

Part 4

Codes of Conduct

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1. MEMBERS' CODE OF CONDUCT

Every county councillor and co-opted member is required to agree and sign the following:

I.....

being a duly elected councillor/co-opted member for Warwickshire County Council hereby declare that I will undertake my duties as follows:

1. I will represent the interests of the whole community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
2. **As a holder of public office** and as required by law I will behave in a manner that is consistent with the following principles to achieve best value for all our residents and maintain public confidence in the council, any other body to which I am appointed by the council and the office of councillor:
 - a. **SELFLESSNESS:** I will act solely in terms of the public interest. I will not act in such a way as to gain financial or other material benefits for myself, my family, or my friends.
 - b. **INTEGRITY:** I will 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.
 - c. **OBJECTIVITY:** I will make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits
 - d. **ACCOUNTABILITY:** I will be accountable for my decisions and actions to the public and to the Council and must submit myself to whatever scrutiny is appropriate to my office.
 - e. **OPENNESS:** I will be as open as possible about all the decisions and actions I take. I will give reasons for my decisions and restrict information only when the wider public interest or the law clearly demands.
 - f. **HONESTY:** I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interests.
 - g. **LEADERSHIP:** I will promote and support these principles by leadership and example.
3. **As a member of the Council** I will act in accordance with the principles in paragraph 2 and, in particular, I will:
 - a. Champion the needs of the whole community and all my constituents, including those who did not vote for me and put the public interest first.
 - b. Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
 - c. Not allow other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the council or the good governance of the council in a proper manner.

- d. Exercise independent judgement and not compromise my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of the council.
 - e. Take account of all relevant information, including advice from statutory and other professional officers. I will remain objective and make decisions on merit.
 - f. Be accountable for my decisions and cooperate when scrutinised internally and externally, including by local residents.
 - g. Contribute to ensuring that decision-making processes are as open and transparent as possible to make sure the community understands the reasoning behind decisions and are informed when holding me and other members to account.
 - h. Behave in accordance with all my legal obligations, alongside any requirements contained within the council's policies, protocols and procedures, including on the use of the council's resources.
 - i. I will not disclose confidential information (be that confidential by virtue of legislation or otherwise) without express authority and/or unless the law requires it.
 - j. Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
 - k. Always treat people with respect, including the organisations and public I engage with, fellow members and those I work alongside.
 - l. Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this council.
4. I will register and disclose those interests that I am required by law to declare. I will complete and submit a signed declaration of my interests to the monitoring officer. I will keep the register updated and acknowledge that its contents are open to the public to inspect.
5. I will comply with any code of conduct for members that is properly established by the council.

Signed:

Full name:

Date:

(revised July 2012)

SECTION 2 – PLANNING CODE OF PRACTICE

A. The Purpose of this Code

Planning requires the exercise of judgment when applying policies to circumstances, evaluating evidence and weighing competing considerations. Planning decisions are contentious because they affect the daily lives of individuals and can have profound economic, social and environmental consequences. These decisions are well publicised, often complex and constrained by sometimes arcane procedures.

It is important, therefore, that the council should make planning decisions openly, impartially, with sound judgment and for justifiable reasons. The processes should leave no grounds for suggesting that a decision has been partial, unfair or not well- founded in any way. This code aims to assist in achieving these objectives and thus to protect human rights and promote public confidence in the planning system.

B. The Application of this Code

This code applies to any member or officer who is involved at any stage in the process of making a planning decision. Whilst much of it concerns only members who are members of the Regulatory Committee, important parts concern all members. In addition, all members need to be aware of this code in its entirety so that they can understand and respect the obligations of the committee members.

C. Relationship with Other Codes

This code extends and applies the principles of the Members' Code of Conduct and is intended to be consistent with the expected contents of the statutory Officers' Code of Conduct. However, it is a supplement to and not a substitute for those codes and in the event of conflict those codes must prevail.

The main thrust of the Members' Code of Conduct and the Officers' Code of Conduct is the separation of private interests and public duties. This code is also concerned with reinforcing that separation, so that decisions are made and seen to be made in the interests of the community as a whole, but is equally concerned to encourage high quality in decision-making.

D. The Consequences of Breaching this Code

A breach of this code may also constitute a breach of the Members' Code of Conduct and its underlying general principles, the Officers' Code of Conduct and the professional ethical codes of officers. Breaches may be taken into account when a political group or the council decides on membership of the Regulatory Committee or in disciplinary procedures.

A breach does not only have consequences for the perpetrator. Any breach damages the reputation of the authority and may do an injustice to a person affected by the planning decision concerned. A breach might also:

- be the subject of an investigation into a complaint of maladministration by the Ombudsman or under the council's complaints procedure;
- lead to action by the monitoring officer; and/or
- expose the council to legal challenge in the courts or prejudice the council's prospects at an inquiry.

Because misconduct or irresponsibility on the part of one member might have these consequences, and might even taint the decision of the whole committee so as to invalidate it, the chair of the Regulatory Committee is entitled to intervene in a meeting to prevent or end a breach.

E. Departure from this Code

The strategic director for resources may sanction a departure from this code and shall keep a written record of any such sanctions.

The Code**1. The Overriding Principle**

To make planning decisions which are in the interests of the whole community and which earn its confidence.

2. Training for Members

Planning is a complex and constantly changing field inhabited by trained and experienced practitioners and characterised by the very high expectations of the courts and other stakeholders. In order that members can deliver sound and fair decisions, and test the advice of their officer in an effective way, it is essential that they have certain competencies and an up to date working knowledge of the planning system.

With effect from the start of the municipal year 2005-06, any new member of the Regulatory Committee must undergo or have undergone an induction course approved by the strategic director for resources.

With effect from the start of the municipal year 2006-07, no member may be re-appointed to the Regulatory Committee unless they have in the previous 24 months undertaken at least 12 hours of training recognised as eligible for this purpose by the strategic director for resources or training provided by other authorities or external providers which the strategic director for resources has recognised as being of equivalent relevance and value.

It shall be the responsibility of the strategic director for resources to deliver a programme of reports, briefings and seminars which enable members to comply with this requirement. These reports, briefings and seminars shall inform members about new legal and policy developments as well as addressing established principles of decision-making and aspects of the planning system of particular relevance to county planning authorities. So far as practicable, these learning opportunities shall be made available to all members of the council.

3. The Relationship between Officers and Members

The integrity of the planning process depends on mutual trust and respect between officers and members. Officers and members have different but complementary roles.

Officers advise members and implement their decisions. However, they are responsible to the council as a whole and not to any individual member or group of members. It is their duty to ensure that applications are properly processed, that the law is observed and that members are equipped with the advice and information they need to arrive at sound and fair decisions which pay regard to relevant council policies.

Officers should be ready to give unwelcome advice when necessary, whether or not solicited, and members should accept that the officers are duty bound to do so.

Although officers should wherever possible make a recommendation as to the decision to be made by the Regulatory Committee, they should recognise and give even-handed advice on any alternatives reasonably open to the committee. Where the committee properly reach a lawful decision other than that recommended, the officers should give the committee their unstinting support in refining, explaining, defending and implementing that decision.

For their part, members should respect the impartiality and the professional obligations and expertise of officers. Members should also be mindful, particularly when communicating with officers outside committee meetings, of the seniority of the officer with whom they are dealing and avoid any risk of creating the impression of misusing their authority. Whilst members may express their views on an application robustly in writing, they should when speaking to a case officer confine themselves to seeking information or reporting concerns.

Members and officers should treat each other with courtesy on all occasions and in all circumstances.

4. Applications in which Members are Interested

A member who make or has a prejudicial interest in an application for any other reason shall notify the strategic director for resources. The member shall play no part in the processing of the application and the application shall be decided by the Regulatory Committee.

Because the member will be excluded from the committee meeting, he/she can use the public speaking scheme only through a representative. In addition, the member should not use his/her position as a member improperly to influence the decision. He/she can make written representations to the officers in the usual way, provided that the existence and nature of the interest is disclosed. However, to limit the scope for suspicion, the member should not communicate directly with any other member about the application and should confine oral communications with officers to dealing with the administration of the application and answering questions.

5. Applications in which Officers are Interested

Applications by or in which the following officers are interested:

- a strategic director;
- a planning officer or the manager of a planning officer;
- a legal officer responsible for planning matters;

shall be notified to the strategic director for resources and decided by the Regulatory Committee. The officer shall play no part in the processing of the application.

An officer shall be regarded as interested in an application for this purpose if he/she would have a prejudicial interest under the Members' Code of Conduct were he/she a member.

If an officer who is a senior manager, or who works regularly with development control officers, makes or is interested in an application the strategic director responsible for development control shall be notified.

6. Applications in which the Council is Interested

An application on behalf of or for the development of land in which the council or the police and crime commissioner or a district or borough council within Warwickshire have an interest shall be decided by the Regulatory Committee if there are any objections.

7. Members and Officers Acting as Agents or Advisers

Any member or officer acting as an agent or adviser, other than in his/her capacity as a member or officer, for an applicant or objector or other person interested in a planning application shall always regards himself/herself as having a prejudicial interest.

Planning and legal officers shall not accept any remuneration for acting as an agent for or adviser to a person making a planning application to the council.

8. Membership of the Regulatory Committee

A member whose professional occupation regularly involves acting as an agent for or an adviser to people making or objecting to planning applications in Warwickshire should not be a member of the Regulatory Committee.

A member whose business or property interests would require him/her to make frequent declarations of interest should not be a member of the Regulatory Committee.

A member of the cabinet should accept membership of the Regulatory Committee only after careful consideration of the potential for apparent conflict with the demands of his/her particular portfolio.

9. Officers' Ethics

All planning officers shall observe the Code of Professional Conduct of the Royal Town Planning Institute, whether or not they are members of the institute, and legal and other professional officers shall observe their respective professional ethical codes at all times.

10. Interests, Bias and Predetermination

The Standards Board advises that members who make planning decisions should adopt a particularly cautious approach when deciding whether they have a prejudicial interest under the code of conduct. In its view, a reasonable member of the public is more likely to think that the judgment of a member is prejudiced when dealing with regulatory matters than when carrying out executive and scrutiny functions. In other words, a member of the Regulatory Committee may be required to treat an interest as prejudicial even though he/she would not be required to do so when acting as a member of another council body.

The Standards Board also advises that a prejudicial interest in a planning decision might arise through membership of a campaign, or other behaviour which closely identifies a member with a desired outcome, even though he/she might have no financial or other personal interest.

This approach seeks to align the code of conduct with the law on bias as developed by the courts, and in most cases compliance with the code will ensure compliance with the law. However, the requirements of the law on bias are wider and stricter than the code and bias may exist even though a member has no personal interest to declare under the code and even though he/she acts selflessly or for reasons of public duty. Bias can take two forms, which are capable of overlapping.

The first form of bias is **prejudice** against a particular point of view for a reason unconnected with the planning merits of the issue. This might be because a member has a financial interest (however small) or some other direct or indirect personal stake in the outcome. However, a member might also be prejudiced because of a strong moral conviction or by forming bonds of personal allegiance with a party or indicating partisanship in some other way.

The second form of bias is where a member has **predetermined** an issue by surrendering independent judgment, or by adopting an inflexible policy or by closing his/her mind to further debate. This might arise where a member makes a commitment as to their voting intentions, or defers to the opinion of another body, or has formed a judgment about an issue which is so firm that they are no longer receptive to information and argument.

The test applied by the courts is whether there is a real danger of bias. This means that a member must not only avoid *actual* prejudice or predetermination but also avoid its *appearance*. Bias may be perceived to exist even where it does not. Members of the Regulatory Committee who make statements or engage in conduct capable of giving rise to a reasonable perception of bias by the public should not participate in deciding a planning application even if they are personally satisfied that they could do so in a proper manner.

It is natural and permissible for a member of the Regulatory Committee to begin to form a view about an application or certain aspects of it before the meeting at which they vote upon it. It is also expected and accepted that members will hold views on general matters of political and public interest that might predispose them towards a particular point of view. However, they are expected to maintain their impartiality and to avoid reaching any final conclusion until they have heard all evidence and argument and are called upon to vote. It is equally important that the member is seen to be so acting.

A member of the Regulatory Committee will not automatically be regarded as biased because they have supported a proposal when carrying out executive or scrutiny functions. However, members in this position should consider carefully whether their other responsibilities, and the way in which they have carried them out and expressed themselves, would lead a reasonable observer to doubt whether they can approach the application fairly and impartially.

Breaching the law on bias does not only have personal consequences for a member but can taint the whole committee so that the high court cancels its decision. A member of the Regulatory Committee who may reasonably be perceived as biased in relation to a matter should neither speak nor vote on it at a meeting. In addition, the member should normally withdraw from the meeting room whilst the matter is being considered. The only exception to this is where a member wishes to use the public speaking scheme in a case where they are disqualified solely because of predetermination. In such a case, provided that the strategic director for resources agrees in advance that there is no other objection to doing so, the member may address the committee in accordance with the public speaking scheme. However, they should explain why they are disabled and physically withdraw from the part of the room occupied by the committee.

Further advice on avoiding bias and its appearance is given in sections 4, 11, 12, 14, 17, 25 and 26.

11. Lobbying of Members

Lobbying is a normal and proper part of the political process. However, such lobbying can, unless care and common sense is exercised by all the parties involved, lead to the impartiality and integrity of officer and members being called into question.

Members of the Regulatory Committee cannot avoid receiving both written and oral representations from supporters and opponents of applications and it is legitimate to enter into dialogue with interested parties. However, caution must be exercised to avoid bias or predetermination or their appearance.

It is not possible to set out firm rules governing all the situations which can arise before an application is decided but the following guidelines should generally be observed by a member who wishes to participate in deciding the application:

- meet applicants or their representatives only at meetings arranged and attended by officers (see section 26 below);
- keep copies of written representations and make a written note of any significant oral contacts;
- resist meetings with lobby groups if the sole or main purpose is to discuss planning applications;
- confine advice to procedural information;
- encourage a lobbyist to make representations direct to officers or through the public speaking scheme;

- refuse to endorse the viewpoint of any faction or to engage in campaigning or lobbying activity of any kind;
- avoid statements which suggest a closed mind on any issue;
- qualify any expression of opinion as a preliminary view; and
- avoid social contacts with developers and their agents when an application is imminent or has been submitted but not finally decided.

12. Lobbying by Members

No member should put improper pressure on an officer for a particular recommendation and a member who is actively supporting or opposing an application should not seek to persuade a member of the Regulatory Committee towards a particular viewpoint through private channels of communication.

A member of the Regulatory Committee who lobbies for or against an application will almost inevitably be excluded for bias. A member of the committee may identify concerns and ask questions in communications with planning officers prior to a meeting but should, if they wish to participate in the decision, avoid statements which indicate that they support or object to the application.

13. Contacts

It is not necessary and frequently not practicable for a member of the Regulatory Committee to declare at a meeting all the contacts which they have had concerning a planning application. However, openness helps to allay suspicion, and any consideration which might influence how a member votes, and which is not already before the committee, should be shared and exposed to comment.

A member should disclose at the meeting any contacts with the applicant or their representatives. Whether to disclose other contacts is a matter for his/her decision.

Members of the committee should not allow anyone who is not a member of the committee or an officer to communicate with them privately by any means during a committee meeting.

Planning officers will keep a full written note of any contact from a member about an application on the planning file and report all such contacts to the meeting of the Regulatory Committee considering the application.

14. The Divisional Member

Whilst a member of the Regulatory Committee might report local views on an application, they cannot act as an advocate for any particular interest and claim with credibility to be able to participate with impartiality in making the decision. As a result, members of the Regulatory Committee will sometimes be presented with a choice between participating in a decision and freeing themselves to campaign for or against an application, particularly when they feel that the interests of their constituents cannot otherwise be effectively represented.

They are in these circumstances entitled to choose to campaign if they are satisfied that this best serves the public interest. To avoid any misunderstanding, they may wish to notify the strategic director for resources of their decision before beginning to campaign.

Any member who joins a campaign should remain alert to the possibility that the nature and extent of their involvement might give rise to a prejudicial interest affecting the ways in which they can lobby on behalf of the campaign.

15. Political Group Expectations

Political meetings should not be used to discuss how a member of the Regulatory Committee should vote and political groups should not use the whip or seek to exert any other group discipline to influence a decision. Deference to the expectations of political colleagues both fetters the discretion of a member of the committee and introduces an immaterial consideration. Political group pre-meetings to discuss applications should be avoided.

16. Declaring Interests

Any member who has a prejudicial interest in an application should, whether or not he/she is a member of the Regulatory Committee, withdraw from a meeting of the committee when the application is considered. They can use the public speaking system only through a representative and should not use avenues of influence, which are not equally open to the general public (see also sections 4 and 10 above).

17. Members with Dual Public Roles

Paragraph 10 of the Members' Code of Conduct allows a member to regard himself/herself as not having a prejudicial interest in certain cases where an interest arises from their involvement in another body as part of their public duties. Members should not take advantage of these exemptions automatically but should always exercise their discretion according to the particular circumstances of the case.

The exemption cannot be relied upon where the body with which a member is involved is the applicant or stands to benefit or suffer in some significant way from a development proposal (e.g. when a member is the governor of a school where the development will take place).

On the other hand, it is permissible for a "double-hatted" member of the Regulatory Committee to rely upon the exemption where the other council is merely a consultee, or spokesperson for its community, provided that he/she:

- made it clear at any meeting in which he/she participated that he/she had not formed a final opinion and would decide the application independently on its merits alone;
- has no other reason for declaring a prejudicial interest; and
- is satisfied that they are free of bias or predetermination or its appearance.

18. Officer Reports

Whilst each report should be appropriate to the nature of the decision to be taken, a report on an application to be considered by the Regulatory Committee can normally be expected to include:

- a description of the site and surroundings;
- the proposals and any relevant planning history;
- extracts from application plans and drawings;
- a location plan;
- relevant national and local policies;
- material considerations;
- the views of consultees and the substance of objections;
- evaluation of key issues setting out the pros and cons of the development;
- a reasoned statement whether or not the proposal is in accordance with the local development documents;
- a conclusion and a clear recommendation;
- the substance of conditions and legal agreements; and the text of any reasons required by statute.

Reports should, so far as is practicable, include details of all consultation responses received before the publication of the agenda.

19. Meetings of the Regulatory Committee

Full scale copies of application plans and drawings will be displayed at the meeting and visual projections will be used to show plans, drawings and photographs of the site.

Members will be given copies or summaries of representations received after the reports were finalised and any late material will be noted in the minutes.

Copies of any documents provided for members will be available to members of the public.

Where the committee is required to identify conditions or obligations or give reasons required by statutes that are not set out in the relevant report, the conditions/obligations and reasons shall either be agreed in substance at the meeting or submitted in writing to a subsequent meeting for approval.

Members of the Regulatory Committee should not vote unless and until they have heard all the evidence, advice and argument presented at the meeting. Therefore, a member who leaves the room during the consideration of an application should not vote on it.

20. Public Speaking

A public speaking scheme will operate. The initial scheme is set out in the appendix to this code but the details of its operation may be amended by the Regulatory Committee.

21. Officer Support

Pre-meeting briefings between officers and the chair and group spokespersons will take place, to anticipate and consider procedural matters.

All meetings of the Regulatory Committee (including site visits) shall be attended by a solicitor or barrister of suitable seniority on behalf of the strategic director for resources and also by the development manager or another suitable planning officer nominated by the development manager.

22. Officer Advice

The Regulatory Committee should never decide an application without giving the officers an opportunity to provide information and advice additional to that in the report and to respond to any representations from the public. If new issues or evidence are mentioned in discussion, the officers should be invited to comment. The chair should check whether the legal and planning officers wish to offer any further advice immediately before proceeding to a vote.

Where the committee disagree with professional advice, particularly advice on a technical matter, they should not reject it unless they can identify clear and cogent reasons for doing so.

If the committee are minded to make a decision in conflict with that recommended by the officers, they should first seek specific advice from the officers as to the implications. Having made such a decision, the committee should articulate their reasons in order that they can be minuted before proceeding to the next agenda item. Officers may advise on but should not be asked to devise reasons for the committee.

23. Deferrals

Applicants are entitled to prompt decisions and delay can be costly and harmful. Therefore, an application should not be deferred unless it is:

- a procedural requirement;
- demanded by the duty of fairness;
- for a site visit; or
- to obtain important information.

In all cases, an application should be deferred only if it is necessary to do so in order to reach a properly informed and lawful decision.

A site visit is only likely to be necessary if the impact of the development is difficult to visualise from the presentation materials available at the meeting or if there is good reason why the comments of interested parties cannot be expressed adequately in writing.

A deferral must take place where potentially significant new evidence or issues have emerged at the meeting which require verification and analysis.

The reasons for a deferral must be agreed before proceeding to the next agenda item and minuted.

24. Site Visits

A site visit is for fact finding purposes only. They must be carefully managed in order to dispel any suspicion they have been used as an opportunity for covert lobbying and to ensure that any significant information obtained on the visit is available to all.

Site visits will be conducted in accordance with the following rules:

- the visit is for the purpose of visual inspection only;
- representations will not be entertained from any party;
- applicants and objectors will accompany the committee only in order to facilitate access, point out physical features and answer factual questions; and
- members of the committee will communicate with interested parties only through their officers.

Members should not make private inspections of sites unless they can do so unaccompanied and without making contact with applicants or other interested parties.

A site visit may exceptionally be followed by a factual presentation on behalf of the applicant (see section 26). At least one representative of any objectors should be invited to observe the presentation.

Members should avoid expressing opinions on the application during a site visit.

25. Discussions with Applicants

In exceptional cases, and with the approval of the Regulatory Committee, a meeting might be arranged with applicants (or prospective applicants) to enable members to improve their understanding of major, complex or contentious applications. Although this might also give applicants an insight into the concerns of members, discussions must not slide into negotiation. Such a meeting might be combined with a site visit.

The following rules should be observed:

- presentations should be limited to the development proposal and factual questions and answers;
- the meeting should be organised and attended by officers of appropriate seniority, including a legal officer;
- members from each political group should be invited;
- members should adopt an impartial listening role and avoid expressing views on the proposal;
- if requested, preliminary views on the proposal may be supplied by the officers in writing after the meeting;
- the legal officer shall make a note of the presentation, which will be appended to the written report on the application;
- objectors should be given a proper opportunity to express their views on any information obtained at the meeting; and
- no gifts or hospitality shall be accepted from an applicant other than modest refreshments.

26. Reviewing Decisions

The Regulatory Committee will review a selection of decisions by visiting sites where development has taken place.

27. Hospitality and Gifts

Members should not accept any hospitality or a gift of any value from anyone with an interest in a development proposal, other than modest refreshments on a site visit.

Any offer to fund a fact-finding trip will also be rejected.

28. Complaints

Complaints concerning the conduct of officers will be dealt with under our complaints procedure whilst complaints concerning members will be dealt with by the strategic director for resources as monitoring officer.

In neither case should complaints be used as a means to challenge the merits of decisions properly taken.

The chief executive and the strategic director for communities shall submit an annual report to the Audit and Standards Committee and the Regulatory Committee summarising complaints received and any lessons to be learned.

Appendix

Public Speaking Scheme

This scheme applies only to applications for planning permission, and for approvals under planning conditions, decided by the Regulatory Committee.

A councillor of any local authority (including town and parish councils) representing the area in which the application site is situated, and anyone who has made written representations mentioned in the officer report, is eligible to speak to the committee.

If a person speaks against an application, the applicant has a right of reply. Anyone entitled to speak may nominate a representative to speak on their behalf.

No more than three objectors and three supporters (not counting local councillors with a right to speak) may speak on any one application. If more than three request to speak in either category, they will be asked to agree a smaller number of representatives. If they fail to agree, preference will be given to those appearing to be most representative of reaction to the application and to those most affected by the application.

Applications on which people have requested to speak will be dealt with before other items on the agenda.

Public speaking on each application will take place after the planning officer has introduced the application. Each speaker has a maximum of 3 minutes.

The order of speaking will be:

1. the county councillor
2. other councillors
3. objectors
4. supporters
5. applicant.

Speakers may be questioned by officers and members of the committee.

Anyone wishing to speak to the committee must make a request either by letter, fax or e-mail or by telephoning the development group at least three working days before the committee meets.

The chair may stop a speaker if what they are saying is irrelevant or offensive or if they attempt to introduce substantial new issues or evidence.

Speakers cannot circulate new documents other than photographs and no presentation aids such as overhead projectors or PowerPoint may be used.

The chair may instruct speakers who do not conduct themselves in an orderly manner to leave the meeting.

Speakers will not be permitted to question any other person and will not be allowed to speak more than once. If it is necessary to make a factual correction after speaking, the information should be supplied to an officer.

If the committee defers an application to obtain further information or to visit the site, speakers will be allowed to speak when the application is next considered only if they spoke at the first meeting and only in order to address any new information which has emerged in the meantime.

Speakers will be sent written notification of the decision of the committee.

The chair may, in his/her sole discretion, allow a departure from the rules of this scheme if there are exceptional circumstances.

SECTION 3 – PROTOCOLS ON MEMBER/OFFICER RELATIONS**1. Underlying Principles**

- 1.1 The following general principles apply to all relations involving members and officers.
- 1.2 All relations shall be conducted:
- With respect for others and in a way which promotes equality.
 - With honesty and integrity.
 - Acknowledging the duty to uphold the law and act in accordance with the trust placed in them by the public.
 - In a way that promotes objectivity, accountability and openness.
 - Acknowledging the duty of confidentiality that exists in relation to information given in confidence and information which the council is entitled by law to treat as confidential.
 - With a view to establishing and promoting positive working relationships.

2. Roles of Members

- 2.1 All members will have important roles including representing the views of their constituents, acting together as full council, and membership of committees and sub-committees.
- 2.2 Elected member role profiles are attached as an appendix to these protocols. In carrying out their roles, members should respect the political neutrality and integrity of all officers employed by the council.

3. Roles of Officers

- 3.1 The role of officers is to work for and serve the council as a whole. They are responsible for the day-to-day managerial activities and operational decisions which the council takes and should provide support to all members in their several roles. Officers should at all times maintain impartiality and be aware of the potential for conflict in providing effective support to members.
- 3.2 The chief executive, strategic directors and heads of service shall be entitled to offer advice at meetings of all member bodies if he/she thinks it is necessary to ensure that all relevant matters are taken into account.
- 3.3 Where an officer feels that his/her political neutrality or integrity is being compromised in any way, he/she shall notify his/her head of service and strategic director.

4. The Leader and the Cabinet**4.1 Procedural Matters**

- 4.1.1 The leaders of political groups representing over 10% of the membership of the council or their representatives may attend cabinet meetings as non-voting invitees. Standing orders give any member the right to attend any meetings as non-speaking observers.
- 4.1.2 Draft minutes of cabinet meetings and leader or portfolio holder decision-making sessions will be placed on the electronic information system by 5.00pm on the second clear working day after the meeting/session.
- 4.1.3 The leader and the cabinet can and should consult with whoever it thinks appropriate and should take an inclusive approach to its work by consulting others, including partner bodies as well as members of the wider community

4.1.4 The leader and the cabinet are responsible for policy development. Overview and scrutiny committees have a role in assisting the leader and the cabinet to develop policy. Cabinet portfolio holders should maintain an effective two way dialogue with the relevant overview and scrutiny committees. Regular communication between portfolio holders and committees, chairs, and spokespersons aids effective policy development.

4.1.5 If the cabinet establishes a policy panel it should be chaired by the relevant portfolio holder and should be time limited.

4.2 Relationship between the Leader, Portfolio Holders, Cabinet and Officers

4.2.1 The leader, portfolio holders and the cabinet shall seek advice from relevant officers before taking decisions. It may also invite them to attend its meetings as necessary.

4.2.2 Reports are prepared by officers and contain professional views and advice for all members. Whilst members may be invited to comment on reports, attempts should not be made by members to change the advice given in reports.

4.2.3 Officers shall consult the relevant portfolio holders on draft reports to be presented to meetings of the cabinet or for decision by the leader or portfolio holder and circulate a copy of the draft report to the following:

- Relevant spokespersons for information; and
- Local members where the decision would have a specific impact on certain electoral divisions – ‘for comment’

4.2.4 Officers shall consult portfolio holders and the relevant chair on draft reports to overview and scrutiny committees and circulate a copy to:

- The vice-chair and other relevant spokespersons on the overview and scrutiny committee for information; and
- Local members where the decision would have a specific impact on certain electoral divisions – ‘for comment’

4.2.5 The current convention is that there is no consultation with members on officer reports to the other non-executive bodies i.e. full council, Audit and Standards Committee, Regulatory Committee, Staff and Pensions Committee and sub- committees.

5. Overview and Scrutiny Committees

5.1 Procedural Matters

5.1.1 Unless otherwise stated, each overview and scrutiny committee shall set its own programme of work. Any member of an overview and scrutiny committee, including co-opted members, can propose items for consideration. The chair’s decision is final in deciding the agenda for any particular meeting.

5.1.2 Officer reports to overview and scrutiny committees should be presented in a way which encourages free-flowing debate. Officers should consider shorter briefing papers with options for the committee to receive further information, through presentations, visits, questions at the meeting etc. as opposed to traditional reports.

5.1.3 Only in exceptional circumstances should there be urgent or unplanned reports to overview and scrutiny committees, as they are not decision-making bodies and items of this nature would ordinarily be routed to the leader or cabinet or the appropriate decision-making person or body.

- 5.1.4 Briefings for chairs, vice-chairs and spokespersons prior to the committee meetings will be focused on the management of the meeting and the work programme of the committee not on the content of reports/items on the agenda.
- 5.1.5 The chair, vice-chair and spokespersons will be given an opportunity to meet to consider the work programme of the committee.
- 5.1.6 Regular briefing meetings will be arranged between the relevant cabinet portfolio holder(s) and overview and scrutiny chairs and spokespersons. The strategic director and/or appropriate heads of service will attend. The meeting will identify any key issues for dissemination to the wide council membership, which will form a bulletin to be issued to all members as soon as possible after the meeting. The meeting will also be provided with an overview of overview and scrutiny, cabinet and council work programmes to enable overview and scrutiny members to consider whether they wish to make any changes to their work programme. (These meetings should assist in ensuring the programmes progress in year and that any other important strategic issues that arise in year are accommodated). The aim should be to have these meetings every two months to ensure timely exchange of information and onward briefing of members.
- 5.1.7 The overview and scrutiny committees should report to full council once a year on the work undertaken.
- 5.1.8 Where matters fall within the remit of more than one overview and scrutiny committee, the relevant chairs shall decide which of them will assume responsibility for that particular issue. Joint meetings of overview and scrutiny committees should be avoided, as these are generally too large to carry out effective scrutiny. Alternatively the relevant overview and scrutiny committees may decide to form a small joint scrutiny panel to examine cross-cutting issues.
- 5.1.9 Reports from overview and scrutiny committees to the cabinet/portfolio holders and/or full council shall be in the name of the chair. Where the professional advice of the chief executive or strategic director or other statutory officer does not support the content or recommendation in the report, this will be made clear in the report.
- 5.1.10 An overview and scrutiny committee shall be entitled to invite any person to address its meetings, to discuss issues of concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector.
- 5.1.11 An overview and scrutiny committee will normally invite members who have called- in an executive decision to attend the meeting to explain the reasons for the call-in.
- 5.1.12 If an overview and scrutiny committee establishes a task and finish group it should be time limited.

5.2 Scrutiny Role

- 5.2.1 Overview and scrutiny should be evidence based, constructive and focused on outcomes which make a positive difference to people living and working in Warwickshire. Overview and scrutiny committees should not normally scrutinise individual decisions made by committees or officers, particularly in respect of development control, licensing, registration, consents and other permissions. Scrutiny should not be viewed as an alternative to normal appeal procedures. Nor should it be used as a vehicle to pursue issues relating to matters concerning individual electoral divisions.
- 5.2.2 The overall purpose of a scrutiny review is to:
- Assist the council to achieve its corporate aims and objectives; and
 - Deliver positive outcomes for local people.

- 5.2.3 Overview and scrutiny committees should take the following matters into account when deciding whether to conduct a particular scrutiny:
- Would the issue have a significant impact on Warwickshire?
 - Is it a matter which would be of general public concern?
 - Does the issue relate to a key deliverable of a strategic and/or partnership plan?
 - Does it relate to a key performance area where the council needs to improve?
 - Are there adequate resources available to do the activity well?
 - Is the overview and scrutiny activity timely?
 - Is there a clear objective for scrutinising this topic?
 - Is there evidence to support the need for overview and scrutiny?
 - What are the likely benefits to the council and its customers?
 - Are we likely to achieve the desired outcome?
 - What are the potential risks?
- 5.2.4 Overview and scrutiny committees should consider rejecting a scrutiny review for the following reasons:
- The issue is already being addressed/examined elsewhere and change is imminent;
 - The issue is not relevant to all or large parts of the council;
 - There is little evidence to support the need for a review;
 - The issue is the subject of current consultation by the council;
 - The topic would be better addressed somewhere else (and will be referred there);
 - Scrutiny involvement would have limited/no impact upon outcomes for local people;
 - The topics may be sub-judice or prejudicial to the council's interest;
 - The topic is too broad to make a realistic review;
 - New legislation or guidance relating to the topic is expected within the next year;
 - The topic area is currently subject to inspection or had recently undergone substantial change.
- 5.2.5 Overview and scrutiny committees or sub-committees may question the leader, members of the cabinet or other committees, strategic directors, heads of service or their nominee, about their decisions and performance of services. The member or officer concerned will be given at least 10 working days written notice of the meeting, which will include details of the item and whether there is any background information.
- 5.2.6 Where, in exceptional circumstances, the relevant person or their nominee is unable to attend on the required date, an alternative date shall be arranged in consultation with him/her.
- 5.2.7 Overview and scrutiny committees should always bear in mind that when officers appear to answer questions their contribution should, as far as is possible, be confined to questions of fact and explanation relating to policies and decisions.
- 5.2.8 Officers may explain what the policies are, the extent to which those objectives may have been met and how administrative factors may have affected both the choice of policy measures and the manner of their implementation.
- 5.2.9 Officers may be asked to explain the advice they have given to the leader, portfolio holder or cabinet prior to decisions being taken and they may also be asked to explain the decisions they have taken themselves under delegated authority.
- 5.2.10 As far as possible, officers should avoid being drawn into discussion about the merits of alternative policies where this is politically contentious. Any comment by officers on the policies and actions of the leader, portfolio holder or cabinet should always be consistent with the requirement for officers to be politically impartial.

5.2.11 Where an overview and scrutiny committee conducts investigations (e.g. with a view to policy development) and asks people to attend meetings to give evidence, such meetings are to be conducted in accordance with the following principles:

- the investigation is conducted fairly and all members of the committee shall be given the opportunity to ask questions, contribute and speak;
- those assisting the committee by giving evidence are treated with respect and courtesy; and
- the investigation is conducted so as to maximise the efficiency of the investigation or analysis.

5.3 Relationship between Overview and Scrutiny Committees and Officers

5.3.1 Overview and scrutiny committees shall seek advice from relevant officers when considering any report or matter.

5.3.2 Where an overview and scrutiny committee considers that there is doubt about whether an executive decision is contrary to the budget and/or the policy framework they shall seek the advice of the monitoring officer and other relevant officers.

5.4 Councillor Call for Action

5.4.1 A councillor call for action should not be seen as the first step in resolving a matter. The member should talk to relevant officers and the portfolio holder(s) before using this process

5.4.2 Steps which a councillor could take before using the councillor call for action process include:

- Contact with the local office or body concerned to attempt to resolve the matter;
- Contact with the relevant portfolio holder;
- Use of appropriate complaint procedures; and/or
- Use of an appropriate locality forum where the issue has a multiagency dimension.

5.4.3 The notice to the monitoring officer should set out clearly what the issue is about, what resolution is being sought, what steps have already been taken and the outcome. The member should enclose any relevant papers and copies of any relevant correspondence.

5.4.4 The following are excluded matters:

- issues where there are clear appeal processes such as planning
- issues where the action being suggested would be unlawful
- individual staff matters
- issues which would be dealt with under the council's or another body's complaints procedures
- litigation/court processes
- vexatious/repetitive complaints

5.4.5 In deciding whether or not to conduct any particular scrutiny arising from a councillor call for action the overview and scrutiny committees should apply the same considerations as it would to any other suggested topic for scrutiny.

6. Relationship between Other Committees and Officers

Committees shall seek advice from relevant officers before taking decisions and when considering any report or matter.

7. Chairing Meetings

Vice-chairs shall be appointed for overview and scrutiny committees, Regulatory Committee and Staff and Pensions Committee. In the absence of the chair, the vice-chair will chair the meeting. In the absence of both the chair and vice-chair, those present shall choose another member from the same political group as the chair to chair the meeting.

8. Appointments and Disciplinary Appeals

Any meeting of a sub-committee shall include elected members from at least two political groups. Each sub-committee shall elect a person to chair the meeting.

9. Agenda Management

Unless otherwise stated, the monitoring officer will determine whether a particular agenda item is within the remit of a particular member body.

10. Committee Management Information System (CMIS)

- 10.1 Draft reports for comment or information will be circulated electronically via CMIS. This will be the principal method of circulation to ensure a proper audit trail is maintained.
- 10.2 Agendas and public reports are normally published at least 5 working days before the meeting. All members will be notified of the publication of reports by email with a link to the relevant papers.
- 10.3 The minutes of cabinet meetings will normally be published within 2 working days of the meeting and for other bodies the minutes will normally be published within 5 working days of the meeting. All members will be notified of the publication of minutes by email with a link to the relevant minutes.

11. General Principles of Support from Officers to Members

- 11.1 Officers should provide support and information to the leader, cabinet, the overview and scrutiny committees, other committees and individual members in order to meet reasonable requests to enable the relevant member or body to carry out their role(s) as elected representatives.
- 11.2 Officers should not be requested to provide support and information to members in pursuit of political activities of any kind.

12. Party Group Meetings

- 12.1 Meetings of party groups shall not be deemed to be meetings for the purposes of this constitution.
- 12.2 The underlying principles as set out above shall apply to officer relations with party groups. Additionally, where officers are required to attend political group meetings, members present should be particularly mindful of the political neutrality of officers.
- 12.3 Members should avoid making any comments, which would compromise the integrity and impartiality of the officers present. They should also avoid situations which involve conflicts between the interests of the political group and the interests of the council.

13. Members in their Local Role and Officers

- 13.1 Officers should notify members of any significant issues which particularly affect the member(s) electoral division(s). This should include any changes to services in the area, such as opening times and use of buildings, including any temporary changes or temporary closures. This requirement does not normally apply to details relating to individual recipients of council services.
- 13.2 Officers should endeavor to ensure members are kept informed of progress of projects within their division, including capital projects and highway works.
- 13.3 Officers should seek the comments of the local elected members on reports which particularly affect their electoral division(s) and where appropriate indicate their comments in the text of the report. There may be occasions when the impact of proposals is wider than the local member. On these occasions the other members within the relevant areas should be consulted.
- 13.4 Where officers are uncertain whether a particular decision is a key decision because of its effect on an area they should consult the member(s) whose electoral division(s) is particularly affected.
- 13.5 Local members shall seek advice from relevant officers before taking decisions under delegated powers and when considering any report or matter.

14. Councillor access to documents and information

- 14.1 Members have certain statutory rights to access documents and information arising out of their role as councillor (e.g. the right to see documents relating to business to be transacted by the council, the right to inspect accounts and take copies and the right to inspect books, deeds, contracts, bills, vouchers and receipts).
- 14.2 In the absence of a specific statutory right, members can access council documents and information if it is reasonably necessary for the purposes of performing their duties as a councillor. There is no automatic right of access and the need to know must be demonstrated by the member concerned. Any matters of dispute are to be resolved by the monitoring officer.
- 14.3 Confidential or exempt information should not be shared with anyone outside the council.

15. Members on Outside Bodies – Reporting Back

The nominees appointed to the listed outside bodies will report back at least half yearly to the appropriate council body on the key issues for the outside body and any potential impact for the council. The outside bodies are:

- Local Enterprise Partnership
- Eastern Shires Purchasing Organisation Management Committee
- Local Transport Board
- LGA General Assembly
- County Councils Network
- LGA Urban Commission
- Rural Commission
- Fire Commission
- Warwickshire Waste Partnership
- Any others which may be added from time to time

16. Other Individuals who are Members of Council Bodies

- 16.1 Other individuals who are members of council bodies shall follow and shall be treated in accordance with the underlying principles set out at 1 above. Additionally any duties of confidentiality which they owe to the body they are representing shall be respected.
- 16.2 Such individuals have the right to advice from officers on council related matters.
- 16.3 Conflicts of interest between a person's personal, professional or business interests and those of the council may arise from time to time. Such conflicts shall be declared and dealt with in accordance with 18 below.

17. Press and Media

Officers dealing with the press and media, and any press/media releases that are issued, should not seek to further the interests of a political party or a particular member other than as a representative of the council.

The council will follow such national codes and guidance on press and publicity as are in force from time to time.

18. Conflicts

All members have undertaken to comply with the Members' Code of Conduct. The monitoring officer is there to provide advice on the interpretation of the code and assist members to decide whether or not they may have a conflict of interest. Members are encouraged to seek early advice whenever they feel there is the potential for a conflict of interest to arise.

Where conflicts arise in member/officer relations these should either be dealt with under the relevant code of conduct under part 4 of this constitution or referred to the chief executive who, in consultation with the leader, and/or other group leaders as necessary, shall decide on the most appropriate course of action.

Warwickshire County Council

Member Role Profiles

‘Leading for Warwickshire’

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Introduction

The member profiles have been developed by the member development steering group and set out the expectations of elected members and the roles they undertake.

The profiles seek to demonstrate the differing complexity of the roles and forms the basis of the '*Leading for Warwickshire*' member development programme.

Each member will be supported in assessing their strengths against the role profiles and identify any areas for development. The profiles will also serve to explain the role of councillors both within the organisation and externally with our partners and public.

1. Elected Member Role Profile

This role profile applies to all councillors and forms the foundation for all other role profiles within this document.

Overall Purpose

To provide effective community leadership and representation for the people and area to which they are elected. To take part in the development of policies and services for the people of the county as a whole.

Roles and Responsibilities

Community Leadership and Representation:

- To offer a vision and direction for the community and build support for that vision.
- To represent the interest of constituents and the area in which they live by actively seeking out their views, taking these into account when considering policy and taking decisions, and feeding back to constituents the decision that impact upon them.
- To undertake casework for constituents fairly and impartially and act as an advocate in resolving local concerns and grievances pertaining to the council and its partners.
- To support and promote citizenship locally and empower the community to actively participate in the governance of the local area.

Partnership Working:

- To work in partnership and build effective alliances with other local public, private, voluntary and community sector agencies and bodies, which impact on the local community.
- To work with local organisations and interests in shaping a long-term vision for the area.
- To develop effective working relationships with officers within the council and externally.

Policy Development:

- To contribute to the formation and review of the council's policies, strategies and service delivery.
- To participate in the scrutiny and monitoring of council decisions, the performance of council services and their effectiveness in meeting the priorities and strategic objectives of the council and the needs of its residents.
- To effectively represent the council on outside organisations to which they are appointed, reporting back to the appropriate council body on relevant issues.

Other:

- To fulfil all the legal and constitutional responsibilities required of elected members, including codes of conduct and probity issues.
- To be accessible to constituents, partner organisations and officers of the council using the information technology available (including electronic mail for internal and external communications).

- To participate in appropriate training and development to ensure that the role of elected member is undertaken effectively.

Key Skill Sets:

- Leadership Skills
- Communication Skills
- Partnership Working
- Scrutiny and Challenge
- Performance Management
- Personal Management

Key Knowledge Sets:

- The council's key priorities and related policies and plans.
- The organisation of the council – its services, key officers and key partners.
- Council's policy and decision-making processes, code of conduct, protocols and corporate responsibilities (for example as corporate parent).
- Detailed knowledge and understanding of their electoral division, localities and communities.
- Understanding of the purpose and priorities of any external organization to which the member is appointed by the council, including an understanding of their role on the organisation.
- Knowledge of the structure and working of local government.
- National policies and their impact on the public sector, local government and the council.

2. Leader and Deputy Leader of the Council

2.1 Leader of the Council

This identifies the responsibilities, skills and knowledge specific to the role of leader of the council and should be read in conjunction with those set out for a cabinet member.

Overall Purpose

To provide visible strategic leadership and direction for the council, and take overall responsibility for the political management of the council and delivery of the council's strategic objectives and priorities, ensuring continuous improvement for the county and its residents at all times.

Roles and Responsibilities**Leadership:**

- To provide cohesive, corporate and strategic leadership and direction for the council.
- To build a vision for Warwickshire and lead the council and its partners towards that vision.
- To represent the council and provide leadership on the Warwickshire Public Service Board and other key local partnerships.
- To develop and maintain effective relationships with partners across Warwickshire and within the sub-region and region as appropriate.
- To act as spokesperson for the council and for the Warwickshire community as a whole.
- To lead cabinet and a political group and administration.

Policy:

- To undertake political executive responsibility and accountability for proposing and directing the council's overall strategy, budget and policy framework, and service reviews.
- To lead on performance improvement throughout the organisation and with partners.
- To work with members of the cabinet to ensure the effective delivery of services within the remit of their portfolios against the agreed policies of the council.

- To promote and demonstrate effective, consistent and accountable decision making.
- To represent the council, and be accountable for discussions and negotiations with county-wide, sub-regional, regional, national and international organisations and bodies, as appropriate.
- To develop and maintain an effective working relationship with the leaders of other political groups within the council and with the overview and scrutiny committee chairs.

Other:

- To lead and manage a political group within the council.
- To ensure that group members are performing effectively, particularly those with special responsibilities.
- To champion member development and ensure that group members and members of the cabinet benefit from appropriate training and development to deal effectively with the cabinet's business.

Key Skill Sets:

- Strategic Leadership
- Partnership Working
- Strategic Thinking, Policy and Decision-Making
- Performance Management and Improvement
- Communication and Media
- Chairing

Knowledge:

- Detailed understanding of the council's key priorities and related policies and plans that support the council's vision.
- An understanding of the key challenges facing local government and the public sector.
- An understanding of the national policy framework and impact on local policy development.
- An understanding of the key challenges and opportunities facing Warwickshire, the sub-region and region.
- Knowledge of the work of county-wide, sub-regional, regional and national bodies, and the role of the council within them.
- Detailed knowledge of the role of local partners and the services they deliver.

2.2 Deputy Leader of the Council

This identifies the responsibilities, skills and knowledge specific to the role of deputy leader of the council and should be read in conjunction with those set out for a cabinet member.

Overall Purpose

To assist the leader of the council and deputise in his/her absence.

Roles and Responsibilities:

- To support and assist the leader in the formal processes and matters of leadership of the council as set out in the role profile for the leader of the council.
- To work with the leader on proposing and directing the council's overall strategy, budget and policy framework, performance improvement programme and service reviews.
- To assist the leader in co-ordinating the work of the cabinet and of the political group.
- To deputise for the leader in his/her absence, undertaking the duties as set out in the role profile for the leader of the council.

Key Skill and Knowledge Sets:

As set out for the leader of the council.

3. Cabinet Member

Overall Purpose

To provide strategic leadership and direction in relation to their allocated portfolio, and contribute to the collective decision-making function of the council.

Roles and Responsibilities

Leadership:

- To provide strategic leadership and direction in relation to their allocated portfolio functions and responsibilities.
- To ensure continuous improvement within these areas.
- To represent the council in relation to their portfolio at county-wide, sub-regional, regional, national and international events or conferences.
- To develop and take a lead role in key partnerships relevant to their portfolio.
- To act as the principal spokesperson for their portfolio.

Policy Development:

- To bring forward policy and budget proposals for consideration by the cabinet.
- To liaise effectively with other cabinet members to ensure that policies and service delivery are integrated across all services.
- To work constructively with overview and scrutiny committees in developing policy.
- To consult interested parties, citizens and other members as part of the development and review of policy.

Decision-Making:

- To make recommendations as a member of the cabinet on the council's policy framework, plans and budget, under the leadership of the leader and deputy leader of the council.
- To take collective and personal responsibility and accountability for the decisions and recommendations reached by the cabinet.
- To take responsibility, with appropriate service managers, for the performance of services and functions within their portfolio.
- To ensure that approved policies and strategies are implemented and delivered effectively.
- To provide evidence in relation to decisions taken and the performance of services within their portfolio, including being held to account at committees as appropriate.

Other:

- To establish and maintain effective working relationships with other cabinet members, group members, partners, overview and scrutiny committee chairs/spokespersons, and officers as appropriate.
- To participate in appropriate training and development to ensure that the role of cabinet member is undertaken effectively.

Key Skill Sets:

- Strategic Leadership
- Partnership Working
- Strategic Thinking, Policy and Decision-Making
- Performance Management and Improvement
- Communication and Media
- Chairing

Key Knowledge Sets:

- Detailed understanding of the council's key priorities and related policies and plans that support the council's vision and those of the public service board.
-

- Detailed understanding of the corporate objectives, plans and performance issues in relation to their portfolio.
- An understanding of the key challenges and opportunities, and any national, regional or sub-regional issues that impact on their portfolio.
- An understanding of the key challenges facing local government and the public sector, particularly in the area of their portfolio.
- An understanding of the national policy framework and impact on local policy development within their portfolio.
- Knowledge of the work of county-wide, sub-regional, regional, national and international bodies that impact on their portfolio.
- Knowledge of the role of local partners and the services they deliver, particularly those in relation to their portfolio.

4. Leader and Deputy Leader of an Opposition Group

4.1 Leader of an Opposition Group

Overall Purpose

To lead and co-ordinate the work of an opposition group within the council, and effectively scrutinise and hold to account the leader of the council and the cabinet.

Roles and Responsibilities:

- To lead and manage a political group within the council.
- To ensure that group members are performing effectively, particularly those with special responsibilities.
- To champion member development and ensure that group members benefit from appropriate training and development.
- To comment, challenge and review the performance of the council's administration in the co-ordination and implementation of its policies and procedures.
- To develop opposition group policies and proposals that are credible and could be implemented by the council.
- To maintain effective liaison with the leaders of other political groups, cabinet members, overview and scrutiny committee chairs, and other members.

Key Skill Sets:

- Leadership
- Strategic Thinking and Policy Development
- Partnership Working
- Communications and Media
- Charing

Key Knowledge Sets:

- Knowledge of the council's key priorities, and related policies and plans.
- An understanding of the key challenges facing local government and the public sector.
- An understanding of the national policy framework and impact on local policy development.
- An understanding of the key challenges and opportunities facing Warwickshire, the sub-region and region.
- Knowledge of the work of county-wide, sub-regional, regional, national and international bodies, and the role of the council within them.
- Knowledge of the role of local partners and the services they deliver.

4.2 Deputy Leader of an Opposition Group

Overall Purpose

To support and assist the opposition group leader and deputise in his/her absence.

Roles and Responsibilities:

- To support and assist the group leader in his/her role as set out in the role profile for the leader of an opposition group.
- To work with the group leader on the development of credible policy and budget proposals.
- To assist the group leader in co-ordinating the work of the group.
- To deputise for the group leader in his/her absence, undertaking the duties as set out in the role profile for the leader of an opposition group.
- To participate in appropriate training and development to ensure that this role is undertaken effectively.

Key Skill and Knowledge Sets:

As set out for the leader of an opposition group.

5. Committee Chair**Overall Purpose**

To chair and manage meetings, ensuring pro-active and positive contributions and that the objectives of the committee/meeting are met.

Roles and Responsibilities:

- To ensure effective management of the committee's deliberations.
- To direct and monitor the committee's work programme/progress against objectives.
- To encourage involvement from all members of the committee.
- To ensure that reports are drafted to a high standard, are focused, relevant and timely.
- To act as the lead spokesperson in respect of the committee's activities.
- To liaise and communicate with relevant officers, partners and specialists to ensure the receipt of appropriate advice, evidence and information to inform the committee's deliberations.
- To engage and develop effective working relationships with the vice-chair of the committee and other members and partners as appropriate.
- To ensure that members of the committee benefit from appropriate training and development to deal effectively with the committee's business.

Key Skill Sets:

- Leadership and Chairing
- Partnership and Team Working
- Communication
- Project and Time Management

Key Knowledge Set:

- Detailed knowledge of objectives and powers of the committee/body and any codes or protocols under which the body operates.

6. Chair of the County Council**Overall Purpose**

To undertake the role of civic head of the county council, presiding over meetings of the full council, and effectively representing the council at ceremonial, civic and other functions inside and outside of Warwickshire.

Roles and Responsibilities:

- To preside over meetings of the county council, ensuring that the procedures, rules and standing orders set out in the council's constitution are followed.

- To encourage and ensure that all members have the opportunity to contribute to debates.
- To uphold and promote the purposes of the constitution, interpreting it when necessary.
- To establish and maintain effective working relations with the leaders of the political groups, the cabinet, chairs of other committees, and other members and officers as appropriate.
- To undertake the role of civic head of the county council, representing the council at ceremonial, civic and other functions both inside and outside of Warwickshire.
- To receive civic guests, delegations, host civic occasions and provide civic hospitality as required.
- To act as an ambassador for the council both within and outside of Warwickshire.
- To positively promote the image of the council at all occasions both locally, regionally and nationally.

Key Skill Sets:

- Leadership – representing and promoting the council.
- Relationship Building – in particular networking.
- Communication and Public Speaking.
- Charing.

Key Knowledge Sets:

- Detailed understanding of the civic role played by the chairman of the council.
- Detailed understanding of the council's key priorities and related policies and plans that support the council's vision.
- Knowledge of the key challenges facing local government and the public sector.

SECTION 4 – OFFICERS’ CODE OF CONDUCT

1. EMPLOYER AND EMPLOYEE RESPONSIBILITIES

1.1 Introduction

This code is designed to help all employees understand the working relationship between themselves, their managers, colleagues, members of the council and above all members of the public to whom we deliver a service. It is intended to be a short reference guide for staff, but greater detail on many of these issues is included in ‘the manager’s guide’. The manager’s guide is a comprehensive manual of information on all staff related matters and a copy is available for general inspection within each directorate.

The code recognises the unique position of governing bodies in the employment process, and the adoption of this code within the people directorate will be subject to agreement by governing bodies and due consultation with the relevant teacher associations. The council is also mindful of future guidance on these matters from the General Teaching Council.

Warwickshire County Council is committed to the principle of best value and seeks to continually strive for improvement in all that it does. It is publicly accountable and frequently working in partnership with other organisations, both in the public and private sector. It is therefore vital that all staff conduct themselves in an exemplary manner in all aspects of their work and show no bias whatever their personal views may be.

This code sets out some of the areas where issues can arise. The code is designed to protect you, but where you break it, we may take disciplinary action resulting in you losing your job and potentially being prosecuted.

The council is committed to the achievement of the Investors In People award across the whole organisation, and as a part of that recognises the value of the workforce. The organisation values individual and organisational learning and seeks to develop every individual to their full potential.

There are 3 key points to remember in all that you do:

- Ensure your conduct is never influenced by personal gain
- Ensure your conduct could not give anyone reason to question your motives
- Ensure your conduct is in line with our policies

Now read on and if you have any queries, discuss these with your line manager.

2. What the County Council Expects of its Employees

2.1 Standards of Service

You must provide the highest standards of service at all times. You must treat the public, councillors and colleagues fairly, efficiently, politely and in line with our policies. You must not allow your personal or political opinions to interfere with your work. You must use our equipment and money responsibly, and always give value for money. If you know of someone who is not maintaining these standards or has not followed the code, you must report this to your supervisor or manager.

All members of the public have the right to be treated equally by you and should not be discriminated against on the grounds of race, gender, disability, age or any other factor. You have a responsibility to ensure that the council’s equal opportunities policies are adhered to in all your work activities and that diversity is recognised.

2.2 Personal Interests

You must declare to the manager of your directorate any interest which you have which could conflict with our interests or affect your judgement as our employee. Such interests may be financial, business related, ownership of property, family interests, membership of external bodies or any other factor that could be construed as a personal interest. This register is held centrally within the county human resource service and is subject to rigorous review by audit. Failure to disclose such an interest could result in disciplinary action being taken against you.

2.3 Relationships

Your personal relationships with councillors, colleagues and members of the public and other organisations must not lead to any suspicion that could affect your work. You should not be involved in the recruitment, promotion, pay, benefits, training or discipline of anyone who is a relation or with whom you have a close personal relationship outside of work. If the situation is unavoidable, you should declare such an interest to your manager and ensure that you are seen to be fair.

All officers of the council are required to be politically neutral and more senior posts (scp 44 and above and some other specified posts) are politically restricted in that they may not participate in any formal political activity. Do remember that the controlling political group may change during the course of your employment, and it is important that you show no bias or personal preference, whatever your personal beliefs may be.

2.4 Commitments Outside Work

You must not be involved in any outside activity or work that could cause a conflict of interests with your responsibilities to us, or which makes use of material to which you have access because of your position.

If you are in any doubt at all, you should not engage in other outside work without seeking the express permission of your manager.

You must not do outside work of any sort in our premises or by using our equipment or materials. Any product or material which you design in the course of your employment remains with us as our property and we claim copyright over such material.

Apart from the above, your off-duty hours are not our concern unless by your activities you bring the reputation of the council into disrepute. However, you must not put yourself in a position where your duty and private interests conflict, or where public confidence would be weakened.

From time to time, you may be asked to take part in voluntary activity or offered a role in a voluntary organisation. It is important that you clarify the role expected of you and whether you are expected to act in your own right or as the voice of the council. Liability can arise from formal membership of external organisations, and you should seek further advice from your line manager if you have reason to believe that any liability may arise.

In any event, you should not accept any appointment, be it on a school governing body or with any other public organisation without the express permission of your strategic director.

2.5 Proper Use of County Council Resources

The council is responsible for the efficient use of the public resources it holds. That includes financial resources, equipment and the staff who work for the council. There are legal requirements in place concerning the use of resources and you should ensure that you comply with all legal requirements and standards set down in the 'cost centre managers guide', 'contract standing orders' and 'financial regulations'. Your line manager can tell you more about these.

2.6 Improper Use of Equipment and Information

You must respect the confidentiality of the information to which you have access at work. This includes respecting the interests of your colleagues and of the general public who you serve. If you do not, you may lose your job.

You must not use any information to which you have access at work for personal gain or pass it on to others who might use it in this way.

You should not tell anyone outside the council what goes on at council meetings held in private or the contents of any confidential council document.

You must not give confidential information about our clients to anyone unless they need it to help the client or prevent serious harm to the client or others. If possible you should get the client's permission before giving information about them to others.

2.7 Accepting Gifts and Hospitality

Your conduct should never lead anyone to question your interests. So you must be careful not to show by your behaviour that you may be influenced by any gifts or hospitality. This is important because of our reputation and because you could be prosecuted.

It is a criminal offence to demand or accept a gift or reward in return for allowing yourself to be influenced as a local government employee. If you are accused of this offence, you will have to prove that you did not favour or discriminate against anyone.

You should not accept gifts unless they are small gestures or adverts such as calendars or diaries. It would not be proper for you to do so, even if the gifts are not intended to influence you.

Think carefully before offering or accepting hospitality. Consider how it could affect your relationship with the other person and how it might be viewed by councillors, the public and other employees.

Entertaining clients and customers is now accepted business practice, so it would be unrealistic to forbid employees from accepting offers of hospitality. However, it becomes difficult to tell what a proper and acceptable level is and what is not, and what puts you under some influence and what does not. Equally, it is wise to consider the impact of any gifts or hospitality. An invitation to a cultural event may well be perceived by the general public to be in the interests of the council, however attendance at a major sporting event may be perceived to be improper use of council time. It is the perceptions of the general public which are paramount when deciding whether a gift or offer of hospitality is reasonable. Entertainment or hospitality can be a proper way of doing business as long as it is not extravagant. As a general rule, make sure that you justify any hospitality you receive in connection with your work as being in the public interest. Any gift or invitation for hospitality should be recorded in your directorate's hospitality record. Any refusal of hospitality should also be recorded.

Other offerings may be more disguised. Avoid any arrangement where goods or services are offered to you free of charge or below the market price and which could be seen as a means of gaining our approval. It is especially important that all offers of gifts and hospitality are courteously refused where they come from a potential supplier who is currently engaged in the tendering/contract process.

You must not take personal advantage of any discount arrangements we have with our suppliers unless we have made special arrangements for all our employees. You should not accept any offers to benefit personally from those arrangements that may have been made as result of your position.

There are also occasions when as an officer of the council you wish to offer hospitality. Such offers should follow the same sensible rules in considering the perceptions of the general public, especially where that hospitality includes other employees of the council, e.g. small celebrations of success for team achievement. Where council hospitality is extended to employees of the council, it should not normally be further extended to the partners of such employees. However there may be occasions where the inclusion of partners is justified and under such circumstances, the approval of your strategic director should be obtained. Occasions such as long service awards or other appreciations of service, where partners are invited to share the celebrations are a good example of where hospitality can be further extended.

If in doubt, always speak to your strategic director.

2.8 Legacies

Staff involved in personal care are often remembered in the wills of the people they have looked after.

A legacy may be small and may be left to you because the elderly person has no relations or close friends and genuinely wants to say thank you to someone who has looked after them for a number of years. On the other hand these gestures may be misunderstood, particularly if large sums of money are involved.

If you are offered a legacy as a result of your job you must get your strategic director's approval before accepting it. If you do not, you could lose your job.

2.9 Relations with Contractors or Suppliers

You must award contracts or orders on merit and in line with our procedures.

Tell your manager about any relationship you have with a contractor or supplier with whom you are also involved at work. You must not try to influence the awarding of contracts or orders to any contractor or supplier.

You must not favour current or past employees or their partners, close relatives or associates when awarding contracts or orders to businesses for which they work.

If you are employed in a contractor or client unit, you must be fair when dealing with all customers, suppliers, other contractors and sub-contractors.

If you, or you and your colleagues are considering a management buy-out you should tell your strategic director immediately. You must not then take part in any relevant contract awarding process.

2.10 Sponsorship

If an outside organisation wants to sponsor one of our activities, follow the rules about accepting gifts and hospitality set out above. Be particularly careful when dealing with contractors or possible contractors.

If we provide support to the community or an organisation, make sure that there is no conflict of interest involved. You must not try to influence any sponsorship decision in favour of yourself, your partners or any other relative.

2.11 Procurement and Partnership Arrangements

Many of the council's objectives are delivered by developing partnership arrangements with one or more organisations. These organisations may be other public sector organisations, private sector companies, voluntary organisations or community groups. It is

important that were you to participate in such a group, you are clear as to the authority invested in you by the council and other partner organisations. Where you are approached by an external source to join such a group, you should always check with your line manager as to the extent of your participation.

You may also be asked to buy in services for the council. In such cases, it is important that you show no bias towards friends, family or previous employees of the council and that all decisions are based on achieving best value for the council. If friends or family are involved as potential suppliers, you should not be involved in the selection process.

2.12 Using Information Technology

We provide computer facilities for our work only. You must not use unapproved software in any circumstances.

Computers are an important part of most employees' duties. You must use the equipment in line with our practice and the law. This includes the Data Protection Act 1984, Data Protection Act 1998, the Computer Misuse Act 1990 and the Copyright, Designs and Patent Act 1988.

2.12.1 Computer Misuse Act 1999

The Computer Misuse Act introduces penalties for using computers without permission. If you have a right to use a computer and the information on it, and you use both only for their intended purposes, you are unlikely to have any problems. However, if you use someone else's security ID and password to gain access to a computer, you will be breaking the law. Switching in a computer when you know you should not be using it could be an offence.

2.12.2 Computer Viruses

You must follow your directorate's policy and procedures on virus protection. A virus is a set of computer instructions maliciously hidden in a programme which can corrupt and damage computer files and disks. If you knowingly introduce a computer virus you are breaking the law.

2.12.3 Data Protection

Data protection laws cover information which relates to a living person. Basically, the Data Protection Acts give people certain rights and gives us (and you as our employee) responsibilities for personal information. These responsibilities relate to:

- Getting information fairly
- Registering new uses of the information
- Making sure there are enough details but not too many, and that details are accurate, up to date and not kept for longer than necessary
- Allowing people whose details we hold access to their files and the right to correct or delete incorrect information: and
- Security measures to protect personal information

The legislation not only provides for data held on computer systems, but also that which is held on "relevant filing systems". Such systems are where systems are structured by reference to individuals or criteria relating to individuals. As such, a manual personnel filing system will be included by the act, but a collection of names for the purposes of identifying who has attended a particular training course will not.

You and we may be prosecuted if we break this law. So if you suspect there is a problem or you need advice please consult your manager or your data protection officer.

2.12.4 Copyright

The Copyright, Designs and Patents Act 1988 makes it an offence to copy computer programmes (software) and other literature without proper approval from the owner of the copyright. The penalties for breaching copyright regulations can be severe for you as well as us.

2.12.5 Use of Telephones, Internet and E-mail

Staff may make personal telephone calls whilst at work but such calls should be limited as much as possible. A computer print-out will be provided to all telephone extension users each month. You should record your personal calls and make the appropriate payment to the finance section on receipt of the print out.

The council does allow for personal use of e-mail and the internet (if you have reasons to be connected for work purposes), providing that it is not excessive, does not interfere with your normal activities and it is made clear that any message sent is not on behalf of the council.

3. What Can You Expect from Warwickshire County Council as Your Employer?

3.1 Valuing Staff

Warwickshire County Council recognises the value that staff add to the organisation and the services that it delivers. Best value can only be achieved by developing staff to their full potential and providing them with the relevant knowledge, equipment and authority to carry out their duties. The council values all forms of learning, and as well as providing formal induction and training for staff, will provide for appropriate development opportunities by way of secondment, on the job learning, special projects, acting up arrangements and mentoring.

It is important that the council builds in the capacity to meet training needs and each directorate is responsible for developing an overall training plan. You will agree your own individual training plan with your line manager.

The council is systematically working towards the achievement of the Investors in People award and the development of staff is a key component to this work.

3.2 Business and Service Planning

The council is committed to a systematic approach to performance management and this is expressed by a real commitment to best value and the use of the excellence model to express this. The objectives of the council are set out in a range of documents, particularly 'Our County' and the 'Best Value Performance Plan'. These corporate documents are additionally supported by directorate plans, and your line manager will be able to tell you more about these.

3.3 The Appraisal Process

All staff are entitled to participate in a formal appraisal process, whereby work targets are set at the beginning of the cycle and reviewed mid-way and at the end of the cycle. Training needs are also assessed during the appraisal process to ensure you have the relevant skills to carry out the duties required of you and to identify further areas of learning that will benefit both you and the organisation. The appraisal process may vary according to the demands of the business and in some cases will be a one to one process, whilst other areas of the organisation will be best served by a group exercise. The level of formality will also depend on organisational demands. For more information on this, you should ask your line manager.

3.4 Management and Direction

Managers and supervisors will provide leadership and guidance to staff in order to jointly deliver quality services to the public. This means setting clear work goals that reflect directorate and council objectives, providing regular and timely feedback on performance to ensure staff fully understand what is expected of them.

3.5 Communications

Quality services are dependent on staff understanding their role within the council and effective communication. We must listen to what the public say and to each other to secure appropriate quality services. The council will ensure you are kept fully informed of major issues likely to affect you and your work and will take every opportunity to listen and consider your views.

3.6 Recruitment and Selection

Job vacancies within the council are open to internal and external advertisement, except in specific circumstances such as re-organisation resulting in potential redundancy situations. Interview panels are properly trained and will give full feedback to all candidates. The code of practice relating to recruitment is included in the manager's guide, a copy of which is available in your directorate.

3.7 Terms and Conditions of Employment

Warwickshire County Council is a single employer and abides by national terms and conditions. Where local practice has been negotiated, details will be made available to you by your line manager.

The main groups of employees are:

- Management, administration and front line staff under the NJC terms for local government
- Teachers
- Youth Workers
- Soulbury
- Firefighters

Your contract of employment will confirm your terms and conditions.

3.8 Job Descriptions

You will be provided with a job description and person specification which sets out your principal accountabilities and skills needs. This is intended as a guide to your role and is not an exclusive list of tasks. Additionally you will have work related targets to meet each year. You should do all that you can to meet the expectations of the organisation and in return expect management support in developing your ability to do this.

3.9 Trade Union Membership

The council, as your employer, supports the system of collective bargaining in every way and believes in the principle of solving employee relations problems by discussion and agreement. For practical purposes, this can only be conducted by representatives of the employers and employees. If collective bargaining of this kind is to continue and improve for the benefit of both, it is essential that the employees' organisations should be fully representative. The council is associated with other local authorities represented on the National and Provincial Council dealing with local authorities services. It is equally sensible for you to join a trade union representing you on the appropriate negotiating body and you are encouraged to do so if you feel it is appropriate.

The council recognises the following trade union(s) and professional associations as representing staff within their field of operation:

- Unison
- GMB
- Transport and General Workers Union (TGWU)
- Community Youth Workers Union (CYWU)
- National Association of Schoolmasters and Women Teachers (NASUWT)
- National Union of Teachers (NUT)
- National Association of Head Teachers (NAHT)
- Association of Teachers and Lecturers (ATL)
- Secondary Heads Association (SHA)
- Professional Association of Teachers (PAT)
- Fire Brigade Union (FBU)
- Retained Firefighters Union (RFU)

3.10 Health and Safety

The council, as your employer, has a duty under the law to ensure, so far as is reasonably practicable, your health, safety and welfare at work. This responsibility is delegated to strategic directors, who in turn are supported by directorate representatives and central support on standards and expectations from the resources directorate. As an employee, you have legal duties as well relating to the correct use of work equipment, co-operating with the council on health and safety and taking reasonable care of your own health and safety and others who are affected by what you do. Posters detailing the key points of Health and Safety Law are on staff notice boards within each directorate.

You must report all accidents and dangerous occurrences that occur within your area of responsibility immediately. Failure to do so can result in formal action by the Health and Safety Executive.

3.11 Equality of Opportunity

The council is committed to equality of opportunity for all staff in employment and seeking employment with the council. Consideration for employment and opportunity for promotion will be dependent on ability alone and will take no account of gender, race, disability or age as contributory factors. Indeed, specific attention will be given to positive action to ensure the community we serve is reflected within the workforce.

The council extends that recognition within service delivery and is committed to equal treatment of all its service users.

3.11.1 Gender

The council complies with the Sex Discrimination Act 1975. No account will be taken of gender in relation to employment or promotion. Where a Genuine Occupational Qualification prevails (i.e. a particular gender is essential due to the personal services to be delivered) this will be made clear in the advertisement and supporting documentation.

3.11.2 Race

The council complies with the Race Relations Act 1976. No account will be taken of race in relation to employment or promotion. Where a Genuine Occupational Qualification prevails (i.e. a particular race is essential due to the personal services to be delivered) this will be made clear in the advertisement and supporting documentation.

3.11.3 Disability

The council complies with the Disability Discrimination Act 1995. The council has a positive attitude to the employment of disabled people and in making employment or promotion decisions will make 'reasonable adjustments' to accommodate particular needs. Indeed the council operates a policy of guaranteed interview to those disabled people who meet the person specification.

3.11.4 Age

The council operates a policy of normal retirement at age 65 which provides an opportunity for employees to pursue their personal interests. However, the council recognises the guidance in relation to age discrimination and is committed to equal opportunity to people of all ages within the accepted span of a working life. Subject to the normal retirement age of 65, no account of age will be taken in relation to employment or promotion. We will seek to introduce flexible policies to retain older workers.

The council will not tolerate discrimination or harassment in any form and will take disciplinary action against those employees engaged in any form of discrimination or harassment or bullying. The council has a range of policies and procedures in support of this commitment including:

- Equal Opportunities statement
- Code of Practice – Equal Opportunities
- Harassment Code
- Bullying Code
- Confidential Reporting Code
- Guaranteed Interview Scheme – Disability
- Race Equality Policy

All documents are available from your human resources section.

3.12 Working Time

The council operates in a customer-orientated market and working hours will need adjustment from time to time to meet the needs of those customers. Where this is necessary, full consultation will be undertaken with staff. The council also recognises that flexible working patterns and practices that recognise the work/life balance are essential to those employees with care responsibilities and those people with disabilities. Details of maternity, paternity, special leave, job sharing and flexible hours are available from your human resources directorate.

3.13 Redeployment

Where organisation changes are proposed, employment issues will be the subject of consultation with individual members of staff and the recognised representing trade unions or professional associations. The council will take all reasonable steps to find alternative employment for anyone who is displaced from their job in the process of such change. Full details of support available are included in the manager's guide and are available from your line manager.

3.14 Differences and Concerns

The council has a range of objective policies, agreed with the trade unions to resolve any differences that may arise between employer and employee or employee and other employees. All such procedures are included in the manager's guide and examples are grievance procedure, disciplinary procedure, confidential reporting code and harassment code.