

Appendix 1

Part 3C (Page 147)	New paragraph 15.29 allowing the Head of Planning and Building Control “To determine any footpath and bridleways matters including their protection, creation, diversion, modification and extinguishment”
Annex A (Page 158)	Correction of “Health Act 1961” to “Public Health Act 1961”
Part 4F (Page 255)	Paragraph 2.1 – Replace the word “Director” with “Deputy Chief Executive” due to a change in staffing terminology.
Part 4F (Page 256)	Paragraph 4 – Replace the word “Directors” with “Chief Officers” due to a change in staffing terminology.
Part 4F (Page 256)	Paragraph 6.1 – Addition of the words “paragraph 1(e)” for clarity.
Part 4F (Page 256)	Paragraph 6.2 – Replace the word “Director” with “Deputy Chief Executive” due to a change in staffing terminology.
Part 4F (Page 257)	Deletion of paragraph 6.7 stating “The Chief Officer Recruitment Committee will approve the dismissal of a Director” due to there no longer being any directors.
Part 4F (Page 257)	Update paragraph numbers to 6.7 and 6.8 and replace the word “Directors” with “Chief Officers” due to a change in staffing terminology.
Part 5F (Page 343)	Paragraph 2.2 – Replacement of the word “Executive” with “Officer” and the word “Director” with “Head of Service” due to a change in staffing terminology.
Part 5F (Page 345)	Paragraph 2.2 (j) – Removal of errant “(“
Part 5F (Page 345)	Paragraph 2.2 (k) – Pluralisation of the word “interest” to “interests”
Part 5F (Page 345)	Paragraph 2.2 (o) – Addition of “or her” in order to cover both genders.
Part 5F (Page 346)	Paragraph 2.2 (q) – Insert the word “and” to make for easier reading.

Annex (Page 349)	Point 9 – Capitalize the word “Local”
Part 5G (Page 350)	Paragraph 3.3 - Replacement of the word “Executive” with “Officer” and the word “Director” with “Head of Service” due to a change in staffing terminology.
Part 5G (Page 353)	Paragraph 8.1 - Replacement of the word “Executive” with “Officer” and the word “Director” with “Head of Service” due to a change in staffing terminology.

Part 4F - Officer Employment Procedure Rules

1. Recruitment and appointment

1.1 Declarations

- 1.1.1 The council will require any candidate for appointment as an employee to state in writing whether they have any connections to an existing Member or employee of the council or of the spouse or partner of such persons.
- 1.1.2 A candidate who does not disclose such a relationship may be disqualified from consideration, and if appointed, may be liable to dismissal.
- 1.1.3 Every Member and officer of the council will inform the Head of Service concerned when they become aware of an application by a relative.
- 1.1.4 No candidate connected to a Member or an officer will be appointed without the authority of the Head of Paid Service or an officer nominated by him/her.

1.2 Seeking support for appointment.

The council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the council. The content of this paragraph will be included in any recruitment information.

2. Recruitment of Head of Paid service and Chief Officers

- 2.1 For the purposes of these rules, the term “Chief Officers” shall mean the Chief Executive and the ~~Directors~~Deputy Chief Executive.
- 2.2 Where the council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among existing officers, the council will:

- (a) draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed; and
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.

3.0 Appointment of Chief Executive

Before an offer of appointment is made, Council will be required to approve the appointment of the Head of Paid Service following the recommendation of the Chief Officer Recruitment Committee.

4.0 Appointment of ~~Directors~~Chief Officers

4.1 The Chief Officer Recruitment Committee will appoint ~~Directors~~Chief Officers.

4.2 An offer of employment as a ~~Director~~ Chief Officer shall only be made where no well-founded objection from any Member of the Executive has been received.

5.0 Other Appointments

5.1 Officers below Chief Officer. _Appointment of officers below Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Members.

5.2 Assistants to political groups. _Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6.0 Disciplinary Action

6.1 Disciplinary action for the dismissal of the Head of Paid Service, Chief Financial Officer or Monitoring Officer shall take place in accordance with Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2015. The Chief Officer Recruitment Committee shall be the "Panel" referred to in Schedule 3 paragraph 1(e).

- 6.2 Suspension. The Head of Paid Service, ~~Directors~~, Monitoring Officer or Chief Financial Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months unless the Investigator recommends the suspension should continue beyond that point.
- 6.3 Members will not be involved in disciplinary action against any officer below Chief Officer level, except where such involvement is necessary for any investigation or inquiry into alleged misconduct. Such disciplinary action will be undertaken by the Head of Paid Service or an officer nominated by him/her.
- 6.4 The Chief Officer Recruitment Committee will make recommendations to Council for the dismissal of the Head of Paid Service, Chief Financial Officer or Monitoring Officer and Council must approve that dismissal before notice is given to that person.
- 6.5 The Chief Officer Recruitment Committee shall approve any disciplinary action, short of dismissal, against the Head of Paid Service, Chief Financial Officer or Monitoring Officer.
- 6.6 Subject to the provisions of The Local Authorities (Standing Orders) (England) Regulations 2015 all actions will be in accordance with both the JNC Conditions of Service for Chief Executives/Chief Officers and the council's employment policies.
- ~~6.7 The Chief Officer Recruitment Committee will approve the dismissal of a Director.~~
- 6.87 Notice of the dismissal of the Chief Executive or any ~~Director~~ Chief Officer or assistant to a political group must be given to the Executive in accordance with paragraph 6 of Part II to Schedule I of the Local Authorities (Standing Orders) (England) Regulations 2015.
- 6.98 ~~Directors~~, Chief Officers and the Head of Paid Service have a right of appeal against dismissal to a Joint Chief Officer Appeals Committee specifically appointed for that purpose.

Part 5F - Monitoring Officer Protocol

1.0 General introduction to statutory responsibilities

- 1.1 The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. This protocol provides some general information on how those statutory requirements will be discharged in the Council.
- 1.2 The Monitoring Officer should undertake to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council. In doing so, the Monitoring Officer will also safeguard, so far as is possible, Members and Officers, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
- 1.3 A summary list of the statutory responsibilities appears in the table annexed to this document.

2.0 Working arrangements

- 2.1 Having excellent working relations with Members and Officers will assist in the discharge of the statutory responsibilities of the Monitoring Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and Officers should, therefore, work with the Monitoring Officer to discharge the Council's statutory and discretionary responsibilities.
- 2.2 The following arrangements and understandings between the Monitoring Officer, Members, the Chief ~~Executive Officers~~ and ~~Directors- Heads of Service~~ are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:
 - (a) be alerted by Members and officers to any issue(s) that may become of concern to the Council, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or

other constitutional issues that are likely to (or do) arise;

- (b) have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Council at which a decision may be made (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
- (c) have the right to attend any meeting of the Council (including the right to be heard) before any Decision is taken (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
- (d) in carrying out any investigation(s) have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of any functions;
- (e) ensure the other statutory officers (Head of Paid Service and the Chief Financial Officer) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- (f) meet regularly with the Head of Paid Service and the Chief Financial Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- (g) report to the Council, from time to time, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Head of Paid Service and Chief Financial Officer;
- (h) make a report to the Council, as necessary on the staff, accommodation and resources required to discharge his/her statutory functions;

- (i) have a direct relationship of respect and trust with the Leader, Deputy Leader and the Chairmen of the Regulatory and Scrutiny Committees with a view to ensuring the effective and efficient discharge of Council business;
- (j) develop an effective working liaison and relationship with the External Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Council, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary and settle any compensation payments for alleged or actual maladministration found against the Council;
- (k) maintain and keep up-to-date relevant statutory registers for the declaration of Members' interests, gifts and hospitality;
- (l) give advice to Members and officers of the Council –and undertake relevant enquiries into allegations of breaches of the Members' Code of Conduct, including such allegations against Town and Parish Councillors;
- (m) in consultation, as necessary, with the Chairman of the Council, the Executive and the Audit and Governance Committee, defer the making of a formal report under Section 5 of the Local Government and Housing Act 1989 where another investigative body is involved;
- (n) make arrangements to ensure effective communication with the Town and Parish Councils within the District on Monitoring Officer and Audit and Governance Committee issues;
- (o) have sufficient resources to address any matters concerning his or her Monitoring Officer functions;
- (p) subject to the approval of the Audit and Governance Committee, be responsible for preparing any training programme for Members on ethical standards and Code of

Conduct issues; and

- (q) appoint a deputy and keep the deputy briefed on any relevant issues that the deputy may be required to deal with in the absence of the Monitoring Officer; ~~and-~~ ~~A~~ppoint an appropriate external adviser in cases where the Monitoring Officer is precluded from offering advice and the Deputy is unable to advise.

- 2.3 To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other legal or constitutional concerns to the Monitoring Officer, as soon as practicable.
- 2.4 The Monitoring Officer is also available for Members and Officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (e.g. Standing Orders, policy framework, terms of reference, scheme of delegations etc).
- 2.5 To ensure the effective and efficient discharge of this Protocol, the Chief Financial Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer role.
- 2.6 The Monitoring Officer or the Deputy Monitoring Officer will record details of any advice given.

SUMMARY OF MONITORING OFFICER FUNCTIONS

	Description	Source
1	Report on contraventions or likely contraventions of any enactment or rule of law.	Section 5 Local Government and Housing Act 1989
2	Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 Local Government and Housing Act 1989.
3	Appointment of Deputy.	Section 5 Local Government and Housing Act 1989.
4	Report on resources.	Section 5 Local Government and Housing Act 1989.
5	Receive copies of whistleblowing allegations of misconduct.	Code of Conduct
6	Establish and maintain registers of Members' interests and gifts and hospitality.	Section 29 Localism Act 2011
7	Compensation for maladministration.	Section 92 LGA 2000.
8	Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members.	Government guidance.
9	Maintain a log of member training	<u>H</u> Local requirement

Part 5G - Media Protocol

1.0 Introduction

- 1.1 Communication between the Council and the public is vital for access to services and for local democracy.
- 1.2 Because we recognise the importance of the media to effective public communications, we have produced this protocol which sets out:
- (a) the professional support offered by the Communications Team
 - (b) the roles of Members and officers in media relations
 - (c) the legal framework for publicity
 - (d) a formal account of media relations practice at East Herts.
- 1.3 It is designed to help everyone in the Council to work more effectively together and with our contacts in the local or national media.

2.0 The Role of the Communications Team

- 2.1 The purpose of the Communications Team is to increase public awareness of the Council's services and functions, to explain to the public and stakeholders what the policies and priorities are and to support the organisation in gathering public views on services, policies and priorities.
- 2.2 It fulfils this role through the production of content via the following printed media and digital media channels:
- (a) press releases and responses to press enquiries
 - (b) press briefings
 - (c) Link magazine,
 - (d) the hosting of conferences and media events
 - (e) electronic newsletters

- (f) council website
- (g) council social media accounts (including facebook, twitter, Instagram and youtube)

2.3 The Communications Team provides officers and Members with support on any communications matter that relates to the reputation of the Council as a whole, its policies and its services.

3.0 Who speaks for East Herts Council to the Media?

3.1 As democratically elected and publicly accountable representatives, the Members of East Herts are the primary spokesmen for the Authority with the media. Only Members who hold particular positions should be individually identified in publicity.

3.2 These should be taken as:

- Leader and other Committee Chairmen
- Chairman and Vice Chairman (in their ceremonial roles)
- Executive Members

3.3 Therefore:

- The Leader is the main spokesperson on cross cutting policies and issues at national level.
- Executive Members are spokesmen for the Council in their respective portfolios.
- Other leading Members (such as Chairmen of Scrutiny and Development Management) will be quoted and referred to in relation to issues within their own areas of expertise.
- The Chairman will be the spokesman on all matters of a civic or ceremonial nature.
- Officers are also important spokesmen for the Council. Whilst the Communications Team can and will handle many factual enquiries, there will be many occasions when more specialist or technical information will be required.

- In these instances it is expected that senior officers (~~Chief Executive Officers~~ and ~~Directors Heads of Service~~) will handle media interviews.
- Other officers, with the agreement of the respective ~~Director Head of Service~~, may also be the most appropriate person to handle media enquiries and this can be facilitated with support from the Communications Team.

4.0 Other officers

Officers who are contacted directly by the media without advance knowledge, agreement or preparation are advised to politely redirect the request to the Communications Team in the first instance.

5.0 Ward Members

The Communications Team is happy to advise Ward Members who are approached directly by the media for comment/interview but it is not a political resource.

6.0 The Legal Framework

- 6.1 Council resources can only be used for non party-political publicity of the work of the Council – not for criticism of the Council or of Council policies.
- 6.2 All Council publicity and media work is governed by provisions in the Local Government Act 1972, the Local Government Act 1986 and the Government's Code of Recommended Practice on Local Authority Publicity 1988 as Revised 2001.
- 6.3 Collectively these pieces of legislation are intended to ensure that public money is not spent inappropriately on political communications. They require authorities to ensure that "Any publicity describing the Council's policies and aims should be as objective as possible, concentrating on facts or explanation or both." They also forbid Councils from publicity which could in any way be construed as being designed to "affect support for a political party".

6.4 Council publicity should focus on publicising the democratically agreed policy.

7.0 Election time

7.1 Special restrictions apply during the period prior to elections.

7.2 The updated Code of Practice on Local Authority Publicity requires that proactive publicity should be precluded in all its forms for candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual Members or groups of Members.

Note: It is acceptable for the Council to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a Member level response to an important event outside the Council's control. Proactive events arranged in this period should not involve Members likely to be standing for election.

7.3 Consequently, no Members will be quoted in news releases produced by East Herts Council in the period leading up to an election.

7.4 Wider publicity initiatives also need to be considered carefully during this period.

7.5 In the advent of an election, it is possible that prospective candidates (Parliamentary, District, European or County) may request visits to Council services and premises. All candidates must be treated equally and there is no requirement for such requests to be refused. Council staff should not be included in any photographs that may be arranged during such visits.

7.6 Within East Herts the Communications Team and/or Legal Services colleagues are best placed to advise and support colleagues on any legal implications of publicity. If in doubt, their advice should also be sought.

8.0 General Media Relations Practice at East Herts

8.1 The Communications Team will promote:

- (a) Agreed service initiatives in liaison with the Leader of the Council, Chief ~~Executive Officers~~ and ~~Directors~~ Heads of Service.
- (b) Agreed service initiatives as requested by senior managers in liaison with the Leader of the Council and appropriate Executive Members.
- (c) The role of scrutiny within the overall democratic process, as the opportunity arises, in liaison with the Chief Executive and the Leader of the Council.
- (d) Other activities and developments of the Council through news releases and publications, quoting officers of East Herts and partner organisations and/or service users, where their contributions add to the relevance and interest of the story.
- (e) Ceremonial and cross-organisational events in liaison with the Chairman of the Council.

9.0 At Full Council and Executive Meetings

9.1 Agendas will have been issued to the media in advance.

9.2 Where appropriate, press releases will be issued following the meeting describing the decision and quoting the Leader or Executive Member as appropriate. Such releases will highlight key issues and will help to explain and publicise Council policies and services.

9.3 Motions and questions from individual members shown on the agenda will not be publicised through press releases.

9.4 The Communications Team will respond to subsequent press enquiries by providing a factual explanation at officer level (either directly or through another officer). Where a matter of policy is in question, the matter will be referred to the Leader of the Council

or the appropriate Executive Member. Interviews and photo opportunities will be facilitated.

- 9.5 Where a reporter wishes to find out what was said by individual Members during a debate, officers will refer the reporter to the Member direct.

10.0 At Other Council Meetings

- 10.1 Communications officers will respond to any press enquiries before the meeting by providing a factual explanation at officer level. Where a matter of policy is in question, they will consult the appropriate Chairman and inform the Chief Executive and/or the Executive Member.

- 10.2 If the meeting (e.g. Scrutiny) collectively agrees to issue a press release on any given topic, this will be prepared and issued by Communications Staff in consultation with and quoting the relevant Chairman following the meeting. These releases will be issued in line with the information item, factually describing the outcome.

- 10.3 Where a matter of policy is in question, Communications Staff will advise the appropriate Chief Officer and/or Executive Member that a release is being issued and will respond to press enquiries following the meeting by providing a factual explanation of the outcome at officer level, in line with the information item.

11.0 Political Communications

- 11.1 The Communications Team can and will only provide professional non party-political communications advice to Members on request.

- 11.2 Nothing in the protocol precludes any political group or individual councillor from issuing their own press information and making any other arrangements for printed or digital media coverage.