the left to access the Form.

If you do not have access to the Intranet/MyView

If you do not have access to the intranet/ [MyView](#), you should discuss your application with your manager. If your manager is approving your request, your manager should complete your application in the MyPeople section of [MyView](#) with you present and will then approve and submit your application.

Your manager will print off the accepted form. You and your manager will sign that this information is a true and accurate record of your application. Your manager will then scan the signed form and email this to HRConnect.

5. For declarations relating to financial and other interests you must give an explanation as to the way you or someone connected with you may benefit.
6. For declarations relating to membership of an organisation not open to the public, you should provide information about the organisation, including details of the purpose behind the organisation, wherever possible. However, if this act would cause a breach in confidentiality or the organisation’s protocols, then you should discuss this with your line manager, who may need to seek further advice from Human Resources.

Additionally, the Council would expect that such membership would not be in conflict with your role with the Council. You should seek advice from your manager or Human Resources if necessary.

7. For declarations related to participation in other work or engagement in other business or voluntary work, you should provide details of the name of the organisation for which the work is undertaken and give a description of the activity concerned and the potential number of hours to be undertaken.
8. If you are in any doubt as to whether an interest constitutes a conflict (this could be an actual or potential conflict, or something that could be perceived to be a conflict by a third party) then you should declare the interest on the form and your manager will determine what action is appropriate.

9. If having considered all categories of interest as listed in 5-8 above, you do not have any interests to declare, then you should tick that you have ‘no interests to declare’ and submit this form.
10. Once you have completed and submitted the form, your manager will review this and prior to responding electronically to your request, your manager will arrange to discuss the application with you and if necessary seek further advice from Human Resources.
11. For the purpose of considering whether there is any conflict of interest, the Council may need to contact any other organisation or individual whose details you have provided on your Declaration of Interest Form or in any updated information that you have provided. Your line manager would seek permission from you first before this action takes place.
12. Your manager will then accept or reject your application and you will receive an email confirming this.
13. If your interest is accepted, this will be added to your electronic personal file. We will keep this in confidence in accordance with the requirements of the Data Protection Act 1998 and **will only** use this information to determine if a conflict of interest arises and/or for taking any necessary decisions or actions under this policy.
14. The Monitoring Officer will review any declarations (or a random selection of) that have been made each year to ensure adherence with the Policy and the Annual Governance Procedure.
15. If your registered personal interest changes, you must complete a new Declaration of Interest Form, as above.
16. All employees are to have an up-to-date Declaration of Interest Register.
17. If you have not registered any interests, which are found to conflict with your role in the Council, you may be subject to disciplinary action, up to and including dismissal.

APPENDIX B



Officers’ Code of Conduct Appendix B

Anti-Fraud & Corruption Policy Statement & Framework

Anti-Bribery Policy & Procedures

Publication Date: May 2018

Author: Finance & Commercial Services

1. Statement from the Chief Executive

Sheffield City Council takes its responsibilities to protect public funds very seriously and is fully committed to the highest ethical standards, in order to ensure the proper use and protection of public funds and assets. The Council has an ongoing commitment to continue to improve its resilience to fraud, corruption (including bribery and money laundering) and other forms of financial irregularity.

Underpinning all of the ambitions laid out in the corporate Plan, is the requirement for the Council to manage its resources effectively.

The public is entitled to demand the highest standard of conduct from our employees and members and it is essential that we are able to demonstrate this and maintain the public’s trust and confidence. Every pound lost to fraud or misappropriation is a pound which cannot be invested in our services. The Council has a zero tolerance environment in relation to fraud and corruption.

We are committed to the prevention, detection and investigation of potential fraud and corruption and, where proven, we will seek the strongest appropriate sanctions against those responsible and will recover any assets or funds obtained by fraud wherever this is possible.

It is the duty of each of us, as members and employees of the Council, to maintain standards as detailed in Codes of Conduct and I would encourage anyone to report any suspicions of fraud through appropriate channels.



John Mothersole
Chief Executive
(signature)



Sheffield City Council

Finance and Commercial
Services

**Anti- Fraud and
Corruption
Policy
Statement and
Framework**

Revised
May 2018



Anti-Fraud and Corruption Policy Statement

1. This Statement sets out Sheffield City Council’s (the Council’s) policy in relation to fraud and corruption. It has the full support of both the Council’s senior management in the form of the Executive Management Team (EMT) and elected Members through Audit and Standards Committee.
2. The Council takes its responsibilities to protect the public purse very seriously and is fully committed to the highest ethical standards, in order to ensure the proper use and protection of public funds and assets. To achieve the objectives set out within the Corporate Plan, the Council needs to maximise the financial resources available to it. In order to do this, the Council has an ongoing commitment to continue to improve its resilience to fraud, corruption and other forms of financial irregularity.
3. The Council advocates **strict adherence** to its anti-fraud framework and associated policies. A **zero tolerance** approach to all proven to fraud and corruption in all of its forms is taken. The Council will not tolerate fraud or corruption by its councillors, employees, suppliers, contractors, partners, service users or members of the general public and will take all necessary steps to investigate all allegations of fraud or corruption and pursue sanctions available in each case, including removal from office, disciplinary action, dismissal, civil action for recovery and/or referral to the Police and/or other agencies. The required ethical standards are included in our Members’ Code of Conduct and Officers’ Code of Conduct, with both documents forming part of the overall Constitution of the City Council.
4. Sheffield City Council fully recognises its responsibility for spending public money and holding public assets. The prevention, and if necessary the investigation, of fraud and corruption is therefore seen as an important aspect of its duties which it is committed to undertake. The procedures and also the culture of the City Council are recognised as important in ensuring a high standard of public life.
5. The Council's general belief and expectation is that those associated with it (employees, members, school governors, service users, contractors and voluntary bodies) will act with honesty and integrity. In particular members and employees are expected to lead by example and will be accountable for their actions.
6. The City Council will take steps to help ensure high standards of ethical behaviour are adopted in partnerships of which the City Council is a member. This will be done through applying appropriate elements of this framework to all partnership working, where it is relevant to do so. With regard to partnership working, responsibility for Codes of Conduct and policies of this nature (and so for enforcement action for breach of those codes or policies) generally lies with the relevant individual organisation in the partnership. Where appropriate, the City Council will draw the attention of the partner organisation to its concerns.

Anti-Fraud Framework

Introduction

1. This framework is designed to give an overview of the arrangements and policies regarding the anti-fraud work of the Council. It is supported by a number of additional documents which together allow the organisation to develop a broad and coherent approach to the prevention, detection and investigation of potential fraud and irregularities across the Council.
2. Sheffield City Council (the Council) advocates **strict adherence** to its anti-fraud framework and associated policies and adopts a **zero tolerance** approach to all forms of fraud, corruption and theft, arising both from within the Council and externally. The Council recognises that fraud and other forms of financial irregularity can:
 - Undermine the standards of public service that the Council seeks to achieve;
 - Reduce the level of resources and services available for the residents of Sheffield; and
 - Result in major consequences which reduce public confidence in the Council.
3. This framework defines both the proactive and reactive components of a good practice response to fraud risk management. It sets out the key responsibilities within the Council with regard to fraud prevention, what to do if fraud is suspected and the action that will be taken by management. The framework provides overarching governance to the Council’s suite of counter fraud policies and procedures which include: -
 - The Council’s Constitution
 - Members’ Code of Conduct
 - Officers’ Code of Conduct
 - Guide to Managing Fraud Risks
 - Fraud Response Plan
 - Financial Regulations
 - Financial Protocol
 - Financial Framework of Accountability
 - Contract Standing Orders
 - Financial Procedure Rules
 - Whistleblowing Policy
 - Gifts & Hospitality Policy
 - Policy on the Declaration of Personal Interests
 - Anti-Bribery Policy
 - Anti-Money Laundering Policy
 - Information Security Policy
4. This Strategy adheres to the CIPFA Code of Practice on Managing the Risk of Fraud and Corruption 2014 (the Code). The Code requires leaders of public sector organisations to have a responsibility to embed effective standards for countering fraud and corruption in their organisations, in order to support good governance and demonstrate effective financial stewardship and strong public financial management.

The framework in practice

8. The Council has developed a framework of processes and policies which, when implemented appropriately, allow services to demonstrate that an anti-fraud culture is fully embedded into the operation of the Council. Below is a chart that shows how each of these documents mesh together to give the overall coverage and responsibilities of the Council towards fraud:

Acknowledge – Prevent - Pursue

Acknowledge	<p>The Council’s commitment to tackling fraud is clear. The Council has in place strong governance arrangements for dealing with fraud. The Chief Executive, Chief Financial Officer and Monitoring Officer along with the Executive Management Team of the Council, have overall responsibility to ensure that the Council has in place strong controls to prevent fraud. The Council’s Audit and Standards Committee allows Member oversight of these arrangements.</p>
	<p>The Council has in place the following documents that clearly lay out the Council’s stance on fraud and corruption and the expectations on individuals to act in an appropriate manner, as well as to report any instances of fraud or irregularity.</p> <ul style="list-style-type: none">• The Council’s Constitution.• Members’ Code of Conduct.• Officers’ Code of Conduct.
	<p>The Council has in place a number of policies covering specific areas which support officers and members in understanding the requirements on them in relation to the various expectations.</p> <ul style="list-style-type: none">• Gifts & Hospitality Policy.• Policy on the Declaration of Personal Interests.• Anti-Bribery Policy.• Anti-Money Laundering Policy.• Information Security Policy.
	<p>The Council has an eLearning package available to all staff on Fraud and Corruption. There is also a document to support schools in their understanding of the fraud risks that they face.</p>

Prevent	<p>The Council has in place a strong governance framework to ensure that anti-fraud controls are included in all of its financial systems and processes, these are:</p> <ul style="list-style-type: none"> • Financial Regulations. • Financial Protocol. • Financial Framework of Accountability. <p>There is also a requirement on all services to have in place robust processes to combat potential fraud. Increasingly computer controls are being introduced to prevent and detect fraudulent activity. These elements are designed into systems that are being developed with the Council.</p>
	<p>The Council has in place a robust risk management process which ensures that all risk pertaining to the delivery of its objectives are identified and managed at an appropriate level. To support this there is a Fraud Risk Guide for management to allow them to identify and manage any potential fraud risks that they face. Risk is reported to and overseen by the Executive Management Team and Audit and Standards Committee.</p>
	<p>All Directors are required to review their governance arrangements and report any issues as part of the Annual Governance Statement sign-off process.</p> <p>Internal Audit undertakes risk based reviews across the Council and will report any control deficiencies found. In addition they carry out a number of proactive fraud reviews in specific high risk areas each year in order to test the anti-fraud controls in place.</p>

Pursue	<p>The Council has a number of detective controls that are built into systems to allow it to detect or prevent fraudulent activity.</p> <p>It is a requirement of all staff contained within the Code of Conduct to report fraud and irregularities, so that these can be investigated.</p> <p>If the normal lines of communication are not appropriate, then the Council has a whistleblowing process in place that allows officers to report any issues with the appropriate safeguards in place.</p>
	<p>Where fraud is detected the Council has a comprehensive document “Fraud, Theft and Corruption Response Plan” to assist managers in the investigation of fraud issues. This is to be used alongside the Human Resources document that is used in all management investigations. There is support available from Internal Audit and Human Resources so that managers can be confident and consistent to their approach to investigating fraud. All outcomes are monitored for patterns and potential weaknesses in systems that may arise.</p>

The Council will, following a thorough investigation, report on the issues found and management will then undertake the appropriate levels of disciplinary. This will potentially be the dismissal of the employee for gross misconduct. All cases are investigated in line with best practice and any mitigating factors will be sought and taken into account in deriving the outcome. Any criminal activity will be reported to the appropriate authorities. Where a loss is identified, this will be pursued through the civil processes or insurance routes as appropriate.

Responsibilities

9. The table below shows the responsibilities of groups and individuals in relation to the Counter Fraud arrangements of the Council.

Stakeholder	Specific Responsibilities
Chief Executive	Accountable for the effectiveness of the Council’s arrangements for countering fraud and corruption.
Monitoring Officer	<p>To advise Councillors and Officers on ethical issues, standards and powers to ensure that the Council operates within the law and statutory Codes of Conduct/Practice. Overall responsibility for the maintenance and operation of both Officers’ and Members’ Codes of Conduct, the Whistleblowing Policy and other policies.</p> <p>Provide guidance on whether a case should be referred to the Police.</p>
Chief Financial Officer (S.151 officer)	Legal duties with regard to the proper administration of financial affairs including ensuring that the Council’s accounting control systems include measures to enable the prevention and detection of inaccuracies and fraud. The reconstitution of any lost records and a requirement for an adequate and effective internal audit of accounting records and of the system of internal control in accordance with the proper practices. .Additionally, they are the Head of Profession responsible for implementing appropriate measures to prevent and detect fraud and corruption.
Audit and Standards Committee	To monitor the adequacy and effectiveness of the arrangements in place for ensuring an adequate internal control environment and for combating fraud and corruption.
Elected Members	To comply with the Members’ Code of Conduct and related Council policies and procedures, to be aware of the possibility of fraud, corruption and theft, and to report any genuine concerns accordingly.

External Audit	Statutory duty to ensure that the Council has adequate arrangements in place for the prevention and detection of fraud, corruption and theft.
Senior Finance Manager (Internal Audit)	Responsible for developing and maintaining advice and guidance on the Council’s approach to managing the risks of fraud, bribery and corruption. Compiles a risk-based annual Internal Audit Plan designed to evaluate the effectiveness of the control environment. Responsible for ensuring that all suspected irregularities reported to them and are dealt with promptly and in accordance with this framework and that action is identified to improve controls and reduce the risk of recurrence. Advises on (or, where appropriate, conducts) investigations.
Executive Directors.	To ensure along with their Directors of Business Strategy that adequate fraud controls are in place and operating effectively for the portfolio that they control. They are also responsible for reporting any potential fraud or irregularities.
Directors/ Heads of Service	To promote staff awareness and ensure that all suspected or reported irregularities are immediately referred to the Director of Legal and Governance (Monitoring Officer) and the Chief Financial Officer (s151 Officer) via Internal Audit. To ensure that there are mechanisms in place within their service areas to assess the risk of fraud, corruption and theft and to reduce these risks by implementing strong internal controls. To provide assurance through the Annual Governance process that fraud controls are operating effectively
Sheffield City Council Staff	To comply with Council policies and procedures, to be aware of the possibility of fraud and corruption, and to report via the normal lines of reporting or Whistleblowing procedure (where appropriate) any genuine concerns to management or the Director of Legal and Governance (Monitoring Officer) or Chief Financial Officer (s151 Officer).
Public, Service Users, Partners Contractors etc.	To be aware of the possibility of fraud and corruption against the Council and to report any genuine concerns / suspicions.

Additional Information

10. In order to be able to implement this framework effectively a number of policies have been developed and are available on the intranet to support staff and managers, these include:

- Sheffield City Council’s Constitution

- Sheffield City Council’s Code of Conduct for Members
- Sheffield City Council’s Code of Conduct for Officers
- The Fraud reporting page
- The Council’s Whistle Blowing Policy
- The Council’s Guidance for identifying fraud risks
- The Council’s Fraud Response Plan
- The Council’s Anti-Money Laundering Policy
- The Council’s Anti-Bribery and Corruption Policy
- The Council’s Guide to Knowing your customer
- The Council’s Guide for Fraud in Schools

11. The Council also has a number of Corporate HR, IT and Finance and Commercial Services procedures which cover key areas of process and have controls to prevent or detect varied acts of fraud, these include (this is not an exhaustive list):

- Recruitment Processes
- DBS Checking
- Capability Procedures
- Disciplinary Procedures
- Business Travel and Subsistence Policy
- Gifts and Hospitality
- Declarations of Interest

- Information Governance Framework
- Information Governance Systems and Processes

- Risk Management Processes
- Procurement Processes
- Insurance Procedures
- Financial Framework

12. These primary policies are also underpinned by a number of other procedures which are built into processes at service level, with the aim of preventing or detecting fraud.



Sheffield City Council

Finance and Commercial
Services

Anti-Bribery Policy and Procedures

Revised
May 2018



Anti-Bribery Policy Statement

1. This Statement sets out Sheffield City Council’s (the Council’s) policy in relation to bribery. It has the full support of both the Council’s senior management in the form of the Executive Management Team (EMT) and Elected Members through the Audit and Standards Committee.
2. The Council takes its responsibilities to protect finances very seriously and is fully committed to the highest ethical standards, in order to ensure the proper use and protection of public funds and assets. To achieve the objectives the Council needs to maximise the financial resources available to it. In order to do this, the Council has an ongoing commitment to continue to improve its resilience to fraud, corruption (including bribery) and other forms of financial irregularity.
3. The Council advocates **strict adherence** to its anti-fraud framework. This is a series of separate but related documents on the following areas, all of which can be found on the Council intranet.
 - Anti-fraud and Corruption Strategy
 - Fraud Risk
 - The Fraud response plan
 - Anti-Bribery Policy
 - Anti-Money Laundering Policy
 - Whistle Blowing Policy
4. Whilst individual circumstances of each case will be carefully considered, in the majority of cases there will be a zero tolerance approach to fraud and corruption (including bribery) in all of its forms. The Council will not tolerate fraud or corruption by its councillors, employees, suppliers, contractors, partners or service users and will take all necessary steps to investigate all allegations of fraud or corruption and pursue sanctions available in each case, including removal from office, disciplinary action, dismissal, civil action for recovery and/or referral to the Police and/or other agencies. The required ethical standards are included in both the Members’ Code of Conduct and Officers’ Code of Conduct, both documents form part of the overall Constitution of the City Council.
5. The Council fully recognises its responsibility for spending public money and holding public assets. The prevention, and if necessary the investigation, of fraud and corruption (including bribery) is therefore seen as an important aspect of its duties which it is committed to undertake. The procedures and also the culture of the Council are recognised as important in ensuring a high standard of public life.
6. The Council's general belief and expectation is that those associated with it (employees, members, school governors, service users, contractors and voluntary bodies) will act with honesty and integrity. In particular members and employees are expected to lead by example and will be accountable for their actions.

7. The Council will take steps to help ensure high standards of ethical behaviour are adopted in partnerships to which the Council is a member. This will be done through applying appropriate elements of this document to all partnership working, where it is relevant to do so. With regard to partnership working, responsibility for Codes of Conduct and policies of this nature (and so for enforcement action for breach of those codes or policies) generally lies with the relevant individual organisation in the partnership. Where appropriate, the Council will draw the attention of the partner organisation to its concerns.

Introduction

1. The Bribery Act 2010 came into effect from 1st July 2011 and replaced common law offences and the Prevention of Corruption Acts 1889-1916. The legislation was introduced to counter the threat that bribery poses to democracy, the rule of law, emerging economies and the operation of free markets. The legislation is not intended to impose burdensome procedures on organisations and places proportionality as a core principle.

What is Bribery?

2. Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

Objective of this policy

3. This policy lays out the Council’s stance on bribery. The Council is explicit in that it will not offer bribes or improper inducements to anyone for any purpose nor will it accept bribes or improper inducements.
4. This policy provides a framework to enable employees and members to understand and implement arrangements enabling compliance. In conjunction with related policies referred to below, it will enable employees and members to identify and report a potential breach.
5. We require all staff, including temporary agency staff and all contractors and their employees working on behalf of the Council and all elected members to:
 - act honestly and with integrity at all times and to safeguard the Council’s resources for which they are responsible; and
 - comply with the spirit, as well as the letter, of the laws and regulations in respect of the lawful and responsible conduct of activities.
6. The Council’s Officers’ Code of Conduct provides the minimum standards to which all employees are expected to keep. Section 2 relates to public duty, private interest, fraud and theft states “You must never accept a financial payment, bribes or inducement from any individual, body or organisation. For example: payments of inducement from contractors, developer or consultants”.

Scope of this policy

7. This policy applies to all of the Council’s activities. For strategic partners, contractors and suppliers, we will seek to promote the adoption of policies consistent with this policy.
8. Within the Council the responsibility to control the risk of bribery occurring rests at all levels. It does not rest solely within assurance and audit functions, but is embedded in all services of the organisation and members exercising their Council functions.

9. This policy covers all staff at all levels and grades, those permanently employed, temporary agency staff, contractors, non-executives, agents, members (including independent members), volunteers and consultants.

Summary of Bribery Act

Definition

10. The Bribery Act contains two general offences and two further offences which address commercial bribery.

11. The four criminal offences created by the Bribery Act 2010:

- bribery of another person (section 1) to induce or reward them to perform a function improperly
- requesting or accepting a bribe (section 2) as a reward for performing a function improperly
- bribing a foreign official (section 6) to gain a business advantage
- failing to prevent bribery (section 7)

General offences

The offering, promising or giving of a bribe (section 1).

The requesting, agreeing to receive or accepting of a bribe (section 2).

12. These offences may apply where it is intended to bring about improper performance by another person of a relevant function or activity or to reward improper performance.

13. In summary, improper performance is defined as; performance which amounts to a breach of an expectation that a person will act in good faith, impartially, or in accordance with a position of trust.

14. The general offences apply to any function connected to business or of a public nature and therefore covers both private and public sectors.

Commercial offences

Bribery of a foreign public official in order to obtain or retain business or an advantage in the conduct of business (section 6).

Failing to prevent bribery on behalf of a commercial organisation (section 7).

15. The term foreign public official includes elected or appointed officials that hold a legislative, administrative or judicial position of any kind of a country or territory outside of the UK.

16. The Act does not intend to criminalise bona fide hospitality, promotional or other business expenditure to improve commercial image or establish cordial business relationships. It is clear that these can be employed as bribes, however, for an offence to be committed there

must be an intention for the financial or other advantages to influence the official’s role thereby securing business or business advantage.

17. A commercial organisation will be liable to prosecution if a person associated with it bribes another person intending to obtain or retain business advantage for that organisations (is or it would be guilty on an offence under sections 1-6).

18. The Government expects that this offence will apply to incorporated organisations or partnerships that engage in commercial activities irrespective of the purpose for which profits are made – this includes educational or public functions.

A person associated with an organisation is defined as a person who performs services for or on behalf of an organisation. Guidance provides that contractors and suppliers may be included as “associate persons”.

19. The last offence – section 7 is a corporate offence of failure by a commercial organisation to prevent bribery intended to obtain or retain business, or an advantage in the conduct of business. An organisation will have a defence to this offence if it can show that it had in place **adequate procedures** (see below) designed to prevent bribery by or of persons associated with it. The standard of proof required by an organisation to prove the defence is balance of probabilities

Penalties

20. An individual guilty of an offence under sections 1, 2 or 6 is liable:

- On conviction in a magistrates court, to imprisonment for a maximum term of 12 months or to a fine not exceeding £5,000, or to both
- On conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both

Organisations are liable for these fines and if guilty of an offence under section 7 are liable to an unlimited fine.

Facilitation Payments

21. These are small bribes paid to facilitate routine Government action and may trigger an offence under section 6 or section 1 (and therefore under section 7) when intended to induce improper conduct. The Bribery Act does not provide any exemption for such payments although it is recognised that eradication in some parts of the world is a long term objective. Prosecution of facilitation payments in England and Wales is referred to the Director of the Serious Fraud Office and the Director of Public Prosecutions.

Anti-Bribery procedures

22. It is for the Council to determine the anti-bribery procedures that it puts in place proportionate to the risk it faces. The procedures applied by other organisations may therefore differ depending upon the scale of challenges that they encounter.
23. The Government recommends that the Anti-bribery procedures should be informed by 6 non prescriptive principles. These are described below together with the associated procedural arrangements applied by the Council to prevent the offering or acceptance of bribes and improper inducements.

Principle 1 – proportional procedures.

24. The procedures implemented by the Council are proportionate to the risk of bribery that it faces and are practical, accessible and enforced. Anti-bribery procedures operate through a variety of policies and other internal controls that apply to Council employees, agents and representatives.

These controls include:-

- Standing Orders (decision making and procurement procedures)
- Financial Regulations and Protocol
- Financial Procedures
- Officers’ Code of Conduct
- Code of Conduct for Members
- Gifts and Hospitality Policy / code of Practice
- Risk Management Policy
- Statement on Fraud and Corruption
- Recruitment Policy
- Annual Governance Statement
- Whistle Blowing Policy
- Procurement procedures and contractual terms and conditions.

25. The Council (in line with the transparency code) also publishes the details of all individual payments to suppliers and other organisations over £250 in value on a monthly basis that are paid through creditors and details of all payments made by procurement cards.

Gifts and Hospitality policy

26. The Council’s policy on Gifts and Hospitality forms part of the Officers’ Code of Conduct and states that Council employees must not accept gifts, loans, fees and rewards from any person or organisation in particular those who may potentially expect to receive and advantage or benefit in return. This includes gifts, loans, fees and rewards from contractors, outside suppliers or members of the public. Breaches of this policy may be viewed as gross misconduct and be subject to disciplinary procedure.

27. The Policy/Code of Conduct includes guidance on incidental gifts and hospitality that may be accepted and provides that all offers of gifts, hospitality and inducements should be recorded on the appropriate form and retained by the relevant Head of Service.
28. The Council is undertaking some work overseas to seek potential inward investment. The Council is developing a policy to underpin the guidance given to staff in this area regarding not only gifts and hospitality received but also gifts and hospitality provided by the Council. A record of this activity is agreed and signed off by the relevant Head of Service.

Principle 2 – Top-level commitment

29. The Council’s Executive Management Team (EMT) has maintained a consistent message that acts of impropriety are unacceptable. The Council has in place a Statement on Fraud and Corruption that contains a statement from the Chief Executive expressing a zero tolerance environment in relation to fraud and corruption. The Statement on Fraud and Corruption forms part of the Officers’ Code of Conduct.

Sheffield City Council’s commitment to action

30. Sheffield City Council commits to:

- Setting out a clear anti-bribery policy and keeping it up to date
- To having clear, up-to-date date policies on gifts and hospitality
- Making all employees and members aware of their responsibilities to adhere strictly to this policy at all times
- Enabling all employees and members to recognise and avoid the use of bribery by themselves and others
- Encouraging its employees and members to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately
- Rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution
- Taking firm and vigorous action against any individual(s) involved in bribery
- Providing information to all employees and members on how to report breaches and suspected breaches of this policy
- Maintaining appropriate clauses in contracts to prevent bribery.

Principle 3 – Risk Assessment.

31. The Council has in place a formal risk management process to assess and document its exposure to risk, the acceptable level of risk appetite and/or mitigating actions that have been implemented to control risk.
32. Each Service Director is required to sign an Annual Governance Statement (AGS) that contains assurance on the application of risk management, fraud risk management and

procurement arrangements amongst others. The Annual Governance Statements will make specific reference to Anti-Bribery Policy within the risk management context.

33. The Council recognises that it works and contracts with external organisations in sectors that may be susceptible to acts of bribery. Through the application of procurement and risk management procedures the Council will assess and mitigate the exposure to the risk associated with bribery. Where a risk of bribery is identified, managers will document the risk and appropriate mitigating controls within their Service Risk Management Plans in accordance with the risk management framework.

Principle 4 – Due Diligence

34. The Council applies proportionate due diligence processes in respect of persons and organisations that perform or will perform services on its behalf to mitigate the risk of bribery. The Council’s recruitment policy contains mandatory pre-employment checks that must be completed before a formal, contract of employment can be issued. A bribery clause is contained in the standard terms and conditions of any new contracts entered into by the Council.

Principle 5 - Communication

35. The Council has embedded and communicated to staff a range of policies and procedures to deter and detect fraud and corruption. The tone of internal communication has been to consistently condemn acts of irregularity and to establish a culture where employees are encouraged to report any suspicions and inappropriate behaviour. Communication methods include induction training, fraud awareness, staff briefings and intranet articles. An in-house fraud awareness eLearning facility has been introduced and includes information on the Bribery Act.

Principle 6 Monitoring and Review.

36. Internal Audit maintains ongoing scrutiny of the Council’s internal control framework as determined by application of a risk based planning process and consultation with senior management. The activities of Internal Audit are reported to the Audit and Standards Committee. In addition each Service Director is required to sign off their AGS to verify that the service has adequate levels of internal control. This is done on an annual basis. Where any areas of noncompliance are identified, the service has to formulate a plan of action to correct these deficiencies and allocate responsibility for ensuring that they take place within the required timescales. This is then monitored.

Staff responsibilities

37. It is the responsibility of all personnel employed by or acting on behalf of the Council to report any concerns that someone may be committing fraud or behaving in a way that is unethical, this includes the offering or acceptance of a bribe. Reports can be made via an employee’s line management or any or the contacts listed in the Whistleblowing Policy and

Procedure. The Whistleblowing Procedure explains the protection that is afforded to the person reporting concerns and how the concern will be handled.

38. All personnel should therefore:

- Read, understand and comply with this policy.
- Report any actions that may conflict with this policy.

Further Information

39. If you have any questions about this policy you should contact your line manager or alternatively contact Internal Audit.

Other relevant policies

40. Further information on relevant Council policy and practice can be found in the following internal documents:

- The Constitution
- Members Code of Conduct
- Officers Code of Conduct
- Anti-Fraud and Corruption Policy
- Confidential Reporting Procedure Whistleblowing Policy
- Gifts & Hospitality Policy
- Anti-Money Laundering Policy

Useful links

- The Bribery Act 2010
- Bribery Act guidance
- CIPFA’s Code of Practice on Managing the Risk of Fraud and Corruption
- Local Government Fraud Strategy – Fighting Fraud Locally

APPENDIX C

GIFTS AND HOSPITALITY

CORPORATE POLICY AND PROCEDURE

(Version 0.2.2
Revised January 2017)

The purpose of this document is to clearly inform employees of the policy and procedure in relation to offers of gifts and hospitality from any source.

1. Policy

- 1.1 The City Council’s Code of Conduct states that the public is entitled to demand of a local government employee conduct of the highest standard. Employees’ actions must not be influenced by offers of or provision of gifts or hospitality and their actions must not give the impression that they have been influenced in this way whilst acting in an ‘official capacity’.
- 1.2 Council employees must not accept or provide gifts, loans, fees or rewards from or to any person or organisation in particular those who may potentially expect to receive an advantage or benefit in return. This includes gifts, loans, fees or rewards from contractors, outside suppliers, service users or members of the public. However, some incidental gifts or hospitality can be accepted or provided, as detailed in this Policy & Procedure
- 1.3 This Policy & Procedure applies to all employees of the City Council, including Executive Directors and the Chief Executive.
- 1.4 If an employee fails to follow the requirements of this policy or procedure they may be subject to disciplinary action. .

1.5 Definitions

For the purposes of the policy external parties shall include but not be limited to:

- Contractors or suppliers
- Potential contractors or suppliers involved in a tendering process
- Service users
- Customers

Gifts shall be understood to mean:

- Any personal, material and/or financial advantage or reward.

Hospitality shall be understood to mean:

- An offer of food, drink, invitation to events, travel and/or accommodation

Examples

Examples of gifts and hospitality are but not limited to:

- Bottle of wine or any kind of alcohol
- Box of chocolates
- Hamper
- Invitation to a meal at a restaurant
- Electrical equipment
- Cash or cash equivalent (such as gift certificates or vouchers)
- Tickets to a show
- Invitation to a sporting event
- Round of golf
- Offer of use of a holiday home
- Offer to have accommodation and/or travel paid for by an external party

2. Scope

- 2.1 This policy applies to all non-school based employees. The Policy adopted by the relevant Governing Body will apply to employees within schools.

3. Principles

- 3.1 Employees must maintain a good working relationship with their customers including service users and the public avoiding favouritism towards any group or individual in the course of their work.
- 3.2 Employees must act with integrity at all times.
- 3.3 If it is suspected that a contractor, outside supplier or other person/organisation is acting in an improper manner, employees should report it to their line manager as a matter of urgency.

4. Process

4.1 Receiving Gifts

- 4.1.1 Without causing offence, employees should discourage service users or other organisations from offering gifts. However, where small gifts up to the individual value of £10, e.g. chocolates, calendars etc. are given as thanks for service provided, for example from a customer or person in residential care they can be accepted including multiple gifts from different individuals where each gift has a value of £10 or less.

- 4.1.2 If gifts have a higher value than £10, employees should tactfully refuse them. If gifts of this value are delivered, they should be returned with an appropriate explanation. If gifts cannot be returned, the senior manager should dispose of them to charity and record this fact.
- 4.1.3 All gifts **above a value of £10** should be registered on the appropriate form (Form A), even if the gift is returned. Please see 5.1 of this policy & procedure.
- 4.1.4 Gifts of cash should not be accepted.

4.2 Receiving Hospitality

- 4.2.1 Employees may accept incidental hospitality, such as light refreshments, tea or coffee, as offered at a visit, conference, meeting or promotional exercise.
- 4.2.2 Where other than incidental hospitality is offered by an existing or potential contractor or by an organisation likely to be involved in a contract, the hospitality should be refused. Employees should not accept invitations to social events from individuals or organisations that they have involvement with through work to avoid conflict of interest regarding both parties unless authorised by Head of Service
- 4.2.3 Invitations to social events offered as part of normal working life, e.g. opening celebrations, annual dinners, may be accepted if authorised by the appropriate Head of Service.
- 4.2.4 Invitations to any types of hospitality that are of no benefit to the Council, e.g. sporting events, must not be accepted.
- 4.2.5 All offers of hospitality, other than incidental, must be registered on the appropriate declaration form – Form A please see section 5.1 of this procedure.

4.3 Inducements

- 4.3.1 Employees must not accept inducements, e.g. a bribe.
- 4.3.2 All offers of inducement must immediately be reported to the appropriate senior manager and be registered as per section 5.1 of this policy & procedure.
- 4.3.3 The Bribery Act 2010 highlights two specific types of bribery that could lead to the prosecution of the council;

The liability to prosecution if a person associated with it bribes another person, where an associated person is one who performs services on or behalf of the organisation;
and

Bribery of a foreign public official, where an official is one who holds a legislative, administrative or judicial position in a territory or country outside the UK.

4.4 Giving Gifts & Hospitality

4.4.1 Staff may:-

Give gifts of a minimal value (such as items to promote the city);

With prior management approval (by someone not attending the event), provide meals and other entertainment at venues outside the Council, provided that the expenses are kept at a reasonable level. For the avoidance of doubt, the per capita cost of a meal should not exceed £50 and would normally be much less;

Provide other hospitality where this is agreed in advance.

5. Procedure

- 5.1 All gifts or hospitality (other than incidental) with a value individually of **more than £10** must be entered on Gifts & Hospitality Declaration – Form A). You can find this declaration form in your MyView account.

If you do not have access to the Intranet/MyView

If you do not have access to the intranet/MyView you should discuss your declaration with your manager.

Your line manager can complete the declaration for you in the MyPeople section of MyView with you present and submit the form. Your manager will then print off the submitted form.

You and your manager will sign that this information is a true and accurate record of your application.

The completed form will then be passed on to the relevant Section Head.

- 5.2 Section Heads will keep completed Declaration Form A’s as a register of offers.
- 5.3 A report to Portfolio Leadership Team will be presented in April annually summarising the information.
- 5.4 Where gifts, hospitality or inducements are offered to the Head of Service, the Declaration form submitted via MyView will go to the appropriate Executive Director for approval.
- 5.5 Where gifts, hospitality or inducements are offered to the Executive Director, the Declaration form submitted via MyView will go to the Chief Executive for approval.
- 5.6 A central record of all gifts, hospitality or inducements offered/made, declined or accepted by Executive Directors or the Chief Executive will be maintained by the Chief Executive.

- 5.7 If any employees are uncertain how to deal with an offer of a gift or hospitality, he/she should contact their manager.
- 5.8 If an employee’s interpretations of this policy & procedure and/or their actions are called into question, it is the responsibility of the appropriate manager to investigate whether the person acted in good faith according to their understanding of the policy & procedure.

Sheffield City Council

Whistleblowing Policy
(June 2018)

See it - Say it



Whistleblowing – Public Interest Disclosure

1 Introduction

Sheffield City Council is committed to the highest standards of ethics, transparency, integrity and accountability. It seeks to conduct its affairs in a responsible manner taking into account the requirements of the proper use of public funds and the standards required in public life. If you feel that this is not happening then you need to tell us, we call this Whistleblowing.

We have a Whistleblowing policy to enable employees to raise matters of concern that are in the public interest so that they may be investigated and where appropriate acted upon.

Whistleblowing is legally known as qualifying disclosures. This is where an employee reasonably believes (and it is in the public interest) that one or more of the following is either happening, has taken place, or is likely to happen in the future:

- A criminal offence.
- A failure to comply with any legal obligation.
- Fraud, theft or corruption.
- A danger to the health and safety of any individual (including risks to the general public as well as other employees).
- Damage to the environment.

‘Public interest’ means that whistleblowing cannot be used to challenge financial and business decisions properly taken by Sheffield City Council or to seek reconsideration of any matter already addressed under other internal procedures e.g. grievance, disciplinary, dignity and respect.

Sheffield City Council has a designated Monitoring Officer, this is the Director of Legal and Governance and Monitoring Officer, who has a statutory duty to consider issues, which have or may result in Sheffield City Council being in contravention of the law or code of practice. As the Monitoring Officer has overall responsibility for the maintenance and operation of this policy they will receive an updated log of whistleblowing complaints on a quarterly basis including details of complaints received, action taken and analysis of trends. The Monitoring Officer will also provide information relating to whistleblowing issues and trends to the Council as appropriate.

2. Your Protection

Where an employee raises a concern that they reasonably believe, and is in the public interest, then they are protected under the Public Interest Disclosure Act 1998 even if the belief is later found to be mistaken. This is regarded as a protected disclosure and as such the individual will not suffer any form of punishment as a result of this disclosure for example losing their job or victimisation.

3. How to raise a concern.

There are a number of ways to raise a Whistleblowing concern and you can choose the one that suits you however please ensure that you state you are raising your concern under Whistleblowing. You can do this verbally, in writing by a letter or email. However if you choose to use email, please take extra care to make sure that your message is sent to the correct person and be aware that, due to the nature of email it may be read by other people. To make sure that your concerns are handled quickly, mark the subject box:

Whistleblowing – confidential – recipient only.

a) Raise it with your Supervisor, Manager or a more Senior Manager in your Service.

It is expected that many concerns will be raised openly with supervisors or managers as part of day to day practice. You can do this verbally or in writing by a letter or email. If your concern relates to your line manager then you should raise your concern with another manager within your service or choose another route to do so.

b) Raise it directly with a Whistleblowing Co-ordinator.

You can raise your concern directly with a Whistleblowing Co-ordinator whose role is to receive complaints relating to their specific professional area.

Human Resources

Lynsey Linton	Head of Human Resources	07816181838
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Legal

Steve Eccleston	Assistant Director of Legal & Governance	273 5012
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Finance

Dave Phillips	Head of Strategic Finance	273 5872
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Anonymous Whistleblowing Concerns

All disclosures within Whistleblowing will be treated in a confidential and sensitive manner. If required, the identity of the employee raising the concern will be kept confidential for as long as possible provided that this allows for an effective investigation and we will not disclose your identity until we have discussed this with you. However should your concern result in your evidence being needed in any external process for example in court or an employment tribunal then we will be unable to keep your identity confidential and we will discuss this with you.

If you do not tell us who you are when raising a Whistleblowing concern it will be much more difficult for us to look into the matter, protect your position or give feedback on the disclosure.

4. What will happen when you raise a Whistleblowing Concern.

Concerns raised under this procedure may be resolved by the person that you raise them with.

Step 1 Verification.

The Manager/Whistleblowing Co-ordinator will meet with you to clarify the facts of your concern. This is known as a verification meeting this will be held within 5 working days of you raising your concern. As with all City council procedures you have the right of representation at all meetings, which can either be a Trade Union representative or another employee of Sheffield City Council who is not involved in the area of work to which the concern relates and who also could not be called as a witness.

There are three possible outcomes to the verification stage:

- There are no grounds for proceeding further. You will be informed of this in writing with the reasons for no further action needed.
- The matter falls within another procedure. You will be advised of the relevant procedure and this will be referred to the relevant Manager for action.
- An investigation will be commissioned into your concerns.

Step 2 Investigation.

The Manager/Whistleblowing Co-ordinator will appoint an Investigating Manager and Investigation Team who are not from the same service in which the concerns are about. The Investigation Team will have access to an HR Consultant who will provide professional advice on the conduct of the investigation and procedural issues. The investigation will be carried out as quickly as possible whilst being mindful of the nature and complexity of your concern.

The Investigating Manager may ask you to put your concerns in writing and provide as much evidence as possible. It may also be necessary to interview you and provide a witness statement which you will be asked to confirm that it is accurate and complete.

If you would like more information on how and investigation are conducted follow this link
<https://myteam.sheffield.gov.uk/HRPoint/PublicLibrary/Forms/Conduct.aspx>

Step 3 Outcome.

As the employee raising the concern you will be kept informed as to the handling of the matter throughout the investigation and informed of the outcome, as long as it does not break the duty of confidence owed to someone else. If no action is to be taken the reason for this will be explained to you.

If no action is taken as a result of the investigation it does not mean that action will be taken against the employee raising the concern. However should false allegations knowingly be made then Sheffield City Council may consider taking action within its procedures which may include disciplinary action.

5. Responding to a Whistleblowing Concern

Managers and Whistleblowing Co-ordinators guidance
(see Manager and Whistleblowing Co-ordinator Whistleblowing Flowchart).

Step 1 Verification.

As the Manager/Whistleblowing Co-ordinator you will complete an initial verification of the whistleblowing concern by meeting with the employee within 5 working days of the concern being raised and decide whether there are grounds for an investigation or not by checking and confirming the facts. You need to contact HR for support through this process. Where the whistleblowing concern arises out of potential fraudulent activity this should be reported to Internal Audit.

As with all Sheffield City Council procedures the employee has the right of representation at all meetings, which can either be a Trade Union representative or another employee of the City Council who is not involved in the area of work to which the concern relates and who also could not be called as a witness.

There are three possible outcomes to the verification stage:

- There are no grounds for proceeding further. You will need to write to the employee and inform them of this with the reasons for no further action needed.
- The matter falls within another procedure. You will need to advise the employee of the procedure that you think is appropriate and refer this to the relevant Manager for action.
- An investigation is required. You will need to commission an investigation.

Step 2 Investigation.

You will commission an Investigation and appoint an Investigating Manager and an Investigation Team from another Service Area or Portfolio. The Investigation Team will have access to an HR Consultant who will provide professional advice on the conduct of the investigation and procedural issues. The investigation will be carried out as quickly possible, whilst being mindful of the nature and complexity of the concern disclosed. Follow this link for a more detailed description of how an investigation should be conducted [Investigation Guidance](#)

Step 3 Outcome.

On completion of the investigation, the Investigating Manager will produce a short written report that will outline the nature of the Whistleblowing concern, the process of the investigation, a summary of the findings of the team and recommendations for action.

Upon receipt of the report you will make a decision as to what action, if any, should be taken based upon the recommendations of the report. This may include using formal action within the City Council’s procedures or reference to an appropriate government department or regulatory agency depending upon the circumstances of the case.

You will keep the employee who has raised the Whistleblowing concern informed as to the handling of the matter throughout the investigation and give them as much feedback as appropriate in respect of the outcome, as long as it does not break the duty of confidence owed to someone else. If no action is to be taken the reason for this will also be explained to the employee.

In exceptional circumstances, where the complainant feels unable to continue within their role as a result of their complaint, redeployment may be considered at the complainant’s request. Redeployment should be considered as an option not a right, and will not be considered where an employee has made false allegations.

The request for redeployment will be dealt with via the Redeployment policy and procedure under “other circumstances” within the Eligibility Criteria. The possible outcomes, timescales and arrangements must be discussed and understood by all parties before proceeding. If the request for redeployment is accepted and the employee enters the Talent Pool, they should not face dismissal for a reason associated with this situation.

A written record should be kept of each stage of the procedure including copies of any written feedback provided on the form attached.

APPENDIX E

Council Policies on Handling Information

We have policies to help us handle information in accordance with our information governance framework, best practice and the law.

Please take the time to read these policies because they are intended to help you because if you breach a policy (knowingly or not), it may result in significant consequences for you, the Council or our customers. All these policies have been approved by the Information Governance Board. These policies are:-

- 1. Appendix E: Information Governance and Security Policy**
- 2. Appendix F: ICT Acceptable Use Policy**
- 3. Appendix G: Data Protection Policy**

Please also see the Council’s Social Networking Policy (Appendix H, Code of Conduct)

Information Governance & Security Policy

1. Policy Introduction and Background

Information and data are necessary for Sheffield City Council to comply with its statutory duties and to arrange and provide services for the citizens of Sheffield.

All Members, employees, contract and temporary workers and volunteers have a responsibility to ensure that information and data are managed properly and are secure and safeguarded from inappropriate release, modification or misuse.

This includes the associated supporting technology.

Information Governance is the way in which we bring together all of the requirements and standards that apply to the handling of information in all formats. This ensures that the organisation and individuals have readily available information that is accurate, meets legal requirements, is dealt with efficiently and is secure.

An overall Information Governance Framework has been developed to support this policy.

2. Policy Explanation

The objective of this Information Governance, & Security Policy is to protect Sheffield City Council’s information and data assets¹ from all threats, whether internal or external,

¹ This includes data & information printed or written on paper, stored electronically, and transmitted by post or electronic means, stored on tape or video, spoken in conversation.

deliberate or accidental, to ensure business continuity, minimise damage and maximise our ability to deliver services by bringing together all of the requirements, standards and best practice that apply to the handling of information. It has four fundamental aims:

- To support and promote the effective and appropriate use of information to deliver services;
- To encourage responsible staff to work closely together, preventing duplication of effort and enabling more efficient use of resources;
- To develop support arrangements and provide staff with appropriate tools and support to enable them to discharge their responsibilities to consistently high standards and to ensure statutory obligations are met;
- To enable the organisation to understand its own performance against its objectives.

Information Governance and Security currently encompasses:

- Data Protection Act 1998
- Freedom of Information Act 2000
- Protection of Freedoms Act 2012
- Environmental Information Regulations 2004
- Information Sharing
- The Confidentiality Code of Practice
- Records Management
- Information Quality Assurance
- Information Security
- Information Governance Management
- Risk Management
- Protective Security

Scope

The scope of this Information Governance & Security Policy covers all Sheffield City Council information and data held in any format and in any location including that held and used by a third party delivering services on behalf of the Council.

Article I. Policy

It is the policy of Sheffield City Council to ensure that:

- Information and data are protected from the loss of confidentiality², integrity³ and availability⁴.
- Legislative and regulatory requirements are met⁵.
- Business continuity plans are produced, maintained and tested.
- Information security awareness training is made available to all employees and Members.
- All breaches of information and data security, actual or suspected, are reported to, and investigated by, the Portfolio Information Risk Owner; Information Boards and designated officers, and escalated to the Senior Information Risk Owner (SIRO); the Director of Business Change and Information.
- All Strategic Management Group members and heads are responsible for implementing the Information Governance & Security Policy within their respective business areas.

² Confidentiality: ensuring that information is accessible only to authorised individuals.

³ Integrity: safeguarding the accuracy and completeness of information and processing methods.

⁴ Availability: ensuring that authorised users have access to relevant information when required.

⁵ Includes legislation such as the Data Protection Act 1998, Freedom of Information Act 2000 and the Computer Misuse Act 1990.

- It is the responsibility of each member, employee, contract and temporary workers and volunteers to adhere to this policy.

3. Policy Implementation

This Policy is implemented by the following Standard Operating Procedure (SOP):

Freedom of Information Process 0001/2014/IKM

APPENDIX F

ICT Acceptable Use Policy

To specify the City Council’s policy on the acceptable and non-acceptable use of the information and communications technology (ICT) provided to employees and anyone else authorised to use this ICT for the purpose of working for or on behalf of the Council.



15 June 2015

Release

Version 2.0

Document Review

Title	Name(s) / Board	Role / Responsibility
Policy owner	John Curtis	Head of Information and Knowledge Management
Change requests to	Mark Jones	Lead Information Management Officer
Peer review	Information Governance Board	Authority for council policies affecting non-public information
	Louise Pellett	HR - HR Consultant
	Stephen Bower	Internal Audit – Finance Manager
	Joelle Taylor	BCIS – Information Management Officer
	Ian Jellyman	BCIS – Head of IS Strategy, Governance and Assurance
Key stakeholder review	Joint Negotiating Committee	15/06

Document approval

Authorising Body	Date of acceptance
Information Governance Board	15/06
Full Council	15/07

1. Purpose

To establish the City Council’s policy on the acceptable use of information and communication technology (ICT) used by council employees and other authorised persons working for or on behalf of the City Council.

2. Scope

The policy applies to all “users” of Council ICT and includes, but is not limited to employees, Councillors, strategic business partners (e.g. NHS colleagues), agency staff, contractors, volunteers, apprentices, inspectors, auditors.

The policy applies primarily to the ICT that is owned or leased by the Council, for example the ICT infrastructure, hardware, software and systems (network, servers, firewalls, cables, desktops, laptops, telephony, tablets, cameras, monitors, software, applications, databases,

etc.), **but** also refers to the possible use of non-Council ICT for and at work (see Sections 5 and 6).

The policy also applies to non-public information because a significant amount of this information is captured, stored, read and shared using Council ICT.

“Non-public information” is defined as being information the Council does not make publicly available and requires a council employee to decide whether it can be disclosed, having considered the legal, financial and business implications.

3. Principles

Access to Council ICT is determined by your line manager or, if you are not an employee, the person who has authorised your access (e.g. sponsor, supervisor), in conjunction with your job description, council policies, contractual arrangements and other initiatives like WorkPlace.

ICT access is controlled with unique User IDs and/ or tokens that are assigned to individual users and by the creation of individual passwords; consequently, you are accountable for your actions on the Council ICT you use and for any other activity logged under your assigned unique user name or device assigned to you (e.g. mobile phone).

4. Code of conduct and related policies

This policy forms part of the Officers Code of Conduct (sections 5, 6, and 8) and must be read in conjunction with the Council’s: [Information Governance and Security Policy](#), the [Data Protection Policy](#) and the [Social Networking Policy](#).

Further guidance about acceptable use, information security and handling information is available on the intranet at <http://intranet/ict/handling-council-info/>. Please take your time to read the guidance and complete the mandatory Protecting Information e-learning.

5. Personal use of Council ICT

You are allowed limited and occasional personal use of the Council’s ICT for non-work related activity, for example to write documents and emails, browse the internet, make short urgent telephone calls, etc. This use must be in your own time and not in working hours, unless agreed in advance with your line manager.

Personal use must not include any activity that may have an adverse impact on the Council’s reputation, further your own personal business interests, be considered to be illegal, obscene, offensive, discriminatory or abusive or inappropriate (e.g. online gambling) or contravene Council policy or the law.

Where a cost is incurred as a result of your personal use of Council ICT (e.g. personal calls or excessive data downloads on a Council mobile phone), the Council reserves the right to recover these costs. If you have concerns about this, please discuss your intended personal use with your line manager in advance.

6. Using your own or someone else’s ICT at or for work

Use of your own or someone else’s ICT for work is limited.

You can use your own ICT on Council premises in your own time providing it does not impact on your or your colleagues’ work, other people’s privacy, health and safety or the law (e.g. copyright). Typical use may include personal telephone calls, emails or texts, browsing the internet, using social media and possibly, with your line manager’s permission, listening to music using headphones.

As stated above in Section 5, this use must not include any activity that may have an adverse impact on the Council’s reputation, be considered to be illegal, obscene, offensive, discriminatory or abusive or inappropriate (e.g. online gambling) or contravene Council policy or the law.

You are not allowed to use your own device or anyone else’s ICT to carry out council business, unless it has been agreed in advance with the BCIS Information and Knowledge Management Team. Exceptions currently include: WEBRAS users and users located at partner sites, e.g. users using NHS ICT at NHS sites.

Council business refers to making telephone calls, sending text messages or emails, creating documents or saving information, taking photographs or audio recordings, leaving voice messages, etc. to customers or colleagues for work purposes.

7. Your ICT responsibilities

Line Managers

1. To ensure users have the appropriate ICT and access rights to carry out their work and to review these arrangements at least once a year to ensure they are relevant and correct.
2. To instruct Capita to disable a user’s account when it is no longer required by the user (e.g. leavers process). This can be done using the Capita 24/7 portal.
3. To recover Council ICT equipment from users when it is no longer needed or used, for example when they leave the authority or their role, contract, placement, etc.
4. To return all unused or damaged ICT to Capita, so it can be recycled or disposed of, unless otherwise agreed with Capita. This can be done using the Capita 24/7 portal.

All Users

5. To access the Council’s ICT using only the unique user names given to you and your password. You must not disclose, share or make available your password to anyone else (including your manager, colleagues or even Capita) or access any Council ICT using someone else’s logon and password.

6. To access only Council ICT and the non-public information required for you to carry out your job. You must not intentionally access or attempt to access non-public information for personal interest or commercial gain.
7. To report any potential conflict of interest to your line manager if you are or are likely to access non-public information about someone you know or have a personal relationship with, for example a relative, friend, colleague, partner, neighbour, etc.
8. To be professional, honest and polite when using the Council’s ICT or representing the Council, in particular the tone, language and content of information recorded (e.g. email social media, etc). You must not download, browse or distribute any material that may be interpreted as inappropriate, illegal, offensive, discriminatory or abusive.
9. To use only Council ICT to carry out Council business, unless agreed otherwise with BCIS Information and Knowledge Management Team (see Section 6).
10. To store only work-related information on Council ICT. You must not intentionally store on Council ICT your own information (e.g. documents, photographs, music, etc) or any material that may be in breach of licensing or copyright law, for instance music, films, images, publications, games, software, etc.
11. To report any suspicious emails or attachments to Capita. You should not open, download or send suspicious software, emails or files in case they contain a virus or other malware potentially causing damage to the Council’s or someone else’s ICT.
12. To instruct Capita to move or relocate fixed ICT assets (desktops, monitors, telephone handsets), so that an accurate ICT asset inventory is kept for contractual, administrative and financial reasons. This can be requested using Capita 24/7. You must not move these assets yourself.
13. To follow the Council’s [information security guidance](#) to keep Council ICT and non-public information safe and secure, for example using strong passwords, locking removable devices (laptops, tablets, phones, etc.) and physical documents away when not in use, activating screensavers, etc.
14. To send non-public information electronically using secure methods, for example: secure mail (GCSx, CJSM), document encryption (7-Zip, WinZip) or other secure solutions as approved by the BCIS Information and Knowledge Management Team.
15. To use your sheffield.gov.uk or sheffield.gcsx.gov.uk accounts to carry out council business and not use your personal or any other email address. You must not set auto-forwarding rules on your council email account to automatically send emails to an external email address.
16. To access and read GCSx mail using Council ICT only, unless agreed otherwise with the BCIS Information and Knowledge Management Team. For example, council employees

based at NHS sites are allowed to access GCSx mail using NHS ICT. You will not be able to access GCSx mail via WEBRAS.

17. To switch your computer, laptop or tablet off at the end of the working day and to connect these devices to the Council’s network (via WIFI or cable at a council site) at least once a month to enable security, policy and software updates to take place. A device that has not been connected to the Council’s network after 3 months may be removed from support, unless agreed otherwise with the BCIS Information and Knowledge Management Team.
18. To return to your line manager all Council ICT assigned to you that you no longer need or use. You must not sell or redistribute Council ICT without the authorisation of BCIS, Internal Audit or Capita.
19. To report lost or damaged ICT equipment to Capita and your line manager immediately. If the ICT equipment has been stolen, you must also report it to the police and give the crime reference number to Capita.
20. To report information security incidents through the Council’s [Information security incidents procedure](#); this may include the loss, uncontrolled release, damage, misuse or inappropriate access to the Council’s ICT or non-public information.
21. To collect, store, share and dispose of non-public information in accordance with the Council’s [Document and Records Management Policy](#) to help ensure it is organised, secure and available as a corporate record.

8. Monitoring and recording

The use of Council ICT is monitored and in some cases recorded. The main reason is to properly manage systems, for example to detect and deal with faults or to protect systems from threats.

Monitoring and recording of ICT usage may also be requested as part of an investigation process or to investigate suspected or actual violations of this policy or to prevent or detect criminal activity. Information that may be available includes:

- telephony use (call history, data usage, costs)
- internet browsing (sites visited, duration of visit, etc)
- email
- user activity in database applications (CareFirst, Wisdom, Academy, etc)
- information saved on the network (personal and shared drives, SharePoint, etc)
- information saved to or from external devices (USB stick, external hard drive, etc)

9. Access to a User’s ICT activity

The Council reserves the right to investigate concerns about the use or misuse of ICT.

This right will observe council policy and the law, for example the Computer Misuse Act 1990, Human Rights Act 1998, Data Protection Act 1998 and Regulation of Investigatory Powers 2000.

If a line manager or investigating officer wants to access a user’s ICT activity, they must discuss their concerns with HR first. With HR’s written authorisation, the officer must email Information and Knowledge Management (informationmanagement@sheffield.gcsx.gov.uk) and confirm what information is required, the individual’s name, User ID, Portfolio and Service. The email does not need to give details of the investigation.

The request will be logged and referred to Capita to action the request and liaise directly with the line manager or investigating officer.

If information is required from a line of business application, the Information and Knowledge Management Team will contact the appropriate Application Owner for information.

10. Compliance

Non-compliance to this policy and any actual or suspected misuse of the Council’s ICT or the information it holds can result in disciplinary proceedings and possibly criminal proceedings.

11. Acceptance of the Sheffield City Council: ICT Acceptable Use Policy

Employees are to receive a copy of this policy and are to have time to read it, seeking clarification and support from their manager or the Information and Knowledge Management Team.

Employees are to sign acceptance of the terms using [myView](#). For employees without computer access, their manager will access a ‘non-access’ form for them to sign acceptance. Their manager will then print off a hard copy for them to keep.

Employees contact the Information and knowledge Management Team on 273 6891 or by email informationmanagement@sheffield.gcsx.gov.uk, if they need further advice and guidance.

Appendix G

Data Protection Policy



Sheffield City Council processes personal data on a daily basis. Data protection law requires the Council, its employees and authorised users, to process personal data fairly, lawfully and securely at all times. This policy sets out the key activities and responsibilities the Council need to adhere to.

14 May 2019

Release Version 2.1

Document Review

Title	Name(s) / Board	Role / Responsibility
Policy owner	Mark Gannon	Director Business Change and Information Solutions
Change requests to	Mark Jones	Senior Information Management Officer
Key stakeholder review	Information Governance Working Group	Portfolio representatives to contribute and implement information governance policy, procedures and best practice
	General Data Protection Regulations (GDPR) Working Group	Portfolio representatives to ensure procedures align with new data protection requirements with GDPR and the Data Protection Act 2018

Document approval

Authorising Body	Date of acceptance
Information Governance Board	08 th June 2018
Local Negotiating Committee	14 th May 2019
HR Policy Forum	22 nd May 2019

Version History

Version	Issue Date	Comments / Summary of changes
1.0	12/06/2014	Policy to replace the Handling Personal Information Policy (2002). Policy added to Officers’ Code of Conduct (Appendix G) in July 2015
1.1-1.3	18/04/2018, 25/05/2018	Policy review and refresh for General Data Protection Regulations (GDPR) and Data Protection Act (2018)
2.0	08/06/2018	Minor change following IGB comments

2.1	14/05/2019	Minor change following LNC re. training refresh times
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Review

Review Date	June 30th 2020
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1. Introduction and Definitions

Sheffield City Council processes personal data to carry out its duties to make decisions and provide public services. Personal data is defined in law, but in essence it is information that identifies a living person (the subject of the data) or can make them more identifiable.

“**Personal data**” includes, but is not exclusive to: name, address, date of birth, email address, telephone number, unique reference numbers (e.g. NHS number, National Insurance number, Vehicle Registration Number), financial details (e.g. bank details, transactions, arrears, etc.).

Personal data also includes “**Special Category Data**”, which is sensitive personal data, covering for example: ethnicity, religious beliefs, political opinions, sexuality, physical and mental health conditions, genetic and biometric data, as well as data of criminal offences and convictions.

The term “**processing**” is also defined in law and refers to any operations involving personal data such as collection, recording, organisation, storage, alteration, retrieval, consultation, use, disclosure, combination, erasure or destruction.

All the personal data processed for or on behalf of the City Council must be processed in accordance with data protection law: the European Union’s General Data Protection Regulations and the UK’s Data Protection Act that both came into effect on May 25th 2018.

The intention of this policy is to identify the key principles, activities and responsibilities that all our employees have to adhere to as well as all the people who are authorised to process personal data to carry out council business. For the purpose of this policy, **authorised users** includes Councillors, contractors, suppliers, agency workers, partnership workers (like NHS, police employees), and volunteers.

2. Policy Requirements

Data protection law sets out a number of key principles, so that the processing of personal data shall be:

- 1Processed ***fairly, transparently*** and ***lawfully***
- 2 ... Processed ***only*** for specified and ***not incompatible purposes***
- 3 ... ***Adequate, relevant*** and ***necessary*** for the purpose
- 4... ***Accurate*** and, where necessary, ***kept up-to-date***
- 5 ... Not kept ***longer*** than ***necessary*** for the purpose
- 6Keep ***secure*** by ***technical/organisational*** means
- 7and the Council should demonstrate compliance (***Accountability***)

Further obligations and rights in the “***Applied GDPR***”

- all ***Data Subjects’ rights*** are subject to ICO enforcement
- Transfer personal data outside EEA only if ***privacy*** protected

To comply with the above principles, the City Council will

- Register as a Data Controller with the Information Commissioner’s Office ([Data Protection Register](#) – No. Z6548192) and register the details of the Council’s Data Protection Officer.
- Undertake Data Privacy Impact Assessments where required and ensure sign off by the Data Protection Officer before new processing takes place.
- Follow the Code of Practices, recommendations and guidance produced by the Information Commissioner, as the UK’s supervisory body, and the European Union Data Protection Board, to process personal data in line with the principles above (e.g. Record of Processing Activities, Privacy by Design, Data Protection Impact Assessments, Retention Schedules, etc.).
- Ensure all employees have completed the Council’s Information Management e-learning, or attended a taught course, and watched the Cyber Security training videos within the first six weeks of starting with the Council or their role that involves the processing of personal data.
- Employees refresh their information management training every two years, unless they work in social care or public health whereby they are required to complete an annual refresh to support the NHS Digital Data Protection and Security Toolkit submission.

- Ensure all **authorised users** that process personal data have completed the same training as Council employees, unless they can prove they have completed the equivalent training at their respective organisations in the last 6 months.
- Write and publish appropriate privacy notices to make it clear what personal data we need to process, the reasons why, whether collecting the data is optional or not, and what we intend to do with the data (storage, retention, sharing).
- Maintain an Information Asset Register to support the Record of Processing Activity (ROPA’s).
- Tell people if we have to share their personal data with other 3rd parties to deliver a service and, if necessary, record if consent is needed and has been given, refused or withdrawn
- Inform people of their rights to request access to the personal data we hold about them, and their rights to ask for their data to be corrected or deleted or the processing restricted, and to act upon those requests promptly and within the agreed timescales.
- Only collect the personal data we need, the minimum necessary.
- Only use personal data for the purposes for which it was collected, unless it can be used without contravening the law (e.g. using anonymised or pseudonymised data, historical research and statistics, crime detection and prevention, etc.).
- Take all reasonable steps to secure the personal data being processed and to apply controls to support access on a need to know basis.
- Retain personal data for only as long as we need to and to delete or destroy personal data in a timely and secure manner in line with the Council’s Document and Records Management Policy and Retention Schedule.
- Ensure contractual clauses, data processing agreements and information sharing agreements are in place when Council information is being shared or processed by external third parties.
- To log and investigate all reported personal data breaches and to notify the Information Commissioner within the statutory timescales and the affected data subjects accordingly in line with the Council’s Information Security Incident Standard Operating Procedure.

3. Policy Implementation

Employees and authorised users are responsible for their actions when handling personal data.

Heads of Service (or their equivalent) are responsible for ensuring the relevant processes and procedures are in place within their service areas and are followed when personal data is processed.

Directors to address any information governance issues identified in the Annual Governance Statement (Section I).

Executive Directors to ensure their Portfolio complies with this policy.

4. Data Protection Officer

The Data Protection Officer role is a legal requirement to monitor internal compliance, inform and advise an organisation’s of its data protection obligations, provide advice on Data Protection Impact Assessments and to act as a contact point for data subjects and the supervisory authority (the Information Commissioner’s Office).

The Council’s Data Protection Officer is currently Mark Jones, Business Change and Information Solutions, and can be contacted by email at DataProtectionOfficer@sheffield.gov.uk

5. Compliance

Failure to comply with data protection law can have significant consequences and could affect the health and well-being of the individuals whose data is being processed, the reputation of the Council potentially resulting in public mistrust, fines, legal action and lost business opportunities.

All employees and authorised users are expected to adhere to the principles of this policy and data protection law in general, and where there is a suspicion or evidence to the contrary, disciplinary proceedings may be taken.

Sheffield City Council

Social Networking Policy

Publication Date: July 2015

Author: HR Service



Document Control

Organisation	Sheffield City Council
Title	Social Networking Policy
Owner	HR Service
Subject	Conduct and Work Relationships
EIA required	Completed 13/07
Review date	01/04/2016

Revision History

Version	Revision Date	Reviser	Previous Version	Description of Revision
1.1	15/05	LP	1	Minor amendments - Updated hyperlinks for new Information Governance and Security Policies

Document Distribution – Approval and Release

Decision Maker	Approval date
Full Council	15/07

Social Networking Policy

1.0 Purpose

It is very much in our (the Council’s) interest to allow you (the employee) to participate in this rapidly growing environment of relationships, learning and collaboration.

This policy provides you with a set of principles for using social networking sites responsibly, which is linked to the Officers’ Code of Conduct and associated policies. It gives you clear guidelines, so you can protect yourselves by complying with our conduct rules, with the laws on harassment, discrimination, data protection, copyright and ensuring your own safety.

The policy ensures that we are not exposed to financial, legal and governance risks and that the safeguarding of children, young people and vulnerable adults is not threatened by the use of social networking

As this is a new policy, which is to be used across the organisation and everybody is impacted by it, it is important that this is reviewed regularly, initially by Executive Management Team after 6 months.

2.0 Introduction

Sheffield City Council recognises that the internet provides unique opportunities to participate in interactive discussions and share information using a wide variety of social networking sites.

We believe in open exchange using social networking sites to empower you and customers. These individual interactions represent a new model: not mass communication but masses of communicators. Through these interactions, you and local people are empowered to learn, share your expertise and promote what is best in Sheffield.

- You can contribute best practice on our services - sharing your expertise, raising Sheffield’s profile.
- Through individual interactions, you can better involve and engage with a wider range of people, including young people and people setting up new businesses in the city. This allows us to learn from our customers, drawing on their expertise and knowledge to design services that meet their needs.
- By encouraging local people to contact us using social networking sites – e.g. via e-petitions - we can gain information on key issues to help inform policy in the city.
- Use social networking as a technology platform for open innovation and learning, which makes it easier for you to learn, develop, reflect on practice, be creative and collaborate for improved services.

Whilst we have embraced these technological innovations as part of our working and private lives, employers are now grappling with consequences of unacceptable posts, which are rapid communicated and shared. We have recently dealt with social networking issues relating to:-

- Bullying and harassment,
- Freedom of expression of political views
- private/professional boundaries with children
- problems with blurring private/professional boundaries – manager/employee
- work-related offensive photos
- being off sick and using social networking for secondary employment
- Employee petition against service closures.

In many of these cases, the employees were unaware that social networking is not private and that there are potential consequences to their on-line activity.

Managers, Trade Union Representatives and HR Practitioners have therefore asked for helpful, practical advice to protect you and us, when you use social networking sites in a work and private capacity. Representatives from all these groups, plus Members of the Equality Forums have contributed to this policy.

3.0 Scope

This policy applies to all non-schools based Sheffield City Council employees, casual workers, agency staff, contractors, consultants, self-employed people, apprentices, trainees and those on work placements, who work for the Council. Throughout this policy, the term ‘employee’ and ‘you’ is used to cover all these types of workers. The Social Media Policy adopted by the relevant Governing Body will apply to teaching and support staff in schools.

This policy deals with the use of all forms of social networking including but not limited to Twitter, MySpace, Facebook, texts, emails, BlackBerry Messenger (BBM), LinkedIn, Blogs, Wikipedia

sites and any other sites which involve document, photo or video sharing such as YouTube or new networks, internet sites/channels that may be developed in the future.

This policy applies to the use of social networking for both work and personal purposes, whether during working hours or otherwise and whether at work or elsewhere including in your home. It also applies regardless of whether the social networking site is accessed using our ICT facilities/equipment or that belonging to you.

This policy should be read in conjunction with:

- [Officers' Code of Conduct](#) and associated policies
 - Member-Officer Relations Protocol
 - [Information Governance and Security Policy](#)
 - [ICT Acceptable Use Policy](#)
 - [Data Protection Policy](#)
 - [Dignity and Respect at Work Policy](#)
- Social Networking Guidance
- Draft Safeguarding Children and Vulnerable Adults Policy
- [Disciplinary Procedure](#)
- [Recruitment and Selection Policy](#)
- Social Media Position Statement, EMT (June 2011)

Responsibilities

The Council

We recognise the benefits of social networking and trust you to act responsibly. We expect you to work in the same way on-line and off-line, following the behaviours set out in the Officer Code of Conduct, as detailed in this policy and in associated guidance.

We permit personal use of social networking sites at work during break times as long as it is not excessive and/or does not involve unprofessional or inappropriate conduct and does not interfere with your responsibilities or performance. You need to bear in mind that you must take short breaks away from screens to protect your health.

We also know that some employees and their managers need to consider safety of their service users and themselves, if they use social networking sites. These sites are public and there is a possibility that employees or service users could be traced, resulting in harm to that person. Where this is an issue, employees and their manager will need to carry out a risk assessment for using social networking for work purposes.

Employees

You are personally responsible for the content you publish on-line and must be mindful that **everything placed on-line is public** and is hard to remove once posted.

You should follow our social networking principles, which are divided into 4 themes, with the core behaviours applying across the themes.

In brief, you should:-

- Be professional when using social networking for work and personal use
- Be respectful at all times, never post offensive or intimidating texts or images about a person
- Familiarise yourself with this social networking policy and associated guidance

You are responsible for the success of this policy and should ensure that you take the time to read and understand it. You should report any misuse of social networking to the appropriate line manager.

Managers

All managers have a specific responsibility for operating within the boundaries of this policy. You must ensure that your employees understand the standards of behaviour expected of them and take action if behaviour falls below the required standard.

Managers should:

- Familiarise themselves with the Social Networking Policy and guidelines
- Ensure their staff are aware of the policy
- Take prompt action to stop any harassment or bullying they become aware of, whether a complaint has been raised or not
- Support the staff involved in any allegations about cyber bullying, harassment, discrimination, using existing procedures
- Ensure all complaints/allegations are dealt with fairly and consistently and in line with other employment policies.

HR and Trade Unions should

Provide support and advice to managers and employees on the operation of the policy and guidelines, where necessary.

Compliance

You must comply with Council policies and the law when using social networking sites. Make sure that you:-

- Know and comply with the Officers’ Code of Conduct and associated policies including the Dignity and Respect Policy, Information Security Policy and E-Communications Guidance.
- Only share public information on-line. Information that is not public, such as service user, employee or manager information given in confidence, may only be shared in accordance with the law. If you use non-public information inappropriately, you may be personally prosecuted under the Data Protection Act.

- Are professional, when posting comments about the Council and our services. Be aware that the Council may take disciplinary action, if there is a reasonable belief that your on-line comments have damaged the Council’s reputation.
- Are respectful at all times to our customers and colleagues. Never post offensive or intimidating texts or images about a person.

You are expected to use the **same professional behaviours on-line**, as you would when communicating with service users and colleagues **off-line**. You must not post any information or messages on-line, that you would be unwilling to say in public face to face. Make sure that you follow the principles and standards set out in this policy, in the Officer Code of Conduct and associated listed policies.

Where your manager identifies that you may have fallen short of the standards in this policy, your manager is to deal with the matter informally where appropriate. The formal procedure will be used however, to guide you towards achieving acceptable standards as set out in this policy.

You may have disciplinary action taken against you, if you do not keep to this policy, which includes the possibility of being dismissed without notice being given. Serious breaches of this policy for example incidents of bullying on social networking sites may constitute gross misconduct and dismissal.

Disciplinary action may be taken regardless of whether the breach is committed during working hours, and regardless of whether our equipment or facilities are used for the purpose of committing the breach. You are required to co-operate with investigations into allegations made under this policy.

You must not make false or malicious allegations about another person’s use of social networking and need to be aware that disciplinary action may be considered in such circumstances.

You may be required to remove social networking posts, which are deemed to constitute a breach of this policy. Failure to comply with such a request may in itself result in disciplinary action.

Social Networking Principles

Personal Use

1. Be professional, know and follow the Officer Code of Conduct. You are personally responsible for what you post. Be thoughtful about how you present yourself in social networks. Understand that social networking is a public forum and your entries are not private and are hard to remove once posted.
2. We can ask you to remove on-line content if we have a reasonable belief that it is damaging the Council’s reputation. If we can prove that your conduct on-line has caused detriment, you may face disciplinary action and if severe enough, you could be dismissed as a result.

3. You have a right to express political and religious views, as long as they are lawful, are made in a private capacity and do not impact on your job. Some employees are in politically restricted posts and need to maintain political impartiality.
4. Do raise any work-related concerns in the right way. You can speak to your manager, give feedback in the employee survey, attend staff forums, speak to a contact advisor, contact your trade union representative, get support from the independent employee assistance programme or for serious allegations, use the whistle-blowing procedure. This allows us to investigate and address the issue in the first instance.
5. As you are an employee of the Council, you must ensure that your on-line content is consistent with your professional image that you present for the Council.
6. Be respectful of other employees, service users or customers as set out in our [Dignity and Respect at Work Policy](#).
7. There is no expectation for you to accept ‘friend’ requests from colleagues or managers
8. You are allowed appropriate and reasonable personal use of social networking at work, using Council or your own equipment. This is to take place in your own time and outside core hours, not adversely affecting performance or provision of service. Personal use of Council equipment is at no additional cost to the Council.

Business Use

9. When acting on behalf of the organisation, you must be professional. Always be responsible for your on-line comments, be credible, accurate and fair. Make sure that you are respectful at all times, especially when replying to disagreements. Avoid unnecessary or unproductive arguments. Do not speculate about an issue or start inflammatory debates. Make sure what you say is factually correct.
10. If you have any doubts about content, do not post without escalating to a manager. If you make an error, be up front about your mistake and correct it quickly, as this can help to restore trust. If your mistake is serious, let your manager know immediately and get advice. Ultimately, you are responsible for what you post or publish on a social networking site.

Maintaining Professional Relationships

11. You have a specific duty of care to take reasonable steps to protect service users, colleagues and yourself from harm. You must discuss any safety issues of using social networking sites for work purposes with your manager and if relevant draw up a risk assessment. This may state that you must only use secure forms of communications for work purposes. If you receive a serious on-line threat to life or buildings, you must contact the police immediately and let your manager know.

12. If you are in a **position of trust** with **Children** or **Vulnerable Adults**, for example if you work in social care, you have a professional relationship with your service users. You must draw a line between your professional and private life.

You must not strike up or accept an on-line relationship with your service users, using a personal social networking account. This applies even if your service users are no longer receiving a service.

Similar to your off-line work, where you have a close relationship with a service user, you must let your manager know.

In these circumstances, you must declare any interest you may have with a person, which may cause a direct or indirect conflict of interest with your employment. This information is provided to protect you and service users against any allegation of favour or disadvantage.

13. If you interact with **Elected Members** on social networking sites, you must follow the existing rules within Officers’ Code of Conduct and Member-Officer Relations Protocol. Officers in politically restricted posts must be particularly carefully to be impartial and maintain professional relationships.

Gathering and Sending Out Information

14. You can provide any Council Public Information to social networking sites. This is information, which is already in the public domain. You must keep non-public information secure and never release this to social networking sites. Non-Public Information includes personal data about service users or employees. If you suspect that any of your social networking accounts have been hacked, resulting in an impact on your work, you must let your manager know immediately.
15. Any monitoring or surveillance of a customer or employee is strictly controlled and you must be authorised to carry out this activity. For example, you must never become a ‘friend’ of any service user or employee for the purpose of obtaining information, unless authorised.
16. We reserve the right to monitor your social networking and internet use at work. Valid reasons for checking your usage include suspicions that you have:
- Been spending an excessive amount of time viewing sites that are not work-related or
 - Acted in a way that damages the reputation of the Council and/or breaches disclosure of non-public information

APPENDIX I

(A) OTHER EMPLOYMENT RELATED ACTIVITIES – FEES

Employees may be asked on occasions to give lectures or undertake work using their professional skills and expertise. If the work forms part of the duties of a post and the employee is carrying out an official duty, he/she must forward all fees to the employing directorate. Any expenses incurred will be reimbursed through the normal procedures.

Employees in receipt of ‘fees’ in respect of undertaking work and/or lecturing to an outside organisation/person(s) may retain the ‘fees’ providing:

- A preparation and delivery of the work is undertaken outside working hours (unless covered below);
- B equipment and/or materials are not being provided by the City Council;
- C the employee is not acting as a representative of the City Council.

Where the work or lecture is undertaken during working hours the equivalent working hours must be re-arranged, in agreement with the line manager to accommodate the employee’s request or annual leave, flexi leave or time off in lieu must be used. The employee concerned may also be granted unpaid leave, subject to the agreement of the line manager in consultation with the HR Adviser.

APPENDIX J

Politically Restricted Posts (PoRPs) (Revised May 2012/Minor Amendment February 2013 and April 2015)

Legal Background

The Local Government and Housing Act 1989 (LGHA) introduced the principle of Politically Restricted Posts (PoRPs) in local authorities. This Act had the effect of restricting the political activities of certain local authority employees. The LGHA was amended in 2009 by the Local Democracy, Economic Development and Construction Act 2009.

Restricted Posts

Posts may be politically restricted because

- they are specified as PoRPs in accordance with the legislation; or
- it has been determined that they fall within the sensitive duties related criteria of the legislation

Specified Posts within Sheffield City Council

These post holders are politically restricted without the right of appeal

Statutory Officers

The Head of the Paid Service (Chief Executive)
Director of Children’s Services under Children’s Act 2004 (Executive Director People)
Director of Adult Services under LASSA 1970 (Director of Adult Health and Social Care)
Chief Finance Officer under Section 151 of LGA 1972 (Executive Director of Resources)
The Monitoring Officer (Director of Legal and Governance)
Director of Public Health under section 73A of the NHS Act 2006 (Director of Public Health)

Non Statutory Chief Officers

Officers reporting directly to the Head of the Paid Service excluding secretarial/clerical support.

Deputy Chief Officers

An officer reporting directly or is directly accountable to one or more of the statutory or non-statutory Chief Officers.

Officers Exercising Delegated Powers

Officers whose posts are specified by the authority in a list maintained in accordance with section 100G (2) of the Local Government Act 1972.

Assistants for Political Groups

Sensitive Duties Posts within Sheffield City Council

The duties of a post under a local authority fall within this subsection if they consist of or involve one or both of the following sensitive duties i.e.

- giving advice on a regular basis to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented; or where the authority are operating executive arrangements, to the executive of the authority, to any committee of that executive; or to any member of that executive who is also a member of the authority
- speaking on behalf of the authority on a regular basis to journalists or broadcasters

These post holders can appeal against political restriction on the grounds that the criteria have been wrongly applied.

Teachers and Head teachers are exempt from political restriction, whatever their role.

A list of all Politically Restricted Posts within Sheffield City Council is held by the relevant Proper Officer (Chief Executive). Any modifications to this list must be reported and recorded accordingly.

Restrictions on Post Holders

Employees in PoRPs are debarred from standing for or holding elected office as

- Local councillors
- MPs
- MEPs
- Members of the Welsh Assembly
- Members of the Scottish Parliament

They are also restricted from:

- Canvassing on behalf of a political party or a person who is or seeks to be a candidate
- Speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party

Appeals against inclusion on the list of politically restricted posts

Post holders who are politically restricted because they hold specified posts have no right of appeal.

- Appeals are made to the Head of Paid Service
- Post holders of sensitive posts that are politically restricted may appeal on the grounds that the authority has wrongly applied the duties-related criteria
- Appeals may be made by the current post holder or by an individual who has been offered employment in a politically restricted post
- There is no timescale during which a post holder must make an appeal
- To appeal, employees should send a letter formally seeking exemption and a job description to the Monitoring Officer (Director of Legal and Governance), Town Hall, Pinstone Street, Sheffield, S1 2HH
- If the appeal is successful, the Monitoring Officer will notify HR Connect at Capita, so that it may be noted on the records for the individual and for the post

Please Note: This document is a summary, if you require further details or are unsure about any of the content please contact the Director of HR, Town Hall, Pinstone Street, Sheffield S1 2HH.

Sheffield City Council

Dignity and Respect at Work Policy

Publication Date: August 2011

Author: HR Service



1 **OUR COMMITMENT**

- 1.1 Sheffield City Council is committed to promoting a positive working environment where staff conduct themselves in a way which contributes positively to their team’s work targets and which respects all colleagues and customers.
- 1.2 The Council is committed to promoting dignity and respect, to which employees are entitled. It seeks to provide an environment of mutual trust and respect amongst the entire workforce and to resolve any issues or difficulties at work in a mutually beneficial way.
- 1.3 It is opposed to and will not tolerate any form of harassment, discrimination, victimisation, bullying or intimidation or any unacceptable conduct towards an individual or group, in the workplace, whether a single incident or persistent acts.

2 **HARASSMENT, DISCRIMINATION, VICTIMISATION AND BULLYING**

- 2.1 The City Council has taken into account the information contained within relevant EU Directives, Employment regulations, Equality legislation and the Equality Act 2010 in determining the definitions of Harassment, Discrimination, Victimisation and Bullying.
- 2.2 The Equality Act covers the same groups that were protected by previous equality legislation and extends some protections to characteristics that were not previously covered, and also strengthens particular aspects of equality law. These are now called **‘protected characteristics’** and cover Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation

NB: People may also experience Harassment, Discrimination, Victimisation and Bullying which may not be related to a Protected Characteristic

2.3 **Definitions**

- **Harassment is** ‘unwanted conduct related to a relevant *protected characteristic*, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’.
- **Discrimination is** ‘where one person is treated less favourably than another person was or would have been treated on the grounds of their *protected characteristic*’
- **Victimisation is** ‘when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act and/or Council policies’ or because they are suspected of doing so.

- **Bullying is** 'persistent unwelcome offensive and intimidating behaviour or misuse of power which makes the recipient feel upset, threatened, humiliated or vulnerable and undermines their self-confidence'.

2.4 Types of Discrimination and Harassment

Direct discrimination

This is when someone is treated less favourably than another person because of a *protected characteristic* they have or are thought to have, or because they associate with someone who has a protected characteristic.

Associative Discrimination

This is direct discrimination against someone because they associate with another person who possesses a *protected characteristic*.

Perceptive Discrimination

This is direct discrimination against an individual because others think they possess a particular *protected characteristic*. It applies even if the person does not actually possess that characteristic.

Indirect Discrimination

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your organisation that applies to everyone but particularly disadvantages people who share a *protected characteristic*. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, i.e. that it is 'a proportionate means of achieving a legitimate aim'. A *legitimate aim* might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make.

- 2.5 Harassment, discrimination, victimisation and bullying can come in many forms. It may happen once or more than once, either way it is unacceptable. Examples could include:

Offensive material, including pornography, racist material, or material which ridicules or abuses religion or belief, men or women, black people, disabled people, transgender people, lesbians or gay men, older or younger people.

Verbal abuse, including racist or sexist language, and language that undermines or ridicules e.g. disabled people, lesbians or gay men, older or younger people.

Bullying, exercising power to intimidate, ridicule or demean an individual or group of people usually through a number of small incidents over a period of time.

Leering, comments on dress or appearance, embarrassing remarks or jokes, demands for sexual favours.

Physical assault, including touching or unwanted physical advances.

Persistent comments, which undermine or undervalue a person's abilities, particularly on the basis of his/her sex, race, disability, sexuality and/or age. This could also relate to comments on a person’s physical appearance.

Cyber-bullying, is when the internet, phones, or other devices are used to send or post text or images intended to hurt or embarrass another person. It may include threats or sexual remarks or ganging up to make someone a victim of ridicule in social networking forums.

3 HATE CRIME AND HATE INCIDENTS

- 3.1 A Hate Incident is: “Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.”
- 3.2 Hate Crime is defined specifically as: “Any Hate Incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.”
- 3.3 As an employee complaints of Hate Crime or Hate Incidents will be dealt with through one of the following procedures:
Dignity and Respect Procedure – this should be used if they feel they have experienced harassment, discrimination, victimisation or bullying at work by another Council employee.
Grievance Procedure – this should be used if an employee wants to raise significant and specific concerns about their employment or treatment at work.
Accident, Violent Incident or Near Miss Report Form this should be used if a Hate Crime or Hate Incident happens to an employee, one of their colleagues or a member of the public.
Whistleblowing Procedure - this should be used for concerns where the interests of others or of the organisation itself are at risk.

4 ROLES AND RESPONSIBILITIES

MANAGERS

- 4.1 Every Sheffield City Council manager and supervisor has a duty to implement and enforce this Policy in a fair and equitable way and to ensure that all employees for whom they are responsible understand and follow it.
- 4.2 Managers are responsible for ensuring that all employees are aware that breach of this Policy could lead to consideration of formal disciplinary action or dismissal

under the City Council's Disciplinary procedure depending upon the circumstances.

- 4.3 Managers need to recognise that the lodging and/or investigation of a complaint is extremely difficult and distressing for both the complainant and the subject of the complaint. In both cases, appropriate support needs to be provided before, during and after an investigation.
- 4.4 Managers need to ensure that complaints of harassment, discrimination, victimisation and bullying are taken seriously and that investigations are, so far as is possible, managed speedily, confidentially and communicated effectively.
- 4.5 Managers need to ensure that employees, who have raised concerns or have provided evidence during an investigation, are not victimised as a result of their actions.

EMPLOYEES

- 4.6 Every Sheffield City Council employee has a responsibility to treat all colleagues and service users with dignity and respect.
- 4.7 Employees, including managers, need to be aware of their own conduct and behaviour and how it can impact on others within the workplace.
- 4.8 Employees are encouraged to bring to the attention of Managers any examples of unfair treatment they have witnessed or strongly suspect is taking place. This could also include the conduct of managers.
- 4.9 Employees are required to co-operate with investigations into allegations made under this policy.
- 4.10 Employees must not make false or malicious allegations and need to be aware that disciplinary action may be considered in such circumstances.

HUMAN RESOURCES

- 4.11 Human Resources staff will be available as a resource to Managers and Employees to provide support and guidance on the operation of this policy.
- 4.12 Human Resources Officers will be involved in advising Managers on the investigation of complaints however they will not take over the management of the process. It is the Managers responsibility to manage.
- 4.13 Employees who are experiencing problems can approach Human Resources in confidence for advice and support.

CONTACT ADVISERS

- 4.14 Contact Advisers are available as a point of contact for those experiencing or witnessing harassment, discrimination, victimisation or bullying at work.
- 4.15 Contact Advisers can provide confidential support and will assist employees in understanding the options for dealing with their particular situations.
- 4.16 Contact Advisers are also available as a point of contact for the subject of a complaint, but not both parties to the same complaint. They will support people from various Portfolios.

TRADE UNIONS AND OTHER SOURCES OF SUPPORT

- 4.17 Employees who are members of a recognised trade union have the right to be represented by their Trade Union representative.
- 4.18 Trade Union representatives can offer advice and support to employees who may be experiencing problems or have had allegations made against them.
- 4.19 Employees can also seek support from Staff workers Forums and colleagues.

5 WHAT WE WILL DO

- 5.1 The City Council will take any allegations made by employees seriously and, so far as possible, complaints will be managed speedily, confidentially and communicated effectively.
- 5.2 Every effort will be made to resolve complaints informally. Where this is not appropriate or possible, an appropriate manager will ensure a formal investigation will take place.
- 5.3 The City Council will communicate with employees to raise awareness about Dignity and Respect. The policy will also be promoted including the implications of certain behaviours.
- 5.4 We will support employees who experience difficulties through the provision of Contact Advisers and Human Resources professionals and ensure that Managers are updated regularly on their responsibilities under this policy and procedure.
- 5.5 We will ensure a system is in place to monitor and review the use of the Policy and Procedure. There will be statistical monitoring to identify potential problems and areas for improvement.

Sheffield City Council

Dignity and Respect at Work Procedure

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DIGNITY AND RESPECT AT WORK PROCEDURE

Our Policy Statement

Sheffield City Council (SCC) is committed to providing a safe environment for all employees, free from harassment, discrimination, victimisation or bullying. Sheffield City Council will treat all incidents seriously, and investigate all allegations promptly. An employee who has harassed, discriminated, victimised or bullied another employee may face disciplinary action, up to and including dismissal from employment.

1 HOW TO RAISE AN ISSUE OR MAKE A COMPLAINT

- 1.1 It is the intention of this procedure for issues and complaints to be resolved informally, quickly and at an early stage in order to prevent problems becoming more serious over time. Some allegations however may be of such a serious nature that an informal investigation may not be appropriate and it will have to be dealt with formally.
- 1.2 Informal issues or complaints can be made verbally or in writing to the appropriate Manager or an HR Adviser. More than one person or third parties can also raise an issue or make a complaint. **Where an HR Adviser receives a complaint, an appropriate Manager will be identified to manage the complaint within three working days.**
- 1.3 A formal complaint may be made where informal attempts at resolution have been unsuccessful, or where the seriousness of the incident(s) is such that the informal route is inappropriate. Formal complaints should be in writing to the Head of Service / Director copied to an HR Adviser. In the event that the complaint is against the Head of Service / Director then the complaint should be addressed to the appropriate Executive Director or Chief Executive, copied to the Director of Human Resources and Customer Services.
- 1.4 Both the complainant and the subject of the complaint have the right to be accompanied at all stages of the procedure by their trade union representative or other Council employee or chosen representative.

Information and Support on the Dignity and Respect Policy and Procedure can be obtained from Contact Advisers and Trade Union representatives.

See Appendix 1 How to get Information and Support

2 INITIAL VERIFICATION

- 2.1 The Manager, advised by an HR Adviser, will complete an initial verification of the complaint and determine and make a decision as to whether or not the allegations have some substance. **This should take place within 5 working days of the initial complaint.**
- 2.2 The Manager will complete the Accident and Incident Report Form and, if appropriate the Hate Incident form (where the incident is allegedly motivated by prejudice or hate).
- 2.3 If there is substance to the allegations then a discussion will take place with the Manager advised by an HR Adviser and the Complainant about options for resolution. An invitation to this discussion will be put in writing. The complainant will be able to have a Trade Union representative or colleague with them if they wish. **This should take place within 5 working days of determining the substance of the complaint.** An Informal Investigation will take place unless the seriousness of the incident(s) is such that the informal route is inappropriate. Formal Resolution will only be used where the Informal route is inappropriate or unsuccessful.
- 2.4 Where the Manager has decided there is not a case to answer or no further investigation is required **a written explanation will be given to the complainant within 5 working days of determining the lack of substance of the complaint. The complainant may, within 10 working days of being told of this decision, raise any objections through the Council’s Grievance Procedure.** A Trade Union representative will be able to help with advice and support.
- 2.5 In the event of a counter complaint being made by the subject of the complaint – the counter complaint will be dealt with after completion of the investigation of the original complaint.
- 2.6 If a complaint is found to have been made for vexatious or malicious reasons then the complainant may be dealt with under the council’s disciplinary procedure.

3 INFORMAL RESOLUTION

- 3.1 It may be sufficient for the Manager to speak to the subject of the complaint to explain the situation, the impact of the behaviour and future action should this continue and report back to the complainant. **This should take place within 5 Working Days of determining the substance of the complaint.** The complainant and the subject of the complaint will be able to have a Trade Union representative or colleague with them if they wish. A record of this discussion should be maintained on file and should only be referred to if a formal or further information or complaints are initiated. The length of time any records can be kept will be checked with legal services.

- 3.2 Where appropriate the Manager, advised by an HR Adviser may bring the two parties together to discuss the complaint and agree a way forward to resolve the situation and prevent it from escalating. Options, solutions and actions will be discussed. This will depend on the circumstances of the case and the wishes of the complainant. The complainant and the subject of the complaint will be able to have a Trade Union representative or colleague with them if they wish. Appropriate records of the discussion and agreement reached should be maintained on file. They will be reviewed by the manager to ensure that agreed actions are being adhered to. If agreed actions are not being adhered to the manager will need to manage this with advice from an HR adviser. Records should be maintained securely and only referred to if a formal or further informal complaints are initiated. The length of time any records can be kept will be checked with legal services.
- 3.3 The Manager will hold a Review meeting with the Complainant and the Subject of the Complaint **within 4 weeks of the meeting to discuss the way forward**. It may also be necessary to hold another Review meeting depending on the success of the last one and this should take place **within 2 weeks of the last meeting**. Records will be kept.
- 3.4 If the informal resolution is unsuccessful then it may be necessary to proceed to a formal investigation.

Further information on investigations can be found in the [Investigations Guidance](#) in the HRPoint Library in Conduct and Work relationships under the Topic: Investigations.

4 FORMAL RESOLUTION

- 4.1 A formal complaint may be made where informal attempts at resolution have been unsuccessful, or where the seriousness of the incident(s) is such that the informal route is inappropriate.
- 4.2 If there has been an informal investigation - on receipt of a formal complaint the Head of Service / Director or Executive Director advised by an HR Adviser will consult the records made in the informal investigation to ensure that appropriate approaches have been used to resolve the issues. The Head of Service / Director or Executive Director may then want to make further suggestions for the manager to address as part of an informal resolution before deciding whether or not to go ahead with a formal procedure.
- 4.3 If there has not been an informal investigation - on receipt of a formal complaint the Head of Service / Director or Executive Director will appoint an Investigating Manager (this may be a manager from a different service) and an Investigation Team, including a Manager from another Service Area or Portfolio, to conduct an investigation into the allegations made. **The complainant and the subject of the complaint will be informed of the appointment of an Investigation Team in**

writing within 5 working days and have the opportunity to raise objections, in writing, to the choice of Investigating Team within 5 working days.

- 4.4 In the event that an objection is received the Head of Service / Director or Executive Director will have discretion to consider appointing alternative team members or confirm their original choice.
- 4.5 The Investigation Team will have access to an HR Adviser who will provide professional advice on the conduct of the investigation and procedural issues.
- 4.6 **Within 10 working days the Investigating Manager will inform both parties of the specific complaint being investigated, the parameters of the investigation and the timetable for carrying this out.**
- 4.7 The Investigation Team will only interview those witnesses relevant to the complaint under investigation. Witnesses may request a trade union representative or other chosen Council employee to attend the interview with them - excluding the complainant or subject of the complaint.
- 4.8 Witnesses must be informed that the statements taken during the investigation may be included in the management statement of case and, therefore, shared with both parties and their representatives. Witnesses must also be informed that in the event that the case is later presented to Employment Tribunal or other Court of Law their statements may be shared and they may be called as witnesses to attend a public hearing in person. However, where possible, efforts should be made to support and protect witnesses during the process.
- 4.9 On completion of the investigation, the Investigating Manager will produce a short written report that will outline the nature of the complaint, the process of investigation, a summary of the findings of the team and recommendations for action. **This report will be provided to both the complainant and subject of the complaint within 10 working days of the end of the investigation.**
- 4.10 **The investigation report will be discussed with the Head of Service / Director or Executive Director, who will inform both parties of their final decision on the action to be taken, within 5 working days.**
- 4.11 **Where a decision to convene a disciplinary hearing has been made, a hearing will be established and a full management statement of case will be produced and shared with the subject of the complaint at least 10 working days before the hearing.**
- 4.12 The complainant needs to know that their complaint has been taken seriously and that issues relating to the complaint will be dealt with. They do not have a right to know the outcome of any disciplinary hearing. If the complainant feels the complaint has not been dealt with appropriately at this stage they may discuss their concerns with the appropriate Head of Service / Director.

5 THE RIGHT OF APPEAL ABOUT THE DIGNITY & RESPECT INVESTIGATION

5.1 The Subject of the Complaint

If disciplinary action is to be taken, the disciplinary and appeal process set out in the disciplinary procedure will apply. The subject of the complaint may raise any concerns about the investigation process as part of their statement of case.

5.2 The Complainant

The person making the complaint has the right of appeal against the **outcome of the investigation** on the following grounds.

- The investigation was conducted in an unfair manner or was in some way inadequate;
- That the conclusion was unfair based on the evidence.

5.3 Appeals should be submitted in writing within 10 working days of receipt of the Investigation Report. Appeals should be sent to the Director of Human Resources and Customer Services, setting out the grounds of the appeal and the reasons for the appeal.

A Head of Service / Director or Executive Director will hear the appeal, with appropriate HR advice.

The appeal panel will consider the facts, and make one of three decisions:

- to uphold the original conclusion
- to substitute a different conclusion
- to instigate further investigation, either in whole or part as necessary

The decision of the appeal panel will be notified to both parties and will be final.

6. SUSPENSION OR TRANSFER OF THE SUBJECT OF THE COMPLAINT

6.1 Harassment, discrimination, victimisation or bullying have the potential to constitute gross misconduct. Therefore Managers must always seek advice from Human Resources and consider the seriousness of the nature of the complaint before making a decision whether or not to suspend the subject of the complaint.

6.2 Where the Manager seeks to suspend the subject of the complaint they will do so in accordance with the Council's disciplinary procedure and with the authority of an Authorised Manager.

- 6.3 Where there is the potential for gross misconduct to have occurred, temporary transfer of the subject of the complaint must not be used as an alternative to suspension.
- 6.4 The Manager should not normally transfer the subject of the complaint and/or the complainant to a different worksite unless either party specifically requests transfer for themselves. Any transfer must be able to be easily facilitated by the service and supported by the advice of Human Resources.
- 6.5 In the event that a transfer is agreed, the transferring employee must be informed in writing that the transfer arrangement will normally continue for the duration of the investigation and any formal proceedings that may follow it. It is important that this arrangement is reviewed regularly and the transferring employee is updated on work issues within their substantive post.
- 6.6 It is acknowledged that the re-integration of a complainant or the subject of the complaint is a difficult process for Managers and Employees alike. However every effort should be made to support all parties and Managers should consider how this could be facilitated. This may include plans for relocation, induction, phased return, counselling support, and training.
- 6.7 In exceptional circumstances, following an investigation, redeployment may be considered where the complainant requests this and feels unable to continue in their role as a result of their complaint. Redeployment is an option not a right, and will not be considered where an employee has made false allegations.

The request for redeployment will be dealt with under the Redeployment Policy and Procedure under “other circumstances” within the Eligibility Criteria. The possible outcomes, timescales and arrangements must be discussed and understood by all parties before proceeding. If the request for redeployment is accepted and the employee enters the Talent Pool, they should not face dismissal for a reason associated with this situation.

7. TIMESCALES

- 7.1 Timescales have been set so that complaints, problems and issues are dealt with and resolved as quickly as possible. This is important in terms of reducing the impact of stress and possible long term sickness that may be caused to individuals involved in the resolution process.
- 7.2 It is accepted that timescales may not always be easy to adhere to and this will need to be discussed throughout the process between managers, HR advisers and trade union representatives.

8. MONITORING THE USE OF THE PROCEDURE

- 8.1 The Human Resource Advisers are responsible for collecting information about the use of the procedure. The monitoring processes do not identify individuals.
- 8.2 Contact Advisers are also responsible for producing monitoring reports to submit information on a quarterly basis to Human Resources.
- 8.3 Human Resources will produce information gathered from these reports on a half yearly basis.

Appendix 1

9 HOW TO GET INFORMATION AND SUPPORT

Contact Advisers

- 9.1 Employees who feel they are experiencing harassment, discrimination, and victimisation or bullying at work can access the City Council Contact Advisers for information and support. Details of the Contact Advisers will be promoted and people can contact them also by contacting Human Resources or through the staff Forums.
- 9.2 The Contact Advisers are employees of the City Council from all levels and all Portfolios. They undertake this role on a voluntary basis and can offer support to colleagues experiencing difficulties. The Contact Adviser will arrange to meet the complainant at an agreed venue unless the situation can be handled on the telephone at the time of the initial contact.
- 9.3 The role of the Contact Adviser is to:
 - Be available as a point of contact for those experiencing harassment, discrimination, victimisation or bullying at work;
 - To listen, reassure and support;
 - To respond in a sensitive, non-judgmental manner
 - To advise the complainant of the options available under the City Council policy and procedure and the possible implications;
 - To encourage the complainant to seek the advice of other relevant people.
- 9.4 Contact Advisers may also be a point of contact for witnesses, third party complainants, and the subject of the complaint but not both parties to the same complaint.
- 9.5 The Contact Adviser will complete appropriate forms to record information for statistical recording and to log details of the complaint. The forms will not identify the complainant at this stage and a reference code will be allocated to the

individual concerned. Forms will be sent to Human Resources for monitoring and recording. **They will be destroyed 12 months after the last contact.**

- 9.6 Contact Advisers will not be involved in representation of individuals in any informal or formal investigations.

Trade Unions and Other Sources of Support

- 9.7 Alternatively employees can contact either their Trade Union, Human Resources or another colleague for advice and support.

Appendix 2

10. Definitions of Harassment, Discrimination, Victimisation and Bullying

10.1 Harassment/Sexual harassment

Harassment is unwelcome conduct related to a protected characteristic; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It is conduct which makes an employee feel offended, humiliated or intimidated or creates such an environment. It can include behaviour which an employee finds offensive even if it isn't directed at them.

Sexual harassment can involve one or more incidents and may be physical, verbal or non-verbal. Examples of conduct or behaviour which constitute sexual harassment include;

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- The use of job-related threats or rewards to solicit sexual favours

Verbal conduct

- Comments on an employee's appearance, sex (gender) age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the gender of the employee
- Condescending or paternalistic remarks
- Sexual verbal favours

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Leering
- Sending sexually explicit messages (by phone or by email)

An employee can be a victim of sexual harassment, regardless of their gender and of the gender of the harasser. Sheffield City Council recognises that sexual harassment may also occur between people of the same gender. What matters is that the sexual conduct is unwelcome by the person against whom it is directed.

Anyone (including employees of Sheffield City Council, clients, customers, agency workers, contractors or visitors) who harasses another person will be investigated.

Harassment is unacceptable, whether it takes place on Sheffield City Council premises or elsewhere (including social events, business trips, training sessions or conferences) during or outside of work time.

Sexual Assault

Sexual assault is a criminal offence. It is defined as an act of physical, psychological and emotional violation in the form of a sexual act, inflicted on someone without their consent. It can involve forcing or manipulating someone to witness or participate in any sexual acts. Sheffield City Council will notify the police if it is suspected or alleged that a criminal offence may have taken place.

10.2 Discrimination

Discrimination is less favourable treatment of an individual related to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Discrimination can be direct; this is where the less favourable treatment is because of one of the protected characteristics above, or where there is an association or perception of one of these. For example if an employee is refused opportunities at work because of their age this would be direct discrimination.

Indirect discrimination is where a requirement is made which has the effect of being less favourable towards someone with a protected characteristic. It is usually less obvious and can be unintended. For example, if a job advertisement stipulated a minimum number of years’ experience (which could not be justified) this would be indirect discrimination.

10.3 Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour. It can involve an abuse of power and may or may not be related to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. For example, if a manager picked on an employee because they disliked him or her this would be bullying.

10.4 Victimisation

Victimisation is treating an employee badly or subjecting them to a detriment because they have made a claim for discrimination or harassment, supported a colleague’s complaint, or are perceived to have done so.

The protection applies if the employee did this in good faith even if the claim later proves to be wrong or proceedings are unsuccessful.

Examples where an employee is subject to bullying, ostracised in the workplace, rejected for promotion, denied training, disciplined or dismissed as a result of their complaint. This is all classed as victimisation.

It is legal protection for those who have made a complaint under the Equality Act. There is no time limit within which the victimisation must happen for an employee to be protected; it will be valid if an employee is treated badly because of their previous complaint, even if this is years later.

APPENDIX L

Sheffield City Council Alcohol, Drug and Substance Misuse Policy

1 Introduction

- 1.1 Sheffield City Council’s [Corporate Plan](#) sets out our aims and how we will go about achieving them. Ensuring Sheffield people will have good health is a priority for the Council as we tackle the underlying root causes of poor health and develop excellent public health services in the city.
- 1.2 Sheffield City Council is committed to the well-being of its employees and to offering appropriate health support wherever possible. The Council’s focus is always with the working lives of its employees and not their private lives or outside activities, as long as these do not:
- impact on the Council’s duty of care to service users
 - affect their ability to undertake the duties for which they are employed, and / or
 - bring the Council into disrepute (see [Code of Conduct](#))
- 1.3 **The Alcohol, Drug and Substance Misuse Policy** will assist the Council in complying with its legislative requirements, namely the Health and Safety at Work Act 1974, Management of Health and Safety at Work Regulations 1999, Misuse of Drugs Act 1971, Road Traffic Act 1988 and Transport and Work Act 1992 and provide within a workplace setting a supportive and rehabilitative approach for staff with alcohol, drugs and other substance related issues.

2 Aims

- 2.1 The aim of this policy is to provide guidance on the Council’s expectations of employees while at work and a framework for dealing with employees whose misuse of alcohol or drugs and substances impacts on their work and safety..

3 Scope

- 3.1 The policy is intended to apply to all employees of the Council.

4 Definitions

- 4.1 For the purpose of this policy:-
- 4.1.1 Alcohol Misuse is defined as:

‘the drinking of alcohol in such a way as to impair the employee’s ability to perform his /her duties, interfere with attendance at work, or endanger the safety of themselves and others’,

4.1.2 Drug misuse is defined as:

‘the taking of drugs by an employee in such a way that his/her ability to perform their duties is impaired, interferes with their attendance at work, or endangers the safety of themselves and others. This includes over the counter drugs or prescription drugs where such prescription drugs have not been prescribed for the person possessing or using the drugs and/or where such prescription drugs are not taken in accordance with a physician’s direction.

4.1.3 Substance misuse is defined by the [National Institute of Clinical Excellence](#) (NICE) as:

Intoxication by – or regular excessive consumption of and/or dependence on– psychoactive substances, leading to social, psychological, physical or legal problems. This includes the problematic use of both legal and illegal drugs. (including alcohol when used in combination with other substances)

5 General principles

- 5.1 Employees are expected to behave responsibly at all times and to safeguard their own health and safety, as well as that of others around them.
- 5.2 Any employee who is concerned that they may have a dependence on alcohol, drugs or any other substances is encouraged to seek help and advice from their General Practitioner.
- 5.3 If the Council believes that an employee is dependent on alcohol, drugs or any other substances it may require the employee to be assessed by an [Occupational Health](#) practitioner. The Council will regard anyone seeking help with alcohol or drug / substance dependency as having a health problem and will support the individual to access appropriate help and treatment.
- 5.4 Managers need to contact the Occupational Health Service prior to making a referral for anyone they suspect may have a substance misuse condition / issue. This is because if the employee denies having a substance misuse condition / issue the Occupational Health Practitioner is limited to how they can assess the person and the advice they can give. The Occupational Health practitioner will then provide the Council with a report on the employee’s circumstances and advice regarding their fitness for work.
- 5.5 Any employee who believes that a colleague has an alcohol, drug / substance dependency problem should encourage them to seek professional help. Where it is difficult for an employee to approach the colleague or a colleague who is a more senior member of staff they may wish to speak to Human Resources for further guidance.

- 5.6 Employees must report for work, and remain throughout the working day, in a fit and safe condition to undertake their duties, which must include being alcohol, drug and substance free. Employees need to be mindful that alcohol / drugs/ substances may remain in their system for a considerable time. As such consumption out of work could still affect behaviour and performance at work.
- 5.7 Employees who use prescription or over-the-counter medication which causes an impairment and impacts on their fitness to work must declare this to their manager as soon as possible to determine if medical advice should be sought or adjustments made.
- 5.8 If it is suggested that the work / working environment might be contributing to a dependency problem then the Council will consider such claims and take all reasonable action to reduce such problems where they may exist.
- 5.9 The Council will treat reasonable absences for advice and treatment for dependence on alcohol, drugs or substances as [Discretionary Leave](#) (refer to policy), provided the employee concerned regularly informs the Council of progress and genuinely attempts to overcome the dependency problem. Discretionary leave can be up to but not exceeding the length of time under the [Disability Leave](#) Policy (refer to policy). Clear records of appointments attended and treatment advised should be kept by the manager. The need for confidentiality will be respected. Colleagues and other managers can only be informed on a need to know basis. This could be with or without the employee’s approval / consent. The employee will be informed of the decision to inform others and why the decision was taken.
- 5.10 If, because of an alcohol or drug / substance dependency, a person’s performance, attendance and/or work/behaviour is suffering this could mean the Managing Absence Procedure ([MAP](#)) or Managing Performance Procedure ([MPP](#)) being implemented and/or disciplinary action being taken.
- 5.11 Should help be refused or treatment unreasonably discontinued by the employee or, if after three months there is no improvement in behaviour and/or work performance remains poor, disciplinary / MAP / MPP process will continue. This could result in the termination of an individual’s contract of employment.
- 5.12 An employee can only choose to be accompanied by a trade union representative or a work colleague when they are in formal procedures concerning alcohol or drug / substance dependency, in relation to work performance/behaviour. If, because of alcohol or drug / substance dependency an employee behaves or carries out their work in such a way as to endanger themselves or others, prompt corrective action will be taken as necessary to prevent damage being done. In this situation the employee’s alcohol or drug / substance dependency will be taken into account, but it will not necessarily free the person concerned from the consequences of their conduct.
- 5.13 In some cases an employee who develops dependency on alcohol or drugs / substances may become unsuited to a particular post. Under MAP/MPP consideration will need to be given to the position of such employees and, wherever possible, a suitable alternative

post sought. If the employee seeks treatment and it is effective the employee’s suitability for the original job can be reassessed.

- 5.14 An employee must be aware of their responsibilities under the Road Traffic Act 1988, or subsequent legislation in respect of alcohol and/or drugs and substance misuse and the driving of motor vehicles.

6 Behaviour at Work

- 6.1 Employees must arrive at work fit for work and free from the effects of alcohol, drugs or substances. (Please refer to section 4 for definitions of misuse)
- 6.2 Employees should not consume alcohol, drugs or substances during their working hours including breaks as defined in the code of conduct. Employees should always be aware that they are representing the Council and behave in a responsible manner.
- 6.3 If an employee is at a social event representing the council where they are being paid or able to claim time e.g. a charity event they should not consume alcohol. However, if they are representing the council in their own time and want to consume alcohol then they need to do this responsibly so as not to bring the council into disrepute. (See Code of Conduct).
- 6.4 The possession and / or supplying of illegal drugs is an offence under the Misuse of Drugs Act 1971 and it is an offence for any employer knowingly to allow its premises to be used for the use or supply of controlled drugs. Employee involvement in such activity at work will be treated as gross misconduct.

7 Intervention

7.1 Action by employee

- 7.1.1 If an employee thinks they may have an alcohol, drugs or substance abuse problem they may speak to their manager who will discuss with the employee any action that the employee is taking to address the problem. This will be done in a confidential setting. The employee may choose to seek assistance from their GP, Trade Union , HR or other counselling or treatment agencies or through the [Employee Assistance Programme](#). (see paragraph 10)

7.2. Action by Manager:

- 7.2.1 If a manager has reasonable grounds to believe that alcohol, drugs or substance misuse may be adversely affecting an employee’s performance, attendance or conduct, s/he should raise the issue with the individual privately, in a sympathetic and constructive manner. The manager will clearly outline to the employee the reasons for the concerns, providing examples.

- 7.2.2 Following discussion with the employee, the matter may immediately be resolved if the manager is satisfied that there is no further reason for concern about alcohol or drugs misuse. The employee will be advised that if in future, concerns arise regarding performance, attendance or conduct, then the appropriate procedure ([Disciplinary/ Absence / Performance](#)) will be followed.
- 7.2.3 If the employee confirms that they are experiencing a problem with alcohol, drugs or substance misuse, then the manager will direct them to the support available, as above.
- 7.2.4 At this stage, a referral to the Occupational Health Service will normally be made. The manager will keep in contact with the employee to monitor progress and ensure that on-going support is provided.

7.3 Action by work colleagues:

- 7.3.1 It is likely that an employee with an alcohol, drugs or substance misuse problem will come to the notice of colleagues possibly through indications of inadequate or deteriorating work performance. It is in the interest of an employee with an alcohol or drug /substance related problem to be offered help as soon as possible, as prompt action carries the best hope of successful treatment.
- 7.3.2 The first approach should normally be for colleagues to encourage the employee to recognise their problem and to seek advice, either through their GP or [specialist agencies](#). If a colleague feels unable to do this or if this fails, colleagues are encouraged to contact Human Resource for further advice, so that more a formal approach may be taken. Reluctance by colleagues to take such an initiative is understandable. However, past experience suggests that covering for neglected duties can delay or prevent a successful outcome.

8 Confidentiality

- 8.1 If an employee discloses or acknowledges that they have an alcohol, drug or substance misuse problem, then this will be treated with the same degree of confidentiality, as far as is legally possible, as any other medical or psychological condition. Employees should be as respectful about confidentiality relating to medical conditions of their colleagues as they would hope to enjoy themselves.

9 [Employee Assistance Programme](#)

- 9.1 The Employee Assistance Programme is available to all staff with the exception of teachers. Staff can access counselling, legal and financial advice and support through the service. Click on link above - **Username sheffield, Password council** both are lower case.

10 Disciplinary Action by the Council

- 10.1 The Council recognises that employees with alcohol / drug / substance dependency problems may be successfully treated. However if a person’s performance, attendance

and/or work/behaviour is suffering this would mean MAP/MPP being implemented and/or disciplinary action being taken.

- 10.2 If an employee is known to be, or strongly suspected of misusing alcohol / drugs / other substances during working hours arrangements will be made for him/her to be immediately escorted from the Council’s premises and if necessary taken home. Misuse of alcohol, drugs and other substances on Council premises, whether resulting from a dependency problem or not, is a serious breach of the Council’s [Code of Conduct](#) and may lead to formal action being taken under Council procedures. In such situations the manager should consult with HR, where possible.
- 10.3 On Council premises an employee who takes illegal drugs / alcohol / substances or prescription drugs which have not been prescribed for him/her will, in the absence of mitigating circumstances, be committing an action of gross misconduct. The relevant disciplinary procedure will apply. This action will also apply to any employee believed to be buying or selling drugs/and / substances; unlawfully possessing drugs and/or substances; who has stolen drugs and /or substances on Council premises. The Misuse of Drugs Act 1971 may also apply in the above circumstances.

11 Links with other council policies

- 11.1 This policy will also link to and be used in association with the [Code of Conduct](#), [the Dignity & Respect at Work Policy](#), the [MAP/MPP](#) Policy / Procedure, [Social Networking Guidance](#), Discretionary Leave, [Help to Stop Smoking guidance](#).

PROTOCOL FOR MEMBER / OFFICER RELATIONS

Summary

The Protocol seeks to encourage a greater understanding and best practice of the various relationships between Members and Officers of all levels of the Council.

This Protocol supplements but does not supplant other codes, procedures and protocols agreed by the Council that regulate the conduct of Members and Officers and should be read in light of the duties and expectations, for example those responsibilities set out in the Member and Officer Codes of Conduct.

Mutual respect between Members and Officers is essential to good local government. Close personal familiarity between individual Members and Officers can damage the working relationship. The nature and complexity of the relationships means that this protocol cannot be exhaustive. If any Member or Officer is unclear about a particular aspect of this protocol they should contact the Monitoring Officer.

It applies whenever Elected Members and Officers are undertaking the Council's business in public and private meetings.

This protocol also applies to voting non-elected members of committees. The Council expects Parish Members and Officers to adopt and adhere to the principles of the Protocol.

The Audit and Standards Committee and the Monitoring Officer are to oversee review of this protocol and make recommendations for changes as appropriate.

1. DEFINING THE MEMBER AND OFFICER ROLES

Mutual trust and respect are essential in setting the right tone for effective working relationships between Members and Officers.

Both Officers and Members

- Adhere to respective Codes of Conduct and uphold ethics and values of the Council
- Are accountable for decisions and actions
- Maintain confidentiality as appropriate
- Act as an Ambassador for the Council
- Continually develop knowledge and skills – keep up to date on Council policy and performance
- Represent the Council on external bodies and provide feedback

A Quick Guide to the Distinct Roles

Members	Officers
Account to the electorate	Accountable to the Council
Community Leader/representative role for a Ward	Serve the whole Council [with the exception of the Political Advisers appointed under statute.]
Add a political dimension	Be politically impartial
Set high level policy strategy and make high level decisions	Provide guidance on policy. Ensure operational delivery
Do not influence recommendations of reports but may at formal meetings, accept or reject recommendations	Produce reports and make recommendations
Are involved in senior appointments/dismissals	Day to day staff management
Regulate certain activities	Implement decisions

Key Officer Roles

Statutory Posts Certain Senior Officers hold posts with mandatory statutory responsibilities including the Chief Executive, the Monitoring Officer (Director of Legal and Governance), appointed under Section 5 of the Local Government and Housing Act 1989 and the Chief Finance Officer (Executive Director, Resources) appointed under Section 151 Local Government Act 1972. Members must respect these responsibilities and accept that these Officers may be required to give advice or make decisions which Members may not agree with or support.

The Monitoring Officer role includes responsibility for reporting to the Council and to the Executive any case where s/he is of the opinion that a proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code and for investigating any such reportable incident including allegations of breach of Members standards of conduct.

The Chief Finance Officer (Section 151 Officer) role includes responsibility for the strategic arrangements for the administration of the Council's financial affairs, delivery by the whole authority of good financial management to safeguarding public money and ensuring it is used appropriately, effectively, efficiently and economically.

The Executive Directors are individually responsible for their portfolio of services and collectively responsible for management of staff their work and delivery of Council functions and priorities.

Directors manage the service for which they have responsibility, ensure that the statutory responsibilities are properly discharged on a day to day basis, account for the efficiency and effectiveness and professional practice of their service.

Officers and Members have day to day responsibilities for adhering to the rules of procedure and the financial regulations in the Constitution which are there to protect the whole Council.

To further understand roles, Members and Officers refer to the Constitution and easy to read role profiles, job descriptions and induction materials

In reality, there are grey areas, where Members and Officers need to work together and for this reason, it is important to set out ways of working, expectations, relationships and communications.

2. THE PROFESSIONAL RELATIONSHIP

A Guide to Expectations

In forging an effective working relationship, Members and Officers will have certain basic expectations of each other. Much of this is about ensuring high standards of behaviour and acting within a clear framework of ethical governance.

Members and Officers Expectations

Courtesy

It is important that Members and Officers are courteous to each other at all times, even if they disagree strongly with each other's views

Bullying

Members and Officers must not bully any person. Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once, or be part of a pattern of behaviour. Members may from time to time become frustrated by what they regard as unacceptable or incompetent Officer behaviour. It is self-evident that sometimes these feelings may be entirely justified although sometimes there may be a legitimate reason why Member expectations cannot be met – for example, due to Council Policy or a legal requirement.

In these circumstances, Members are to take up their concerns through the Directors or the Chief Executive as set out in the dispute procedure described in this document, rather than through public criticism. They must bear in mind that Officers are instructed not to 'answer back' in public.

Member and Officer Development

Members and Officers should participate in the Council's development programme, which is core to their role and to undertake individual learning and development discussions.

Members should participate in the Core Development Programme for induction, all learning identified as mandatory from time to time, safeguarding, and Committees including Policy Committees, Area Committees, and Regulatory Committees such as Planning and Licensing.

What Members can expect from Officers

Officers Do	Officers Don't
Pursue lawful policies and comply with the Officers' Code of Conduct	Deviate from the Constitution, legal or contractual obligations
Promote equality, serve all Members equally with dignity, respect and courtesy, regardless of political group or position	
Comply with legal duty to provide professional advice, impartiality and implement Council policy	Allow their personal or political opinions to interfere with their work or professional judgement and advice
Avoid close personal familiarity with Members and follow guidelines on Personal Relationships	Form friendships, close relations with Members
Follow Council procedures for dealing with Member enquires effectively efficiently and within set timescales – as listed in 10.3	
Act with integrity and appropriate [<i>not absolute</i>] confidentiality	<ul style="list-style-type: none"> • Seek to improperly to influence Members; • Improperly disclose information received from one Member to another; or • Raise their personal circumstances or those of another directly with Members. Personal issues that might be raised with a Ward Member should be raised in a private capacity outside of work time.
Respect each other's free (i.e. non-Council) time	
Be prepared to justify and give reasons for decisions made under delegated powers;	
Report the least suspicion of fraud, corruption or impropriety	Conceal any information which it is proper for them to disclose (particularly where they have a duty to reveal it);

What Officers can expect from Members

Members Do	Members Don't
Comply with the Councillor Code of Conduct – ensuring the highest standards of behaviour	
<p>Promote equality and treat all Officers with dignity and respect.</p> <p>Members are to comply with the equality laws prohibiting discrimination, harassment and victimisation</p> <p>Chairs of meetings are expected to apply the rules of debate/procedures to prevent abusive or disorderly conduct</p>	<p>Subject individuals to unreasonable or excessive personal attack</p> <p>Undermine respect for Officers in public meetings, the media or at any other time when dealing with Council business;</p>
<p>Only ask Officers to provide professional advice on matters that clearly arise from being an elected Councillor;</p> <p>Respect impartiality and integrity of Officers and do not compromise it</p> <p>Respect Officers' free (i.e. non-Council) time.</p>	<p>Ask Council Officers to improperly spend Council time or resources for political purposes.</p> <p>Insist an Officer changes his/her professional advice</p>
Provide political leadership and direction, making timely decisions	<p>Get involved in day to day management</p> <p>Ask Officers to breach Council procedures or policy when acting on behalf of constituents</p> <p>Put pressure on an Officer on matters which have been delegated for Officer decision. A Member who behaves in this way may lead Officers to make decisions that are not objective and that cannot be accounted for</p>

Members Do	Members Don't
	Not to seek special or adverse treatment for themselves or any individual by use his/her position as a Member nor improperly to gain an advantage or disadvantage for his/herself or any other person when dealing with Council Officers
Apply appropriate confidentiality to information	
Report the least suspicion of fraud, corruption or impropriety	Instruct Officers to take actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their Code Of Conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the Chief Finance Officer.
Where relevant to casework or a decision, declare any special relationships/personal interests with constituents to relevant Officers and/or constituents. Where the relationship causes a conflict of interests, Members will ask another Ward Member to assist.	

3 THE EMPLOYMENT RELATIONSHIP

- 3.1 Members should recognise and have regard for their role as employer as part of “the Council”. The policies that govern equalities and employment relations apply equally to Members and Officers for example ‘*Dignity and Respect at Work*’.
- 3.2 Issues relating to appointment, management and dismissal of most Officers are reserved by law to the Chief Executive or his/her nominated representative. Members may be involved in the appointment of Chief Officers or Deputy Chief Officers or in employment appeals.

When Acting in this Capacity Members

Do	Don't
Observe the law, standing orders, policies and procedures in relation to all appointments, discipline and dismissal of Officers.	
Declare any interest they have and ensure that they act to protect the public interest	Take part in any process where friends, relatives or Members of their household are somehow involved
Maintain appropriate confidentiality	
Attend relevant learning and development	
Make decisions based on merit and with access to all the facts	Seek improperly to influence decisions
Promote equality	Canvass support for any candidate for a job
Take continuing responsibility for their appointment decisions once the post holder is in place.	

4. PERSONAL RELATIONSHIPS

- 4.1 Personal familiarity between Members and Officers can undermine public confidence in the Council.
- 4.2 It is important that close relationships between Members and Officers are openly declared.
- 4.3 Close working relationships should never be allowed to become so close, or appear to become so close as to bring into question the Officer's ability to deal impartially with another Member or other party groups, nor to undermine public trust and confidence in the Council.
- 4.4 Where possible Members and Officers who have close personal relationships should try to avoid coming into contact on projects and in the day-to-day business of the Council.

- 4.5 Member and Officers must declare to the Chief Executive any relationships, which might be seen as influencing their work. This includes any family, business or sexual relationships.
- 4.6 The Chief Executive will advise both the Member and the Officer of the need to avoid creating any appearance of improper conduct on their part.

5. THE POLITICAL RELATIONSHIP/ OFFICER ADVICE TO PARTY GROUPS

- 5.1 Council Officers must be politically neutral in their work for the Council and some depending on their role may be restricted in law from political activity.
- 5.1.1 In their dealings with party groups, Officers must treat each group in a fair and even-handed manner.
- 5.1.2 Officers will only attend political group meetings on request made to the Chief Executive or Executive Director and when the business of the meeting is related to the City Council's functions. Normally only Senior Officers should attend group meetings.
- 5.1.3 Officers have the right to refuse such requests if they do not relate to the functions of the City Council, and will normally not attend a meeting of a party group where some of those attending are not Members of the City Council.
- 5.1.4 Such meetings shall be held at reasonable times and locations and should last no longer than a working day or three hours if held in the evening.
- 5.1.5 Officers who provide information or briefing papers to a political group meeting must make the same information available to all political groups. Officers should avoid including any confidential or personal information in such briefings. Normally cross-party meetings shall be arranged so that the information is presented to and discussed with all the parties simultaneously.
- 5.1.6 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
- 5.1.7 Where Officers provide factual information and advice to a party group in relation to a matter of Council business this is not a substitute for providing all the necessary information and advice when
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the matter in question is formally considered by the relevant part of the Council.

- 5.1.8 It will not be assumed that an Officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.
- 5.1.9 Party group meetings are not empowered to make decisions on behalf of the Council. The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so. Conclusions reached at these meetings do not rank as Council decisions.
- 5.1.10 At party group meetings where some of those present are not Members of the City Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not Members are not bound by the Councillor Code of Conduct, in particular the declarations of interest and confidentiality provisions. They do not have the same rights to Council information as Members.
- 5.1.11 Discussions between Officers and Members on policy issues are quite proper and Officers may wish to seek political guidance in framing policy proposals. However when Officers write Committee reports for Member decision, they have a duty to give their best professional advice and set out their options available.
- 5.1.12 Party political groups have no right to instruct Officers to amend or change reports or their content. Decisions by Members on Officer reports should be made in the correct decision-making forum based on clear factual and legal advice. Officers are fully responsible for the content of any report submitted in his/her name.
- 5.1.13 Officers in certain posts are statutorily prohibited from having any involvement in political activities. A list of these positions is set out at Appendix J of the Officers' Code of Conduct. All Officers are required to ensure that Council resources are not used for party political purposes.
- 5.1.14 Should a Senior Officer attend a group meeting they will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other Members. This shall not prevent an Officer providing feedback to other Senior Officers on a need-to-know basis.

- 5.1.15 No Member will refer in public or at meetings of the Council to confidential advice or information that may prejudice the Council's position given by Officers to a party group meeting.
- 5.1.16 Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Chief Executive and the relevant party group leader.

6. OFFICER /CHAIR RELATIONSHIPS

- 6.1 Executive Directors and other Senior Officers are expected to work closely with Committee Chairs and to meet regularly with them. Officers and Members must avoid the working relationship becoming so close that it could call into question the Officer's ability to deal impartially with other Members and political groups.
- 6.2 Senior Officers, the Leader and Chairs shall agree mutually convenient methods of regular contact.

7. COMMITTEES

- 7.1 Committee decisions cannot by law be made by the Chair alone but by the committee collectively. The Chair should not seek to influence Officers to reduce the options or withhold information which s/he should properly report to a committee.
- 7.2 The Senior Responsible Officers will offer to arrange regular informal meetings with Chair and Deputy Chair and Group Spokespersons of committees and sub-committees.
- 7.3 Senior Officers (including the Monitoring Officer and the Chief Finance Officer) have the right to attend meetings and to present reports and give advice to committees and sub-committees.
- 7.4 Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee and will not otherwise instruct Officers to act.

Chairs, Deputy Chairs, Group Spokespersons and Members of the relevant committee should accept briefings from the Senior Responsible Officer to inform decision making for complex or technical cases/items or where there is new national legislation or guidance.
- 7.5 At some committee or sub-committee meetings, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the Chair or other Members. In these circumstances it is the

Officer, not the Chair, who takes the action and is responsible for it. A Chair has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she seek inappropriately to influence the Officer.

8. PUBLIC MEETINGS

- 8.1 If an Officer calls a public meeting, consultation exercise or launch event organised by the Council concerning a local issue, then the Officer will invite all Members for the Ward or Wards in question.
- 8.2 If any of the Local Members of Parliament are involved in the local issue, the Officer at his or her discretion may invite the MP to the meeting in addition to the Ward Members but if it is considered inappropriate for any reason he or she may meet the MP separately.
- 8.3 If a Ward Councillor calls or requests a meeting on a local issue at which an Officer(s) is/are requested to be in attendance the Officer(s) will be required to attend only if all the Councillors for the Ward have been invited to attend, or are agreeable to the meeting taking place, and if the subject matter of the meeting is not politically controversial.
- 8.4 Similarly if an MP calls or requests a meeting upon a local issue which an Officer or Officers is/are requested to be in attendance the same criteria govern the Officers attendance.
- 8.5 Meetings with Ward Councillors and/or MPs and others are generally private except where such meetings are arranged and set up by or under the auspices of Area Committees. Accordingly, Officers may confirm the events which occurred at such private meetings and the outcome of it with Members who attended but will not reveal these matters to other Members or to other Political Groups except with the specific authority of the Members who attended or called the meeting.
- 8.6 Information regarding activities in a particular Ward, should when appropriate, be copied to the Ward Councillors for information.
- 8.7 Officers presenting at public meetings are to fully prepare for these meetings by taking advice from the Senior Responsible Officer. Officers need to know what is specifically required, time slots available and key questions that have already been raised by Members/the public on this topic.

9. SUPPORT SERVICES TO MEMBERS AND POLITICAL GROUPS

- 9.1 The only basis upon which the City Council can lawfully provide support services such as secretarial support, stationery, typing, printing,
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photocopying, transport, etc., to Members is in order to assist them discharging their role as Members of the Council.

- 9.2 Such support services must therefore only be used on Council business and must not be used in connection with any party political or campaigning activity or for private purposes.

10. COMMUNICATIONS

10.1 Correspondence

10.1.1 Correspondence between an individual Member and an Officer should not normally be copied by the Officer to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member this should be made clear to the original Member. In other words a system of “blind” or “silent copies” should not be employed.

10.1.2 Official letters written on behalf of the Council dealing with Council business should normally be in the name of the relevant Officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of the Leader or the Chair of a Policy Committee or an Area Committee or other Committee of the Council.

10.1.3 Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Member. Only certain Officers have delegated powers to create legal relations and all Officers must follow Standing Orders if entering into contractual arrangements.

10.1.4 It is appropriate for Members to pass correspondence to Officers and ask them to respond on behalf of the Council. Officers may only correspond for and on behalf of the Council in matters of Council business and not on behalf of the individual Member. Officers can provide Members with technical, Council information, which is used by Members as part of their correspondence.

10.1.5 Members should correspond in their own name. When writing in an individual capacity, Members must make clear that fact.

10.2 Email Communications

10.2.1 Members and Officers are to follow the Council’s Electronic Communications Policy and are not to use electronic communications (emails, online communications, including social media, or texts) to

store/send materials or requests, which are offensive, bullying or causes offence to others.

10.2.2 Where Members and Officers receive any electronic communications, which may breach the Council's Codes of Conduct or other Council policies and /or the law, they must follow the advice in section 16 on what to do when things go wrong.

10.2.3 When considering sending emails and online communications to third parties, such as community groups, Members and Officers must be make a clear distinction between what is:-

- Public information which can be shared with third parties
- Internal Council Business which is confidential.

[10.3 **Casework/Service Complaints**

10.3.1 For casework queries and service complaints, Members are to direct these to the relevant Director. Officers are to acknowledge the enquiry and if possible provide a response within 3 working days. If the enquiry requires some investigation and further work, Members should be informed about this and then the response is to be available within 10 working days.

10.3.2 Members can escalate any service issue to the Chief Executive or the Director of Legal and Governance if they remain dissatisfied with the matter after referral to the Director.]

[11. **PUBLICITY AND DEALING WITH THE MEDIA**

11.1 Officers will not publish or assist in publishing material designed to affect public support for any political party this is to ensure compliance with the Local Government Act 1986, which prohibits such activities.

11.2 All formal publicity material produced by the Authority will state the Council's position and not an individual's view or personal position. Publicity should not be liable to misrepresentation as being party political.

11.3 All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the Code of Recommended Practice on Local Authority Publicity.

11.4 Officers should inform the Council's press office of issues likely to be of media interest, since that unit should be the media's first point of contact. Before responding to enquiries from the media, Officers shall ensure they are authorised to do so.

- 11.5 Press releases or statements made by Officers must be factual and consistent with Council policy, may promote or provide information about Council services, linked into corporate priorities and should be drafted in consultation with the Communications Team. All formal media releases will be issued by the Communications Team.
- 11.6 Officers will keep relevant Members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 11.7 The Council has a policy of helping the media to access the factual information that they need. Requests for comments or opinion on Council policy or political matters should be referred to the appropriate Committee Chair, and the names of group spokespersons and Ward Councillors shall be publicly available and made available to journalists upon request.
- 11.8 Press releases may quote the Leader, Deputy Leader, or the Chair or Deputy Chair of a Council Committee or body. The Council may issue press releases on behalf of those listed above in connection with Council priorities and policies but will not otherwise issue press releases, letters to newspapers, etc., on behalf of Elected Members although Officers will be available to provide information which a Councillor needs for their own correspondence with the media.
- 11.9 If a Member is contacted by, or contacts, the media on an issue, he/she should:
- indicate in what capacity he/she is speaking (e.g. as Ward Member, in a personal capacity, on behalf of the Council, or on behalf of a party group);
 - be sure of what he/she wants to say or not to say;
 - if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's press office and/or relevant Senior Officer, except in relation to a statement which is party political in nature;
 - consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
 - never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
 - consider whether to consult other relevant Members; and
 - take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.]

12. PRE ELECTION RULES ON PUBLICITY

- 12.1 If a Member is fighting an election the Code of Recommended Practice on Local Authority Publicity should be followed.
- 12.2 The general rule is that a local authority must not at any time publish any material that in whole or in part appears to be designed to create support for a political party.
- 12.3 Pre-Election this is even more sensitive and particular care needs to be taken to ensure that publicity could not be perceived as seeking to influence or to promote the public image of a particular candidate or group of candidates. During the PERP period Officers rather than Members should be quoted on news releases about Council initiatives, facilities and services.
- 12.4 Individual Councillors can generate their own publicity during this period subject to their own party's protocols but public funds must not be used to campaign to promote a particular point of view that could be associated with a political initiative. The Council restrictions only apply to official Council organised publicity including press releases or events.
- 12.5 Council events that cannot be re-scheduled for operational reasons must be arranged to ensure that there is no likelihood of criticism arising that the real purpose of the event is to publicise one particular party.
- 12.6 Council functions such as Committee meetings may continue during the period.
- 12.7 Council staff must always be careful not to give the impression of supporting a political party, set of policies or candidate. Council resources may not be used at any time to support party political activity. Officers must not engage in political activity during working hours or with Council facilities. Some staff hold politically restricted posts which limit the political activity they can be involved in outside work.

13. MEMBERSHIP OF ORGANISATIONS

- 13.1 Members and Officers are both required to declare in writing to the Monitoring Officer their membership of any organisation not open to the public that requires formal membership and oaths of allegiance and which has secrecy about rules, membership or conduct. A definition of what constitutes a secret society is appended to this protocol and is essentially the same as that already attached to the Officer Code of Conduct.

- 13.2 The expectation of the City Council is that Members will declare publicly any such involvement. However such interests will not be included on the Register of Members Interests.

14. MEMBERS ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

- 14.1 Members are entitled to approach any Council Service to provide them with such information, explanation and advice with regard to that Service's functions as they may reasonably require in order to assist them in discharging their role as Elected Members. This can range from a request for general information about some aspects of a Service's activities to requests for specific information on behalf of a constituent. Such approaches should normally in the first instance be directed to the Head of the Service or the Executive Director for the Portfolio.
- 14.2 A Member's legal rights to inspect Council Documents are partly covered by Statutes including Data Protection Act 2018 and Freedom of Information Act 2000, Local Government Act 1972 and Environmental Information Regulations 2004 and partly by decided case law.
- 14.3 Briefly, Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council or Committee Meeting or Statutory Committee. Such right applies irrespective of whether the Member is a Member of the Body concerned and extends not only to reports which are to be submitted to the meeting but also to any relevant background documentation. Such right does not however apply to documents relating to items which are deemed to be exempt from publication. Such matters are those which contain exempt information relating to Employees, Occupiers of Council property, Applicants for grants and other services, the care of children and vulnerable adults, contracts, industrial relations negotiations, legal advice including Counsel's Opinion and criminal or conduct investigations.
- 14.4 Decided case law gives Members a somewhat broader right to documentation based on the principle that any Member has a prima-facie right to inspect Council documents "so far as his/her access to documents is reasonably necessary to enable the Member properly to perform his or her duties as a Member of the Council". Members will recognise this as the "need to know" principle.
- 14.5 The exercise of such right depends upon a Member's ability to demonstrate that he/she has got a need to know. This does not entitle a Member to make speculative enquiries sometimes referred to as "a fishing expedition" i.e. mere curiosity is not sufficient. The crucial issue is the determination of whether that Member has a need to know.

- 14.6 In certain instances, i.e. an Elected Member wishing to inspect documents relating to the functions of the Body on which they serve, then there is a presumption that such Member has already got a need to know. However in other instances for example a Member wishing to inspect documents that contain personal information about third parties, then that individual Member would be required to justify the request in specific terms.
- 14.7 Whilst the expression “Council Document” is very broad and includes for example any document produced from Council resources a Member of one Party Group will not have a “need to know” and therefore a right to inspect a document which forms part of the internal workings of another Party Group.
- 14.8 Where Officers consider access should be refused and Members disagree, or vice versa, the decision should be made by the relevant Head of Service or Executive Director. This decision should be informed by best practice guidance to local authorities provided by the Information Commissioners Office.
- 14.9 Officers and Members must follow the Council’s Information Security Policy which controls how Council information is managed. Members and Officers should be aware of the significant consequences of losing or wrongly disclosing information.
- 14.10 Finally, and very importantly **any Council information provided to a Member must only be used by the Member for the purpose which it was provided**, i.e. in connection with the proper performance of a Member’s official duties.

The Councillor Code of Conduct says that a Member must not disclose information given to them in confidence or information that they believe to be confidential, without consent of a person authorised to give consent, unless very specific requirements are met such as they are required to do so by law.

Members are to take advice from the Monitoring Officer before releasing any confidential information or refusing access to information that a person is entitled to by law.

- 14.11 Further and more detailed advice regarding Members’ right to inspect Council documents may be obtained from the Director of Legal and Governance.

15. WHAT TO DO WHEN THINGS GO WRONG

Officers Concerns about Members

If an Officer feels that they have been asked/told to do things that appear to be outside the Councillor Code of Conduct or this Protocol:-

- Officers are to raise the issue with appropriate senior manager. Officer, Manager and Member to have informal discussion; a record to be retained of salient points and actions.
- If the conduct continues or is disputed. Officer may refer the complaint to Monitoring Officer who will arrange for the Executive Director to investigate and report recommendations back in writing to Officer, Member and Monitoring Officer within a reasonable period of time.
- If informal procedures do not reach a satisfactory conclusion Officer may consider using the Whistleblowing Procedure set out in the Officers' Code of Conduct or where an Officer feels a Member has breached the Code of Conduct, in particularly serious cases and with the advice of the Monitoring Officer referral of the matter to the Audit and Standards Committee.

Members Concerns about Officers

If a Member feels that an Officer has acted in a manner that is contrary to this protocol:-

- Members are to raise the matter with Officer and Officer's line Manager. Member and Officer and Manager to have informal discussion as soon as reasonably practicable. Manager to retain a record of salient points and actions.
- If the conduct continues or is disputed. Member may refer the complaint to the Monitoring Officer who will arrange for the Executive Director to investigate and report recommendations back in writing to Member, Officer and Monitoring Officer within a reasonable period of time.
- The manager may decide that appropriate disciplinary action is required, he/she will notify the Monitoring Officer who will decide in consultation with the relevant Human Resources Officer whether formal action, as set out in the Officers' Code of Conduct and the Officer Employment Procedure Rules, should be taken.

Members Concerns about Senior Officers

- If the complaint concerns a Statutory Officer or Executive Director the complaint may be referred to the Chief Executive for the preliminary investigation and decision which will then be given to the Member concerned.
 - Where a complaint relates to the Chief Executive both the Chief Executive and the Member concerned shall consider whether a meeting facilitated by the relevant whip or party leader could resolve the situation.
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- In all situations the Officer can involve their Trade Union representative and only managers in consultation with the relevant Human Resources Officer will decide whether formal action should be taken.

**CODE OF CONDUCT FOR COUNCIL MEMBERS
AND OFFICERS IN RELATION TO PLANNING MATTERS**

1. Purpose of Code

- 1.1 This Code of Conduct has been adopted by the Council to regulate the performance of its planning function.

The Code has the following objectives:

- i) To guide Members and officers in dealing with planning related matters.
 - ii) To inform potential developers and members of the public generally, of the standards and procedures adopted by the Council in the performance of its planning function.
- 1.2 This Code of Conduct relating to Planning Matters is intended to supplement the overall Councillor Code of Conduct elsewhere in Part 5 of this Constitution. The purpose of this code is to provide more detailed guidance on the standards to be applied in relation to planning related issues.
- 1.3 Although this code refers to Planning & Highways Committees (for brevity, “the Committee”), its provisions apply equally to any other body of the Council making decisions on planning matters.
- 1.4 Planning law requires local planning authorities to determine all planning applications in accordance with the approved development plan unless material considerations indicate otherwise. This responsibility must be performed without undue influence or personal interest.
- 1.5 Members should not decide what weight to give different material planning considerations until they have read the Head of Planning’s report, heard any representations and listened to the debate at Committee.
- 1.6 There is no reason why members cannot attend briefing sessions with applicants, express views on individual applications or attend public meetings or campaign group meetings for or against individual applications; in many cases it can be helpful to applicants and officers to alert them to concerns early in the application process. However committee members should not say or do anything which may indicate how they intend to vote on a particular application.

2. **Declaring Interests**

- 2.1 Members (and officers) will have to decide whether or not they have a Disclosable Personal Interest (DPI) in anything being considered at a meeting.
- 2.2 The interests members must register are set out below they include the interests of the Member and his/her spouse/partner:-

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or financial benefit in respect of any expenses incurred in carrying out duties as a member, or towards the election expenses.

This includes any payment or financial benefit from a trade union

This does not include hospitality payments e.g. going to a football match.

Contracts

Any contract which is made between the member (or a body in which the relevant person has a beneficial interest) and the Council under which goods or services are to be provided or an existing contract delivering goods and services.

Land

Any beneficial interest in land which is within the area of the Council.

Licences (property)

Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.

Tenancies held by Companies in which the member has a beneficial interest

Any tenancy where the landlord is the Council; and

Securities (shares, debentures etc)

Any beneficial interest in securities of a body where —

- (a) that body has a place of business or land in the area of Council and
- (b) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body

There are more detailed rules if the shares held by a company are divided into more than one class.

Where a member has a DPI, it is a criminal offence to:

- fail to register that interest within 28 days of being elected;
- fail to declare an unregistered interest at a meeting; and
- participate in a relevant item of business

DPIs have a broader definition than the former prejudicial interest. It is a DPI even if there is no likelihood that it might prejudice the member's perception of the public interest. This means that a decision which has only a minimal impact on a member's property or employer can trigger a criminal offence if it is not registered.

2.5 If you have a DPI which relates to a matter being considered at a meeting you must declare what the interest is if you have not already done so and withdraw from the meeting by leaving the room.

2.6 Members should also refer to the Members' Code of Conduct for guidance on disclosure of Other Registerable Interests and Non-Registerable Interests. If in doubt it is advisable to seek the views of the Monitoring Officer.

3. Lobbying

3.1 Provided that members comply with the general guidance in 1.6 there is no restriction in principle on being lobbied by developers, applicants or local interest groups. Written representations received, whether for or against an application, should be forwarded to the Head of Planning so that they can be considered and included in any report to Committee or on the delegated decision file.

3.2 As explained in 1.6, briefing sessions or meetings with applicants can be very helpful but members must avoid giving the impression that they

have already made up their mind, so it may be helpful if members make it clear that any views they express are provisional.

4. Reports by Officers to Committee Members

4.1 Members are required to arrive at a decision on granting or refusing permission by using planning criteria and by excluding non-planning considerations. In determining planning applications Members are required to have regard to the development plan for the area and to any other material considerations. To this end, the reports of officers to Members must be accurate and cover all relevant points. These reports:

- (a) Should contain a section on the relevance of the development plan, a description of the site and any related planning history and all other relevant material considerations will be outlined.
- (b) Should deal with the substance of any planning objections received and the views of people who have been consulted or notified
- (c) Should incorporate a recommendation for the consideration of Members; oral reporting (except to introduce a report or update it) should be extremely rare and carefully minuted when it does occur.
- (d) Should contain a technical planning appraisal which clearly justifies the stated recommendation.
- (e) If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify this must be clearly stated.

5. Public Speaking at Committee Meetings

5.1 Public speaking at Committee meetings allows interested parties, including the public and applicants, to have direct access to Councillors at the point in time just before a decision is to be made. This should enhance public confidence in the process.

5.2 It is important that the 'Chance to Speak' offered in Sheffield is operated in a clear and equitable manner. The following procedure applies:

- (a) The 'Chance to Speak' applies to the public, community groups, applicants, Town and Parish Councillors, City Councillors, or any representatives of the above.
- (b) Where a request is made, speaking is at the Chair's discretion but will always include at least one person, if present, from each principal point of view (support or opposition).
- (c) If there are groups of people wishing to speak, wherever possible the Chair will seek a representative to put the whole case. Additional speakers should be strictly limited to any genuinely different viewpoints or additional considerations. Repetition of points already made is unnecessary and will cause delay. Whilst a dialogue will not be permitted the Chair can use his discretion to allow Members to put a question to the applicant or other parties if that will help in the decision-making process and provided that officers are given the opportunity to advise on material considerations
- (d) Speaking is limited to a maximum of 5 minutes per speaker.
- (e) It is intended that the 'Chance to Speak' in Sheffield is operated with the minimum of bureaucracy while enabling the meeting to run efficiently. Speakers must register their wish to speak to the Committee Secretary in advance of the meeting (for example by 2.00 pm on the Friday before a meeting on a Tuesday); the Committee Secretary will advise the Chair of their names and the item they wish to speak on. There are significant advantages to a flexible approach, but it is critical that this is operated in an equitable manner to maintain the confidence of all parties.
- (f) The Chair should consider the advantages of bringing forward on the agenda items where there are identified speakers, to allow interested parties to leave the meeting without undue delay should they wish after their item.
- (g) The Chair should announce at the commencement of the meeting how s/he will manage the meeting to facilitate people being able to put their views to the Committee. The normal order of speaking on any item will be the officer giving their report and recommendation followed by any public speakers. Only Committee Members will be able to question officers and speakers for clarification. Committee will then start to debate the item and from this point members of the public have no further opportunity to speak or be involved (unless the Chair

determines there are exceptional reasons to do so for clarification). Certainly the public cannot take part in the debate or decision.

6. **Committee Site Inspections**

6.1 Site visits will cause delay and additional costs and should only be used where the expected benefit is substantial. A decision by the Committee to carry out a site inspection should normally only take place:

- (a) If the impact of the proposed development is particularly difficult to visualise from the plans and any supporting material; or
- (b) There is considerable local concern about a proposal, allied to planning reasons for carrying out the visit (e.g. the physical relationship of the site to other sites in the neighbourhood).

Normally officers will identify such cases in advance to avoid delay.

6.2 Where an application is deferred by Committee for a visit, clear reasons should be given at the meeting for the deferral so that the applicant and any third parties involved are able to understand the need for, and the benefit of, a site visit. This is to avoid misunderstanding either about the purpose of the site visit or the matters which are being considered.

6.3 Where it is intended to inspect the site it is essential that extremely careful arrangements are made to ensure that all parties are treated fairly and equitably, and that the appropriate standards of propriety are seen to be upheld.

6.4 When Members go on Committee site inspections they should realise that the function of the inspection is to visualise the development and assess the facts on the ground, and the following rules apply:

- (a) The visit will be led by a planning officer.
- (b) Whilst discussions can take place with the applicant or objectors, these should concentrate on dealing with issues arising from the assessment of the development as seen on the site visit rather than dealing with issues of principle arising from the development itself.

7. Individual Site Inspections by Members

- 7.1 Members are encouraged to look at an application site following the receipt of the agenda and prior to the date of the Committee meeting. This will enable them to acquaint themselves with the nature of the proposal and will help avoid delay and unnecessary site visits. However, Members must conduct such site inspections from a public vantage point and should not discuss the application with any applicant/agent or third party. They should not enter a site even if invited.
- 7.2 Members of the Committee should not enter any premises not normally open to the public which are either:
- (a) The subject of, or affected by, a planning application; or
 - (b) known by the Member to be likely to become the subject of, or affected by, a planning application

for any purpose in connection with such an application, save in the course of a Committee site inspection.

8. Training

- 8.1 Members of the Planning and Highways Committees must receive training in the planning system before serving on the Committee and their training must be refreshed every two years. Members will not be able to continue on the Committee without this. This is to ensure that correct procedures are followed and proper planning considerations are employed in decision making. The integrity of the planning system and the need for public confidence require this.
- 8.2 Refresher training, updates, or more detailed training on specific issues will also be provided every two years and must be taken up by all relevant members.

9. Complaints and Record Keeping

- 9.1 Whatever procedures the Council operates, it is likely that complaints will be made. In order that any complaints can be fully investigated, record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. Every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings or significant telephone conversations.

9.2 The same principles of good record keeping will be observed in relation to enforcement and development plan matters. Monitoring of record keeping will be undertaken on a continuous basis by managers in the Planning Service.

10. **Officer's Function**

10.1 An officer's function is to advise Members on all matters of planning policy and procedure in their determination of planning and related applications by:

- (a) Providing impartial and professional advice.
- (b) Making sure that all the necessary information is available for a decision to be made.
- (c) Providing a clear and sufficient analysis of the issues including development plan policies and all other material considerations.
- (d) Giving a clear recommendation.
- (e) Carrying out the decisions of the Committee.

In Addition

- 10.2
- (a) Impartial advice will be given to prospective applicants prior to submitting an application. Advice will reflect approved Council planning policy. It will then be made clear that such advice will be without prejudice to any subsequent recommendation or formal decision by the Committee or a decision made under delegated powers.
 - (b) All application sites will be visited unless there is sufficient up to date photographic evidence for a decision to be made without the need for a visit.
 - (c) Officers will endeavour to deal with applications and make final recommendations for the grant or refusal of permission in a timely manner without undue delay , whilst ensuring that sufficient time is allowed for consultation to take place where required and as set out in the Statement of Community Involvement.
 - (d) All applications will be considered by at least two officers, i.e. the case officer plus the officer responsible for the final decision and/or recommendation.
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- (e) Members of the public, applicants, etc. will not be advised of the officer's final recommendation to Committee until agendas have been sent to Members, although officers can use their judgment where the indication of a likely recommendation would be of particular assistance to an applicant or objector and is unlikely to cause difficulties for any other interested parties.
- (f) In all dealings with applicants, agents, and the public officers should maintain a courteous and professional relationship adhering to the Council's policies and officer codes ensuring that all parties are treated fairly and respecting people's rights.
- (g) When an application is submitted by an officer involved in the planning process the officer shall advise the Head of Planning. Such applications shall not be determined under delegated powers.
- (h) Where an officer has a relationship with any applicant, agent or organisation that could lead to a third party suggestion of bias, the officer will inform the Head of Planning in writing and take no part in processing or determining the application.
- (i) Officers should not, under any circumstances, accept gifts or hospitality beyond simple basic refreshment where necessary or unavoidable. If, however, a degree of hospitality is unavoidable, it should be ensured that this is of the minimum and its receipt is declared as soon as possible. All offers of gifts and hospitality, whether accepted or not must be entered in the hospitality record book, with the exception of simple basic refreshment.

11. Decisions Contrary to Officer Recommendation and/or Development Plan

- 11.1 The law requires that where the development plan is relevant, decisions should be taken in accordance with it unless material considerations indicate otherwise.
- 11.2 In discussing and then determining a planning application Members should confine themselves to the planning merits of the case and the reasons for making a final decision should be clear and convincing and supported by planning evidence. All decisions must be founded on planning reasons and there must be planning evidence to substantiate them.

11.3 There is no reason in law why a Planning Committee may not make a decision contrary to the officer's recommendation, whether it is for approval or refusal. Nevertheless, the law does require that in the case of refusals of planning permission detailed reasons are given, and it is clearly important that where Members have made a decision contrary to an officer's recommendations the reasons for the decision should be made clear such that there can be no suspicion of the decision being made for non-planning reasons. In such a situation, therefore, whether the decision by Members is to approve or refuse permission, the planning reasons should be clearly minuted, together with a reference to the evidence to substantiate them.

12. **Consequences of Failure to Comply with Code**

12.1 The Code sets out the standards that the Council will operate in dealing with planning applications. Members and officers should realise that failure to comply with this Code may have legal consequences.

12.2 These include:

- (a) Investigation by the Ombudsman if complaints are received about the manner in which a planning application has been dealt with. In determining whether there has been maladministration the current test is that members must “at all times avoid any occasion for suspicion and any appearance of improper conduct” and must not allow “the impression to be given that (the Member) is or may be using his position to promote a private or personal interest”. Individuals involved may be named and the Council may be found guilty of maladministration and ordered to compensate the claimant.
- (b) Appeal to the Secretary of State. As well as granting planning permission he can award costs against the Council if it has acted unreasonably - that can include bias and also whether the decision has been taken for non-planning reasons.
- (c) Court action to quash a planning decision either if a real danger of bias is shown or it is demonstrated that a decision was taken for non-planning reasons. Costs will be awarded against the Council which will have to re-determine the application correctly.

GUIDANCE NOTE ON GENERAL PROCEDURES AT PLANNING AND HIGHWAYS COMMITTEE MEETINGS

Issue Date: September 2012 (amended September 2013)

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Introduction

This Guidance is for Planning and Highways Committee Members attending Committees and is intended to supplement the Corporate Councillor Code Of Conduct (the Code of Conduct) and any Code Of Conduct for Council Members And Officers In Relation To Planning Matters issued from time to time by the City Council with regard to the operation of Committees and the determination of Planning matters.

This Guidance is not binding upon Members but sets out examples of both best practice and inappropriate conduct to aid in the interpretation of the above Codes and it is in the best interests of the City Council, the Committees and individual Members to follow this guidance, as compliance or non-compliance with this Guidance may be a material consideration in any subsequent investigation of a complaint as to Member's conduct. This Guidance Note is on general procedures for Committees and specific guidance on particular matters such as Telecommunications will be issued from time to time by the legal contact officers for Members.

The aim of this Guidance is to reduce the number of situations where things said or done by Members attending the Committees are misconstrued resulting in damage to the Council's reputation and loss of confidence in the planning system, unnecessary legal challenges, planning appeals and awards of costs against the City Council

This Guidance may be amended at any time to accommodate changes in the law, procedure and best practice and revised copies will be circulated to all Members prior to the next meeting of the relevant Committee.

1. Members' Training

Members are reminded that determining matters under the Town and Country Planning Act 1990 and related legislation at a Committee requires a degree of knowledge and familiarity of planning law and procedure on their part. Member training is offered as a prerequisite to all new Members to Committees and regular updates and training for existing Members is offered by Planning Officers as is required due to legislative or policy change.

No Member may be appointed to serve on a Planning and Highways Committee until they have received the necessary training. This is to ensure that correct procedures are followed and proper planning considerations are employed in decision making. The integrity of the planning system and the need for public confidence require this.

2. **Chair’s Briefing Meetings**

Chair’s Briefing Meetings will be held with Officers, and will deal with circumstances such as the late submission of relevant information and of procedural issues concerning the conduct of the Committee hearing.

2.1 Planning and Highways Committee Briefing Meetings

2.1.1 The role of any Briefing Meeting which is held is to basically, allow developers to present large-scale development proposals to the Committee early in the planning process, and wherever possible at the pre-application stage, so that the developers will benefit from early feedback on any concerns that the Committee Members may have about the proposal. This gives the developer the opportunity to amend their proposals if they wish and avoids the possibility that the Committee’s eventual decision on the application might come as a surprise to the developer. Planning Committee Members are required to attend any Briefings to ensure that developers get any feedback necessary.

2.2 Such meetings are not to be used for discussion of the merits of any proposal.

3. **The Public Nature of Committee Meetings**

3.1 All Committees are public meetings of a committee of the City Council and it is a legal requirement that the public and the press are admitted to all such meetings.

3.2 The issue of transparency of proceedings is especially important in planning matters where a controversial application determined by an officer under a delegated power or in a closed session may lead to unfounded allegations of bias which can only be removed by having the matter determined in public. A controversial application in this context may mean a matter which is relatively simple to determine in terms of planning policy, but which may encounter significant public opposition due to the nature and proximity of the anticipated use e.g. a major metropolitan landfill site 250 metres from a small town.

3.3 In addition Planning Authorities are expected to consider the views of local residents in determining planning applications, with the failure to do so resulting in a potential award of costs at a subsequent planning appeal. Excluding the press and public could therefore be used against the City Council to make a claim for such costs.

3.4 The Committee is a Regulatory Body for the purposes of the Council Procedure Rules in that it discharges on behalf of the City Council those planning and highways regulation duties imposed by statute. This means that the cap as to length of meeting under **Clause 5.10** of the Council Procedure Rules in **Part 4** of the Constitution does not apply to meetings of the Committee so as to allow full access to the public to all items on the Agenda of the Committee without premature termination of the public right to make representations caused by overrunning.

4. **The Submission of Late and/or Confidential Information**

4.1 Sometimes information is submitted to a Member by an objector or other third party which if it were received in time would normally be incorporated into a report on an agenda, or supplementary agenda, but for one reason or another has been received too late for this to occur. This information may be in the form of a written submission or a set of photographs or some other audio-visual aid, submitted just before the Committee Meeting directly to Members by persons supporting or objecting to a particular item on the Agenda and without notice to the Officers.

4.2 If such late information is submitted directly to a Member, the Member should pass on this information as soon as possible to the Planning Officer (or the Committee Secretary if the meeting is about to commence) to determine the best course of action given the amount of information received and the stage of the proceedings, as well as when this information first became available for submission. Depending upon these factors this may mean that the particular item in question has to be deferred until the next meeting of the Committee. This should only occur in the most extreme circumstances when determination on the date of the current Committee is impossible.

4.3 The deliberate late submission of information on a contentious item should not be used as an excuse for a deferral of that item to the next Committee. Members should therefore consider very carefully any circumstances where a party has had access to information relevant to the determination of an item but has withheld submitting this information until after the publication of the Agenda. In such circumstances it may be advisable to put such an item to the end of the Agenda and/or allow a short adjournment for officers to assess the late information and make a verbal report back to the Committee to the Committee. This would prevent undue delay arising in the determination of contentious issues which might lead to unnecessary planning appeals.

- 4.4 Sometimes a person will attempt to supply information to a Member which is claimed to be confidential in nature. Members should remember that they have a general duty of confidentiality under paragraph 4 of the Code of Conduct, and any action taken by the Member concerning the use of such confidential information should be in accordance with that duty.
- 4.5 The principle of transparency in the planning process will generally find against any relevant information to the planning process being withheld from public scrutiny, restricting any right of confidentiality which may be sought by the person providing the information. In such circumstances the Member will normally be required to ask the person supplying the confidential information to decide between openly providing this information or of withdrawing this information from consideration whatsoever, so as to comply with both the duty under paragraph 4 of the Code of Conduct, and the public principle of transparency.
- 4.6 Only where the City Council have been advised by the appropriate authorities that there is a legitimate and well founded threat to life or property from the publication of such information, would a right of confidentiality be ever considered to exist sufficient to overcome the principle of transparency. Mere commercial or personal interests on their own will never justify the breach of the principle of transparency.

5. The Submission of Defamatory and Offensive Information

- 5.1 Overtly defamatory or offensive remarks in a representation will not be accepted, even if legitimate planning issues are also raised. Its publication would not only bring the planning process into dispute but may also render the Council liable in damages if malice can be proved. Correspondents will be informed that they will need to be resubmitted with such comments removed.
- 5.2 There may be instances where an unsubstantiated allegation may contain information material to the determination of a course of enforcement action or a planning application. A developer or landowner may regard the allegations as defamatory, but if they cannot be safely ignored and are material to the delegated or Committee decision to be made, their consideration will be justified.

6. Unreasonable Conduct in Decision Making

- 6.1 Members must be aware that making a decision based on grounds not related to planning issues will be considered to be unreasonable conduct by both Planning Inspectors and the High Court, resulting in
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this decision causing an award of costs against the City Council at a planning or enforcement appeal and/or the decision being quashed on judicial review with an award of costs against the City Council.

- 6.2 All planning authorities have the discretion not to adopt the professional or technical advice of its Planning Officers, so that a decision against the advice of the Planning Officer will not automatically be considered to be unreasonable conduct.
- 6.3 Members will sometimes face considerable public support for or against a particular item on the Agenda of the meeting. Whilst the views of local residents have to be taken into account when determining a planning application, if those views are not relevant to a planning issue it is unreasonable conduct for Members to take them into account when making a decision. Planning Officers seek to identify planning and non-planning issues raised as part of the consultation process and decisions as an aid to Members in this regard.
- 6.4 Decisions which ignore Local or National Policy Guidance will generally be deemed to be unreasonable and may result in costs being awarded to the appellant. Decisions which seek to evade National or Local Policy Guidance by adopting grounds for refusal which are in line with that policy but which are clearly not applicable to the circumstances of the particular application will also generally be deemed to be unreasonable and may result in costs. Again Planning Officers will refer to relevant National and Local policy guidance in their reports as an aid to Members in this regard.
- 6.5 Disagreement with the Planning Officers will normally be reasonable where it involves Members giving different weight to certain material planning considerations, based on careful consideration of the advice given by planning officers and of the supporting evidence. Planning decisions often involve weighing up conflicting considerations leading to a balanced judgement and reports to the Planning Committee will indicate where there is conflicting evidence or where a recommendation is finely balanced. Genuine differences of opinion between the Planning Officer and the Members on such issues can therefore exist without either bringing the planning system into disrepute or risking an award of costs.
- 6.6 Members should also be aware that when authorising enforcement proceedings that unreasonable decisions will put the Council at financial risk. A Stop Notice can create substantial costs for a developer or landowner and the Council is only protected from a substantial compensation claim if the development being stopped is

unlawful. Any Enforcement Notice that requires the owner/occupier to do more than is required may not only result in an award of costs but may also result in a substantial claim for compensation should the accompanying Enforcement Notice be dismissed on appeal. The Planning Officers report will provide guidance for Members as to what is reasonable in the circumstances of the case on these points.

7. Maintaining Public Confidence in the Committees

- 7.1 Public confidence in the local operation of the planning system can be undermined by Members making unreasonable decisions (as set out in paragraph 6 above), as this may result in an increase in the number of appeals which the City Council lose. Success on these appeals may encourage disappointed applicants to make appeals for all applications in the hope that an Inspector will be more likely to grant planning permission than the Committee. In such a situation the City Council would have an increasing amount of officer time and resources spent on matters not suitable for appeal in the first place.
- 7.2 Members should be especially careful when dealing with the media in respect of matters pertaining to the Committee, as adversely reported comments may also result in a loss in public confidence.
- 7.3 Members should note that conduct undermining confidence in the planning system may also constitute conduct bringing the authority into disrepute under paragraph 5 of the Code of Conduct.

8. Maintaining Public Confidence in the Role of Planning Officers

- 8.1 Members should at all times during meetings of Committees maintain a professional relationship with Planning Officers, sticking strictly to the Items contained within the Agenda and to the order of business as set out in the Agenda, rather than seek to raise matters with the Planning Officer not on the Agenda which may be misconstrued by those present.
- 8.2 Members should be careful as regards individual approaches to Planning Officers immediately before or after Committees. If the approach is in relation to an item on the Agenda, this may be misconstrued as an attempt by other persons present to influence the Planning Officer's professional and impartial advice and give rise to the appearance of a personal or Disclosable Pecuniary Interest existing where no such interest exists. All matters pertaining to an item on the Agenda, including questions to the Planning Officer should be dealt with under the normal order of business in open meeting.

- 8.3 Members who would be barred from an item on the Agenda of a particular Committee due to having a Disclosable Pecuniary Interest should take special care when making any approach to the Planning Officer. If these approaches are immediately prior to or immediately after the Committee meeting, or that particular Agenda Item, then this may be misconstrued as an attempt to unduly influence the Committee through the Planning Officer, even if the approach is unrelated to anything on the Agenda.
- 8.4 Members can legitimately question the views of planning officers in a robust manner and openly express disagreement with their professional views. This can lead to a better understanding of the issues involved by all persons present, to the benefit of the planning system.
- 8.5 Members should however seek to avoid an unduly adversarial, repetitive or demeaning style of questioning, as this may reflect badly upon both the planning officer and the Member to the detriment of public confidence in the operation of the planning system. It is important that the professional standing and credibility of planning officers and the objectivity and efficacy of Committee Members is maintained in order that the public has confidence in the Council's planning system and is not unduly sceptical in its operation.
- 8.6 Members are further referred to the Protocol for Member/Officer Relations at **Part 5** on the Constitution which deals with the general obligations between Members and Officers.

9. Allegations of Misconduct of Officers

- 9.1 Members should be reminded that Planning Officers and other Officers will often work with the professionals acting on behalf of a developer to improve a poor or marginal scheme through a series of negotiations over often quite lengthy periods of time. This is part of the duties of Planning Officers and does not of itself imply that there has been improper collusion between the Planning Officer and the Developer, or that the Developer has exercised undue influence over the Planning process.
- 9.2 If a Member reasonably believes that improper collusion exists, or that undue influence is being exercised by a Developer in respect of a Planning Officer then this allegation should be notified to the Monitoring Officer before the meeting of the Committee. The Monitoring Officer will then inform the Chief Planning Officer, Director and/or Executive

Director and take action with regard to informing external investigators such as the South Yorkshire Police. The Member should thereafter provide whatever evidence or assistance may be required in the proper investigation of this matter by the City Council and/or the Police.

9.3 In the event of an allegation of improper collusion or undue influence being raised prior to the Committee meeting, the planning case file and Report will be reviewed by a Planning Officer senior to the Planning Officer preparing the report and previously unconnected to the application and any amendments to the Report will be presented by that senior Planning Officer.

9.4 In no circumstances should a Member seek to make an allegation of improper collusion or undue influence in the course of the Committee meeting itself. Aside from disrupting the proper conduct of the meeting and bringing the planning system into disrepute, this would prejudice the proper investigation of the allegation and personally leave the Member open to investigation for misconduct and an action for slander by the Developer and his agents, as well as the Planning Officer, should the allegation not be substantiated. A Member should not also therefore seek to defer a determination following an allegation of misconduct made by a member of the public.

9.5 Members need to be aware that conduct which falls outside these guidelines can be the subject of an application for judicial review on the ground that the Committee failed to deal with the particular application in a proper manner: it does not matter that the decision may have been correct in planning terms. It could also justify an application for costs in a planning appeal. Allegations of bias and/or improper collusion could potentially also be the subject of an action for slander; statements of that nature only attract qualified privilege which can be withdrawn if malice is proved.

10 **Commencement of Committee Meeting**

10.1 Prior to the start of the meeting, the Committee Secretary will have found out which members of the public wish to speak on which items on the agenda. The order of the agenda should therefore be revised in consultation with the Chair, to move those items up the agenda which have the most interest to those members of the public present so as to allow it to be dealt with first and to avoid disruption of the meeting.

10.2 The Committee Secretary will then announce the revised order of business and will explain, for the benefit of the public, the procedure for

addressing the Committee. The Committee Secretary will also announce, after consultation with the Planning Officer, if any application is now not to be considered at the current meeting or has been completely withdrawn by the applicant.

- 10.3 In respect of applications which are now to be considered at the next Committee Meeting, any members of the public present who attended the meeting of the Committee to speak to that application should be offered the chance to either speak to that application with their comments incorporated into the revised report for that application, or to return to the next meeting of the Committee when the item would normally return for consideration. The preferred option would be for members of the public to attend to speak to that application at the next Committee meeting.
- 10.4 To speed up the proceedings, it will be assumed that Members will have read the reports on the agenda. Presentations will however be invited where they help to focus the Committee on the material considerations, where there are supplementary reports or to help the public understand why decisions are being made.
- 10.5 Members leaving the room during consideration of an item can not thereafter take part in the decision on that item upon their return, as they cannot be seen to have been in full possession of the information required to make that determination, and may have been influenced by events occurring outside the Committee during their absence.

11 Meeting Procedure and Decision Making

- 11.1 Members are reminded of the procedure for considering each application as follows:-
- Planning Officer Introduction to report, where appropriate (see paragraph 10.4 above).
 - Public representations – speaker(s) against recommendation first; speaker(s) for recommendation second.
 - Planning Officer response to public representations.
 - Member report back on any site visit held.
 - Member questions.

- Planning Officer responses.
 - Member comments.
 - Voting on Planning Officer recommendations (with any amendments/ suggested changes/ additional conditions, etc.) as per Council Procedure Rules.
 - Give reasons for grant or refusal of application.
 - When granting a planning application, to indicate whether or not it should be required that any amendments to the application which need planning permission which are subsequently submitted by the applicant to be reported to the Committee for a decision.
- 11.2 Members may ask for the vote to be recorded, as normally no record is taken of the numbers for or against on a particular determination, only whether or not the matter was agreed or refused by the Committee. Clause 18.4 of the Council Procedure Rules sets out in full the proper procedure for a formal recorded vote.
- 11.3 Separate guidance in the form of a Guidance Note to Chairs on Disruption of Committee Meetings by Members of the Public exists in relation to the disruption of Committee Meetings by members of the public, which includes the intimidation of Members.
- 12. Requests for Site Visits**
- 12.1 Wherever possible, planning officers and the Chair of the Committee will try and anticipate where a site visit might be required and organise it in advance of the Committee, to avoid unnecessary delay. A clear case should be presented by any Member suggesting an additional site visit and consideration given to any advice from officers present about available information that might negate the need for a visit. Paragraph 6 of the Code of Conduct in Relation to Planning Matters contains specific rules regarding this issue.
- 12.2 When the Planning Officer suggests a decision on an application be deferred pending a site visit and a member of the public is present at that meeting and may be unable to attend the following meeting, then he/she should be allowed to speak and a note of such representations will be made and taken into account when that application is considered.
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- 12.3 Members are reminded that the Code of Conduct in Relation to Planning Matters at paragraphs 6 and 7 regulates Members conduct with regard to both formal Committee Site Visits and individual site visits.
- 12.4 Attendance at a formal Committee Site Visit is not mandatory for Members voting on the subsequent item on the Agenda, but Members are expected to attend if they feel that they could not make a decision without a site visit in any particular case or to ensure that sufficient Members attend to maintain public confidence in the need for the visit. If a Member cannot for whatever reason attend upon the formal Committee Site Visit and feel that they need to visit the application site before making their decision, they should undertake an individual site visit prior to the Committee, or abstain from the decision at the Committee.

13. **Calling for a Public Inquiry**

- 13.1 When an application is refused, and is likely to be the subject of an appeal there is sometimes pressure at a Committee from objectors and other members of the public present for a public inquiry to be held in respect of any potential appeal, as it is erroneously believed that the City Council have the power to hold such an inquiry, and that a public inquiry will be more likely to be swayed by the representations of the objectors.
- 13.2 The Planning Inspectorate determine which of the three types of appeal is the most appropriate for any particular appeal. The three types of appeal are :-
- Written representations;
 - Informal hearing;
 - Public inquiry.

An appeal will be written representations if both the appellant and the Council agree to it. These appeals are undertaken purely on the basis of documents submitted by the parties and are the cheapest and quickest form of appeal.

- 13.3 If there is no agreement as to written representations being the most appropriate form of appeal then the appeal will be either an informal hearing or a public inquiry at the sole decision of the Planning Inspectorate. Both parties may make representations regarding which
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is the more appropriate method of appeal, but the decision is solely that of the Planning Inspectorate.

- 13.4 In practical terms there is very little difference between an informal hearing and a public inquiry for an objector as both are held in public and both allow for objectors to make representations. The only real difference is that the public inquiry allows for evidence to be given under oath. All three types of appeal will deal with exactly the same material planning considerations. An appeal is as likely to be upheld on its planning merits after written representations as it would at an informal hearing or a public inquiry.

14. Declarations of Interest

- 14.1 Members should be clear about declaring an interest and when they should leave the room when the matter is discussed. Paragraph 9 and Appendix B of the Code of Conduct contain specific Rules regarding this issue. If in doubt, Members should seek advice from the Legal adviser prior to the start of the meeting. Whilst officers will give advice, it should be noted that the decision itself rests with the Member.

15. Observers and Public Speaking at Committee Meetings

- 15.1 The current practice of allowing only one spokesperson for each principal point of view is at the Chair's discretion. There are rules regarding this issue at paragraph 5 of the Code of Conduct in Relation to Planning Matters. Whilst the public do not have a right to speak, there will be times when additional speakers will wish to make representations. Sometimes denying a member of the public the chance to speak can create difficulties and Chairs are reminded to exercise this discretion having regard to the right to a fair hearing under Article 6.1 of the Human Rights Act 1998 and paragraph 5.2(c) of the Code of Conduct in Relation to Planning Matters.
- 15.2 Members are reminded that public speaking is normally limited to a maximum of 5 minutes (as opposed to 3 minutes at Council meetings). Paragraph 5.2(d)-(g) of the Code of Conduct in Relation to Planning Matters contains rules regarding this point. The Committee Secretary will keep a check of the time and inform the Chair when the 5 minutes is about to elapse. It would be helpful at that time if the Chair would advise the speaker to draw to a conclusion if it is not apparent that the speaker has nearly finished. A note of the public speakers and the key points made by them will be made by the Committee Secretary and retained on file with the agenda.

15.3 Any Councillor attending Committee meetings as an observer should take no part in the conduct of the meetings and should only contribute when specifically invited to do so by the Committee. The procedure for Councillors wishing to address the Committee is the same as for members of the public.

16. **Role of the Chair**

16.1 The Chair, in running the meeting, should be mindful of the need to retain a degree of independence as far as possible, and to be fair to all Members of the Committee. It is suggested that best practice be followed by the Chair in being the last speaker on an item of business, prior to the vote being taken.

16.2 If there are equal numbers of votes for and against a decision, the Chair will have a second or casting vote in accordance with Clause 18.2 of the Council Procedure Rules. There is no restriction on how the Chair chooses to exercise a casting vote.

16.3 The Chair is expected to maintain order and to allow the Committee to perform its proper functions without disruption by either Members of the Committee or by members of the public. The powers of the Chair in relation to dealing with disruption by Members of the Public are set out in a separate Guidance Note to the Chair on Disruption of Committee Meetings by Members of the Public. Committee Members should not seek to condone the behaviour of members of the public in acts of disruption, and should support the Chair in the proper exercise of those powers under the Council Procedure Rules.

16.4 Feedback from businesses and members of the public who have attended Committee meetings suggest that they can sometimes be confused as to why decisions have been made. The Chair has a role in ensuring that decisions are clearly explained, especially if against the officer recommendation in the report.

17. **After the Committee**

17.1 The determination by the Committee may not be the end of the planning process in respect of some applications. Where an applicant appeals, the process may continue for up to a year after the Committee meeting. Members should therefore be aware of outstanding appeals which are reported back on the Committee Agenda, and should avoid

statements and conduct which might give the indication of unreasonable conduct in the making of the decision.

- 17.2 Whilst Members would be free to join and even organise lobby groups related to a particular application after the determination of a decision (subject to paragraph 17.1 above), Members should bear in mind that a duplicate application may be made by the applicant to the application refused which will require determination in the future. It may well be that Members may be forced to declare an interest and possibly be barred from taking part in this subsequent determination if their statements and conduct indicate that they could not approach this duplicate application with an open mind.
- 17.3 Members must bear in mind that Planning and Legal Officers are under a duty to pursue every such appeal against refusal with due diligence and rigour under their separate professional codes irrespective of their initial advice to the Committee. Committee Members should not therefore seek to influence the conduct of any subsequent appeal case by the City Council. Members should be aware that they are able to make representations at all types of appeal in their own name as an objector or supporter to the development, and to attend in person at both informal hearings and public inquiries to make those representations.
- 17.4 The decision of the Inspector will be reported back to the Committee at the first available opportunity. Members should not use this report back to comment adversely upon the Inspector's decision, or upon the conduct of the appeal, or the original application as this would undermine confidence in the planning system. In the overwhelming majority of planning appeals the Inspector will reach a decision substantially similar to the original report of the Planning Officer, dismissing the appeal against the decision of the Committee based upon that report.
- 17.5 In a minority of cases the Inspector may uphold the appeal despite the Planning Officer's report and the decision of the Committee. Whilst there is a right for Inspector's decisions to be reviewed that is by an application for judicial review in the High Court based on evidence that the decision was unreasonable in planning terms or followed a misinterpretation of law or planning policy; it is not a right of appeal.
- 17.6 There will also be a very small number of appeals which have been dismissed following refusal by Committee Members contrary to Planning Officers advice. There may be good reasons for the decision
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of the Inspector in such cases which are unrelated to the quality of the advice given in the original report, but the Chief Planning Officer will review the case and ensure that any lessons that need to be are learnt.

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GUIDANCE NOTE TO CHAIRS ON DISRUPTION OF COMMITTEE MEETINGS BY MEMBERS OF THE PUBLIC

This Guidance Note is aimed principally at Chairs of Committees, but should be noted by every Member attending at a Committee who may feel intimidated or frustrated by the interruption of the due process of the Committee. The undue interruption by members of the public acting in a disruptive fashion not only undermines the due planning process, but also delays other members of the public intending to speak to applications and issues which may affect them, causing frustration and disillusionment with the City Council and the planning process.

1. Council Procedure Rules

- 1.1 **Rule 20** allows for the Chair to take action with regard to both individual and group disruption. It says:
“If a member of the public interrupts proceedings of a meeting the Chair shall warn him/her. If he/she continues the interruption or repeatedly interrupts, the Chair shall order his/her removal from the meeting room. In the case of meetings where there is a general disturbance in any part of the meeting room open to the public the Chair shall order that part to be cleared.”
- 1.2 Interruption through disturbance may take many forms, and would include but is not limited to verbal interruptions such as shouting and swearing at Members, Officers and other members of the public or press present; engaging in a conversation with another member of the public whilst Members or Officers are speaking; overrunning any allotted time to speak to the application or issue or the singing of songs.
- 1.3 Sometimes an interruption may take the form of an allegation of misconduct, corruption or discrimination against Members or Officers which may or not be related to an item on the Agenda. It is not within the remit of the Committee to consider such allegations, or to order an investigation of such allegations, and any such allegation raised must therefore be considered to be a disturbance of the meeting of the Committee. In such circumstances the Chair should first notify the member of the public that such allegations are not within the remit of the Committee, and that any such allegations, including any supporting evidence should be made to the proper body given the nature of the allegation. If the member of the public refuses to accept this then the formal warning at paragraph 2.1 should be read out. Interruption through disturbance may also include physical interruptions and would include physical violence directed at a Member or an Officer, or a

member of the public or the press present. It would also include non-violent conduct which may be deemed to be intimidatory such as approaching or sitting next to a Member or Officer in the course of a Committee and staring at them. It would also include more formalised demonstrations such as large groups of members of the public brandishing placards, or refusing to sit until their matter had been dealt with, or handing out late material to Members. Finally gestures and expressions may also fall within the ambit of physical disturbance.

- 1.4 Interruptions caused by mobile phones and other such equipment including the use of television camera and recording equipment will also fall within **Rule 20** should they result in a disruption of the Committee. Note that in the absence of disruption the use of such devices will still be subject to the Chair's discretion under **Rule 21**.
- 1.5 It should be noted that the power granted to the Chair by **Rule 20** is restricted only to the meeting room of the Committee and does not include any other part of the Town Hall. Persons seeking to disrupt the Committee meeting from outside the meeting room cannot therefore be removed from the building under this Rule. In all such cases it will be necessary to contact the Town Hall Security Services and obtain proper authorisation for any such persons' removal from the building. Where any disruption is due to criminal acts the South Yorkshire Police will need to be called.

2. **Warnings**

- 2.1 In the event of a disturbance the Chair should identify the person or persons causing the disturbance and if warranted read out the following formal warning:
“Due to the disturbance caused by you to the conduct of the meeting of the Committee, you are hereby issued with a warning in accordance with **Rule 20** of Sheffield City Council's Council Procedure Rules. Under this Rule should you create any further disturbance to the conduct of the Committee meeting I may order your removal from the meeting room.”
- 2.2 The Chair should ensure that the formal warning, and if possible the identity of the person or persons to whom the warning has been issued, is formally recorded by the Democratic Services Officer as part of the formal record of the Committee meeting.
- 2.3 Instead of a formal warning the Chair may use his discretion to issue an informal warning if the disturbance is in the Chair's opinion not serious, or is unintended to disrupt the Committee Meeting, i.e. two members of the public in a conversation. In such circumstances the

Chair should ask the persons causing the disruption to please cease immediately the conduct causing the disruption, and remind them that this is a public meeting and that if they have private matters to discuss could they please do so outside. In this instance no record of the identity and warning should be made by the officer from Democratic Services.

3. **Removal From The Meeting**

3.1 After the issue of a formal warning under **Rule 20** if the conduct is repeated by the same person or persons the Chair should read out the following statement:-

“Following the issue of a formal warning to you under **Rule 20** I hereby order your removal from the meeting room for the duration of this Committee meeting in accordance with that Rule.”

3.2 The Democratic Services Officer should where this is possible, formally take a note of the identity of the person or persons whose removal has been ordered in accordance with **Rule 20**.

3.3 If the person or persons who have been ordered to be removed from the Committee meeting refuse to leave the meeting room, they may be physically ejected from the meeting room as a trespasser provided reasonable force is used by the Town Hall Security Staff. They should be notified in the following terms:-

“You can remain outside the meeting room but should you seek to further disrupt the conduct of proceedings of the Committee, then the Town Hall Security Staff will be informed of the situation which may lead to your removal from the premises and/or the South Yorkshire Police being called.”

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PROTOCOL FOR THE USE OF THE CITY'S COAT OF ARMS

Approval for the use of the Coat of Arms is the responsibility of the Director of Legal and Governance.

On receipt of a request for its use, Democratic Services notify the Director of Legal and Governance of the request and provide a suggested recommendation, based on previous approvals (precedents) in order to promote consistency.

Whilst each application is considered on its merits, general criteria exists as follows:-

- (1) If use is not for commercial purposes, and is for an "official" event or activity, such as for use by the Authority or a third party on behalf of the Authority, approval is generally given and the person requesting use is usually sent a pdf.doc, containing the Coat of Arms.
- (2) If use is for purposes such as a logo for an organisation, i.e. a sports club, and is not for commercial purposes, permission to use the central shield from the Coat of Arms, rather than the Coat of Arms itself, is usually granted.
- (3) If use is for commercial purposes, permission is generally refused.

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Part 7

Statutory/Proper Officers Management Structure Officer Scheme of Delegation

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STATUTORY AND PROPER OFFICERS

- 1 The Local Government Act 1972 and other legislation require local authorities to make specific statutory appointments and designations (Statutory and Proper Officers) which carry specific responsibilities. For the avoidance of doubt, any post mentioned below will also include an interim appointment to that position.

In the event of the officers named below in 3 and 4 being unable to act or of any of the posts being vacant, the Chief Executive, or in his/her absence the relevant Executive Director, will appoint an officer to act in their place.

- 3 The following are the Statutory Officers of the Council for the purposes stated:-

Legislation	Description	Allocated To
Local Government and Housing Act 1989 Section 4	Head of Paid Service	Chief Executive
Local Government Act 1972 Section 151	Chief Finance Officer	Executive Director, Resources
Local Government and Housing Act 1989 Section 5	Monitoring Officer	Director of Legal and Governance
Local Authority Social Services Act 1970 Section 6	Director of Adult Social Services	Director of Adult Health and Social Care
Children Act 2004 Section 18	Director of Children's Services	Executive Director, People
National Health Service Act 2006 Section 73A	Director of Public Health	Director of Public Health

- 4 The following are the Proper Officers of the Council for the purposes stated:-

Local Government Act 1972	Description	Proper Officer
Section 83	Officer who takes declarations of acceptance of office	Director of Legal and Governance
Section 84	Officer to whom a person elected to any office listed in Section 83 may give written notice of resignation	Director of Legal and Governance
Section 88(2)	Officer who may convene a meeting of the Council for the election to fill casual vacancy of chairman of the Council	Director of Legal and Governance
Section 89(1)	Officer who may receive notice in writing of a casual vacancy in the office of Councillor from two local government electors for the area	Electoral Services Manager
Section 100B(2)	Officer who may think fit to exclude from reports open to inspection by members of the public parts relating to items during which the meeting is likely not to be open to the public	Director of Legal and Governance in consultation with the relevant Executive Director
Section 100B(7)(c)	Officer who makes available to the press copies of documents already supplied to Councillors in connection with an item on the agenda for a meeting of the Council	Head of Democratic Services

Section 100C(2)	Officer responsible for preparing a written summary of those parts of the committee proceedings which disclose exempt information	Head of Democratic Services
Section 100D(1)(a)	Officer responsible for identifying background papers for the report for a meeting of the Council and compiling a list of such documents	Relevant Executive Director
Section 100F(2)	Officer who makes decisions as to documents disclosing exempt information which are not required to be open to inspection by Councillors	Director of Legal and Governance in consultation with the relevant Executive Director
Section 115	Officer to whom all officers shall pay monies received by them and due to the Local Authority	Executive Director, Resources or their nominee
Section 146(1)(a)	Officer authorised to produce a statutory declaration specifying securities and verifying the change of name and identity of the authority	Director of Legal and Governance
Section 151	Officer responsible for the proper administration of the authority's financial affairs ("Chief Finance Officer")	Executive Director, Resources
Section 191	Officer who receives applications from Ordnance Survey Office in relation to examining, ascertaining and marking out reputed Local Authority boundaries	Director of Legal and Governance

Section 210(6) and (7)	Officer in whom power is vested to exercise any power with respect to a charity exercisable by any officer of a former corresponding authority	Director of Legal and Governance
Section 225	Officer with whom documents may be deposited pursuant to law, who can make notes or endorsements and give acknowledgements or receipts	Director of Legal and Governance
Section 229(5)	Officer who signs a certificate that a document is a photographic copy of a document in the custody of the Council	Director of Legal and Governance
Section 234(1)	Officer who signs notices, orders or other documents on behalf of the Council	Director of Legal and Governance
Section 236(9)	Officer who sends copies of byelaws made by the Council to parish councils or parish meetings	Director of Legal and Governance
Section 238	Officer responsible for certifying copies of byelaws	Director of Legal and Governance
Schedule 12 Para 4(1A)(b)	Officer who may sign and send to all Councillors a summons to attend Council meetings	Chief Executive
Schedule 14 Para 25	Officer who may certify copies of resolutions passed under this Paragraph	Director of Legal and Governance

Public Health Act 1936	Description	Proper Officer
Section 84	Officer who certifies that an article is filthy or verminous	Director of Street Scene and Regulation
Section 85(2)	Officer who reports that any person or the clothing of any person is verminous	Director of Street Scene and Regulation
Section 85(4)	Officer who authorises a woman to carry out cleansing of females	Director of Street Scene and Regulation
Registration Service Act 1953	Description	Proper Officer
Section 9	Officer who determines or appoints interim superintendent registrar or interim registrar of births and deaths	Director of Human Resources and Customer Services
Section 13	Officer on whom powers are conferred under the local scheme of organisation	Director of Human Resources and Customer Services
Local Authority Social Services Act 1970	Description	Proper Officer
Section 6	Officer appointed as Director of Adult Social Services	Director of Adult Health and Social Care
Local Government Act 1974	Description	Proper Officer
Section 30(5)	Officer responsible for arranging publication in	Director of Legal and Governance

	newspapers of a notice that a Local Commissioner's report on an investigation of a matter is available for inspection by the public	
Local Government (Miscellaneous Provisions) Act 1976	Description	Proper Officer
Section 41	Officer responsible for certifying copies of resolutions, orders, reports, minutes of Council meetings and other documents or authorising a person in that behalf	Director of Legal and Governance
Rent Act 1977	Description	Proper Officer
Schedule 15, Part IV	Officer who signs certificate that the local housing authority will provide suitable alternative accommodation	Director of Housing and Neighbourhoods
Highways Act 1980	Description	Proper Officer
Section 59	Officer responsible for certifying that extraordinary expenses have been or will be incurred in maintaining the highway by reason of damage caused by excessive weight passing along the highway or other extraordinary traffic	Head of Highway Maintenance
Section 205	Officer responsible for undertaking duties as specified in this Section	Head of Highway Maintenance

	and Schedule 16 in relation to private street works	
Section 210	Officer responsible for certifying amendments to estimated costs and consequential provisional apportionment of costs under the private street works code	Head of Highway Maintenance
Sections 211, 212 and 216	Officer responsible for making a final apportionment of costs under the private street works code	Head of Highway Maintenance
Section 295	Officer responsible for issuing notices requiring removal of materials from non-maintainable streets in which works are due to take place	Head of Strategic Transport Sustainability and Infrastructure
Section 321	Officer responsible for signing notices, consents, approvals, orders, demands, licences, certificates and other documents	Head of Strategic Transport Sustainability and Infrastructure
Schedule 9 Para 4	Officer responsible for signing plans showing proposed prescribed improvement lines or building lines	Head of Highway Maintenance
Representation of the People Act 1983	Description	Proper Officer
Section 8	Officer appointed as Registration Officer for the registration of Parliamentary and Local	Chief Executive

	Government Electors	
Section 28	Officer to discharge duties of the returning officer as Acting Returning Officer at Parliamentary Elections	Chief Executive
Section 35	Officer appointed as Returning Officer for local elections	Chief Executive
Section 52	Officer approved as deputy to perform the powers and duties of the Registration Officer and officer appointed to carry out any acts of the Registration Officer in the event of his incapacity or a vacancy	Electoral Services Manager
Section 67	Officer to whom declarations and public notice of election agents' appointments are made	Chief Executive for Parliamentary Elections; Electoral Services Manager for local elections
Section 131	Officer responsible for providing accommodation for holding election court	Electoral Services Manager
Building Act 1984	Description	Proper Officer
Section 78(1) and (8)	Officer who may take immediate action in relation to dangerous buildings, structures or parts thereof	Director of Investment and Climate Change

Public Health (Control of Disease) Act 1984	Description	Proper Officer
Section 48	Officer who certifies that it would be a health risk to retain a body in a place	Any person for the time being employed as a Consultant in Communicable Disease Control / Consultant in Health Protection at the Yorkshire and Humber Health Protection team of the UK Health Security Agency (UKHSA)
Section 59	Officer who signs and authenticates notices, orders or other documents	Director of Street Scene and Regulation
Section 61	Officer with power to enter premises	Director of Street Scene and Regulation and any officer authorised by him
Local Government Finance Act 1988	Description	Proper Officer
Section 114	Officer responsible for making financial reports to the authority	Executive Director, Resources
Section 116	Officer responsible for notifying the authority's auditor of the date, time and place of meeting to consider s114 report and of decision of such meeting	Executive Director, Resources

Local Government and Housing Act 1989	Description	Proper Officer
Section 2(4)	Officer with whom the list of politically restricted posts shall be deposited	Chief Executive
Section 4	Officer designated as Head of Paid Service	Chief Executive
Section 5	Officer designated as Monitoring Officer	Director of Legal and Governance
Local Government (Committees and Political Groups) Regulations 1990	Description	Proper Officer
Regulation 8(1) and (5)	Officer to whom notice in writing is delivered about the constitution of a political group or the change of name of a political group	Head of Democratic Services
Regulations 9 and 10	Officer to whom notice in writing is delivered about a Councillor's membership, or cessation of membership, in a political group	Head of Democratic Services
Regulation 13	Officer to whom the wishes of a political group are expressed	Head of Democratic Services
Regulation 14	Officer responsible for notifying in writing the leader or deputy leader of a political group about allocations and vacancies of seats	Head of Democratic Services

Environmental Protection Act 1990	Description	Proper Officer
Section 149	Officer responsible for discharging functions conferred by this section for dealing with stray dogs	Director of Street Scene and Regulation
Food Safety Act 1990	Description	Proper Officer
Section 49	Officer who signs any document authorised or required by or under the Act	Director of Street Scene and Regulation
The Local Authorities (Standing Orders) (England) Regulations 2001	Description	Proper Officer
Schedule 1, Part 2, Paragraphs 5 and 6	Officer responsible for receiving notification of proposed appointment or dismissal of certain officers, notifying executive members of that proposed appointment or dismissal and for receiving and notifying of objections to the proposed appointment or dismissal	Director of Human Resources and Customer Services
Children Act 2004	Description	Proper Officer
Section 18	Officer appointed as Director of Children's Services	Executive Director, People
Housing Act 2004	Description	Proper Officer

Section 4	Officer responsible for inspection of premises and who gives an opinion as to the existence of category 1 or 2 hazards or the need to declare a clearance area	Director of Housing and Neighbourhoods
Section 239	Officer with power to enter premises in connection with a section 4 inspection	Director of Housing and Neighbourhoods
Section 249	Officer who signs certificate on copy of designation by the authority of an area as subject to additional or selective licensing	Director of Legal and Governance
National Health Service Act 2006	Description	Proper Officer
Section 73A	Officer appointed as Director of Public Health	Director of Public Health
Local Elections (Principal Areas) (England and Wales) Rules 2006	Description	Proper Officer
Schedule 2 Rule 50 Schedule 3 Rule 50	Officer to whom Returning Officer gives notice of candidates elected to the Council	Director of Legal and Governance
Local Authority Social Services and National Health Service Complaints (England) Regulations 2009	Description	Proper Officer

Regulation 4(1)(a) and (4)	Officer designated as Responsible Person to ensure compliance with arrangements made under these Regulations	Chief Executive
Regulation 4(2)	Officer authorised by the Council to perform the functions of the Responsible Person	Director of Adult Health and Social Care Director of Integrated Commissioning
Regulation 4(1)(b) and (5)	Officer designated as complaints manager to manage the procedures for handling and considering complaints	Complaints Manager
Health Protection (Notification) Regulations 2010	Description	Proper Officer
Regulations 2, 3 and 6	Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons.	Any person for the time being employed as a Consultant in Communicable Disease Control / Consultant in Health Protection at the Yorkshire and Humber Health Protection team of the UK Health Security Agency (UKHSA)
Localism Act 2011	Description	Proper Officer
Section 33	Officer to whom request is made for dispensation from the restrictions in section 31(4) on participation where a member has a	Director of Legal and Governance

	disclosable pecuniary interest	
Local Authorities (Referendums) (Petitions) (England) Regulations 2011	Description	Proper Officer
Regulation 4(1)	Officer who publishes the number that is equal to 5 per cent of the number of local government electors for the authority's area	Director of Legal and Governance
Openness of Local Government Bodies Regulations 2014	Description	Proper Officer
Regulation 6	Officer who forms an opinion as to whether the documents relating to an officer delegated decision under Regulation 7(2) are background papers for the purpose of this Regulation	Director of Legal and Governance
Regulation 9	Officer who determines whether a document contains or is likely to contain either exempt or confidential information	Director of Legal and Governance
Data Protection Act 2018	Description	Proper Officer
Section 69	Officer designated as Data Protection Officer	Senior Information Manager