

CAIRNGORMS NPA CODE OF CONDUCT

SUPPORTING GUIDANCE

GUIDANCE NOTE I

PROTOCOL FOR RELATIONS BETWEEN MEMBERS AND EMPLOYEES IN THE CAIRNGORMS NATIONAL PARK AUTHORITY

Principles

1. This protocol sets out the way in which the Cairngorms National Park Authority and employees of the Cairngorms National Park Authority should behave towards one another. It does not cover all the variety of circumstances which can arise, but the approach which it adopts will serve as a guide to dealing with other issues as they come up.
2. Members and employees should work in an atmosphere of mutual trust and respect, with neither party seeking to take unfair advantage of their position.

Scope

3. The most common contacts are between Members and senior employees at Chief Executive, Director or Head of Service level, and this protocol is largely about those contacts. There are also many contacts between Members and other employees in their daily business, and the principles of this protocol also apply to them. The particular position of employees who provide direct support services for Members is dealt with separately at paragraph 21 of this Annex.

Members' and Employees' Roles

4. Legally, employees are employed by the Authority and are accountable to it. Ultimately they serve the Authority as a whole and not any particular group, combination of groups or any individual member. Groups of members form within the Authority for various purposes. Employees may properly be called upon to assist the deliberations of these groups and also to help individual members in their different roles. Chief Executives and Senior Officers have ultimate responsibility to ensure that the Authority's responsibilities are implemented.

Office Bearers

5. It is clearly important that there should be a close professional working relationship between the Convenor of a Committee and the director and other senior employees of any service which reports to that committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question employees' ability to deal impartially with other Members, and the ability of Convenors to deal impartially with other employees.

6. The Convenor of a Committee will often be consulted on the preparation of agendas and reports. Employees will always be fully responsible for the contents of any report submitted in their name and have the right to submit reports to members on their areas of professional competence. While employees will wish to listen to the views of Conveners, they must retain final responsibility for the content of reports.
7. Committee Conveners are recognised as the legitimate elected or appointed spokesperson on their Committee's areas of responsibility. Where authority is delegated to employees they will often wish to consult Conveners of Committees about the action which they propose to take but the responsibility for the final decision remains with the employee who is accountable for it. Conveners should bear this in mind when discussing proposed action with employees.
8. Committee Conveners will have many dealings with employees. Those employees should always seek to assist a Committee Convenor but it must be remembered that they are ultimately responsible to their Senior Managers.

Appointments

9. Where Members are involved in the appointments of employees they must act fairly and openly and judge candidates solely on merit.

Social Relationships

10. The relationship between Members and employees depends upon trust and this will be enhanced by the development of positive, friendly relationships. Members and employees will often be thrown together in social situations within the community and they have a responsibility to project a positive image of the Cairngorms National Park Authority. Nonetheless, close personal familiarity between individual employees and Members can damage the relationship of mutual respect and the belief that employees give objective and professional advice and commitment to the Authority. Members and employees should, therefore, be cautious in developing close personal friendships while they have an official relationship.

Public Comment

11. Members should not raise matters relating to the conduct or capability of employees in public. Employees must accord to Members the respect and courtesy due to them in their various roles. There are provisions in the Code of Conduct for Employees about speaking in public and employees should observe them.

Employees Supporting Members

12. Where the Cairngorms National Park Authority arranges for employees to support Members directly in carrying out their duties, particular considerations apply. Such employees are normally involved in administrative and practical support of Members. While such staff may operate to the requirements of individual Members in their daily business, it must be remembered that the employees are accountable to their line managers and any issues about conflicting priorities, conduct or performance must be referred to those managers.

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GUIDANCE NOTE 2

Pre-Planning Application Procedures

(This guidance note is drawn from Guidance on the role of Councillors in pre-application discussions, published by Scottish Government February 2014)

Key Considerations for Pre-application Discussions

1. The following considerations should be applied by the authority in drawing up procedures for members to engage in pre-application discussions:
 - a) Emphasis should be given to providing meaningful guidance and a helpful service that adds value to the preparation of applications.
 - b) Members should be able to air points of view at the pre-application stage on the understanding that the general issues aired in, or the outcomes of, the discussions will be placed into the public domain.
 - c) Any procedures must be compliant with the requirements of the Councillors' Code of Conduct.
 - d) The Authority should consider its own procedures in implementing this guidance and set out which councillors are to be involved in pre-application discussions. This could be the relevant committee which determines planning applications or could be the members of that committee setting in a consultative forum (rather than as a formal committee).
 - e) Procedures should be conducted in a consistent and transparent manner to avoid suspicions that councillors may have prejudiced their positions.

Key Provisions for Pre-application Procedures

2. The considerations referred to in paragraph 4.1 above apply to the establishment of any forum in which a provisional view is to be considered and generated.
3. The forum in which discussion is to take place (committee, panel, other grouping) should be identified. Discussions should usually be held in public. However, where seen as appropriate or necessary, local authorities should carefully consider if they should be held in private. Guidance in paragraph 4.7 should continue to be followed.
4. The status and purpose of the process should be clear, articulate and publicly available. It is essential to make it clear that persons who may wish to comment on the application if it comes to be submitted will - at the appropriate time - have a full right to make representations.
5. The unique status of pre-application proposals should be clearly identified in the agenda for any meeting, including covering reports and any other introductory material prepared by officers. Such items should be clearly distinguished from other development management issues.

6. To avoid any misunderstanding (for members, interested parties and members of the public) it may be appropriate for the committee clerk to introduce the item in sufficient detail to allow participants to understand the purpose of the event, the broad nature of the proposals and to emphasise that the outcome is limited to the generation of a provisional view.
7. Officers should take a note of the meeting and prepare a minute which should be made publicly available in accordance with the requirements of good practice and the Authority's established conventions.

Training for Members

8. To assist in enhancing public confidence, authorities should consider the need for further member training so that members can demonstrate objective levels of competence in planning generally and in the pre-application and development management processes, in particular.

Review of Procedures

9. Procedures should be kept under review by member and professional networks to ensure the dissemination of best practice.

Version	Notes
I	Board Submission Stage
I.1	DC draft for pre-Board review.