

THE ETHICS OF COLLABORATION

1. INTRODUCTION

1.01 Collaboration between local authorities is increasingly important and commonplace. Joint committees often are a feature of collaboration.

1.02 Normally, there is a host authority for a joint committee whose officers will attend meetings and provide legal/ethical advice to the councillors at those meetings.

1.03 It is important that councillors receive clear and consistent ethical advice about when and what level of interest, if any, to declare when acting on joint committees, whether the source of that advice is the councillor's "own" monitoring officer or the lawyer advising the joint committee from the host authority. The six Councils have therefore agreed this protocol on how ethical advice will be given.

2. PROCEDURE

2.01 Given the complexity of the Code of Conduct and the many ways in which interests can arise, it is always best that councillors seek early advice so that all the circumstances can be fully explored. Ordinarily, this advice should be sought in the first instance from the councillor's "own" monitoring officer.

2.02 If the council's own monitoring officer is asked to advise then he/she will take the details of the query, and if there is time, liaise with the lawyer advising the joint committee from the host authority before providing an answer. If there is not time, then the monitoring officer will answer the query and copy the response to the host authority's legal advisor.

2.03 If the query is raised at a meeting of the joint committee then the lawyers from the host authority will advise as required. Thereafter they will copy the advice they have given to the monitoring officers of all of the councillors who are present so that

they are aware of the advice that was given.

2.04 In the final analysis councillors are under a personal duty to declare any interest in a matter under discussion at the joint committee. The role of legal/ethical advisors at the joint committee or indeed at the councillors' own authorities is to provide advice and guidance. The duty to act on any such advice is for councillors and councillors alone.

1st draft