

# Agenda



## Standards Committee

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Date: Thursday, 12 July 2018

Time: 5.30 pm

Venue: Committee Room 4 - Civic Centre

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

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| 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: 19 April 2018</u> (Pages 5 - 8)  |                |
| 4    | <u>Matters Arising</u>   |                |
| 5    | <u>Chair's Announcements</u><br>To receive any announcements the Chair wishes to make.                     |                |
| 6    | <u>Complaints</u><br>The Monitoring Officer will report on any complaints received since the last meeting. |                |
| 7    | <u>Protocol on Member/Officer Relations</u> (Pages 9 - 18)   |                |
| 8    | <u>Letter to Community Councils - Review of Ethical Standards: Questionnaire Follow-up</u> (Pages 19 - 20) |                |
| 9    | <u>Standards Conference: Aberystwyth</u>   |                |
| 10   | <u>Date of Next Meeting: 1 November 2018 in Committee Room 4 at 5.30pm</u>                                 |                |

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Date of Issue: Date Not Specified

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# Agenda

## Pwyllgor Safonau

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Dyddiad: 12 Gorffennaf 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

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### 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

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Date: 19 April 2018

Time: 5.30 pm

Present: P Westwood (Chair), J Davies, H Britton and A Mitchell along with Councillors H Thomas and P Hourahine

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

Apologies: Councillors D Fouweather and Watkins

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### 1 Apologies for Absence

### 2 Declarations of Interest

None received.

### 3 Minutes of the Previous Meeting: 25 January 2018

The minutes of the meeting of 25 January 2018 were submitted.

#### Agreed:

That the Minutes of the meeting were accepted as a true record.

### 4 Matters Arising

#### Item 4:

- Networking: The Chief Legal Officer provided feedback from the joint legal officers meeting on the subject of networking. Whilst there was not much to discuss, there were similar workloads within other local councils. There was an annual conference due to take place in September where the matter would be raised with Standards Committee Members from other authorities. Feedback from this conference would be deferred to the Autumn meeting. There were however some councils that provided a webcast of Standards Committee meetings which could be viewed on their respective websites.
- Code of Conduct Training: As agreed at the previous meeting, a letter was sent to those members that did not attend the arranged code of conduct training dates last May/June 2017 along with a copy of the PowerPoint presentation. The aforementioned was also circulated to the Leader, respective Business Managers and the Chair of Standards.

### 5 Chair's Announcements

No announcements made by the Chair.

### 6 Complaints

The Head of Law & Regulation referred to a complaint brought to the Ombudsman by a community councillor. The Ombudsman however decided not to proceed with the complaint as there was no breach in the code of conduct. There were no further complaints to report.

## **7 Officer/Member Protocol (redraft of the Protocol to follow)**

As agreed at the previous meeting, the above report was revised and given consideration by Committee members. The Chair had provided feedback on the draft protocol, with reference to Appendix 3, intimidation, threatening behaviour and bullying which did not contain a reference to harassment.

The revised composite protocol was fit for purpose and members of the committee were welcome to make further comments, or recommend that it go to next Full Council for adoption.

Councillor Hourahine asked whether or not the union representatives had sight of the document. As it was a protocol document it did not need consultation with union representatives.

In response to Councillor H Thomas' query, the Head of Law & Regulation advised that the protocol protected both members and officers against bullying.

The Chair suggested that members peruse the revised protocol and provide their feedback by no later than Friday 4 May.

It was noted that the next committee was 19 July, which would mean missing the deadline for papers to be submitted to Full Council, the next Council date after that would be in November 2018. In light of this it was agreed that the meeting would be brought forward to ensure that the protocol be recommended for ratification at Council in July.

### **Agreed:**

- That Members would have two further weeks to put forward their comments with a deadline of Friday 4 May.
- That the next Standards Committee be brought forward to meet the deadline for submitting papers to Full Council in July.

## **8 Community Councils Review (Update)**

To date, out of the 14 community councils within Newport, eight responses had been received and one community council declined to respond, these were:

Goldcliffe  
Graig  
Langstone  
Llanvaches  
Llanwern  
Marshfield  
Nash  
Wentlooge

The Head of Law & Regulation referred to an anomaly on one of the forms submitted, relating to lack of publication to their website. The respective community council would be contacted to seek clarification on the subject to ensure that they were fully compliant.

Overall the responses showed that community councils were aware of their legal obligation and had signed up to the code of conduct. In some cases, a handful of community councils

had adopted the local resolution protocol. There did not appear to be anything out of the ordinary regarding non-compliance.

**Agreed:**

That the questionnaire would be sent to the remaining Community Councillors that had not responded. These would be brought back to the next meeting to see if there was a common thread.

**9 Standards Committee Co-opted Member Interviews (Update)**

The Head of Law & Regulation informed members of the shortlist of applicants that were nominated.

A Mitchell referred to ratio of women to men within the shortlist. In light of this, the Chair asked for each individual member to share their opinion on the matter.

Lengthy discussion ensued and it was agreed that an additional female applicant be added to the shortlist.

The shortlist would be sent out to the panel along with some suggested dates for interview. This would however need to take place before the Council AGM in May due to the possible change of Councillors on the Committee.

**Agreed:**

- That an additional female applicant be added to the short list of candidates.
- A list of proposed dates for interviews be circulated to the interview panel before the Council AGM on 15 May 2018.

**10 Any Other Business**

No additional business to discuss.

**11 Date of Next Meeting**

It was agreed that the meeting would be moved to accommodate matters that needed to be reported at Council. The meeting would take place on 12 July at 5.30pm in Committee Room 4.

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# Report

## Standards Committee

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### Part 1

Date: 12 July 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 25<sup>th</sup> 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 25<sup>th</sup> 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: 12 July 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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## BISHTON COMMUNITY COUNCIL ETHICAL STANDARDS QUESTIONNAIRE RESPONSE

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| <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 5th October 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 designated officer, the records are held by the Clerk and are available for inspection by arrangement. Scanned copies are visible on the Bishton CC website as part of Councillor details.</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 published on the website, updated as and when changes are made by Councillors.</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>The Clerk publishes all minutes and agendas for meetings on the Council website. Also Councillor &amp; Clerk profiles for each member stating name, photo ID (in some cases), audited statement of the council's accounts and public notices such as vacancies in the role of Councillor.</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"> <li>- Initially, as part of their induction</li> <li>- By the City Council</li> <li>- By an external training provider</li> </ul> | <p>Yes, 6 of our 11 Councillors have attended Code of Conduct training provided by NCC.</p> <p>In addition, each Councillor is given a copy of the Code of Conduct on taking office and signs to give an undertaking they have read and will comply with the code.</p>                           |

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| <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 though refresher training would probably be beneficial for both newer and long serving Councillors (and myself as a new Clerk).</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"> <li>- Dedicated training session for your community council</li> <li>- A joint session with other community councils</li> <li>- A joint training session for Clerks, who could then cascade the training to their Members</li> </ul> | <p>Yes – a joint session with other Community Councils would be appropriate.</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>   |   |