

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 Committees may appoint non-voting co-opted members to their sub committees or panels;
- 1.3 The Overview and scrutiny Committee is required to appoint voting co-opted members;
- 1.4 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 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 3.3 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 to 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 *);

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 consider referring advisers alleged to be in breach of the Protocol to a meeting of the Governance, Audit, Risk Management and Standards Committee.

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.)