



BARNSTAPLE TOWN COUNCIL

CORPORATE GOVERNANCE

PROTOCOL FOR TOWN COUNCIL COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES

Introduction

Corporate Governance has been defined as “the system by which the organisation is controlled”. It looks at the procedures associated with decision making, provision of services and overall control of the Town Council and seeks to provide a framework which gives clear direction within the Council together with transparency and accountability to the community. To achieve this objective, the Town Council must ensure that robust systems are in place which:-

- Reflect diversity and equal opportunities in all systems, practices and services
- Govern the way in which decisions are made and implemented
- Protect the Council’s assets and resources.

As part of the mechanism for achieving this objective, the following protocol has been devised for all Town Council committees, sub-committees and working parties in order to manage the decision-making process and safeguard the Town Council’s assets and resources.

The remit of each standing committee is defined in the Town Council’s Development Plan and each standing committee has delegated powers from the Town Council to make decisions, incur expenditure and retain income on all matters relating to its remit. Income and expenditure levels shall be agreed annually when the Committee prepares its budget.

The five standing committees – Finance & General Purposes, Properties, Planning and Transportation, Environment and Staff – have the power to appoint sub-committees or working parties to address one or more projects within the Committees' remits. Sub-Committees and working parties report to their "parent" committee, and it is the parent committee which decides the remit, including financial responsibility, of its sub-committee(s) or working parties. Membership of a sub-committee is decided by annual election. A working party, once formed, retains its membership until the specific project for which it has been appointed has been delivered, unless a member elects to resign.

PROTOCOL

1. General

- 1.1. The Committee will meet on a regular basis in accordance with the Meetings Schedule for the municipal year
- 1.2. Additional meetings of Committee may be called if business requires.
- 1.3. All members of Committee are expected to attend meetings, or to submit their apologies to the Committee Clerk if they are unable to attend. Members should note the requirement for attendance included in Standing Orders and that membership of a committee will be revoked if a Member fails to attend three consecutive meetings.
- 1.4. Items for inclusion on the agenda of a Committee meeting must be notified to the Committee Clerk at least seven working days before the meeting.
- 1.5. A councillor who is not a member of the Committee may put an item on the Agenda, and speak to that item, with the consent of the Chairman.

2. Conduct of Meeting

- 2.1. All meetings will be conducted in accordance with Barnstaple Town Council's Standing Orders and Financial Regulations.
- 2.2. Members will adhere to the requirements of the Code of Conduct at all times and will make such Declarations of Interest as are required by the Code either at the beginning of the meeting, or at such time as the member becomes aware that the item under discussion may require such a Declaration.

- 2.3. Members will treat each other, Town Council staff and members of the public with courtesy and respect at all times, in accordance with the Code of Conduct and the Town Council's Acceptable Behaviour Policy.
- 2.4. All statements and questions will be made through the Chair and the Chairman will call upon members to speak in the order in which they have indicated their intention to do so.
- 2.5. Confidential matters considered under Part II (Exclusion of Press and Public) will not be discussed outside the Council Chamber or with any third party without the prior consent of the Committee.

3. Code of Conduct

- 3.1. The ten general principles of the Code of Conduct are defined as follows:-
- 3.2. Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
- 3.3. Honesty and integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- 3.4. Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- 3.5. Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.
- 3.6. Openness – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
- 3.7. Personal judgement – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
- 3.8. Respect for others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the

impartiality and integrity of the authority's statutory officers and its other employees.

- 3.9. Duty to uphold the law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
- 3.10. Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.
- 3.11. Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

(ODPM Standards of Conduct in English Local Government: The Future. Annex 1 2005)

4. Declarations of Interest

- 4.1. Declarations of Interest should be notified on the reverse of the Attendance Sheet, if known at the start of the meeting.
- 4.2. If a member becomes aware during the discussion on any matter that he/she has a Personal or Disclosable Pecuniary Interest he/she should immediately declare the same, and, if necessary, leave the meeting for the duration of the discussion.
- 4.3. When making a Declaration of Interest, the reason for the Declaration must be given.
- 4.4. If a member is unclear on whether he/she has an interest, the advice of the Town Clerk or Monitoring Officer at the District Council can be sought, but the member must be aware that the responsibility for making any Declaration rests with him/her.
- 4.5. If, as a result of the number of declarations of Disclosable Pecuniary Interests, a meeting becomes inquorate, the item under discussion may be deferred to the next meeting, if time allows.
- 4.6. If an item is likely to cause a meeting to be permanently inquorate, it should be referred to Full Council for a decision, in the case of a committee, or to the parent committee, in the case of a sub-committee or working party.

5. Financial Considerations

- 5.1. The Committee will regularly review its budget, income and expenditure levels and future plans, as contained in the Action Plan, to ensure that sufficient funds are available to meet policy demands and that the management of those funds is in accordance with best practice, having regard to the requirements of the Accounts and Audit Regulations 2003 (as amended), internal and external audit tests and the principles of Best Value.
- 5.2. The Committee, when considering its budget for the coming year, will provide sufficient funds to ensure continuity of policies and will review funding of existing policies.
- 5.3. The Committee will ensure that there is an adequate and robust system of internal control in place to manage the funds of the Committee.
- 5.4. The Committee will have regard to the requirements of the Town Council Risk Assessment policy when considering the financial implications of any existing or proposed policy.

6. Lobbying

- 6.1. Lobbying is defined as an individual, or group of individuals, seeking to inform the Council of a particular viewpoint, opinion or desired action, and to gain the Council's support for such a viewpoint, opinion or desired action.
- 6.2. A member of a Committee who has been lobbied on any Agenda item by an individual or group or individuals should declare this matter at the start of the meeting as a Declaration of Interest.
- 6.3. **Providing that** the member has not expressed a definitive opinion on the lobbying prior to the discussion of the item, i.e. has not said or in any other way indicated either support for, or disagreement with, the viewpoint, opinion or desired action, of the lobbyist, he/she is able to put the view of the lobbyist to the Committee. If, however, a member has expressed a definitive opinion, he/she should declare a Disclosable Pecuniary Interest and leave the meeting, prior to the discussion of the item. A member declaring a Disclosable Pecuniary Interest may make a statement to the committee before withdrawing from the meeting, and prior to any discussion on the item.

7. Confidential Matters

- 7.1. Confidential matters are items defined as “exempt information” by the Local Government Act 1972 Sch 12a Part 1 s 1-7 or items which, for example, are covered in Article 10 (2) of the European Convention of Human Rights.
- 7.2. Where an item is shown on the Agenda as Part II – exclusion of Press and Public – members will not disclose the substance or detail of the ensuing discussion, nor the reasons for any decision taken, to any other person, or elected member, without the prior consent of the Committee.
- 7.3. Members will not seek to obtain confidential information from other members or members of staff. Any request for such information should be made to the Mayor or Town Clerk, who may, at their discretion, decide whether or not the information should be given.

8. Review of Protocol

- 8.1. The Protocol for Committees, Sub-Committees and Working Parties will be reviewed at least on an annual basis.
- 8.2. The review will be carried out by the Corporate Governance Working Party to ensure that the principles of corporate governance are maintaining, and where necessary, enhanced.

Signed.....Chairman of Committee/
Sub-Committee/Working Party

Reviewed December 2013

Next review: December 2014