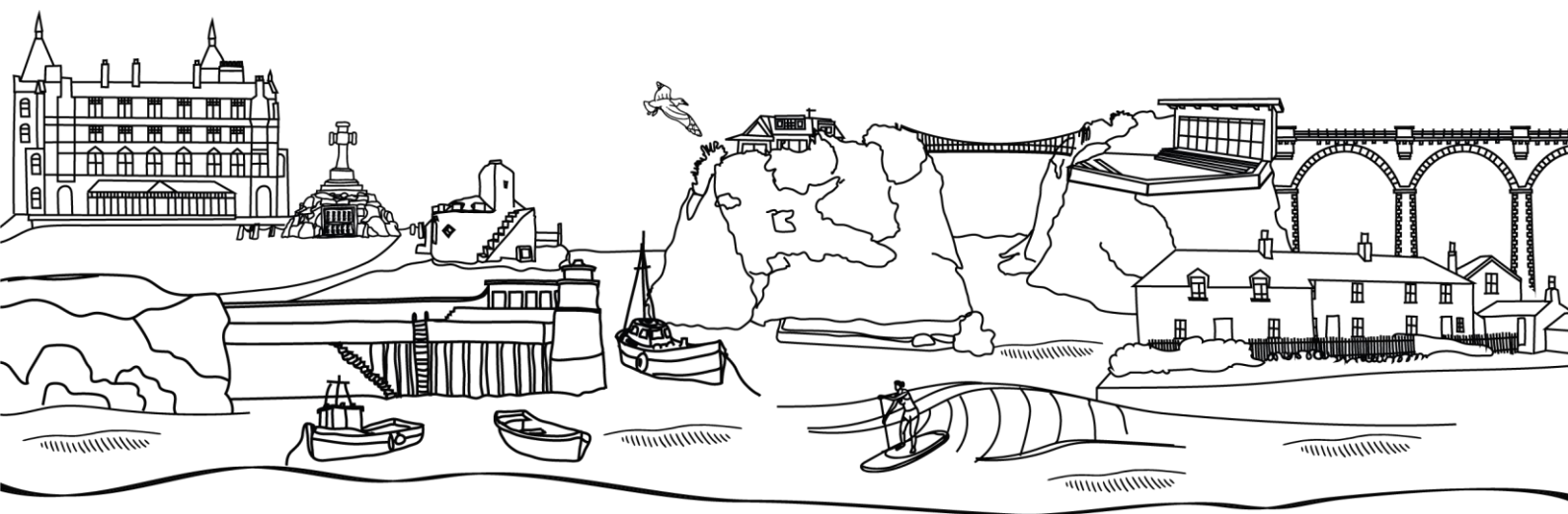




**Newquay**Council

**Corporate**Service

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## **1.0 Policy Background**

- 1.1 This protocol supports and adds detail to both the Members' and Officers' Codes of Conduct.
- 1.2 It is based on a model drawn up by the Association of Council Secretaries and Solicitors and tailored to suit this Council.
- 1.3 Councillors are democratically accountable and have political affiliations. Officers must serve the whole Council objectively. Together they should balance a complex range of obligations and competing interests. For this to be effective, Councillors and Officers must have mutual trust and respect for each other's requirements and duties. There is also a need for a transparent consistency in everyday working relations.

## **2.0 Policy Statement**

- 2.1 Newquay Town Council exists to serve the interests of its town. Members (councillors) and officers have a joint responsibility to ensure that they work collaboratively to ensure an efficient, transparent and democratic Council focused on these interests.
- 2.2 Members and officers will conduct an annual review of the Member Officer Protocol and its application, to ensure continued high standards of relations between members and officers.
- 2.3 The Council has agreed the following protocol about the relationship between members and officers in order to clarify roles and responsibilities.
- 2.4 Given the variety and complexity of such relations, this protocol cannot be prescriptive or cover all eventualities. However, it does aim to be instructive and offer guidance on some common issues and provide points of principle that can be applied to other issues that might arise.

### 3.0 Principles

- 3.1 Members and officers must at all times observe this protocol.
- 3.2 The protocol has been approved by the Council and will monitored along with the Codes which it supports.
- 3.3 The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest of personal conduct.
- 3.4 Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
- 3.5 Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.
- 3.6 The Council has adopted codes of conduct for both members and officers. Both represent best practice.
- 3.7 The Members' Code follows the national code which in turn is based on the general principles governing members' conduct enshrined in law:
  - Selflessness – serving only the public interest.
  - Honesty and integrity – not allowing these to be questioned; not behaving improperly.
  - Objectivity – taking decisions on merit.
  - Accountability – to the public; being open to scrutiny.
  - Openness – giving reasons for decisions.
  - Personal judgement – reaching one's own conclusions and acting accordingly.
  - Respect for others – promoting equality; avoiding discrimination; respecting others (member/members, as well as member/officer).
  - Duty to uphold the law – not acting unlawfully.
  - Stewardship – ensuring the prudent use of a council's resources.
  - Leadership – acting in a way which has public confidence.

- 3.8 These principles underpin this protocol. They will also be reflected in a new national code of conduct for employees due in the near future and on which the Central Government has already consulted on.
- 3.9 Until such time as a new national code appears, officers are bound by the Council's own code of conduct for staff.
- 3.10 Breaches of this protocol by a Member may result in a complaint to the Monitoring Officer at Cornwall Council if it appears the members' code has also been breached. Breaches by an officer may lead to disciplinary action.

## **4.0 The roles of Members**

- 4.1 Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the Chief Executive and Town Clerk and/or Cornwall Council's Monitoring Officer.
- 4.2 Collectively, members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.
- 4.3 Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
- 4.4 Every elected-member represents the interests of, and is an advocate for their ward and individual constituents. On more strategic matters members will consider the interests of the wider parish but should have due regard to members who represent other ward areas. They represent the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
- 4.5 Some members have roles relating to their position as members of committees and sub-committees of the Council.
- 4.6 Members who serve on committees and sub-committees collectively have delegated responsibilities.
- 4.7 Some members may be appointed to represent the Council on local, regional or national bodies.
- 4.8 As politicians, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.
- 4.9 Members are not authorised to instruct officers other than:
  - 4.9.1 through the formal decision-making process;
  - 4.9.2 to request the provision of consumable resources (e.g. paper/stationary) widely provided by the Council for members' use;

- 4.9.3 where staff have been specifically allocated to give support to a member or group of members for a particular purpose;
- 4.9.4 A committee chair or working party member is helping steer officers to the priorities on a particular activity, but to be clear officers should not in any way be influenced on their impartiality or otherwise instructed by members as this would breach a number of regulations.
  
- 4.10 Individual Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council. Authorised signatories however may sign cheques or online BACS payments.
  
- 4.11 Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard when reaching decisions, to any advice provided by officers.
  
- 4.12 Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice or to ask an officer to use personal devices to avoid audit, accountability and transparency obligations.
  
- 4.13 Members have a duty under their code of conduct:
  - 4.13.1 to promote equality by not discriminating unlawfully against any person
  - 4.13.2 to treat others with respect
  - 4.13.3 to follow the protocols, policies and procedures of the Council.
  
- 4.14 Under the code, a member must not, when acting as a member or in any other capacity:
  - 4.14.1 bring the Council or their position as a member into disrepute, or
  - 4.14.2 use their position as a member improperly to gain an advantage or disadvantage for themselves or any other position.



## **5.0 The role of the Officers (all staff)**

- 5.1 Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
- 5.2 Under the direction and control of the Council, officers, led by the Chief Executive and Town Clerk, manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 5.3 Officers have a duty to implement decisions of the Council, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and are duly minuted. Where urgent matters have been raised by committee chairs, the relevant manager should strongly consider resolving the matter under their control as timely as possible.
- 5.4 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 5.5 Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- 5.6 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.
- 5.7 Officers must not support members in any role other than that of members, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.
- 5.8 Officers must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Officers have an obligation under their contract/Staff Handbook to have regard when reaching decisions, to any advice provided by officers.
- 5.9 Officers must respect the impartiality of other officers and do nothing to compromise it, e.g. by insisting that an officer change

his/her professional advice or to ask an officer to use personal devices to avoid audit, accountability and transparency obligations.

5.10 Officers have a duty under their contract/Staff Handbook:

- 5.10.1 to promote equality by not discriminating unlawfully against any person
- 5.10.2 to treat others with respect
- 5.10.3 to follow the protocols, policies and procedures of the Council.

5.11 Under the Staff Handbook, an officer must not, when acting as a officer or in any other capacity:

- 5.11.1 bring the Council or their position as a member into disrepute, or
- 5.11.2 use their position as a member improperly to gain an advantage or disadvantage for themselves or any other position.

## **6.0 The relationship between Members and Officers: General**

- 6.1 Members and officers depend upon each other in carrying out the work of the Council. The conduct of members and officers should be such as to instil mutual confidence and trust.
- 6.2 The key elements of this relationship are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 6.3 Informal and collaborative two-way contact between members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
- 6.4 It is not enough to avoid impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
- 6.5 Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
- 6.6 Officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to the Chief Executive and Town Clerk, at least in the first instance.
- 6.7 Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by the Chief Executive and Town Clerk. Members should avoid disrupting officers' work by imposing their own priorities.
- 6.8 Members will endeavour to give timely responses to all enquiries.
- 6.9 Members and officers should respect other's free (i.e. non-Council) time.

- 6.10 An officer shall not discuss with a member personal matters concerning him/herself or another individual employee. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward (division) member.
- 6.11 Members ensure the Council and its officers are aware of the concerns of their electorate and help decide the overall direction of the Council and, where appropriate, act in a supporting role in carrying out the work of the Council. Members have personal, individual and collective responsibility for the Council and its activities. They are responsible for ensuring that adequate management and financial arrangements are in place and they monitor the performance, development, continuity and overall well-being of the Council. Members may be designated to act in a certain role or as a positive focus for a particular section of the Council's activities. However, the Council is not entitled to delegate decision-making on behalf of the Council to individual members. The Council is entitled to delegate certain decision-making and functions to an officer or to committees of members.
- 6.12 Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.
- 6.13 If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, they should inform the Chief Executive and Town Clerk. Provided the meeting has not been arranged on a party political basis:
- 6.13.1 An officer may attend but is not obliged to do so, and
- 6.13.2 The meeting may be held in Council-owned premises subject to availability and cost considerations.
- 6.14 Members shall be mindful they are part of a Corporate Body and so shall be encouraged to work within the committee structures, with other members and particularly relevant ward members.
- 6.15 No such meetings should be arranged or held in the immediate run-up to purdah period.
- 6.16 Whilst support for members' ward work is legitimate, staff should not be asked to accompany members to ward surgeries.
- 6.17 In seeking to deal with constituents' queries or concerns, members should not seek to jump the queue but should respect the Council's

procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timetable, and may need to seek instructions from their managers.

## **7.0 The Council as employer**

7.1 Officers are employed by the Council as a whole.

7.2 Members' roles are limited to:

7.2.1 The appointment of specified posts,

7.2.2 Determining human resources policies and conditions of employment.

7.2.3 Hearing and determining appeals.

7.3 If participating in the appointment of officers, members should:

7.3.1 remember that the sole criterion is merit

7.3.2 never canvass support for a particular candidate,

7.3.3 not take part where one of the candidates is a close friend or relative,

7.3.4 not be influenced by personal preferences, and

7.3.5 Not favour a candidate by giving him/her information not available to the other candidates.

7.4 A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a working relationship.

## **8.0 Mayor and Officers**

8.1 Officers will respect the position of Mayor and provide appropriate support.

## **9.0 Members of other committees or sub-committees and Officers**

- 9.1 The appropriate senior officers will offer to arrange informal meetings with chairmen, vice- chairmen, and spokespersons of committees and sub-committees if required.
- 9.2 The Chief Executive and Town Clerk has the right to present reports and give advice to committees and sub-committees.
- 9.3 Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.
- 9.4 At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chairman. In these circumstances it is the officer, not the chairman, who takes the action and is responsible for it. A chairman has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer (Local Government Act).

## **10.0 Party Groups and Officers**

- 10.1 The Chief Executive and Town Clerk may properly be asked to contribute to deliberations of matters concerning Council business by party groups.
- 10.2 The Chief Executive and Town Clerk has the right to refuse such requests, but will not attend a meeting of a party group where some of those attending are not members of the Council.
- 10.3 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
- 10.4 Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
- 10.5 Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 10.6 It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because they have attended or provided information to the meeting.
- 10.7 Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members.
- 10.8 In their dealings with party groups, officers must treat each group in a fair and even-handed manner.
- 10.9 Members must not do anything which compromises or is likely to compromise officers' impartiality.

- 10.10 The duration of an officer's attendance at a party group meeting will be at the discretion of the officer. An officer may leave at any time if they feel it is no longer appropriate to be there.
- 10.11 The Chief Executive and Town Clerk accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matters. They must give substantially the same advice to each.
- 10.12 An officer should be given the opportunity of verifying comments and advice attributed to them in any written record of a party group meeting.
- 10.13 No member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.
- 10.14 At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not members are not bound by the members' code of conduct. They do not have the same rights to Council information as members.
- 10.15 Informal and formal Party group meetings shall not take place on Town Council property unless a meeting room has been booked and paid for in the same way as any other non-council commercial transaction. Such bookings shall be at a standard commercial/business rate with no discounts or reduction to costs.



## **11.0 Members' access to documents and information**

11.1 Members may request the Chief Executive and Town Clerk to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:

11.1.1 It is in the public domain, and

11.1.2 It is not barred by the Data Protection Act or any other Act or restriction imposed by the Council.

11.2 Every member of a committee or sub-committee has a right to inspect non-exempt documents about the business of that committee or sub-committee.

11.3 A member who is not a member of a specific committee or sub-committee, may have access to any document of that specific part of the Council provided:

11.3.1 they can demonstrate a reasonable need to see the documents in order to carry out their roles as a member (the "need to know" principle), and

11.3.2 the documents do not contain "confidential" or "exempt" information as defined by the law.

11.4 Disputes as to the validity of a member's request to see a document on a need to know basis will be determined by the Chief Executive and Town Clerk. Officers should seek the Chief Executive and Town Clerk's advice if in any doubt about the reasonableness of a member's request.

11.5 A member should obtain advice from the Chief Executive and Town Clerk in circumstances where they wish to have access to documents or information:

11.5.1 where to do so is likely to be in breach of the Data Protection Act, or

11.5.2 where the subject matter is one in which they have a personal or prejudicial interest as defined in the members' code of conduct.

11.6 Information given to a member must only be used for the purpose for which it was requested and should be managed and destroyed in

full accordance with the Town Council's policies on Data Management, Control and Protection.

- 11.7 Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so. This includes under the whistleblowing protocols.
- 11.8 When requested to do so, officers will keep confidential from other members' advice requested by a member unless the officer is required to report or disclose such advice under law.
- 11.9 Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

## **12.0 Media Relations**

- 12.1 All formal relations with the media must be conducted in accordance with any Council agreed procedures and the law on local authority publicity.
- 12.2 Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.
- 12.3 Officers will keep relevant members (mainly committee chair and vice chairs) informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 12.4 Before responding to enquiries from the media, officers will ensure they are authorised to do so and have enough information to provide a factual representation. Such authorisation will usually be determined by the Chief Executive and Town Clerk.
- 12.5 If a member is contacted by, or contacts, the media on an issue, they should:
  - 12.5.1 indicate in what capacity they are speaking (e.g. as ward member, in a personal capacity, on behalf of the Council, or on behalf of a party group);
  - 12.5.2 never state they represent the Council unless they have been authorised to do so on a matter and the statement is in accordance with the decision of the Council;
  - 12.5.3 never disclose information which is confidential or classed as exempt business unless specifically authorised to do so by the Council or a committee with a minute to confirm this;
  - 12.5.4 be sure of what they want to say or not to say;
  - 12.5.5 if necessary, and always when they would like a press release to be issued, seek assistance from the relevant Officer (who may need to consult the Chief Executive and Town Clerk first), except in relation to a statement which is party political in nature;
  - 12.5.6 consider the likely consequences for the Council of their statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
  - 12.5.7 observe the code of conduct and other policies (including GDPR and Data Protection) when speaking as a member of the Council;
  - 12.5.8 never give a commitment in relation to matter which may be subject to claims from third parties and/or are likely to be an insurance matter;

- 12.5.9 consider whether to consult other relevant members; and
- 12.5.10 take particular care in what they say in the run-up to local or national elections to avoid giving the impression of electioneering, unless they have been contacted as an election candidate or political party activist.

### **13.0 Correspondence**

- 13.1 Correspondence sent from an individual member to an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no “blind” copies.
- 13.2 Official letters written on behalf of the Council should normally be in the name of the relevant officer, usually the Chief Executive and Town Clerk. Where such letters have been written by someone other than the named officer, the named officer should be afforded the right to check and sign off on the wording of the letter when sent in their name.
- 13.3 The Mayor may initiate correspondence in their own name, with the statement confirming that any opinions expressed may not represent the view of the Council.
- 13.4 Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member. These will normally be reserved to the Town Clerk and must be signed off and sent by the Chief Executive and Town Clerk or delegated officer.
- 13.5 When writing in an individual capacity as a ward member, a member must make clear that fact and include a statement that any opinions expressed are personal to that member may not represent the view of the Council.

## **14.0 Access to Premises**

- 14.1 Officers have the right to enter Council land and premises to carry out their work under the direction and control of the Chief Executive and Town Clerk. Such access may from time to time be withdrawn or varied by the Chief Executive and Town Clerk for any reasonable reason.
- 14.2 Members do not have an automatic right of access to Council land and premises other than for non-exempt parts of formal meetings to which they have access to the relevant meeting room as a member of the Council.
- 14.3 Town Council issued access cards must not be used by, or otherwise given to any third-party including family members/ partners/ community groups – if this is observed and reported, once verified through witness statements, system audit or CCTV, the Chief Executive and Town Clerk must instruct the card is deactivated to ensure Council property is secure at all times. There are no reasonable grounds for access cards to be used by anyone other than the individual to whom the card has been issued. Other visitor cards can be issued to non-members/non-officers for specific purposes agreed by the Council.
- 14.4 Where members have been authorised to undertake a particular task and need access to Council land or premises to fulfil those authorised duties, such access should be arranged by appointment only with the appropriate manager or officer in charge. This is to ensure the health and safety of all parties involved and to verify the land/premises is available and the member is authorised to have access.
- 14.5 The Mayor is authorised to access Council premises without appointment when undertaking a formal recorded review or seeking access to the Chief Executive and Town Clerk for an emergency/urgent matter. The Mayor should always consider the impact their visit will have on officers or the Chief Executive and Town Clerk, particularly at busy periods and so should only utilise this where there is a genuine reason for doing so without an appointment. Access to the Chief Executive and Town Clerk and officers will not always be guaranteed under such circumstances and so wherever practical advanced notice or appointment should always be sought unless prejudicial to the formal recorded review.
- 14.6 When making visits as individual members, members should:

- 14.6.1 notify and make advance arrangements with the appropriate manager or officer in charge (where possible);
- 14.6.2 recognise officers may not always be available without an appointment;
- 14.6.3 comply with health and safety, security and other workplace rules;
- 14.6.4 not interfere with the services or activities being provided at the time of the visit;
- 14.6.5 if outside their own ward, notify the ward member(s) beforehand; and
- 14.6.6 take special care at establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

## 15.0 Use of Council Resources

15.1 The Council provides all members with services such as printing and photocopying, and goods such as limited computer equipment, to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

15.2 Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:

- 15.2.1 where facilities are provided in members' homes at the Council's expense;
- 15.2.2 are in connection with the security of and access to buildings, premises and other Town Council owned open spaces/assets;
- 15.2.3 in relation to any locally-agreed arrangements e.g. payment for private photocopying; and
- 15.2.4 regarding ICT and Data security.

15.3 Members must not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:

- 15.3.1 business which is solely to do with a political party;
- 15.3.2 work in connection with a ward or constituency party political meeting;
- 15.3.3 electioneering;
- 15.3.4 work associated with an event attended by a member in a capacity other than as a member of the Council;
- 15.3.5 private personal correspondence;
- 15.3.6 work in connection with another body or organisation where a member's involvement is other than as a member of the Council; and
- 15.3.7 support to a member in their capacity as a councillor of another local authority.

## **16.0 Interpretation, Complaints and Allegations of Breaches**

16.1 Members or officers with questions about the implementation or interpretation of any part of this protocol should seek guidance of the Chief Executive and Town Clerk.

16.2 A member who is unhappy about the actions taken by, or conduct of, an officer should:

- 16.2.1 avoid personal attacks on, or abuse of, the officer at all times,
- 16.2.2 ensure that any criticism is well founded and constructive,
- 16.2.3 never make a criticism in public, and
- 16.2.4 take up the concern with the officer or their line manager privately.

16.3 If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the Chief Executive and Town Clerk.

16.4 A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary procedure.

16.5 An officer who believes a member may have acted other than in accordance with this protocol should raise their concern with the Chief Executive and Town Clerk.

16.5.1 The Chief Executive and Town Clerk will consider how the complaint or allegation should be dealt with and may consult other senior members.

16.5.2 At a minor level, this may be no more than informally referring the matter to the Mayor/Deputy Mayor or Committee Chair/Vice Chair or the leader of the relevant party group.

16.5.3 More serious complaints may involve alleged breaches of the members' code of conduct, and may be referred to the Monitoring Officer at Cornwall Council (for avoidance of doubt the Chief Executive and Town Clerk may initiate this action in order to protect the Council or indeed the member concerned).

16.6 In accordance with existing policies and procedures, the Chief Executive and Town Clerk may need to limit a member's access to a particular officer or service operation where there has been a potential breach by that member of the Code or policy. Such action should only be taken where there is an obligation to ensure the wellbeing of the affected employee(s). A complaint under the code of



conduct should therefore feature as part of the action taken, or at least be under consideration whilst the action to limit access for that member is in place. Members should respect such action as it will be taken to protect all parties involved including that member and indeed the Council – it will not be an action taken lightly.

## **17.0 Alternative Formats**

- 17.1 Equality Act 2010 – copies of this document in large print (A3 Format) or larger font size can be made available for those with sight impairment on request from the Council Office or by telephoning 01637 878388 or e-mailing the Town Clerk's Office.

## **18.0 Freedom of Information**

- 18.1 In accordance with the Freedom of Information Act 2000, this Document will be posted on the Council's Website [www.newquay.gov.uk](http://www.newquay.gov.uk).

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