

PAPUR / ENCLOSURE  
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**AGENDA ITEM NO.**

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to</b>	<b>THE EXECUTIVE AND THE COUNTY COUNCIL</b>
<b>Date</b>	<b>18<sup>th</sup> FEBRUARY 2013 and 5<sup>th</sup> MARCH 2013</b>
<b>Subject</b>	<b>CONSTITUTIONAL CHANGES</b>
<b>Portfolio Holder(s)</b>	<b>COUNCILLOR JOHN CHORLTON</b>
<b>Lead Officer(s)</b>	<b>MONITORING OFFICER</b>
<b>Contact Officer</b>	<b>MONITORING OFFICER</b>
<b>Nature and reason for reporting</b>	
Constitutional changes require executive consideration and Council approval	

<b>A – Introduction / Background / Issues</b>
Seven proposed Constitutional changes to take effect immediately after the election.

<b>B - Considerations</b>
<p>A combination of :-</p> <ul style="list-style-type: none"> <li>- Amendments 1, 6 and 7 to support corporate governance and</li> <li>- Amendments 2 to 5 to assist Members in managing workloads after the election</li> </ul>

<b>C – Implications and Impacts</b>	
<b>1</b>	<b>Finance / Section 151</b>
<b>2</b>	<b>Legal / Monitoring Officer</b>
<b>3</b>	<b>Human Resources</b>
<b>4</b>	<b>Property Services</b> (see notes – separate document)
<b>5</b>	<b>Information and Communications Technology (ICT)</b>
<b>6</b>	<b>Equality</b> (see notes – separate document)
<b>7</b>	<b>Anti-poverty and Social</b>

<b>C – Implications and Impacts</b>		
	(see notes – separate document)	
<b>8</b>	<b>Communication</b> (see notes – separate document)	
<b>9</b>	<b>Consultation</b> (see notes – separate document)	<p>Consultation with relevant Officers and all Members on amendments 6 and 7 – New Relationship Protocol for Members and Officers and Protocol for Multi Member Wards and consultation with relevant Officers in Scrutiny, Planning, Licensing, Audit and Finance in relation to amendments 2, 3 and 4 respectively.</p> <p>Consultation with the Leader and Chief Executive.</p>
<b>10</b>	<b>Economic</b>	
<b>11</b>	<b>Environmental</b> (see notes – separate document)	
<b>12</b>	<b>Crime and Disorder</b> (see notes – separate document)	
<b>13</b>	<b>Outcome Agreements</b>	

<b>CH - Summary</b>
<p>Post-election May 2013 to :-</p> <ol style="list-style-type: none"> <li>1. Make Member training on the Code of Conduct mandatory</li> <li>2. Reduce Scrutiny Committees from 5 to 2</li> <li>3. Reduce numbers on the Planning and Orders Committee (and Licensing) from 14 to 11</li> <li>4. Reduce County Council Membership on the Audit Committee from 10 to 8</li> <li>5. Reduce number on the Executive from 10 to 7 (to include the Leader and Deputy Leader)</li> <li>6. To adopt revised Relationship Protocol for Members and Officers.</li> <li>7. To adopt protocol for Multi Member Wards</li> </ol>

<b>D - Recommendation</b>
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To support the 7 suggested changes

**Name of author of report** Lynn Ball

**Job Title** Head of Function Legal and Administration/Monitoring Officer

**Date**

**Appendices:**

Enclosure 1 – Committee Structure

Enclosure 2 – Draft Relationship Protocol for Members and Officers

Enclosure 3 – Draft Protocol for Multi Member Wards

**Background papers**

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>REPORT TO :</b>	<b>THE EXECUTIVE AND THE COUNTY COUNCIL</b>
<b>DATE:</b>	<b>18<sup>th</sup> FEBRUARY 2013 and 5<sup>th</sup> MARCH 2013</b>
<b>TITLE OF REPORT:</b>	<b>CONSTITUTIONAL CHANGES</b>
<b>PORT FOLIO HOLDER :</b>	<b>COUNCILLOR JOHN CHORLTON</b>
<b>LEAD OFFICER:</b>	<b>MONITORING OFFICER</b>
<b>NATURE AND REASON FOR REPORTING:</b>	<b>TO ENHANCE THE WORKING OF THE NEW COUNCIL AFTER 2<sup>ND</sup> MAY 2013</b>

## **INTRODUCTION**

Constitutional changes require Executive consideration and Council approval.

Seven changes are suggested. These are, broadly, to enhance the working of the new Council after 2<sup>nd</sup> May 2013, but especially to take into account the corporate workload on a reduced number of Members.

The suggested changes are:-

### **AMENDMENT 1 - MEMBER TRAINING**

On the 31<sup>st</sup> October 2012 the Standards Committee decided to recommend to the Council that the Code of Conduct be amended to make training on the Code mandatory in the following ways:-

- Those Members elected to the County Council for the first time would be required to undertake a minimum of one training session on the Code within the first six months of taking office;
- Any returning Member who was not a County Councillor immediately prior to the election (i.e. without continuity of office) would be required to attend a minimum of one training session on the Code within the first six months of taking office;
- Any returning Member, who was a County Councillor immediately prior to the election, would be required to undertake at least one training session on the Code during their term of office.

If (and there are no indications that this is under consideration) the statutory Code of Conduct is materially revised then all Members would be required to undertake at least one training session on the new Code during the remainder of their term of office.

## **RECOMMENDATION**

In the interests of good corporate governance, to equip Members to exercise their responsibilities as required by the Code of Conduct, and to assist Members in dealing with any complaints arising under the Code of Conduct, it is recommended that the Council approve the recommendations of the Standards Committee.

## **AMENDMENT 2 – SCRUTINY COMMITTEES**

Attached at “Enclosure 1” is the Committee Structure currently in place. This will give Members an indication of their current corporate workload. Additionally, Members will have a leading role within their own enlarged wards, as well as responsibilities to outside bodies.

In recognition of this workload it is suggested that, after the election, the current five Scrutiny Committees shall be reduced to two.

## **RECOMMENDATION**

- Following the election on 2<sup>nd</sup> May 2013, the number of Scrutiny Committees be reduced from five to two.
- The two new Scrutiny Committees shall be called the “Corporate Scrutiny Committee” and the “Partnership Scrutiny Committee”.
- The current call-in powers shall remain in place except that those powers shall be shared between the two new Scrutiny Committees, rather than being exercised by the Corporate Scrutiny Committee alone.
- In the event of uncertainty regarding which Scrutiny Committee is the more appropriate to call-in a particular matter, the final decision shall be made by the Chief Executive following advice from relevant Officers.
- The Council authorises Officers to devise terms of reference for the new Scrutiny Committees. This shall be done in consultation with the Chairs of the current Scrutiny Committees, and the Group Leaders, as well as relevant Officers. The emphasis will be permissive rather than prescriptive, and generic rather than specific; in other words, as flexible as possible.

## **AMENDMENT 3 – PLANNING AND ORDERS COMMITTEE**

The membership of the Planning and Orders Committee (and therefore by default the Licensing Committee too) currently stands at fourteen Members. It is suggested that, after the election, this shall be reduced to eleven Members.

## **RECOMMENDATION**

- That following the election on 2<sup>nd</sup> May 2013 the number of Members on the Planning and Orders Committee shall reduce from fourteen to eleven.
- While acknowledging that the rules of political balance must always have primacy, the Group Leaders (and equivalent for allocation of seats to specific unaffiliated Members) shall use their best endeavours to nominate one Member from each of the new eleven multi member wards.

#### **AMENDMENT 4 – AUDIT COMMITTEE**

The membership of the Audit Committee currently stands at ten County Councillors and two lay Members. It is suggested that, after the election, this shall be reduced to eight County Council Members and two lay Members.

#### **RECOMMENDATION**

That after May 2013 the number of County Council Members on the Audit Committee shall be reduced from ten to eight.

#### **AMENDMENT 5 – THE EXECUTIVE**

The Council may have an Executive of no more than ten Members; to include the Leader and Deputy Leader.

However, bearing in mind the need for a reduced number of Members to still undertake other corporate roles, it is suggested that the number of Members on the Executive be reduced to seven; to include the Leader and Deputy Leader.

#### **RECOMMENDATION**

In response to local circumstances, and given the statutory discretion permitted, the number of Executive Members shall be reduced from ten to seven. This number shall include the Leader and Deputy Leader.

#### **AMENDMENT 6 – RELATIONSHIP PROTOCOL FOR MEMBERS AND OFFICERS**

The existing Protocol is in Part 5 of the Constitution.

The Standards Committee has redrafted the Protocol to make it shorter and more user friendly for Members and Officers. There are no material changes to the principles in the original document. The new draft Protocol was sent out to Members and Officers for consultation between 11 October 2012 and 27 November 2012. The Constitution did not result in any material changes to the draft.

“Enclosure 2” to this Report contains the final version and Members are asked to approve the revised Protocol for inclusion in the Constitution, by May 2013.

## **RECOMMENDATION**

To endorse the recommendation of the Standards Committee and replace the current Protocol with the revised Protocol at Enclosure 2 of this Report.

## **AMENDMENT 7 –PROTOCOL FOR MULTI MEMBER WARDS**

In view of the change to multi member wards, the Standards Committee prepared a draft Multi Member Ward Protocol which is attached at “Enclosure 3” to this Report.

This document went out to consultation with Members and Officers between 17 December 2012 and 31 January 2013. The consultation did not result in any material changes to the draft.

The Protocol has been created to assist Members and Officers in dealing with the new challenges of multi member wards but was also devised to be sufficiently broad to allow Members to develop their own working model as local circumstances dictate.

## **RECOMMENDATION**

- Members adopt the Protocol devised by the Standards Committee, with effect from May 2013.
- The Council decides whether or not the Multi Member Ward Protocol shall sit as an independent freestanding document in Part 5 of the Constitution, or whether it should be rolled into the Relationship Protocol for Members and Officers, to create a single document. The Standards Committee wished to see a single document, but Members are asked to select their own preference.

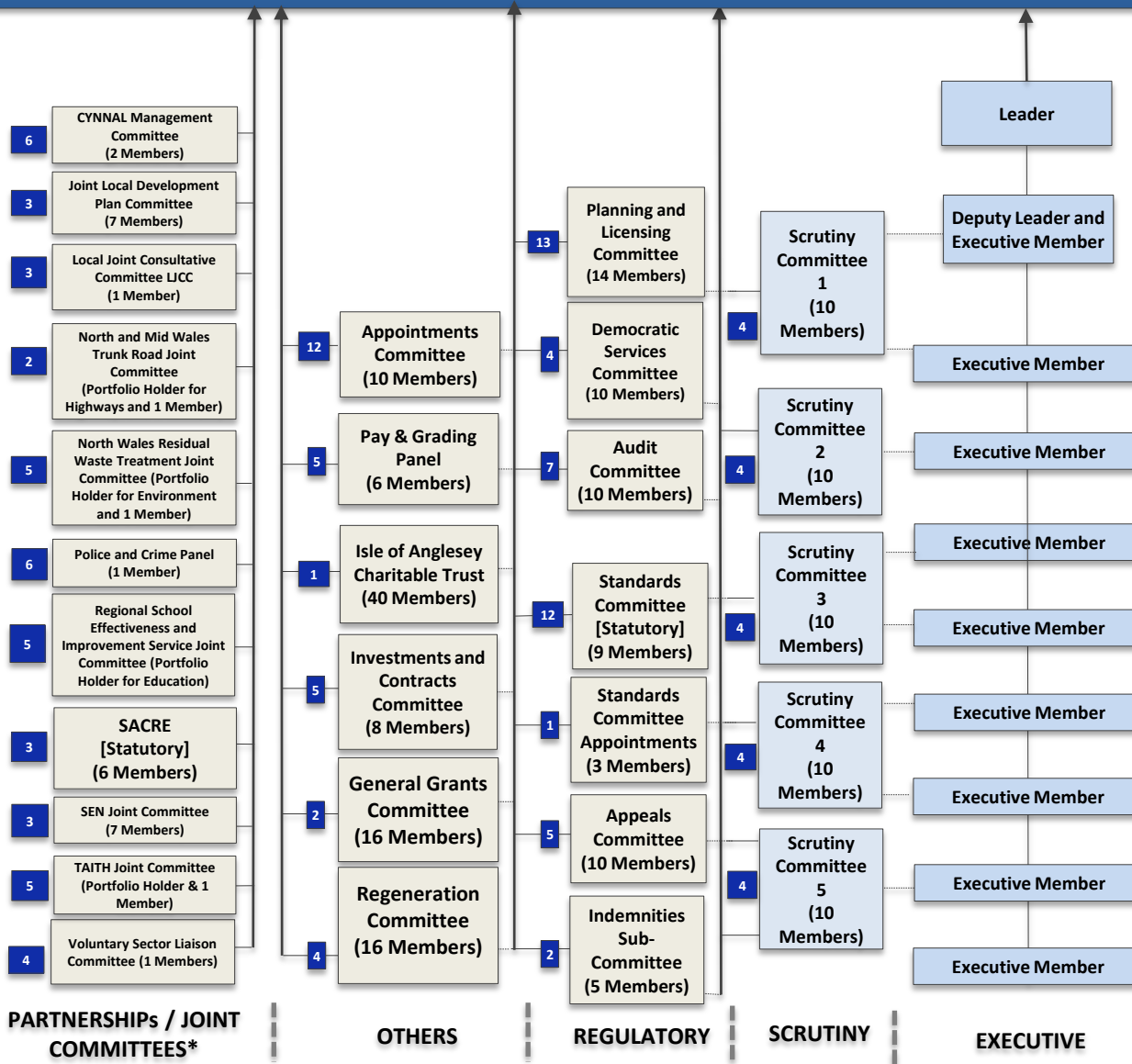


PAPUR / ENCLOSURE

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# Isle of Anglesey County Council – Governance and Accountability Framework – Pre-May 2013

## Isle of Anglesey County Council Committee Structure Pre-May 2013



\*Please also see other list of Outside Bodies ANM = Average Number of Meetings per annum

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# **ISLE OF ANGLESEY COUNTY COUNCIL**

## **RELATIONSHIP PROTOCOL FOR MEMBERS AND OFFICERS**

### **INDEX**

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13. Media Relations
14. Correspondence
15. Use of Council Resources
16. Breach of this Protocol

### 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.

PAPUR / ENCLOSURE

3

## **1. The Relationship between Members and Officers: Multi Member Wards**

### **1.1 Principles**

- Each Member has been democratically elected to represent the whole of the multi-member ward and each has equal status within the ward.
- Members should agree amongst themselves whether and how they wish to work together.
- It is not the role of Officers to influence whether or how Members work together.
- The role of Officers is to manage and support those relationships and the information and workloads which flow from them.

### **1.2. Provision of information on ward members to the public**

Factual information about ward Members needs to be provided to constituents and organisations seeking contact with a local Member.

(a) When members of the public contact the Council requesting information about their ward Members, contact details of all Members are provided in alphabetical order along with their political affiliation.

(b) Where someone has not identified a particular Member to deal with their concerns the Officer handling the contact should telephone or email the constituent to clarify which Member they would like to deal with their query.

(c) When it is not possible to get clarification over which Member is to be approached, the last resort should be to copy the query to all of the ward Members. In this circumstance the member of the public should be advised that the query will be copied to each of the ward Members and the Members should be advised.

### **1.3. Council activity or policy affecting the ward**

Sharing information with Members about Council activities and policies affecting their ward is a key component of equal treatment.

(a) All Members in a multi-member ward should be kept informed of, and have an input into, matters of Council business which affect their ward.

(b) Whenever a public meeting is arranged by the Council or by a Member to consider an issue local to a ward, or one or more wards in a part of the Council, all the ward Members should normally be invited to attend the meeting.

(c) Whenever the Council undertakes a consultative exercise on an issue local to one or more wards, the appropriate Officers should notify the ward Members of the consultation and request their views on the issue.

(ch) All Members in a multi-member ward should be kept informed of official engagements of Senior Councillors including the Leader, Members of the Executive, Chairs of Committees and Chairperson of the Council and Vice-Chairperson of the Council and officially organised visits to the ward by other elected representatives and VIPs. It is the responsibility of the Senior Councillors to ensure that other Members are informed of their official engagements and in normal circumstances at least 3 days notice of an official engagement should be provided.

(d) In the case of a visit by an MP, AM, MEP, Ministerial representatives or other dignitary, the responsibility for informing local Members rests with the Officer who is organising arrangements for the visit.

#### **1.4. Officer communication to, and meetings with local residents**

(a) When Officers write to residents regarding matters of general concern in an area, all ward Members should be sent copies. Examples would include traffic calming measures, bin collection cycles, etc.

(b) When Officers write to or meet with residents regarding issues affecting one household the local Members are not informed, except:

(i) Where a Member has been involved in a private matter affecting that household, then the relevant Officer(s) should keep the Member informed of developments until the matter is concluded, or

(ii) Where a Member has been involved in a non-personal matter affecting more than one household then the relevant Officer(s) should keep both the Member and all other local Members informed of developments until the issue is finalised.

#### **1.5. Members arranging meetings with Council Officers**

There is no requirement for Officers to automatically invite other ward Members to, or notify them about, meetings organised by an individual Member with that Officer unless the Member requests otherwise.

#### **1.6. Member engagement with local representative groups**

This can include, for example, community councils, tenants and resident's groups, local forums. Members are not obliged to attend these meetings and it is likely that involvement and participation will vary. In some Wards, Members may opt to share this workload based on a Party or geographic basis. Issues arising from these meetings will generate work for Officers, and confusion / duplication may arise if different Members take up issues through separate channels which waste Council resources. The confusion will be heightened if the local representative group also pursues the same issue. It is therefore recommended that Members working with local representative groups should co-ordinate with one another their dealings with such matters to ensure effective use of Council resources.

#### **1.7. Correspondence with Members**

(a) Where a Member has written (or e-mailed) an Officer seeking information from the Council, the Officer will respond to that Member within 15 working days unless the enquiry is particularly complex, when an acknowledgement will be sent within 5 working days, explaining which Officer is dealing with the query and when a full reply will be provided. The Officer will not disclose correspondence to other Members in the ward. However, where a Member raises issues of general concern or interest to the ward, the Officer shall ensure that other Members within the ward are also kept informed and advised of any actions to be taken by the Council.

(b) If Members seek the same or similar information on any issue then Officers shall treat the requests equally and provide each Members with a similar response.

## **1.8. Data Protection and Confidentiality**

Officers and Members must be alert to data protection issues. Personal data can only be provided to a Member when pursuing an individual case on behalf of the constituent when that constituent has provided clear consent, which should be in writing. Such personal data cannot be provided to other Members within the ward unless consent has been received from the constituent.

## **1.9. Member – Member relations**

Where there is a high level of trust between Members in a multi-member ward they may wish to enter into non binding agreements to take advantage of their respective interests and expertise and reduce duplication. The establishment of such agreements is not a matter for Officers but, where any such agreements are established, it would be helpful to communicate these more widely to assist the development of good practice in all multi-member wards.

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