

ISLE OF ANGLESEY COUNTY COUNCIL

MEETING:	Standards Committee
DATE:	31 st October 2012
TITLE:	Report on Protocol for Multi Member Wards
REPORT BY:	Solicitor to the Monitoring Officer
PURPOSE OF REPORT:	To report regarding multi member wards and attaching multiple choice clauses for the Committee to consider and if agreed upon to draft a Protocol in readiness for consultation with Members
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1. At present, the Isle of Anglesey County Council consists of 40 electoral divisions with one Councillor for each. On the 19th September 2012 the Minister, Carl Sergeant, indicated that he had accepted the Local Government Boundary Commission for Wales' proposals to create 11 new Wards for Anglesey and to reduce the number of Councillors from 40 to 30. Therefore there will be multi member wards, from May 2013 onwards.

2. In the Isle of Anglesey County Council's Constitution reference is made in certain parts to a singular ward and these will have to be addressed. They include:-
 - 1.3 How the Council operates - "The Council is composed of 40 Councillors. Councillors are democratically accountable to residents of their electoral division. The overriding duty of Councillors is to the whole community, but they have a special duty to the constituents, including those who did not vote for them."
 - 2.2.3 Roles and Functions of all Councillors
 - 2.13.9 Decisions affecting a singular ward
 - 3.5.1.7 "When a member of the Council is made known to an officer with delegated powers his / her legitimate interest in the matter when a matter related to or affects a members electoral division, the officer shall keep the member informed of significant developments relating to that matter."

4.6 Planning Matter Procedure Rules including 4.6.4.3 Local Councillors

5.3 Protocol for Member / Officer Relations in particular ward matters 5.3.8.11

3. Other counties in North Wales do have multi member wards. They were contacted but replies were only received from Flintshire and Gwynedd. Neither Flintshire nor Gwynedd has any protocol or rule specifically aimed at multi member wards (eg on member member dealings within such wards, for officers dealing with business and multi member wards on any other issue).

Flintshire – out of 44 wards, 13 are multi member with 26 Members

Gwynedd – out of 71 wards, 4 are multi member with 8 Members

4. Research in Wales has not revealed any relevant information.
- 5.1 In May 2007 the Local Government elections in Scotland replaced single member wards with larger 3 and 4 member electoral wards. A report was prepared to examine how multi member wards operated in Wales, England, Ireland and New Zealand. (Research Report on “Perspectives on Multi Member Ward Working: Learning from Experiences in Wales, England, Ireland and New Zealand” – March 2007). In its Foreword it states, inter alia
 - “If nothing is done in preparation for multi member wards a system will encourage collective members to focus on fighting for profile and electoral advantage, both within and between political parties, often to the detriment of serving the community. However that is by no means inevitable – Councillors and Councils have the opportunity to take measure to support successful multi member wards working.
 - The key to successful multi member ward working and ensuring that elected members collaborate by focusing on serving their community rather than constantly electioneering. This focus on the community is evident in close-knit communities in Ireland and Wales where councillors were well known to each other, and is the norm in New Zealand where political parties play little part in local government.

- The research suggests that where wards are given a clear purpose and role ward members will be in a better position to rally together for the good of the community.
- To give purpose to multi member ward councils could exploit a range of possible roles for the multi member ward including

A scrutiny function where performance information and reporting is directed at the ward level and the ward becomes a focal point for public challenge of officers, potentially enhancing local democracy, encouraging greater public awareness and engagement in local government.

A range of council services could be delivered and organised around the ward, or groups of wards and a ward could be the focus of community planning at the local level.”

5.2 The key findings of the research in Wales were:-

- “Inter-party co-operation at ward level is possible, but this becomes difficult intense political situations
- Personal differences can be a major hindrance to the development of co-operative relationships in multi-member wards.
- Interaction between members seems to be easier in close-knit communities, where longer-standing relationships have often developed.
- Protocols do exist to govern officer-member interaction in a multi member environment, however, informal common practice is more likely to shape relations.”

The research briefing also included the following finding:-

“Officers are generally positive about multi member working. They do not feel that these impact negatively on the work of Councils.”

5.3 Other findings:-

- “Where political parties are a feature of local government, STV can create intra as well as inter-party competition at the ward level, which results in a significant increase in councillors’ workload.

- Decentralised political management structures seem to facilitate increased co-operation within and between wards, by giving a clear purpose and role for the ward.
- No evidence of formal procedures and protocols governing relationships between councillors in multi member wards was uncovered.
- Workload can be split both geographically and by specialism within the same ward.
- Where strategies for caseload sharing between ward members exist they tend to have been developed on an informal and ad hoc basis, and in England, Ireland and Wales caseload sharing tends only to be done within political parties.
- Where councillors work closely together there is evidence to suggest that they reduce duplication of case work, which can also result in a reduction in workload.
- Evidence from New Zealand also highlights that multi member working can benefit both members and constituents.
- The ability to be flexible and to build and maintain good working relationships is important in multi member wards.”

6.1 However by 2011, only a few of Scotland’s councils had protocols for multi member wards. East Lothian Council on the 28th June 2011 received a report by its Chief Executive “to provide Council with a final report on the review of the impact of multi member wards and officer / member relations”. At 3.15 it states “Most councils including East Lothian Council, have taken a view that the Code of Conduct for Councillors governs much of the behavioural issues that might be included in the protocol and that trying to legislate for how councillors and constituents might wish to operate in relation to constituency business is virtually impossible. Few councils have adopted multi member ward protocols”.

6.2 The recommendation of that part of the report was “Further consultation should take place with elected members and senior officers on the value of producing guidance on multi member ward working and on whether elements of a protocol for multi member ward working and dealing with constituents enquiries should be included in the Scheme of Delegation of Standing Orders”.

7. Research has been made with Local Government in England both with the Government Department – Department for Communities and Local Government, and individual Councils. England is a land of multi member wards but no protocol for multi member wards was found. Perhaps it is because multi member wards evolved over a period of time in England and not at one point in time as in Scotland and here in Anglesey.

8. The following documents are attached:-
 - 8.1 The current Protocol for Member/Officer Relations which is 5.3 in the Constitution.
 - 8.2 Draft of the Relationship Protocol for Members and Officers.
 - 8.3 Current Index of Codes and Protocols being Part 5 in the Constitution.
 - 8.4 Proposed Members' Access to Information Protocol (currently numbered 8.3.8 in the Constitution)

9. Attached to this Report are the following documents regarding multi member wards. (They are in chronological order)
 - 9.1 March 2007 - Improvement Service Research Report – Perspectives on Multi Member Ward Working: Learning from Experiences in Wales, England, Ireland and New Zealand (part)
 - 9.2 March 2007 - Research briefing - Perspectives on Multi Member Ward Working
 - 9.3 20 December 2007 – Edinburgh Council – Report and Protocol “Information Sharing in multi member wards”
 - 9.4 January 2008 - Dumfries and Galloway Council “Guidance for Officers Working in Multi Member Wards”
 - 9.5 22 May 2009 –Comhairle nah-Eilean Siar (The Western Isles) – Elected Member Protocol
 - 9.6 5 October 2010 - Fife Council - Review of Protocols - Report and Councillor/Officer Protocol re Multi Member Wards (pages 4-7)
 - 9.7 20 June 2011 - East Lothian Council - Report on the Review of the Impact of Multi Member Wards and Officer/Member relations (part)

9.8 4 July 2012 – Moray Council – Report (page 1) “Best Value for Moray – Governance documents” attaching “Multi Member Ward Protocol for Members” and “Multi Member Ward Protocol – Guidance for Officers”

10. As the documents of the above Councils vary it was considered that the Committee should see the documents as they are in full. The Committee is asked to consider:-

1. Does it wish to proceed to prepare a draft Protocol for multi member wards?
2. If so, it is asked to recommend the clauses it wishes to include in such a Protocol. (The Committee may wish to consider adopting one protocol or choosing various clauses from a number of protocols).

Appointment of Staff

5.2.11 Qualifying employees of relevant authorities involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.

Investigations by Monitoring Officers

5.2.12 Where a monitoring officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 a qualifying employee must comply with any requirement made by that monitoring officer in connection with such an investigation.

5.3 Protocol for Member / Officer Relations

5.3.1 Introduction

5.3.1.1 The purpose of this protocol is to set standards of conduct expected from Members and Officers of the Council in their relations with one another and to offer guidance on some of the issues which most commonly arise. It is acknowledged that the quality and effectiveness of the relationship between Members and Officers of the Council lie at the heart of good local governance. The common aim is to ensure good working relationships between Members and Officers of the Council working together to support each other's roles. In this protocol "Officers" means all employees and staff engaged by the County Council including those engaged on short term, agency or other non-employed situations.

5.3.1.2 The Council subscribe to the view that no local authority can function effectively without a good relationship between its Councillors and Officers.

5.3.1.3 The purpose of this protocol is to guide Members and Officers of the Council in their relations with one another.

5.3.1.4 Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped however that the approach which it adopts to these issues will serve as a guide to dealing with other issues.

5.3.1.5 This protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.

5.3.1.6 This protocol also seeks to reflect the principles underlying the respective rules and Codes of Conduct which apply to Councillors and Officers. The shared

object of these codes is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct by all persons.

5.3.1.7 The relationship and its expectation have been described as follows:-

"Both councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to councillors and the Council, and to carry out the Council's work under the direction and control of the Council, their committees and Subcommittees. Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers."

5.3.2 Respect and Courtesy

5.3.2.1 It is important that any dealings between Members and Officers should at all times observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position. Threats, intimidation and verbal abuse will be regarded as serious breaches of this Protocol.

5.3.2.2 For the effective conduct of County Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Councillors and Officers. This too 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 and to do what they can to avoid criticism of other Councillors, or other Officers, in public places, whether or not that individual is in attendance. Mutual respect between Members and Officers of the Council is essential to good local government and will generate an efficient and unified working organisation. Members and Officers will deal with one another without discrimination and in accordance with the Council's equal opportunities policy.

5.3.2.3 In their dealings with both the Corporate Directors and staff (especially junior employees), Councillors need to be aware that it is easy for Officers to be overawed and feel at a disadvantage. Such feelings can be intensified when Members hold official and/or political office.

5.3.2.4 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.

5.3.2.5 Similarly, an Officer must neither seek to use influence of an individual Councillor to make a decision in his/her personal favour, nor raise personal matters to do with their job, nor make claims or allegations about other Officers. The Council has

formal procedures for consultation, grievance, and discipline. The one exception to this rule is the right of staff to report possible wrongdoing under the Council's Whistleblowing Policy (5.5).

5.3.2.6 Councillors should recognise that Officers' workloads frequently require extended periods of concentration or involve tight deadlines. Councillors should respect Officers' working time and should arrange appointments for consultations and avoid frequent unscheduled interruptions.

5.3.2.7 Whilst normal, friendly working relationships between Members and Officers are to be encouraged, close personal familiarity between individual Councillors and Officers can damage this relationship and 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. It can also damage the public perception of the integrity and objectivity of the organisation and should be avoided.

5.3.3 Political Neutrality

5.3.3.1 Local government officers are employed by the Council as a corporate body and owe their duty to each and every member of their Council, not just those who are in a majority. They serve this Council and are responsible to the Chief Executive and their respective directors and not to individual Members of the Council whatever office they might hold. They also have a wider duty to the public as a whole.

5.3.3.2 Officers must ensure that the individual rights of all Councillors are respected, and all Officers, whether or not they hold politically restricted posts, when performing their duties for the Council, must not act politically nor appear to do so. Officers must follow the policies of the Council and must not allow their own personal or political opinions to interfere with their work.

5.3.3.3 Members must not put Officers in a situation where their political neutrality might be compromised or appear to be compromised.

5.3.4 Bullying, Intimidation or Harassment

5.3.4.1 Words or actions which are intended unfairly to influence an individual Officer will be regarded as a form of bullying, intimidation or harassment. Officers of the Council should not be pressurised to make a particular recommendation to Council which would be against a professional or technical judgement.

5.3.4.2 Members are not prevented from discussing issues with Officers or lobbying on a particular point of view but if the pressure is such that the Officer, because of the Member's position, feels compelled to go against his/her better judgement, that will be regarded as undue pressure.

5.3.4.3 Members should not give directions to nor make direct criticisms to the Council's employees. Councillors have the right to criticise reports or the actions taken by Officers but they should always:-

- avoid personal attacks on Officers
- ensure that criticism is constructive and well founded and is likely to lead to improved performance in future, rather than solely to apportion blame

This standard of conduct is not intended to prevent Members from disagreeing openly and publicly with an Officer's recommendation, however, in doing so Members must be aware that Officers do not take part in debate at Council or Committee and may not have an opportunity to respond to criticism.

If a Councillor considers that he/she has not been treated with proper respect or courtesy, he/she may raise it with the employee's line manager or direct Corporate Director without delay if it is not possible to resolve it through direct discussion. If the issue still remains unresolved appropriate disciplinary action may be taken against an employee by the Corporate Director in accordance with the Council's normal procedures.

5.3.4.4 Any criticism of an individual employee should be taken up with the relevant Head of Service, Corporate Director, Chief Executive or the Monitoring Officer as appropriate. The Council as a whole may be vicariously liable for the actions of individual Members which breach the employer's implied obligation to provide a reasonable congenial working environment, and which could lead to a successful claim against the Council, eg. for wrongful dismissal.

5.3.4.5 It is unacceptable for Members or Officers of the Council to seek to take unfair advantage of their position within the organisation. Members and Officers of the Council should always act in a way that preserves the public confidence.

5.3.4.6 If an employee feels the same way about a Councillor, and a direct discussion is impractical or fails to resolve the matter, he/she should raise the matter with the Line Manager or Corporate Director without delay. In such circumstances, the Director will take such action as is appropriate either by approaching the individual Councillor and/or party group leader. The Corporate Director will inform the Chief Executive if the party group leader becomes involved, or in any other case where that is appropriate. Feedback should be given to the employee on the outcome by the Director(s) involved.

5.3.5 Honesty and Integrity

5.3.5.1 Members and Officers should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

5.3.5.2 It is unacceptable for Members or Officers of the Council to seek to take unfair advantage of their position within the organisation. Members and Officers of the Council should always act in a way that preserves public confidence.

5.3.6 Officer Advice to Political Groups and Members

Briefings

5.3.6.1 Information given by officers to Councillors may be provided as a briefing. Briefings may be provided to individual Councillors, the members of a particular committee or the Executive, the Leader of the Council, the Group Leaders or (as set out below) one or more Group meetings.

5.3.6.2 Officers may only provide information and advice in briefings which relates to the functions and business of the Council, not the individual circumstances of Councillors or matters only relating to a Group.

5.3.6.3 A briefing cannot take decisions on behalf of the Council, though it may provide information about decisions which have been taken and give information to those due to take a decision.

5.3.6.4 Briefings and other meetings should be arranged, with adequate notice of the business to be discussed provided by the Councillor. Briefings should only be provided by or with the consent of a senior officer.

5.3.6.5 If an officer provides a briefing to a portfolio holder on a topic of a corporate nature, then other members of the Executive seeking the same information should obtain it from the portfolio holder, not the officer.

5.3.6.6 If an officer provides a briefing to a Group Leader on a topic of a corporate nature, then other members of the same Group seeking the same information should obtain it from the Group Leader, not the officer.

5.3.6.7 Officers will only attend Group Meetings to provide briefings with the consent of the Chief Executive and if the meeting is a formal one. Officers will not attend a Group meeting whilst matters of Group business are discussed. Officers will seek to deal even-handedly with all Councillors but it is inevitable that they will be required to devote more time and effort to the requests of the majority Group(s). Members of minority Groups should not misinterpret this as partisanship by officers and subject them to public or personal attack for this reason.

5.3.6.8 Councillors attending a briefing must not disclose information given in confidence in a briefing.

5.3.6.9 Officers attending a briefing must not disclose to another Group information given in confidence to them in a briefing by one Group. However, officers will be able to disclose such information to other officers where this is necessary for the carrying out of their duties.

5.3.6.10 Officers attending a briefing with both Councillors and people who are not members of the Council must exercise special care to ensure that confidential information is not disclosed outside the Council.

5.3.6.11 Briefings may take place either in person or by telephone or by the internet. Where a meeting takes place other than in person, officers must ensure that the identity of all people taking part is known to all participants.

Chief Executive's briefings for Group Leaders

5.3.6.12 The Chief Executive will convene and chair regular briefing meetings with the Leaders of all Groups on the Council.

5.3.6.13 The Chief Executive will provide an agenda to the Group Leaders at least three days before the next meeting.

5.3.6.14 Any Group Leader may suggest an item for the agenda to the Chief Executive, but the Chief Executive alone will determine the agenda.

5.3.6.15 If the Leader of the Council is not a Group Leader, then he/she may attend.

5.3.6.16 If the Shadow Leader is not a Group Leader, then he/she may attend.

5.3.7 Support Services to Members and Groups

The only basis on which the Council can lawfully provide support services (eg. stationery, typing, IT, printing, photo-copying, transport, etc.) to Members 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 campaigning activity or for private purposes.

5.3.8 Member Access to Information Protocol

Provision of information

5.3.8.1 Every Councillor may inspect and take copies of the reports, minutes and background papers relating to the public part of any agenda for meetings of the Council, its committees and the Executive.

5.3.8.2 A Councillor has the right to information which is not public (including information relating to that part of a meeting of the Council, its committees and the Executive which is exempt from publication) if that Councillor has a reasonable need to know that information in order to carry out their functions as a Councillor.

5.3.8.3 Every Councillor may ask any Council Department to provide them with such information, explanation and advice about the functions of that Department as is reasonably necessary to help that Councillor carry out their role. In other words, Councillors should be able to demonstrate their need to know the information. Councillors should normally ask the Corporate Director or other senior officer of the Department concerned for information.

5.3.8.4 A Councillor has a need to know certain information which is necessary to properly perform his / her duties. The Councillor cannot claim a need to know information which does not relate to the current or recent business of the Council. The Councillor does not have the automatic right to demand access to information where a need to know cannot be demonstrated. The law does not provide the Councillor with a 'roving commission' through the documents of a Council.

5.3.8.5 A Councillor who is a member of a particular committee will normally have a need to know about information relating to the functions of that committee.

5.3.8.6 A Councillor who is not a member of a particular committee can access information that relates to the business of that committee providing that he / she can demonstrate a need to know that information. Where a Councillor seeks confidential or the personal information of other people, he or she must ask the Corporate Director or senior officer for the relevant Council Department in writing, giving reasons for the request. The Corporate Information Officer will decide whether the information should be disclosed if there is a dispute.

5.3.8.7 In accordance with paragraph 5 of the Members Code of Conduct, Councillors will not make public information which is confidential or exempt from publication without the permission of the Monitoring Officer. Councillors will not divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.

5.3.8.8 When dealing with personal information, a Councillor must ensure that he or she does not breach the Data Protection Act 1998.

Visits

5.3.8.9 Every Councillor may make an individual visit to any Council Department, depot, facility or place where a Council function is carried out if:-

(a) The Councillor has a reasonable need to know about that place in order to fulfil his or her duties; and

(b) The Councillor has given reasonable prior notice to the relevant Corporate Director (unless otherwise agreed with that Director); and

(c) In respect of Social Services establishments, the Councillor has undertaken and been cleared by an enhanced Criminal Records Bureau background check, in accordance with the Council's CRB policy.

However, the right of access is not extended automatically to schools.

5.3.8.10 The Chief Executive will tell the Councillors of a relevant Ward of public or official visits to be made or organised by the Council to places or people within that Ward. A public or official visit is one which may involve external publicity and/or representatives of bodies outside the Council.

Ward matters

5.3.8.11 The Corporate Director of a Department involved in considering a proposal which would affect a particular Ward or a group of residents in that Ward will tell the Councillors of that Ward of the proposal at the earliest opportunity. The Corporate Director will indicate whether and to what extent such information is confidential. Ward Councillors must not disclose confidential information on proposals in their Ward. Any failure to respect the confidentiality of such information will be referred to the Councillor's Group Leader or (in the case of a Councillor not in a Group) to the Chairperson of the Council, and may also be a breach of the Member Code of Conduct and the Data Protection Act 1998.

5.3.8.12 A Councillor seeking information relating to or intending to speak publically about a matter or place in a Ward for which they are not the Ward Councillor must tell the Councillor(s) for that Ward in advance.

5.3.8.13 If a Councillor seeks information relating to a matter or place in a Ward for which they are not the Ward Councillor, the officer to whom the request for information has been made will tell the councillor(s) for that Ward at the earliest opportunity.

5.3.9 Public Meetings

5.3.9.1 If an individual Member or a political group convenes a public meeting, publicity for the meeting must clearly state the basis on which it is being held and should not state or imply it is a Council meeting. The Member or political group may invite a Senior Officer to attend such a meeting. Whilst the Officer is not obliged to attend, they will normally, when appropriate and convenient, do so. When an individual Member invites an Officer to attend such a meeting, the Officer will notify the appropriate Executive Portfolio Holder for the service area concerned. It is acceptable for a Member to convene a meeting to lobby support for a particular point of view but in doing so the Member must make it clear that she/he is expressing her/his own views and not representing the views of the County Council.

5.3.9.2 Whenever a Senior Officer is invited to represent the Council at a locally organised meeting (eg. a meeting of a local pressure group) or where it comes to her/his attention that a local meeting has been organised by another Local Authority or Government department, she/he must notify the local Member and, when an issue of general relevance to a service area is involved, the appropriate Executive Portfolio Holder. These Members should also be able to attend if they think it is appropriate to do so.

5.3.9.3 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the local Member(s) should be involved from the outset of the exercise. Members may ask Senior Officers to set up local meetings to resolve specific issues arising in their wards, and, when it is agreed between the Member and the Officer that this is appropriate, the officer will make the necessary arrangements. When the meeting involves an issue of general relevance to a service area the appropriate Executive Portfolio Holders will be informed.

5.3.10 Attendance by Members and Officers at other Meetings

5.3.10.1 Members are able at any time by arrangement to meet Officers to discuss any aspects of the Council's business.

5.3.10.2 From time to time as a result of an Executive or Committee decision, arrangements will be made for Member level meetings to take place with other Local Authorities or outside bodies. An appropriate Officer will make arrangements for the meeting and that an appropriate Senior Officer or Officers will attend.

5.3.10.3 Members of the public or representatives of external organisations will occasionally ask to meet an Executive Member or the Chairperson of a Committee about a matter which is currently under consideration. The Member should notify the appropriate Senior Officer of this and the Officer will brief the Member as may be necessary. If agreed between the Member and the officer suitably briefed Officers will also attend.

5.3.10.4 Officers will arrange many meetings with colleagues or third parties to carry on the business of the Council and to action its decision. Members will not normally attend these meetings but will be advised, either informally or through reports to the Executive or Committees, of any relevant discussions.

5.3.11 Executive Members / Chairpersons / Senior Officers Relationships

5.3.11.1 "Senior Officers" means the Chief Executive and the Officers who are members of the Chief Officer's management team including other Officers who report directly to them other than secretarial/clerical staff and the Monitoring Officer (who is also the Head of the Legal Services).

5.3.11.2 It is clearly important that there should be a close working relationship between Senior Officers and Members in leadership positions. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members and other political groups.

5.3.11.3 Whilst Executive Members / Chairpersons will routinely be consulted as part of the process of drawing up an agenda for a forthcoming meeting, it must be recognised that in some situations the Chief Executive, the Chief Financial Officer or the Monitoring Officer will be under a duty to submit a report on a particular matter. Similarly an Officer will always be fully responsible for the contents of any report submitted in his/her name. Any issues arising between an Executive Member / Chairperson and an Officer in relation to this should be referred to the Chief Officer or Chief Executive for resolution in conjunction with the Leader of the Council.

5.3.11.4 The Council's Constitution and procedure rules provide that in certain circumstances Officers may make decisions under delegated authority. In such cases it is the Officer rather than the Executive who takes the action and who is accountable for it. The Scheme of delegation provides that (at 3.5.1.5) "each Officer exercising delegated powers shall maintain close liaison with the appropriate Member of the Executive or Regulatory Committee Chairperson or Vice-Chairperson or Corporate Director in respect of any matter which in the opinion of the Officer might be regarded as sensitive or contentious".

5.3.11.5 It must be remembered that Officers within a Department are accountable to their Chief Officer and that whilst Officers should always seek to assist a Chairperson or any other Member, they must not, in so doing, go beyond the bounds of their authority.

5.3.12 Correspondence

5.3.12.1 Correspondence between an individual Member and an Officer regarding an individual matter should not normally be copied (by the Officer) to any other Member other than a Portfolio Holder (where the Officer, according to his/her discretion, deems it appropriate) unless the Member has him/herself sent copies to other Members, and correspondence regarding a general or policy matter can be copied at the discretion of the Officer. When it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of "silent copies" should not be employed.

5.3.12.2 Official letters on behalf of the Council should normally be sent out over the name of the appropriate Officer, rather than over the name of a Member. It may be appropriate in certain circumstances (eg. representations to a Government Minister sent in pursuance of an Executive or Committee decision) for a letter to appear over the name of a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out over the name of a Member.

5.3.12.3 Members may use their personal County Council letter heading for correspondence relating to their work as a Councillor but in doing so must avoid giving the impression that they are committing the Council to any particular course of action or binding the Council in any way. Members should take care not to breach the rules which prohibit the Council from being involved with issuing publicity which appears to be designed to affect public support through a political party and therefore should not use this stationery for correspondence which could be construed as having that aim. These rules apply at all times and Members should be particularly cautious around election times because correspondence is more likely to be construed as political at these times.

5.3.13 Involvement of Ward Councillors

5.3.13.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the ward or wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise.

5.3.13.2 In accordance with the Delegation Scheme of the Constitution, paragraph 3.5.1.7, when a member of the Council has made known to an Officer with delegated powers his/her legitimate interest in a matter or when a matter is related to or affects the member's electoral division, the Officer shall keep the Member informed of significant developments relating to that matter.

5.3.13.3 In accordance with Article 13 (2.13.9.1) whenever feasible any body or person making a decision on behalf of the Council which affects just a single ward will consult the local Member representing that ward before making the decision.

5.3.13.4 In accordance with Article 13 (2.13.9.2) and paragraph 5.3.8. above, letters received from Members of Parliament or Members of the National Assembly for Wales which affect just a single ward will be copied to the Member representing that ward, except in so far as such letters are expressed to be confidential.

5.3.14 Breaches of the Code

5.3.14.1 Serious breaches by Officers of the Protocol would lead to action being taken against them under the Council's agreed disciplinary procedures.

5.3.14.2 Serious breaches by Elected Members of the Protocol will lead to investigation and appropriate action by the Ombudsman who may refer the matter to the Standards Committee.

5.4 Bullying & Harassment Policy

5.4.1 Introduction

Bullying and harassment are workplace diseases that are serious and will not be tolerated. It is the responsibility of elected members, managers, individual staff and trade unions that the working environment is free from a culture where bullying and harassment can develop. Where instances of either are identified, there is a clear confidential procedure to investigate as detailed below.

Bullying and harassment will be treated as disciplinary offences as will making any false or unsubstantiated allegations of bullying or harassment with malicious intent.

5.4.2 Definition of Bullying

The Oxford Dictionary defines a bully as 'a person using strength or power to coerce others by fear'.

Workplace bullying can be defined as 'offensive, intimidating, malicious, insulting or humiliating behaviour, abuse of power or authority which attempts to undermine an individual or group of employees and which may cause them to suffer stress'.

ISLE OF ANGLESEY COUNTY COUNCIL

RELATIONSHIP PROTOCOL FOR MEMBERS AND OFFICERS

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1. **INTRODUCTION**

- 1.1 The Council subscribes to the view that no local authority can function effectively without a good professional relationship between its Members and Officers.
- 1.2 The purpose of this Protocol is to guide Members and Officers of the Council in their relationships with one another; aiming to promote the high standards in public office which are required for successful local government.
- 1.3 This Protocol seeks to promote greater clarity and certainty and to offer general advice and guidance.
- 1.4 A breach of this Protocol may constitute a breach of the Council's Code of Conduct for Members or the Code of Conduct for Officers.
- 1.5 This Protocol also tries to reflect the principles which underlie the respective Codes of Conduct, for Members and Officers. The shared objective of these Codes is to enhance and maintain the integrity of local government, thereby demanding very high standards of personal conduct.

2. PRINCIPLES

- 2.1 Members and Officers must, at all times during their dealings with one another, observe this Protocol.
- 2.2 Members and Officers must always respect each other's roles and responsibilities. They must show respect in all their dealings, by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their respective positions.
- 2.3 Whilst Members and Officers are indispensable to one another, their responsibilities are separate and distinct. Members are accountable to the electorate, serving only for as long as their term of office lasts. Officers are accountable to the Council as a whole and their job includes giving advice to Members (both individually and collectively) and to carry out the Council's work under the direction of the Council and in accordance with their line management accountabilities.
- 2.4 The Council has adopted Codes of Conduct for both Members and Officers. Both represent best practice. The Members' Code follows the national code, which is based on the general principles governing Members' conduct. These are:-
- Selflessness – serving only the public interest.
 - Honesty and integrity – taking all reasonable steps to avoid these being called into question, not behaving improperly.
 - Objectivity – taking decisions on merit.
 - Accountability – to the public; being open to scrutiny.
 - Openness – giving explanations and reasons for decisions.
 - Personal judgment – reaching one's own conclusions and acting accordingly.
 - Respect for others – promoting equality; avoiding discrimination, respecting others (Member/Member, as well as Member/Officer).
 - Duty to uphold the law – not acting unlawfully.
 - Stewardship – ensuring the prudent use of the Council's resources.
 - Leadership – acting in a way which instils public confidence.
- 2.5 Officers are bound by the Council's Code of Conduct for Officers and, in some cases, by their own professional Codes of Conduct as well.
- 2.6 A breach of this Protocol by a Member may result in a complaint to the Public Services Ombudsman for Wales (PSOW) if it appears that a breach of the Protocol also constitutes a breach of the Members' Code of Conduct. Other breaches of the Protocol, falling outside the PSOW's jurisdiction, may

be dealt with under any local Self Regulation Protocol. Breaches by an Officer may lead to disciplinary action.

3. THE ROLE OF MEMBERS

- 3.1 Members have a number of roles and responsibilities and need to be alert to the potential for conflict, which may arise between their roles. In those situations, it is recommended that Members seek the advice of their senior colleagues, relevant Officers and/or the Monitoring Officer.
- 3.2 Collectively, Members are the Council's ultimate policy makers; determining the strategic plans which constitute the policy framework and setting the Council's annual budget.
- 3.3 Members also represent the wider community of the Isle of Anglesey, acting as community leaders to promote the social, economic and environmental wellbeing of the area; often in partnership with other agencies or as representatives on outside bodies.
- 3.4 Every Member represents the interests of, and is an advocate for, their electoral ward and individual electors. Members represent the Council in their ward, responding to local issues and concerns, meeting with partner agencies, and often serving on local bodies.
- 3.5 Some Members have roles relating to their position as Members of the Executive, Scrutiny Committees, Regulatory Committees or Sub-Committees and Panels of the Council.
- 3.6 Members of the Executive may also have individual delegated powers, either generically, or on an ad-hoc basis.
- 3.7 Members of the Executive may determine matters within their portfolio of responsibilities but implementation of their decisions will be the responsibility of Officers.
- 3.8 Members who serve on Committees or Sub-Committees have collective responsibilities, for example deciding regulatory/quasi-judicial matters (i.e. decisions which have an immediate and significant impact upon individual applicants/objectors etc.) and which by law are excluded from the remit of the Executive.
- 3.9 As politicians, Members may express the values and aspirations of the political party or group to which they belong, but also recognising that in their role as Members they have a duty to always act in the public interest.
- 3.10 In their numerous roles, described in paragraphs 3.2 to 3.9, the conduct of Members sets the tone and the core values of the Council
- 3.11 Through performance appraisal, target setting, and day to day management, Officers receive their instructions from their line managers. Members are not authorised to instruct Officers, other than:

- through the formal decision making process;
 - to request the provision of consumable resources provided by the Council for the use of Members;
 - where staff have been specifically allocated to give support to a Member or a group of Members.
- 3.12 Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.
- 3.13 Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration (i.e. contrary to policy or procedure) Members have an obligation under their Code of Conduct to have due regard, when reaching decisions, to any advice provided by the lead Officer and particularly the Chief Executive, the Section 151 Officer and the Monitoring Officer.
- 3.14 Members must respect the impartiality of the Officers and do nothing to compromise it, e.g. by insisting that an Officer change his/her professional advice.
- 3.15 Members have a duty to abide by the requirements described in their Code of Conduct.

4. **THE ROLE OF OFFICERS**

- 4.1 Officers are responsible for giving advice to Members to enable them to fulfil their roles. In doing so, Officers will take into account all available relevant factors.
- 4.2 Under the direction and control of the Council (including, as appropriate, the Executive, Committees and Sub-Committees), Officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 4.3 Officers have a duty to implement decisions of the Council, the Executive, Committees and Sub-Committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.
- 4.4 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgment and advice to be influenced by their own personal views.
- 4.5 Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the Council as expressed in the Council's formal decisions.
- 4.6 Officers must be alert to issues which are, or are likely to be contentious, or

politically sensitive, and be aware of the implications for Members, the media or other sections of the public.

- 4.7 Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on Officers' involvement in political activities. Acting in contravention of the statutory limitation may result in disciplinary action.

5. **THE RELATIONSHIP BETWEEN MEMBERS AND OFFICERS: GENERAL**

- 5.1 The conduct of Members and Officers should be such as to instil mutual confidence and trust.
- 5.2 The key elements are recognition of, and a respect for, each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 5.3 Informal and collaborative contact between Members and Officers is encouraged, but personal familiarity may damage the relationship, as might a family or business connection.
- 5.4 Members and Officers should inform the Monitoring Officer, or the relevant Corporate Director, of any relationship which might be perceived as unduly influencing their work in their respective roles. Personal relationship can also include someone with whom you have been in dispute, or whom you may be regarded as having an interest in disadvantaging, (i.e. similar to the Ombudsman's definition of 'A Close Personal Associate' in his Guidance Document on the Code of Conduct).
- 5.5 As well as avoiding actual impropriety, Members and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict might be reasonably perceived. Specifically, a Member must not sit on any body, or participate in any decision, which directly affects the Officer on a personal basis. Such circumstances are, in any event, likely to also constitute a prejudicial interest under the Members' Code of Conduct.
- 5.6 Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
- 5.7 Officers work to the instructions of their line managers, not individual Members. It follows that, whilst such Officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is to seek factual information, which the Member is entitled to receive, Members should usually direct any requests and concerns to a Head of Service/Corporate Director, in the first instance.

- 5.8 Officers will do their best to give timely responses to Members' enquiries. However, Officers should not have unreasonable requests placed on them. Their work priorities are set and managed by their managers. Members should avoid disrupting Officers' work by attempting to impose their own priorities. Officers should report any such concerns to their line manager.
- 5.9 Members will endeavour to give timely responses to enquiries from Officers.
- 5.10 Staff are entitled to raise issues with their local Member, as citizens of the County. They must not, however, lobby Members on personal employment matters. This is to ensure that Members, as both employers and policy makers, receive balanced, unified advice within an orderly framework. Members must refuse to respond to inappropriate lobbying from staff and must inform the relevant Head of Service/Corporate Director.
- 5.11 Members and Officers should respect each other's free (i.e. non Council) time.

6. **THE COUNCIL AS EMPLOYER**

- 6.1 Officers are employed by the Council as a whole.
- 6.2 Members' roles are limited to:
- the appointment of specified senior posts;
 - determining human resources policies and conditions of employment; and
 - hearing and determining relevant appeals.
- 6.3 Members shall not act outside these roles.
- 6.4 If participating in the appointment of Officers, Members should:
- remember that there is a statutory duty to appoint on merit alone;
 - never canvass support for a particular candidate;
 - not participate, or seek to influence the outcome, if one of the candidates is a close personal associate;
 - not be influenced by preferences other than ones of merit and suitability for the job; and
 - not favour a particular candidate by giving them information not available to the other candidates;
 - abide by the requirements in the Members' Code of Conduct.
- 6.5 A Member should not sit on an appeal hearing if the appellant is a friend, a relative, or an Officer with whom the Member has, or has had, a close

working relationship.

7. **CHAIRPERSON AND OFFICERS**

Officers will respect the position of the Council's Chairperson and provide appropriate support.

8. **EXECUTIVE MEMBERS AND OFFICERS**

- 8.1 Executive Members will take decisions in accordance with the constitution and will not otherwise direct staff. Corporate Directors/Heads of Service will be responsible for ensuring staff implement the Executive's decisions.
- 8.2 Corporate Directors/Heads of Service (as well as the statutory officers) have the right to submit papers to the Executive as a whole or, where relevant, to individual Executive Members for consideration prior to any decision being made.
- 8.3 Corporate Directors/Heads of Service and Executive Members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Executive will seek appropriate professional advice including, without exception, the Monitoring Officer and Section 151 Officer, and will not direct Officers in the framing of recommendations.
- 8.4 Before any formal decisions with a financial implication are taken by the Executive, the Section 151 Officer and the Corporate Directors/Heads of Service for the Service(s) concerned must be consulted. This is to ensure that those Officers who are budget holders:
- are aware of the proposed decision;
 - have the opportunity to offer advice; and
 - are subsequently able properly to authorise the financial transactions needed to implement decisions.
- 8.5 An individual Executive Member who is minded to write or commission a report, or to make a decision about a matter within his/her portfolio, must ensure that those other Members and Officers who need to know of the matter are so informed. There is a particular requirement to involve other Executive Members on cross cutting issues.
- 8.6 When making decisions, Executive Members (whether collectively or individually) must state the reasons for their decisions. The written record of the decisions must include the reasons.
- 8.7 Officers taking decisions under their own delegated powers must consider the advisability of informing the relevant Executive Member(s) of their intentions, in advance, when the matter to which the decision relates is likely to be sensitive or contentious, or has wider policy implications.

9. **SCRUTINY MEMBERS AND OFFICERS**

- 9.1 Chairs and Vice Chairs of Scrutiny Committees shall maintain regular contact with the Scrutiny Officers who provide the principal support to the scrutiny function. In consultation with the Chairs, it shall be the responsibility of those Officers to ensure that those who need to know of matters being considered, or likely to be the subject of future consideration, are so informed.
- 9.2 A Scrutiny Committee, or its Chair acting on behalf of the Committee, may require Officers to attend Scrutiny meetings. Members should not normally expect Junior Officers to do so, though, and all requests for the attendance of any Officer should be made to the relevant Head of Service/Corporate Director.
- 9.3 When making requests for Officer attendance, Scrutiny Members shall have regard to the workload of Officers.
- 9.4 When attending at Scrutiny Committee (or Scrutiny Outcome Panels) Officers should be prepared to justify any advice they have already given on the issue under consideration, even if the advice was not accepted. Officers may also be required to justify decisions that they have taken under their own delegated powers, or in circumstances where they have been properly authorised to take Executive decisions.
- 9.5 In giving information to Scrutiny Committees, or Outcome Panels, Officers must not be asked, and should not offer, political views.
- 9.6 When questioning Officers at Scrutiny, Members should address Officers with dignity and respect, and must treat their responses with courtesy. They should not ask about matters of a disciplinary nature.
- 9.7 Officers should respect Members in the way in which they respond to Members' questions.
- 9.8 Scrutiny must focus on reviewing policies and the performance of the Council, and its Services. Discussion of personal matters, such as the performance of individual Officers is not to be discussed in these forums, under any circumstances. In this context Members are referred to Section 16 of this Protocol.
- 9.9 If it is a relevant factor, before calling-in a decision of the Executive, Scrutiny Members should seek early advice from the Section 151 Officer, if they consider that the relevant decision is contrary to the Council's Budgetary Framework, and from the Monitoring Officer, if they consider that the decision is contrary to the Council's Policy Framework.

10. **MEMBERS OF OTHER COMMITTEES OR SUB-COMMITTEES AND OFFICERS**

- 10.1 The Officer with lead responsibility will arrange regular informal meetings with the Chairs and Vice-Chairs of Committees and Sub-Committees.
- 10.2 Corporate Directors/Heads of Service (including the statutory officers) have the right to present reports and give advice to Committees and Sub-Committees.
- 10.3 Members of a Committee or Sub-Committee shall take decisions within the remit of that Committee or Sub-Committee, and will not otherwise instruct Officers to act.
- 10.4 At some Committee or Sub-Committee meetings, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the Chair. In these circumstances it is the Officer, not the Chair, who takes the action and is responsible for it. A Chair has no legal power to take decisions on behalf of a Committee or Sub-Committee, neither should he/she apply inappropriate pressure on the Officer.

11. **POLITICAL GROUPS AND OFFICERS**

- 11.1 Corporate Directors/Heads of Service may properly be asked to contribute to deliberations of matters concerning Council business by political groups. Officers have the right to refuse such requests, and will normally not attend a meeting of a political group where some of those attending are not Members of the Council.
- 11.2 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of group business, and therefore should not be expected to be present at meetings, or parts of meetings, when such matters are to be discussed.
- 11.3 Political group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so. Where Officers provide factual information and advice to a political group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by a relevant body of the Council.
- 11.4 It must not be assumed that an Officer is supportive of a particular policy or point of view considered at a political group meeting simply because the Officer has attended or provided information to the meeting.
- 11.5 Officers will respect the confidentiality of any political group discussions at which they are present and, unless expressly requested to do so by that

political group, will not relay the content of such discussions to another political group, or to any other Member or Members. This shall not prevent an Officer providing feedback to other Officers on a “need to know” basis.

- 11.6 In their dealings with political groups, Officers must treat each group in a fair and even-handed manner.
- 11.7 Members must not do anything which comprises, or is likely to compromise, an Officers’ impartiality.
- 11.8 The duration of an Officer’s attendance at a political group meeting will be at the discretion of the group, but an Officer may leave at any time if the Officer feels it is no longer appropriate to remain.
- 11.9 An Officer accepting an invitation to the meeting of one political group shall not decline an invitation to advise another group about the same matter. The Officer must give substantially the same advice to each.
- 11.10 An Officer below the level of Head of Service shall not be invited to attend a political group meeting, but the Officer so invited may nominate another Officer to attend on their behalf.
- 11.11 An Officer should be given the opportunity of verifying comments and advice attributed to them in any written record of a political group meeting.
- 11.12 No Member will refer in public, or at meetings of the Council, to advice or information given by Officers to a political group meeting.
- 11.13 At political group meetings, where some of those present are not Members of the Council, care must be taken not to divulge confidential information relating to Council business. Those who are not Members are not bound by the Members’ Code of Conduct. They do not have the same rights to access Council information as Members.
- 11.14 Any particular cases of difficulty or uncertainty, in relation to this part of the Protocol, should be raised as soon as possible with the Chief Executive and the relevant political group leader.

12. **LOCAL MEMBERS AND OFFICERS**

- 12.1 To enable them to carry out their ward role effectively, Members need to be fully informed about matters affecting their ward. Corporate Directors/Heads of Service must ensure that all relevant staff are aware of the requirement to keep local Members informed, thus allowing those Members to contribute to the decision making process and to develop their representative role.
- 12.2 This requirement is particularly important:
 - during the formative stages of policy development, where practicable;

- in relation to significant or sensitive operational matters;
 - whenever any form of public consultation exercise is undertaken; and
 - during a Scrutiny investigation.
- 12.3 All local Members affected will need to be kept equally well informed. This includes multi Member wards and where issues affect more than one ward.
- 12.4 Whenever a public meeting is organised by the Council, to consider a local issue, all of the Members representing the ward/s affected shall be invited to attend the meeting as a matter of course.
- 12.5 If a local Member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, then the local Member should inform the relevant Corporate Directors/Heads of Service. Provided the meeting has not been arranged on a party political basis:
- an Officer may attend, but is not obliged to do so, and
 - subject to the necessary arrangements, the meeting may be held in Council owned premises.
- 12.6 No such meetings should be arranged or held in the immediate run up to Council elections.
- 12.7 Whilst support for Members' ward work is legitimate, care should be taken if Officers are asked to accompany Members to ward surgeries. In such circumstances:
- the surgeries must be open to the general public, and
 - Officers should not be requested to accompany Members to surgeries held in the offices or premises of political groups or parties.
- 12.8 Officers must never be asked to attend ward or constituency political party meetings.
- 12.9 It is acknowledged that some Council staff (e.g. those providing dedicated support to Executive Members) may receive and handle messages for Members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
- 12.10 In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by Members in the requested timescale, and may need to seek instructions from their managers.

13. **MEDIA RELATIONS**

- 13.1 All formal relations with the media must be conducted in accordance with the **Media Protocol included as part of the Council's Communications Strategy (which is available on the Council's website)**; and the law on local authority publicity.
- 13.2 In their dealings with the media, Members are reminded of their confidentiality obligations under the Code of Conduct.
- 13.3 Officers will keep relevant Members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 13.4 Officers approached by the media should redirect enquiries to the Communications Unit.
- 13.5 Likewise, Officers will inform the Council's Communications Unit of issues likely to be of media interest, since that unit is often the media's first point of contact.
- 13.6 If a Member is contacted by, or contacts, the media on an issue, he/she should:
- indicate in what capacity he/she is speaking (e.g. as ward Member, in a personal capacity, as an Executive Member, on behalf of the Council, or on behalf of a political group);
 - be sure of what he/she wants to say or not to say;
 - if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's Communications Unit and/or relevant Corporate Directors/Heads of Service, except in relation to a statement which is party political in nature;
 - consider the likely consequences for the Council of his/her statement;
 - never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
 - consider whether to consult other relevant Members;
 - take particular care in what he/she says in the run up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist;
 - all references in this section to the media includes print media,

broadcast media and electronic/social media.

14. **CORRESPONDENCE**

- 14.1 Correspondence between an individual Member and an Officer should not be copied to another Member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no “blind” copies.
- 14.2 Official letters written on behalf of the Council should normally be in the name of the relevant Officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of an Executive Member or the Chair of a Scrutiny Committee.
- 14.3 The Chairperson may initiate correspondence in his/her own name.
- 14.4 Letters which create legally enforceable obligations, or which give instructions on behalf of the Council, should never be sent in the name of a Member.
- 14.5 When writing in an individual capacity, as a ward Member, a Member must make clear that fact.

15. **USE OF COUNCIL RESOURCES**

- 15.1 The Council provides Members with services such as typing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as Members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.
- 15.2 Members should ensure they understand and comply with the Council’s requirements about the use of such resources, particularly:
 - where facilities are provided in Members’ homes at the Council’s expense;
 - in relation to any locally agreed arrangements e.g. payment for private photocopying; and
 - regarding ICT security.
- 15.3 Members should not put pressure on staff to provide resources or support, which Officers are not permitted to give. Examples are:
 - business which is solely to do with a political party;

- work in connection with a ward or constituency party political meeting;
- electioneering;
- work associated with an event attended by a Member in a capacity other than as a Member of the Council;
- private personal correspondence;
- work in connection with another body or organisation where a Member's involvement is other than as a Member of the Council; and
- support to a Member in his/her capacity as a Councillor of another local authority

16. **BREACH OF THIS PROTOCOL**

16.1 This part of the Protocol should be read in conjunction with the Council's **"whistle blowing" policy; which is available on the Council's website.**

16.2 Members or Officers with questions about the implementation or interpretation of any part of this Protocol should seek the guidance of the Monitoring Officer.

16.3 A Member who is unhappy about the actions taken by, or conduct of, an Officer should:

- avoid personal attacks on, or abuse of, the Officer at all times;
- ensure that any criticism is well founded and constructive;
- never make a criticism in public; and
- take up the concern with the Officer privately.

16.4 If direct discussion with the Officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Member should raise the issue with the Officer's manager or the relevant Head of Service.

16.5 A serious breach of this Protocol by an Officer may lead to an investigation under the Council's **disciplinary procedure, which is available on the Council's website.**

16.6 An Officer who believes that a Member may have acted in contravention of this Protocol should raise his/her concern with the relevant Head of Service who may seek the advice of the Monitoring Officer as to the most appropriate and proportionate way to address the concern so raised.

“Monitoring Officer” means the officer designated under S.5(1) of the Local Government and Housing Act 1989.

Part 5 Codes and Protocols

5.1 Model Code of Conduct

5.2 Officers’ Code of Conduct

5.3 Protocol for Member/Officer Relations

5.4 Bullying and Harassment Policy

5.5 Whistleblowing Policy

5.6 Policy for the Prevention of Fraud and Corruption

5.7 Complaints Procedure

5.8 Political Management Protocols

5.9 Protocol on Gifts and Hospitality

5.1 The Model Code of Conduct

This is the Model Code of Conduct adopted by the County Council on 09.05.2008 in accordance with the draft supplied by the Welsh Assembly Government.

Part 1 - Interpretation

1. (1) In this code

“co-opted member” (“aelod cyfetholedig”), in relation to a relevant authority, means a person who is not a member of the authority but who —

(a) is a member of any committee or Subcommittee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint Subcommittee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or Subcommittee;

“meeting” (“cyfarfod”) means any meeting —

5.3.8 (October 2012)

MEMBERS' ACCESS TO INFORMATION PROTOCOL

Provision of Information to Members

5.3.8.1 Every Councillor may inspect and take copies of the reports, minutes and background papers relating to the public part of any agenda for meetings of the Council, its committees and the Executive.

5.3.8.2 A Councillor has the right to information which is not public (including information relating to that part of a meeting of the Council, its committees and the Executive which is exempt from publication) if that Councillor has a reasonable need to know that information in order to carry out their functions as a Councillor.

5.3.8.3 Every Councillor may ask any Council Department to provide them with such information, explanation and advice about the functions of that Department as is reasonably necessary to help that Councillor carry out their role. In other words, Councillors should be able to demonstrate their need to know the information. Councillors should normally ask the Corporate Director or other senior officer of the Department concerned for information.

5.3.8.4 A Councillor has a need to know certain information which is necessary to properly perform his / her duties. The Councillor cannot claim a need to know information which does not relate to the current or recent business of the Council. The Councillor does not have the automatic right to demand access to information where a need to know cannot be demonstrated. The law does not provide the Councillor with a 'roving commission' through the documents of a Council.

5.3.8.5 A Councillor who is a member of a particular committee will normally have a need to know about in relating to the functions of that committee.

5.3.8.6 A Councillor who is not a member of a particular committee can access information that relates to the business of that committee providing that he / she can demonstrate a need to know that information. Where a Councillor seeks confidential or the personal information of other people, he or she must ask the Corporate Director or senior officer for the relevant Council Department in writing, giving reasons for the request. The Corporate Information Officer will decide whether the information should be disclosed if there is a dispute.

5.3.8.7 In accordance with paragraph 5 of the Members Code of Conduct, Councillors will not make public information which is confidential or exempt from publication without the permission of the Monitoring Officer. Councillors will not divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.

5.3.8.8 When dealing with personal information, a Councillor must ensure that he or she does not breach the Data Protection Act 1998.

Visits

5.3.8.9 Every Councillor may make an individual visit to any Council Department, depot, facility or place where a Council function is carried out if:-

- (a) The Councillor has a reasonable need to know about that place in order to fulfil his or her duties; and
- (b) The Councillor has given reasonable prior notice to the relevant Corporate Director (unless otherwise agreed with that Director); and
- (c) In respect of Social Services establishments, the Councillor has undertaken and been cleared by an enhanced Criminal Records Bureau background check, in accordance with the Council's CRB policy.

However, the right of access is not extended automatically to schools.

5.3.8.10 The Chief Executive will tell the Councillors of a relevant Ward of public or official visits to be made or organised by the Council to places or people within that Ward. A public or official visit is one which may involve external publicity and/or representatives of bodies outside the Council.

Ward matters

5.3.8.11 The Corporate Director of a Department involved in considering a proposal which would affect a particular Ward or a group of residents in that Ward will tell the Councillors of that Ward of the proposal at the earliest opportunity. The Corporate Director will indicate whether and to what extent such information is confidential. Ward Councillors must not disclose confidential information on proposals in their Ward. Any failure to respect the confidentiality of such information will be referred to the Councillor's Group Leader or (in the case of a Councillor not in a Group) to the Chairperson of the Council, and may also be a breach of the Member Code of Conduct and the Data Protection Act 1998.

5.3.8.12 A Councillor seeking information relating to or intending to speak publically about a matter or place in a Ward for which they are not the Ward Councillor must tell the Councillor(s) for that Ward in advance.

5.3.8.13 If a Councillor seeks information relating to a matter or place in a Ward for which they are not the Ward Councillor, the officer to whom the request for information has been made will tell the councillor(s) for that Ward at the earliest opportunity.