

Agenda



Standards Committee

Date: Thursday, 19 April 2018

Time: 5.30 pm

Venue: Committee Room 4 - Civic Centre

To: P Westwood (Chair), Davies, D Fouweather, H Thomas, P Hourahine, John, H Britton, A Mitchell and Watkins and Councillors D Fouweather, H Thomas, P Hourahine

Item		Wards Affected
1	<u>Apologies for Absence</u>	
a	<u>Agenda - Cym</u> (Pages 3 - 4)	
2	<u>Declarations of Interest</u>	
3	<u>Minutes of the Previous Meeting: 25 January 2018</u> (Pages 5 - 10)	
4	<u>Matters Arising</u>	
5	<u>Chair's Announcements</u> To receive any announcements the Chair wishes to make.	
6	<u>Complaints</u> The Monitoring Officer will report on any complaints received since the last meeting.	
7	<u>Officer/Member Protocol (redraft of the Protocol to follow)</u> (Pages 11 - 24)	
8	<u>Community Councils Review (Update)</u> (Pages 25 - 36)	
9	<u>Standards Committee Co-opted Member Interviews (Update)</u>	
10	<u>Any Other Business</u>	
11	<u>Date of Next Meeting</u> Thursday 19 July at 5.30pm in Committee Room 4.	

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Agenda

Pwyllgor Safonau

Dyddiad: 19 Ebrill 2018

Amser: 5.30pm

Lleoliad: Ystafell Bwyllgor 4

At: Cynghorwyr H Thomas, Fouweather a Hourahine
Mr P Westwood (Cadeirydd), Ms T Britton, Mr A Mitchell a Mr K Watkins

Eitem

Wardiau a Effeithir

Rhan 1

1. Ymddiheuriadau dros Absenoldeb
2. Datganiadau Diddordeb
3. Cyhoeddiadau'r Cadeirydd
I dderbyn unrhyw gyhoeddiadau y bydd y Cadeirydd yn dymuno eu gwneud.
4. Cofnodion y cyfarfod blaenoroal
5. Materion yn codi
6. Cwynion
Bydd y Swyddog Monitro yn adrodd ar unrhyw gwynion y derbyniwyd ers y cyfarfod diwethaf.
7. Protocol ar Perthnasau Aelod / Swyddog (diweddariad)
8. Llythyr at Gynghorau Cymuned - Adolygiad o Safonau Moesegol (diweddariad)
9. Cyfetholedig Aelod Cyfweliadau (diweddariad)
10. Dyddiad y Cyfarfod Nesaf
19 Gorfennaf 2018 yn 5.30pm, yn ystafell bwyllgor 4

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Minutes

Standards Committee

Date: 25 January 2018

Time: 5.30 pm

Present: P Westwood (Chair), Davies, Britton, A Mitchell and Watkins

In Attendance: G Price (Head of Law & Regulation), J Owen (Chief Legal Officer), A Jenkins (Democratic Services Officer)

Apologies: Councillors D Fouweather and P Hourahine

1 Apologies for Absence

2 Declarations of Interest

None received.

3 Minutes of the Previous Meeting: 26 October 2017

The minutes of the meeting of 26 October 2017 were submitted.

Agreed:

That the Minutes of the meeting were agreed.

4 Matters Arising

Item 2: Chair advised members that the minutes were available on the website.

Item 7: The Chief Legal Officer would be attending a joint legal officers meeting in the near future and the subject of networking with other councils would be discussed. Any information relating to Standards Committee networking would be fed back at the next meeting.

In the meantime, committee members were reminded that they could attend Standards Committees held by other councils if they so wished.

The Head of Law & Regulation referred to the recent code of conduct training, carried out on 18 January. It was noted that seven of the 10 remaining councillors attended.

After brief discussion it was agreed that 47 out of 50 members was considered a good attendance. Information such as the PowerPoint presentation and the Ombudsman for Wales video could be circulated electronically for information to those members that had not attended, however no further action regarding training would be pursued.

The Chair suggested that the Leader and respective Business Managers be informed of the high number of councillors that attended code of conduct training, which was good news.

T Britton suggested that in the letter it should be noted that the remaining three did not attend.

Agreed:

- That the Committee Members would receive feedback from the Chief Legal Officer regarding networking.
- That a letter on behalf of the Standards Committee be sent to the Leader and respective Business Managers regarding the successful attendance of Code of Conduct training.

5 Chair's Announcements

No announcements made by the Chair.

6 Complaints

The Head of Law & Regulation had received no complaints.

7 Protocol on Member/Officer Relations

Committee members were asked to consider whether there was a continuing need for the Protocol to supplement the regulatory codes and if so, whether the current document was in need of revision. Any revised Protocol would be recommended to full Council for adoption as part of the written Constitution.

The attached protocol (Appendix 1) was out of date and needed revision, an alternative protocol (Appendix 2) was therefore considered by the Committee.

The question was also put to the Committee, was there a need for a protocol.

The Chair suggested that in light of the sexual harassment issues, a protocol should be in place providing more content on the subject.

A Mitchel agreed that there was a need for a protocol and asked was Appendix 2 the suggested approach, from Welsh Government. Appendix 2 was from a monitoring officer's group and part of a modular constitution. There was no prescriptive format, the Committee could decide to update the original protocol, the suggested version or combine both protocols.

The Chair asked whether other councils had a staff/member protocol in place, and whilst some councils had not adopted the protocol, it was considered good practice to include the protocol in the constitution.

K Watkins suggested it would be a useful tool for new members to help them understand the working officer/member relationship and promote mutual respect.

T Britton asked how the protocol would be endorsed. It would be formally adopted by full Council via the recommendation of the Standards Committee and published to the Newport City Council website under the constitution.

The Head of Law & Regulation suggested that the Committee members look at the document in detail and provide their feedback to A Jenkins.

Agreed:

That appendices 1&2 be sent emailed to all Committee members with responses by 29 March 2018 in order for all comments to be compiled in a final document which would be brought back to the committee for recommendation.

8 **Letter to Community Councils - Review of Ethical Standards**

The draft letter was considered by the Committee and the Chair invited comments from the members.

J Davies, the community council representative was happy with the content on the letter and hoped that all community councillors would sign up to the review.

The Chair asked J Davies did community councillors feel that the questionnaire be welcomed, or considered onerous. J Davies advised that whilst he could only speak on behalf of his council, they were eager to sign up to any courses and were fully aware of the code of conduct, ethical standards and other general requirements.

The main purpose for the Committee was to ensure that the community councillors were complying to the requirements set out in the letter.

The Chair proposed that the format of the letter be changed and the Head of Law & Regulation advised that it would be sent out as a box ticking format

J Davies suggested that the letter advised community councillors on what was mandatory or statutory training and what training was suitable for clerks. The Head of Law & Regulation advised that the relevant training could be highlighted however, the council could not promote or advocate any training by One Voice Wales. In addition, the Council could also offer to provide training.

Agreed:

That the letter be sent out to all clerks, with a deadline set for 31 March 2018 to be discussed at the next meeting in April.

9 **Any Other Business**

This item would be a rolling Agendas item.

10 **Date of Next Meeting: 19 April 2018**

The next meeting would take place on 19 April 2018 at 5.30pm in Committee Room 1.

T Britton suggested changing the 25 October date to 1 November 2018.

The meeting terminated at Time Not Specified

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Action Sheet

Minute Item	Action by
<p><u>3. Matters Arising</u></p> <ul style="list-style-type: none"> ▪ That the Committee Members would receive feedback from the Chief Legal Officer regarding networking. ▪ That a letter on behalf of the Standards Committee be sent to the Leader and respective Business Managers regarding the successful attendance of Code of Conduct training. 	<p>Chief Legal Officer</p> <p>Gareth Price Sent to Councillors on 06/02/2018 along with PowerPoint presentation. P Westwood cc'd for information.</p>
<p><u>6. Protocol on Member/Officer Relations</u></p> <p>That appendices 1&2 be sent emailed to all Committee members with responses by 29 March 2018 in order for all comments to be compiled in a final document which would be brought back to the committee for recommendation.</p>	<p>Anne Jenkins Sent to Committee members on 26/01/2018 Response from P Westwood.</p>
<p><u>7. Letter to Community Councils</u></p> <p>That the letter be sent out to all clerks, with a deadline set for 31 March 2018 to be discussed at the next meeting in April.</p>	<p>Anne Jenkins Sent to Community Council Clerks on 26/01/2018 Responses from Graig, Wentloog, Nash, Marshfield, Langstone CC</p>

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Report

Standards Committee

Part 1

Date: 19th April 2018

Item No: 7

Subject Protocol on Member/Officer Relations

Purpose To submit the revised Protocol on Member/Officer Relations to the Standards Committee for review and recommendation to Council

Author Head of Law & Regulation

Ward General

Summary As part of the forward work-programme, Standards Committee agreed to review the current Protocol on Member/Officer Relations.

At the last meeting on 25th January, Standards Committee agreed that there is a continuing need for this Protocol, to provide practical guidance to both members and officers and to supplement the provisions of the Member and Employee Codes of Conduct. Committee considered that the existing Protocol, as set out in the Council's Constitution, was in need of revision and up-dating, in line with the alternative document, which was drafted as part of the new Model Welsh Constitution.

The different models were circulated to the Committee Members following the meeting, so that any comments could be incorporated in a revised document for consideration at the next meeting. Some comments were received about the need to strengthen the new version by reference to harassment, which is specifically referred to in the existing Protocol. A revised Protocol has now been re-drafted, to incorporate these comments and the relevant parts of both documents, which is attached to this Report, for consideration by the Committee. Any revised Protocol will need to be recommended to full Council for adoption as part of the written Constitution

Proposal To consider the revised Protocol on Member/Officer Relations and make recommendations to Council regarding its formal adoption

Action by Head of Law & Regulation

Timetable Immediate

This Report was prepared after consultation with:

- Head of Democratic Service
- Head of Finance
- Head of People & Business Change

Signed

Background

1. As part of the forward work-programme, Standards Committee agreed to review the Protocol on Member/Officer Relations..
2. The original Protocol was agreed by Standards Committee over 15 years ago, prior to the introduction of the Model Code of Conduct in Wales. It was intended to give practical advice to both officers and councillors as to how they should work together in a relationship of mutual trust and respect, so as to maintain public confidence in the integrity of public service. It was not intended to replace or supersede either of the regulatory codes – the Employee Code of Conduct and the Member Code of Conduct – but to provide practical advice on how the underlying principles of both Codes should be applied in practice to working relationships.
3. Any breaches of the Employee Code of Conduct are dealt with as disciplinary matters under the Council's terms and conditions of employment. The provisions of the Code are incorporated within individual contracts of employment and are enforceable through the Council's Disciplinary Code. Breaches of the Members Code of Conduct are either dealt with under the Local Resolution Protocol (for low-level breaches) or referred to the Ombudsman and dealt with by Standards Committee.
4. The Protocol has been updated periodically over the years on a piecemeal basis, but it has never been comprehensively reviewed. Standards Committee did recommend a wholesale review some years ago but the proposal was never approved by full council, due to a misunderstanding about the nature and effect of the Protocol.
5. Standards Committee meeting on 25th January 2018 agreed that there is a continuing need for the Protocol, to supplement the regulatory codes. Committee also considered that the existing Protocol, as set out in the Council's Constitution, was in need of revision and up-dating, in line with the alternative document, which was drafted as part of the new Model Welsh Constitution.
6. The different models were circulated to the Committee Members following the meeting, so that any comments could be incorporated in a revised document for consideration at the next meeting. Some comments were received about the need to strengthen the new version by reference to harassment, which is specifically referred to in the existing Protocol.
7. A revised Protocol has now been re-drafted, to incorporate these comments and the relevant parts of both documents, which is attached to this Report, for consideration by the Committee ([Appendix 1](#)).
8. The revised Protocol will then need to be a recommendation to full Council, as the revised document will then have to be agreed and adopted by Council because it forms part of the written Constitution.

Comments of Chief Financial Officer

9. There are no financial implications

Comments of Monitoring Officer

10. Set out in the Report

Staffing Implications: Comments of Head of People and Business Change

11. There are no staffing or policy implications.

Background Papers

Dated: 16th April 2018

Appendix 1 – Revised Protocol

Protocol on Member / Officer Relations

1. Introduction

- 1.1 The purpose of this Protocol is to guide Councillors and officers of the Council in their relations with one another.
- 1.2 The Protocol seeks to reflect the underlying principles of both the Councillor Code of Conduct and the Employee Code of Conduct. The shared purpose of these Codes is to enhance and maintain the integrity of local government by promoting high standards of personal conduct and ethical behaviour. It is essential that both Councillors and officers are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol.
- 1.3 Mutual respect between Councillors and officers is essential to good local government. However, close personal familiarity between individual Councillors and officers can damage this relationship and prove embarrassing to other Councillors and officers.
- 1.4 The relationship has to function without compromising the ultimate responsibilities of officers to the Council as a whole, with due regard to such technical, financial, professional and legal advice that officers can legitimately provide to Councillors. The Protocol seeks to set a framework that assists the working relationships between Councillors and officers.

2. Roles and Responsibilities.

2.1 Councillors

Councillors have a wide range of roles and responsibilities:

- 2.1.1 Councillors express political values and support the policies of the party or group to which they belong (if any).
- 2.1.2 Councillors represent their electoral division and are advocates for the citizens who live in the area.
- 2.1.3 Councillors are involved in active partnerships with other organisations as community leaders.
- 2.1.4 Councillors contribute to the decisions taken in Full Council and the various Committees and bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.
- 2.1.5 Councillors help develop and review policy and strategy.

- 2.1.6 Councillors monitor and review policy implementation and service quality.
- 2.1.7 Councillors are involved in quasi-judicial work through their Membership of regulatory committees, such as Planning and Licensing.

2.2 Officers

Officers have the following general roles and responsibilities:-

- 2.2.1 Managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services.
- 2.2.2 Providing advice to the Council and its various bodies and to individual Members in respect of the services provided.
- 2.2.3 Initiating policy proposals.
- 2.2.4 Implementing agreed policy.
- 2.2.5 Ensuring that the Council always acts in a lawful manner.

3. **Respect and Courtesy**

- 3.1 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Councillors and Officers. This plays a very important part in the Council's reputation and how it is seen in public. It is very important that both Councillors and Officers remember their respective obligations to enhance the Council's reputation.
- 3.2 Councillors should avoid personal criticism of individual officers or identifiable groups of officers in public forums (including the media and social media). Similarly, officers should avoid personal criticism of elected Councillors or groups of councillors in public forums (including the media and social media).

4. **Undue Pressure.**

- 4.1 It is important in any dealings between Councillors and Officers that neither should seek to take unfair advantage of their position. In their dealings with Officers (especially junior staff), Councillors need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Councillors hold senior official and/or political office. Wherever possible, Councillors should direct enquiries through Heads of Service or senior managers rather than approach more junior staff directly.
- 4.2 A Councillor should not apply undue pressure on an Officer either to do anything that he/she is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services. Similarly, an Officer must neither seek to use undue influence on an individual Councillor to make

a decision in his favour, nor raise personal matters to do with their job, nor make claims or allegations about other staff. (The Council has formal procedures for consultation, grievance and discipline, and Officers have the right to report possible wrongdoing under the Council's Confidential Whistleblowing Policy).

4.3 Councillors should not, by their conduct, language, or actions, make any officer feel intimidated, harassed, threatened or bullied. Similarly, officers should not, by their conduct, language, or actions, make any Councillor feel intimidated, harassed, threatened or bullied.

5. **Personal Relationships.**

5.1 Close personal familiarity between individual Councillors and Officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details. Such familiarity could also cause embarrassment to other Councillors and/or other Officers and even give rise to suspicions of favouritism. For these reasons close personal familiarity should be avoided.

5.2 Councillors should declare to the Leader their Political Group or to the Leader of the Council or to the Monitoring Officer, any close personal relationship with an Officer, which could be considered as influencing their work or decision-making. This might be a family relationship, a business relationship, or another close relationship, which might be perceived as so significant that it is likely to prejudice their judgement.

5.3 Officers also have a duty to declare any such close personal relationships with individual Councillors to their Manager or Head of Service, where appropriate.

5.4 Councillors should not accept any Cabinet position or sit on any Committee which is responsible for any Service Area where a Councillor's relationship with an officer could unduly influence the Councillor's decision-making or the work of the Service Area in question or be perceived as such.

6. **Provision of Advice and Guidance**

6.1 Council officers have an obligation to give impartial advice and to implement the Council's decisions. They have operational responsibilities and powers which are generally set out in the Council's scheme of delegation.

6.2 Councillors taking decisions must reach those decisions having regard to any relevant advice by the authority's officers. In advising, officers are free to give their professional advice wherever appropriate. Councillors may test this advice by questioning and challenging in an appropriate

manner but not in a way that could be interpreted as intimidating, harassing, threatening or bullying. Councillors should ensure that any such challenge is made to an officer of suitable seniority, generally a statutory officer, Corporate Director or Head of Service.

- 6.3 Officers should accept that Councillors are entitled to question advice given, and to receive a full and complete explanation.
- 6.4 The Council has three main statutory officers; the Head of Paid Service, the Monitoring Officer and the Section 151 Officer, who have duties to advise the Council as a corporate body or the Cabinet in relation to executive functions, and have a statutory right to advise as they believe appropriate within their statutory duties.
- 6.5 Officers have to advise Councillors from time to time that a certain course of action cannot be carried out. Councillors sometimes assume that this is a case of Officers deliberately obstructing the wishes of politicians. In fact this is hardly ever the case. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Councillors might achieve some or all of their objectives in other ways.

7. **Access to Information and Documents**

- 7.1 Councillors are free to approach Officers of the Council to provide them with such information as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.
- 7.2 Officers should always endeavour to respond to requests for information promptly and should in any event inform the Councillor if there is likely to be any appreciable delay in dealing with an enquiry. As a minimum the timescale for responding to correspondence should be observed i.e. either a full response or, if this is not possible, an acknowledgement that fully explains what is happening within five working days of the receipt of the enquiry.
- 7.3 The legal rights of Councillors to inspect Council documents are covered partly by statute and partly by common law.
- 7.4 The Access to Information Procedure Rules (as set out in the Council's Constitution) and the provisions of the Local Government Act 1972 Part VA and Schedule 12A provide a statutory right

of access to papers relating to Council business, including agendas, reports, background papers and minutes of meetings.

- 7.5 The Monitoring Officer has the initial responsibility to determine whether consideration of reports to the Council, Cabinet, Cabinet Members or Committees are likely to disclose confidential or 'exempt' information as defined in legislation and whether it is in the public interest that this information is not made public. However, the decision as to whether they remain confidential is for the Committee to determine at the relevant meeting.
- 7.6 If any report is issued within the confidential Part 2 of the agenda for a meeting and unless the Council, Cabinet or Committee decides that it should be discussed in public, all Officers and Councillors must respect the confidentiality of the report and not disclose it to a third party.
- 7.7 It does not however follow that all the contents of a Part 2 report must be regarded as secret. It may only be certain items of information or terms of negotiations justify the inclusion of that report within Part 2; other aspects may already be within the public domain or otherwise outside the definition of 'exempt'. In such circumstances, an Officer or Councillor may refer to these 'public' aspects in discussions with third parties but must exercise proper care and judgement not to reveal those elements of the paper which are protected. Any Officer or Councillor should consult with the Monitoring Officer before doing so.
- 7.8 The Council promotes openness and access to information by all its Councillors. Whilst Councillors have no automatic statutory right to Part 2 reports and "exempt information", generally reports to be considered by the Council, the Cabinet, Cabinet Members, Committees are made available to all Members of the Council. Confidential or exempt information provided to Councillors as part of these reports must be used properly and should not be released or disclosed to any third party. It is not necessary for a Councillor to establish an individual "need to know" in relation to exempt information contained in Part 2 reports.
- 7.9 The common law right of Councillors is based on the principle that any councillor has a right to inspect any Council documents so far as his/ her access to the document is reasonably necessary to enable the councillor properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the "need to know" principle.
- 7.10 The exercise of the common law right depends upon a Councillor's ability to demonstrate a "need to know". In this respect a Councillor has no right to "a roving commission" to examine any documents of the Council. Mere curiosity is not sufficient.

- 7.11 The information sought by a Councillor should only be provided by the respective Service Area as long as it is within the limits of their resources. For their part, Councillors, should seek to act reasonably in the number and content of the requests they make.
- 7.12 It is important for Service Areas and their staff to keep Councillors informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the wards that they represents. Local Members should be informed and consulted about proposals that affect their wards and should also be invited to attend Council initiated events within their wards.
- 7.13 If a Councillor asks for specific information relating to the work of a particular Service Area, and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate Cabinet Member or Committee Chair concerned should be advised about the information provided.
- 7.14 Councillors may be entitled under the Freedom of Information Act 2000 to receive information which falls outside their common law rights based on the “need to know”. Employees are encouraged to supply documents to Councillors without the need for a formal FOI request if it is apparent from the Member’s enquiry that any member of the public would be entitled to receive such documentation. The Monitoring Officer will be able to advise on whether any request would fall within the Freedom of Information Act.

8. **Confidentiality**

- 8.1 In accordance with the Councillor Code of Conduct, a Member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes, or ought reasonably to be aware, is of a confidential nature, except where:
- 8.1.1 he/she has the consent of a person authorised to give it;
 - 8.1.2 he/she is required by law to do so;
 - 8.1.3 the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - 8.1.4 the disclosure is:
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Council
- 8.2 Confidential [Part 2] Committee papers are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Other information may be

confidential because to disclose it would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained.

- 8.3 Information and correspondence about an individual's private or business affairs will normally be confidential.
- 8.4 Officers should make it clear to Councillors if they are giving them confidential information. If a Councillor is not sure whether information is confidential, he or she should ask the relevant Officer, but treat the information as confidential in the meantime.
- 8.5 Any Council information provided to a Councillor must only be used by the Councillor in connection with the proper performance of his/her duties as a Member of the Council.
- 8.6 If a Councillor receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that Officer.

9. **Provision of Member Support**

- 9.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, word processing, printing, photocopying, transport, etc.) to Councillors is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

9.2 **Correspondence.**

Official letters on behalf of the Council should be sent in the name of the appropriate Officer, rather than over the name of a Member. There are circumstances where a letter sent in the name of a Councillor is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Councillor

9.3 **Media.**

Communication with the media on behalf of the Council or in relation to council business can be an important part of a Member's workload. In general, Councillors provide comment and views while Officers provide factual information. If a Councillor is unsure about the circumstances of a particular issue he/she should contact the appropriate Corporate Director or Head of Service concerned or ask the Public Relations and Communications Team to do so.

10. **The Council's role as Employer.**

- 10.1 In their dealings with Officers, Councillors should recognise and have regard to the Council's role as employer. Councillors should be aware that Officers could rely on inappropriate behaviour of a Councillor in an employment case against the Council.
- 10.2 Councillors will play no part in the appointment of Council staff, other than the appointment of Chief Officers.
- 10.3 Councillors should not act as referee or canvass the appointment of any individual for a post within the City Council. Councillors will take their own personal view as to whether it is appropriate, and in accordance with the principles of this Protocol, for them to act as referee for any Officer applying for a post outside the Council.

11. **Political Activity.**

- 11.1 There are a number of constraints that apply to an Officer who occupies a post that is designated as "politically restricted" under the terms of the Local Government and Housing Act 1989.
- 11.2 In summary, such Officers are prevented from:
- 11.2.1. being a Member of Parliament, European Parliament or local authority;
 - 11.2.2. acting as an election agent or sub-agent for a candidate for election as a Member of any these bodies;
 - 11.2.3. being an Officer of a political party or any branch of a political party or a member of any committee or sub-committee of such a party or branch, if his duties would be likely to require him to:
 - (a) participate in the general management of the party or branch; or
 - (b) act on behalf of the party or branch in dealings with persons other than members of the party;
 - 11.2.4 canvassing on behalf of a political party or a candidate for election to any the bodies referred to in 11.2.1;
 - 11.2.5 speaking to the public with the apparent intent of affecting public support for a political party; and
 - 11.2.6 publishing any written or artistic work of which he is the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection - if the work appears to be intended to affect public support for a political party.

- 11.3 It is common for party groups within the Council to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups provided they maintain a stance which is politically impartial. Officers should not, however, attend any political party meetings which include individuals who are not Members of the Council. Officers should be required to give information and advice to political groups on Council business only and not on matters which are purely of a party political nature. Such advice should be available to all party groups and not solely to the majority group. If an officer gives a briefing to any political group represented on the Council, then a similar briefing will be made available to the other party groups on the Council. It is important that the political neutrality of Officers is preserved and that group confidentiality is maintained by Officers.
- 11.4 Usually the only Officers involved in attending group meetings will be the Chief Executive, Corporate Directors and Heads of Service and they will generally leave the meeting after making their presentation and answering questions.
- 11.5 Officers are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and their respective Corporate Directors/Heads of Service, and not to individual Members of the Council whatever office they might hold. However, officers may occasionally be called upon by individual Councillors to advise or give information on particular issues that relate to the councillor's representational or constituency role, provided that they do not advise or assist Members in relation to any personal or political matters.
- 11.6 Certain Officers will work closely with the Leader and Cabinet Members on policy matters. Other officers will also work closely with Chairs of Committees. These officers may be asked to brief those Councillors on legal or constitutional issues, the implementation of policies and/or available options. This is entirely acceptable, whether done individually or collectively. However, the relationship should not be so close (or appear to be so close) as to bring into question the officer's ability to deal impartially with other Councillors or party groups.
12. **Complaints**
- 12.1 Any complaints about the conduct of particular officers or any breach of this Protocol by a member of staff should be referred to the appropriate Head of Service. In the case of complaint is against a Head of Service, the matter should be raised with the appropriate Corporate Director or Chief Executive. Any complaints about Corporate Directors should be referred to the Chief Executive. If the complaint is about the Chief Executive, this must be raised with the Leader of the Council. In all such cases the complaints will be handled in accordance with the Council's

confidential internal staffing procedures. The outcome of the process is the only information that the complainant will be entitled to.

12.2 Any complaints about the conduct of a particular Councillor or any breach of this Protocol by an elected Member should be reported to the Council's Monitoring Officer, who will then advise on whether it is appropriate for the issue to be dealt with in accordance with the Council's Local Resolution Protocol or, in the case of a more serious breach, referred to the Public Services Ombudsman for Wales..

13. **Conclusion**

By following good practice and securing sensible and practical working relationships between Councillors and Officers, we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the public. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and Officers.

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Agenda Item 8

COMMUNITY COUNCILS
ETHICAL STANDARDS QUESTIONNAIRE

Response from Graig Community Council 26th January 2018

1. Please confirm when your community council formally adopted the new Model Code of Conduct (this should have been done before 26th June 2016).	Adopted on 30 March 2016
2. Please confirm that all Community Councillors have signed a written declaration to abide by the new Member Code of Conduct.	All Councillors signed new declarations to abide by the member code of conduct at 10 May 2017 Council AGM
3. Please confirm that all Community Councillors have completed and signed a register of financial and other personal interests.	As above
4. What arrangements have you made for maintaining the Register of Members interests in accordance with Section 81 of the Local Government Act 2000? In particular, who is the designated "proper officer, what arrangements are made for making the register available for public inspection and where the records are held?	The Clerk is the designated proper officer and maintains the register. The register is published on Council's website and is updated if changes are made. The records are held by the Clerk and are available for inspection by arrangement with the Clerk
5. If your Community Council has a website, is the Register of Members interests published on the website and how often is this updated?	Yes, the register is on our website and is updated as and when new information is presented to the Clerk.
6. Does the Council also publish other information electronically as required by Sections 55-57 of the 2013 Act and, if so, what?	Yes, we publish all minutes, agendas and Clerk's reports for meetings. Also Councillor & Clerk profiles for each member stating name, photo ID (in most cases), political affiliations, contact details, ward representation, which groups or committees each sits on and a short personal biography.
7. Have your Community Councillors received any training on the Member Code of Conduct, their obligations under the Code and the enforcement of the Code, including the role of the Standards Committee, the Ombudsman and the Adjudication Panel for Wales? If so, how many of them have been trained? How was the training provided:- - Informally, as part of their induction - By the City Council - By an external training provider e.g. One Voice Wales.	12 of our 15 have been trained on the code of conduct. 3 newest Councillors are yet to be trained. We have relied on the City Council to invite our Councillors to training and as yet there has been no opportunity for the newest Councillors to attend. Each Councillor is given a copy of the code of conduct at the induction stage along with the recommended Good Councillor Guide. Council has not engaged any external training other than that given by the City Council to date.

<p>8. Do members of the Community Council have any need for refresher training on the Members Code of Conduct or are there any particular areas of the Code on which they would benefit from training?</p>	<p>I believe all would find this beneficial, as would I, particularly our newest Councillors. There are no areas of particular concern except longer serving Councillors would probably benefit most from learning more about the latest changes made to the Code and any resulting effects.</p>
<p>9. Are there any particular problems with standards of Ethical behaviour within the Community Council or particular problems regarding the application of the Code?</p>	<p>No</p>
<p>10. Would you be interested in participating in any future training? If so, what would be the best way to organise and deliver that training?</p> <ul style="list-style-type: none"> - Dedicated training session for your community council - A joint session with other community councils - A joint training session for Clerks, who could then cascade the training to their Members 	<p>Yes please, Either dedicated training sessions or joint sessions would suit us best. My workload is heavy. Attending and then cascading training to Members would be more time consuming. If this was the only option, we would obviously not refuse it.</p>
<p>11. Has your Community Council adopted the Model Local Resolution Protocol for Community and Town Councils, produced by One Voice Wales [see copy attached] or any local variation?</p>	<p>Not as yet, we are currently reviewing all our policies and procedural documents which will be completed and approved no later than 28 March 2018. This will be added to our suite of documents and will be adopted at that time along with the new Data Protection policy that must be adopted by 25 May 2018</p>
<p>12. Do you have any other comments regarding Ethical standards issues or matters that you would wish the Standards Committee to consider?</p>	<p>No</p>

COMMUNITY COUNCILS
ETHICAL STANDARDS QUESTIONNAIRE
LANGSTONE CC

<p>1. Please confirm when your community council formally adopted the new Model Code of Conduct (this should have been done before 26th June 2016).</p>	<p>12/04/2016</p>
<p>2. Please confirm that all Community Councillors have signed a written declaration to abide by the new Member Code of Conduct.</p>	<p>Confirmed</p>
<p>3. Please confirm that all Community Councillors have completed and signed a register of financial and other personal interests.</p>	<p>Confirmed</p>
<p>4. What arrangements have you made for maintaining the Register of Members interests in accordance with Section 81 of the Local Government Act 2000? In particular, who is the designated "proper officer, what arrangements are made for making the register available for public inspection and where the records are held?</p>	<p>The Clerk is the Proper Officer. Each Councillor's Declaration of Interests is published on the Council's website. Signed paper copies are held at the Council's office.</p>
<p>5. If your Community Council has a website, is the Register of Members interests published on the website and how often is this updated?</p>	<p>Yes, each Councillor's Declaration of interests is published on the website and updated whenever there is a change</p>
<p>6. Does the Council also publish other information electronically as required by Sections 55-57 of the 2013 Act and, if so, what?</p>	<p>Yes.</p> <ul style="list-style-type: none"> • Information about the council's clerk and Members – contact details, membership of Committees • Agendas and Minutes of council meetings • Audited statement of the council's accounts. • Public notices such as vacancies in the role of Councillor or Notices of rights to view accounts
<p>7. Have your Community Councillors received any training on the Member Code of Conduct, their obligations under the Code and the enforcement of the Code, including the role of the Standards Committee, the Ombudsman and the Adjudication Panel for Wales?</p> <p>If so, how many of them have been trained?</p> <p>How was the training provided:-</p> <ul style="list-style-type: none"> - Informally, as part of their induction - By the City Council - By an external training provider e.g. One Voice Wales. 	<p>Yes, all 7 Councillors (except one newly co-opted Councillor) have attended Code of Conduct training.</p> <p>Training was provided either by NCC or by One Voice Wales</p>

<p>8. Do members of the Community Council have any need for refresher training on the Members Code of Conduct or are there any particular areas of the Code on which they would benefit from training?</p>	<p>There are no specific issues currently. I have requested training for the newly co-opted Councillor</p>
<p>9. Are there any particular problems with standards of Ethical behaviour within the Community Council or particular problems regarding the application of the Code?</p>	<p>No</p>
<p>10. Would you be interested in participating in any future training? If so, what would be the best way to organise and deliver that training?</p> <ul style="list-style-type: none"> - Dedicated training session for your community council - A joint session with other community councils - A joint training session for Clerks, who could then cascade the training to their Members 	<p>Yes – a joint session with other Community Councils</p>
<p>11. Has your Community Council adopted the Model Local Resolution Protocol for Community and Town Councils, produced by One Voice Wales [see copy attached] or any local variation?</p>	<p>Yes</p>
<p>12. Do you have any other comments regarding Ethical standards issues or matters that you would wish the Standards Committee to consider?</p>	<p>No</p>

COMMUNITY COUNCILS
ETHICAL STANDARDS QUESTIONNAIRE
MARSHFIELD CC

<p>1. Please confirm when your community council formally adopted the new Model Code of Conduct (this should have been done before 26th June 2016).</p>	<p>12th April 2016</p>
<p>2. Please confirm that all Community Councillors have signed a written declaration to abide by the new Member Code of Conduct.</p>	<p>Confirmed</p>
<p>3. Please confirm that all Community Councillors have completed and signed a register of financial and other personal interests.</p>	<p>Confirmed</p>
<p>4. What arrangements have you made for maintaining the Register of Members interests in accordance with Section 81 of the Local Government Act 2000? In particular, who is the designated "proper officer, what arrangements are made for making the register available for public inspection and where the records are held?</p>	<p>Council Members are required by the Clerk to complete the Register of Interests form, as used by Newport CC, on taking office. The Clerk acts as the Proper Officer to hold the completed forms and arrange any amendments advised by Members. The hard copy file of the Register of Interests is made available for public inspection at each Council meeting and at other times is available to view on request.</p>
<p>5. If your Community Council has a website, is the Register of Members interests published on the website and how often is this updated?</p>	<p>Not included in the website.</p>
<p>6. Does the Council also publish other information electronically as required by Sections 55-57 of the 2013 Act and, if so, what?</p>	<p>Marshfield CC has a website. Public notices are published on the website. E.g. Vacancy notices, audit notices, meeting notices. The agenda and minutes of Council meetings are published on the website.</p>
<p>7. Have your Community Councillors received any training on the Member Code of Conduct, their obligations under the Code and the enforcement of the Code, including the role of the Standards Committee, the Ombudsman and the Adjudication Panel for Wales?</p> <p>If so, how many of them have been trained?</p> <p>How was the training provided:-</p> <p>- Informally, as part of their induction</p>	<p>No specific external training for current Council Members.</p> <p>Councillors are provided with the Code of Conduct and the Public Services Ombudsman's guide when taking their seat.</p>

<ul style="list-style-type: none"> - By the City Council - By an external training provider e.g. One Voice Wales. 	
<p>8. Do members of the Community Council have any need for refresher training on the Members Code of Conduct or are there any particular areas of the Code on which they would benefit from training?</p>	<p>Not sure</p>
<p>9. Are there any particular problems with standards of Ethical behaviour within the Community Council or particular problems regarding the application of the Code?</p>	<p>There are no problems with Ethical behaviour at the moment. The most likely from past experience is clarity on interests but each case will be reviewed as it arises and advice from the Newport City Council Monitoring Officer.</p>
<p>10. Would you be interested in participating in any future training? If so, what would be the best way to organise and deliver that training?</p> <ul style="list-style-type: none"> - Dedicated training session for your community council - A joint session with other community councils - A joint training session for Clerks, who could then cascade the training to their Members 	<p>Not sure</p>
<p>11. Has your Community Council adopted the Model Local Resolution Protocol for Community and Town Councils, produced by One Voice Wales [see copy attached] or any local variation?</p>	<p>Adopted unamended on 12th September 2017.</p>
<p>12. Do you have any other comments regarding Ethical standards issues or matters that you would wish the Standards Committee to consider?</p>	<p>No.</p>

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COMMUNITY COUNCILS
ETHICAL STANDARDS QUESTIONNAIRE

NASH CC

<p>1. Please confirm when your community council formally adopted the new Model Code of Conduct (this should have been done before 26th June 2016).</p>	<p>Adopted in Community Council meeting on 2.6.16</p>
<p>2. Please confirm that all Community Councillors have signed a written declaration to abide by the new Member Code of Conduct.</p>	<p>All Community Councillors have signed a written declaration</p>
<p>3. Please confirm that all Community Councillors have completed and signed a register of financial and other personal interests.</p>	<p>All Community Councillors have signed a register of financial and other personal interests</p>
<p>4. What arrangements have you made for maintaining the Register of Members interests in accordance with Section 81 of the Local Government Act 2000? In particular, who is the designated "proper officer, what arrangements are made for making the register available for public inspection and where the records are held?</p>	<p>The clerk is the designated proper officer and the records are kept with the clerk. Information is on the website for public inspection. Declaration of any interests on each meeting agenda</p>
<p>5. If your Community Council has a website, is the Register of Members interests published on the website and how often is this updated?</p>	<p>Register of Members interests is on the Community Council website. Is updated as and when required and declaration of interest forms completed at AGM</p>
<p>6. Does the Council also publish other information electronically as required by Sections 55-57 of the 2013 Act and, if so, what?</p>	<p>Information required under 2013 Act is published. Includes information about clerk, councillors, minutes, agendas, audit statements of accounts and public notices</p>
<p>7. Have your Community Councillors received any training on the Member Code of Conduct, their obligations under the Code and the enforcement of the Code, including the role of the Standards Committee, the Ombudsman and the Adjudication Panel for Wales?</p> <p>If so, how many of them have been trained?</p> <p>How was the training provided:-</p> <ul style="list-style-type: none"> - Informally, as part of their induction - By the City Council - By an external training provider e.g. One Voice Wales. 	<p>Community Councillors have not received any formal training at present.</p> <p>An induction pack on code of conduct is given to each new Councillor</p>
<p>8. Do members of the Community Council have any need for refresher training on the Members Code of Conduct or are there any particular areas of the Code on which they would benefit from training?</p>	<p>Community Councillors would welcome refresher training.</p>

<p>9. Are there any particular problems with standards of Ethical behaviour within the Community Council or particular problems regarding the application of the Code?</p>	No
<p>10. Would you be interested in participating in any future training? If so, what would be the best way to organise and deliver that training?</p> <ul style="list-style-type: none"> - Dedicated training session for your community council - A joint session with other community councils - A joint training session for Clerks, who could then cascade the training to their Members 	Joint session with Community Councils
<p>11. Has your Community Council adopted the Model Local Resolution Protocol for Community and Town Councils, produced by One Voice Wales [see copy attached] or any local variation?</p>	Nash Community Council adopted the Model Local Resolution Protocol for Community and Town Councils on 7.12.17
<p>12. Do you have any other comments regarding Ethical standards issues or matters that you would wish the Standards Committee to consider?</p>	No

COMMUNITY COUNCILS
ETHICAL STANDARDS QUESTIONNAIRE
RESPONSES FROM WENTLOOGE CC

1. Please confirm when your community council formally adopted the new Model Code of Conduct (this should have been done before 26th June 2016).	Yes
2. Please confirm that all Community Councillors have signed a written declaration to abide by the new Member Code of Conduct.	Yes
3. Please confirm that all Community Councillors have completed and signed a register of financial and other personal interests.	Yes
4. What arrangements have you made for maintaining the Register of Members interests in accordance with Section 81 of the Local Government Act 2000? In particular, who is the designated "proper officer, what arrangements are made for making the register available for public inspection and where the records are held?	Proper Officer is Josie Yeo (Clerk) Register Inspection can be requested via email or website to the Clerk Register held in Clerk's residence
5. If your Community Council has a website, is the Register of Members interests published on the website and how often is this updated?	No Not updated. Taken down as advised not necessary
6. Does the Council also publish other information electronically as required by Sections 55-57 of the 2013 Act and, if so, what?	Yes
7. Have your Community Councillors received any training on the Member Code of Conduct, their obligations under the Code and the enforcement of the Code, including the role of the Standards Committee, the Ombudsman and the Adjudication Panel for Wales? If so, how many of them have been trained? How was the training provided:- - Informally, as part of their induction - By the City Council - By an external training provider e.g. One Voice Wales.	Yes 7 OVW & Newport CC
8. Do members of the Community Council have any need for refresher training on the Members Code of Conduct or are there any particular areas of the Code on which they would benefit from training?	Yes. WCC arranging bespoke course via OVW

<p>9. Are there any particular problems with standards of Ethical behaviour within the Community Council or particular problems regarding the application of the Code?</p>	<p>No</p>
<p>10. Would you be interested in participating in any future training? If so, what would be the best way to organise and deliver that training?</p> <ul style="list-style-type: none"> - Dedicated training session for your community council - A joint session with other community councils - A joint training session for Clerks, who could then cascade the training to their Members 	<p>Bespoke</p> <p>Yes</p> <p>Yes</p>
<p>11. Has your Community Council adopted the Model Local Resolution Protocol for Community and Town Councils, produced by One Voice Wales [see copy attached] or any local variation?</p>	<p>Yes</p>
<p>12. Do you have any other comments regarding Ethical standards issues or matters that you would wish the Standards Committee to consider?</p>	<p>No</p>

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