

H. PROTOCOL ON CO-OPTees AND ADVISERS

CODE OF CONDUCT, CONFIDENTIALITY AND ACCESS TO INFORMATION

1. Appointment

- 1.1 The Council may appoint non-voting co-opted members to its Committees;
- 1.2 The Council is required to appoint some voting co-opted members to its Standards Committee;
- 1.3 Committees may appoint non-voting co-opted members to their sub committees or panels;
- 1.4 The Overview and scrutiny Committee is required to appoint voting co-opted members;
- 1.5 Any Committee, sub committee or panel may appoint advisers to assist in their work.

2. Co-optees and Advisers

- 2.1 Co-opted members are appointed by the parent body to a subsidiary body. Any conditions on the exercise of any rights are determined by the parent body. Any changes to an appointment can only be made by the parent body.
- 2.2 Advisers are appointed by the body concerned. Advisers can be made subject to any restrictions that the body concerned think reasonable.

3. Rights of Co-opted Members and Advisers

3.1 Co-optees

The basic rule is that co-opted members have such rights as agreed by the parent body making the appointment.

BUT: In the case of certain appointments required by statute (e.g. co-opted members of the Standards Committee) they must be afforded all the rights required by statute.

3.2 **Advisers**

Have such rights as agreed when the body concerned makes the appointment.

3.3 **Rights**

Unless otherwise determined by the parent body or subsidiary body (subject to statute) all co-opted members and advisers will be afforded the right to

- receive all agenda papers including “Part II” of confidential papers
- be notified of all meetings
- attend all meetings
- contribute to the consideration of all items

3.4 **Exception**

The position set out in (iii) above is subject to a restriction where, if a Chief officer, believes information is so confidential that it could significantly prejudice the interests of the council, then that information may not be distributed to a co-opted member or adviser (again subject the statutory rights of certain co-optees).

4. **Obligations of Co-optees and Advisers**

All co-optees and advisers will have the following obligations:

- Not to disclose confidential or exempt information as defined in the Access to Information Procedure Rules;
- Not to commit a breach of trust by imparting information yet to be made public to others (see Note *);
- To declare all personal and prejudicial interests as defined in the Members’ Code of Conduct and to exclude themselves from the room whenever a matter in which they have a prejudicial interest is being considered

Additionally:

- Co-optees are required to complete an entry into the Register of Interests.

5. **Acceptance of this Protocol and the Members’ Code**

All co-optees and advisers will be required to sign as having understood and accepted both this Protocol and the Members’ Code of Conduct.

6. **Breaches of the Protocol**

The Monitoring Officer may, if appropriate:

- (i) refer co-optees alleged to be in breach of the Protocol to the Standards Board for England;
- (ii) consider referring advisers alleged to be in breach of the Protocol to a Standards Committee meeting.

7. **Record of Appointments**

A record shall be kept by the Monitoring Officer of the co-optees and advisers appointed each Municipal Year together with information denoting any particular associated rights or obligations.

***(Note:** The duty of trust is equivalent to the elected Member observance of confidentiality set out in paragraphs 4 and 5 respectively in the Code of Confidentiality of Part II Reports (Section 5G of the Constitution), which in summary are:

- (a) Members must observe the confidentiality of information, which has not been made public: imparting such information is a breach of trust:
- (b) Members shall not impart to any person (other than another member or an officer) in writing or verbally any information of a confidential nature, unless and until that information has become public in the course of the Council's business.)