

THE CONSTITUTION - SECTION 18

E MEMBER CODE, PROTOCOLS AND PROCEDURES

A Members' Code of Conduct

Part 1 Interpretation

1.—(1) In this code —

“co-opted member”, 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 sub-committee of the authority, or
 - (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,
- and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

“meeting” means any meeting —

- (a) of the relevant authority,
 - (b) of any executive or board of the relevant authority,
 - (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint-committee of any executive or board of the authority, or
 - (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committee and Political Groups) Regulations 1990,
- and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” includes, unless the context requires otherwise, a co-opted member;

“registered society” means a society, other than a society registered as a credit union, which is —

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

“register of members’ interests” (*“cofrestr o fuddiannau’r aelodau”*) means the register established and maintained under section 81 of the Local Government Act 2000;

“relevant authority” means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

“you” means you as a member or co-opted member of a relevant authority; and

“your authority” means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

- (a) “proper officer” (“*swyddog priodol*”) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and
- (b) “standards committee” (“*pwylgor safonau*”) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

Part 2
General Provisions

2.—(2) Save where paragraph 3(a) applies, you must observe this code of conduct -

- (a) whenever you conduct the business, or are present at a meeting, of your authority;
- (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

- (a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
- (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject

4. You must —

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.(1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
 - (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
 - (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.
- (2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.
- 7. You must not —**
- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
 - (b) use, or authorise others to use, the resources of your authority —
 - (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes
- 8. You must —**
- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
 - (i) the authority's head of paid service;
 - (ii) the authority's chief finance officer;
 - (iii) the authority's monitoring officer;
 - (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
 - (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.
- 9. You must —**
- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
 - (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

- 10.—(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- (2) You must regard yourself as having a personal interest in any business of your authority if —
- (a) it relates to, or is likely to affect —
- (i) any employment or business carried on by you;
 - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated Director;
 - (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
 - (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (vi) any land in which you have a beneficial interest and which is in the area of your authority;
 - (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (viii) any body to which you have been elected, appointed or nominated by your authority;
 - (ix) any —
 - (aa) public authority or body exercising functions of a public nature;
 - (bb) company, registered societies, charity, or body directed to charitable purposes;
 - (cc) body whose principal purposes include the influence of public opinion or policy;
 - (dd) trade union or professional association; or
 - (ee) private club, society or association operating within your authority's area, in which you have membership or hold a position of general control or management;
 - (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[note: sub-paragraph (b) is omitted]

- (c) a decision upon it might reasonably be regarded as affecting —
- (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
 - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
 - (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
 - (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management, to a greater extent than the majority of—

- (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
- (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

- 11.**—(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority and you make -
- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
 - (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.
- (3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- (4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —
- (a) details of the personal interest;
 - (b) details of the business to which the personal interest relates; and
 - (c) your signature.
- (5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.
- (6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.
- (7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

- 12-**(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would

reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

- (2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—
- (a) relates to —
 - (i) another relevant authority of which you are also a member;
 - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
 - (iii) a body to which you have been elected, appointed or nominated by your authority;
 - (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
 - (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;
 - (b) relates to —
 - (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
 - (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
 - (iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;
 - (c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.
- (3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

- 13** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

- 14** (1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —
- (a) withdraw from the room, chamber or place where a meeting considering the business is being held—
 - (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
 - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
 - (b) not exercise executive or board functions in relation to that business;
 - (c) not seek to influence a decision about that business;
 - (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
 - (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.
- (2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.
- (2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.
- (3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —
- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
 - (b) you have the benefit of a dispensation provided that you —
 - (i) state at the meeting that you are relying on the dispensation; and
 - (ii) before or immediately after the close of the meeting give written notification to your authority containing —
 - (aa) details of the prejudicial interest;
 - (bb) details of the business to which the prejudicial interest relates;
 - (cc) details of, and the date on which, the dispensation was granted; and
 - (dd) your signature.
- (4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

Part 4

The Register of Members' Interests

Registration of Financial and Other Interests and Memberships and Management Positions

- 15**—(1) Subject to sub-paragraph (4), you must, within 28 days of—
- (a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
 - (b) your election or appointment to office (if that is later),
- register your personal interests where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register of members' interests by providing written notification to your authority's monitoring officer.
- (2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.
 - (3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.
 - (4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).
 - (5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.
 - (6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

Sensitive information

- 16**—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.
 - (3) In this code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

- 17** You must, within 28 days of receiving any gift, hospitality material benefit or advantage above £25.00 in value, provide written notification to the Authority's Monitoring Officer or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality material benefit or advantage.

B Members' Self Regulatory Protocol

1. General Principles

- 1.1 To promote high standards of conduct and behaviour as a means of strengthening respect and trust among members. It is NOT intended to replace the Code of Conduct, rather it is intended to sit alongside the Code, enabling behaviour which may not reach the threshold to become a breach to be dealt with; and that which justifies a formal complaint to the Ombudsman.
- 1.2 The protocol does not replace the Member-Officer Relations Protocol set out in the Council's Constitution.
- 1.3 Members will make all reasonable attempts to resolve disputes through agreed internal processes subject to their obligations under the Members' Code of Conduct.
- 1.4 Referral to external regulators will become a last resort subject to Members' obligations under the Code of Conduct.
- 1.5 Members will avoid personal confrontation in any public forum, especially full Council and through the media
- 1.6 These commitments will not stifle legitimate political debate or scrutiny
- 1.7 Group discipline will become the cornerstone of self-regulation with Group Leaders taking responsibility for their own members
- 1.8 Group Leaders individually and collectively will work to ensure compliance with this protocol
- 1.9 Members will commit to training and development in support of this protocol

2. Working to avoid problems

To minimise the number of instances of alleged breaches all Group Leaders have committed to :-

- (i) A Member Development Strategy – to which they will seek to secure the commitment of their group members. All reasonable endeavours will be made to ensure that the Member Development Strategy identifies and responds to the needs of members.
- (ii) Attending relevant Member training events - in particular those relating to the Code of Conduct or probity courses within the scope of their role.
- (iii) WLGA Charter – The Council is committed to retaining the WLGA's Charter for Member Support and Development and supports its objectives. Group Leaders will seek to secure individual member commitment to training and keep this under review.

3. Role of Group Leaders

- 3.1 A complaint by a member relating to a member of the same group will be referred to the Group Leader. A complaint by a member concerning the activities of a member of a different political group will be discussed with the complainant's own Group Leader, who will then refer the issue to the Group Leader with responsibility for the member against whom the complaint is made.
- 3.2 Upon receiving a complaint, it is the role of Group Leaders to take responsibility for discipline within their groups. Group discipline should seek to be informal, resolved through face to face meetings. Group Leaders will need to retain some records but the process will not be "document heavy". The emphasis should be on training, education, mediation and conciliation.
- 3.3 When appropriate, a sanction such as removal from a committee or an outside body, may be used in extreme cases or after persistent breaches and the matter will be referred to the Public Services Ombudsman for Wales.
- 3.4 Prior to considering any sanction, or training, the relevant Group Leader may consult with a member of the Standards Committee in conjunction with the Monitoring Officer or Deputy Monitoring Officer. The Standards Committee will seek to ensure fairness and consistency in the discipline imposed within each Group.
- 3.5 At the next available Group Leaders' meeting any issue of discipline which has been referred to a Group Leader will be discussed with the Group and with the objective of seeking to ensure that fair and consistent sanctions are applied.
- 3.6 Where the complaint relates to the Group Leader themselves, the Mayor will be requested to consider the complaint, just as with non aligned or unaffiliated members.

4. Non Aligned or Unaffiliated Members

- 4.1 As far as non-aligned or unaffiliated members are concerned, the Mayor will fulfil the role of "Group Leader". Concerns regarding the conduct of an unaffiliated member should be referred to the Mayor who will apply the same principles and standards as those of the Group Leaders in terms of training/mediation/conciliation.

5. Persistent Breaches

- 5.1 In the case of persistent breaches, or areas where the Group Leaders have concerns that the conduct of an individual member or members is damaging to relations between political groups or to the reputation of the Council, then the Group Leaders will meet with the Chief Executive Officer and the Monitoring Officer to agree a way forward. Consideration will be given to joint references to the Ombudsman, by the Group Leaders, for persistent low level breaches.

6. Standards Committee

- 6.1 Owing to any potential issues of conflict, any involvement as referred to in paragraph 3.4 above will include no more than one independent member of the Standards Committee. This will be subject to a rotational basis and in accordance with availability.

- 6.2 The Standards Committee Members will play a supporting/advisory role to the Group Leaders. This process will be initiated at the request of the Group Leader, in a particular case.
- 6.3 Such meetings will be private and informal.
- 6.4 Any documentation, attendance notes, file notes or advisory notes passing between a Group Leader (or as appropriate the Mayor) and the members of the Standards Committee shall remain private and confidential (subject to compliance with Freedom of Information legislation).

C. Confidential Reporting Procedure for Members

1 Introduction

- 1.1 This is the Council's confidential reporting procedure for Members referred to in paragraph 6(1)(b) of the Code of Conduct for Members which states:-

“You must report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty).”

- 1.2 The purpose of this procedure is to provide clarity for Members on the process for raising such concerns within the Council.

2 Scope of this Procedure

This procedure applies to concerns about conduct by the following types of individuals (list not exhaustive):-

- (i) Other elected Members of the Council;
- (ii) Officers of the Council;
- (iii) Agency workers, consultants and contractors engaged by the Council;
- (iv) Volunteers who participate in the provision of services by the Council.

3 Matters to which this Procedure does not apply

This procedure will generally not apply in the following cases:-

- (i) Matters subject to a current or closed investigation into a matter (either internally or externally);
- (ii) Concerns falling within the ambit of the Council's Whistleblowing Policy;
- (iii) Complaints arising out of a breach of the Protocol on Member/Officer Relations;
- (iv) Concerns about the safety and/or well-being of a person (child or adult);

Members should contact the duty team on **01978 292039/292066** or email socialservices@wrexham.gov.uk in normal office hours or the Out of Hours Emergency Duty Team on **0845 0533116** or email emergency.hours@wrexham.gov.uk or in the case of immediate direct danger contact the police on 999.

4 Confidentiality

- 4.1 Reports or referrals made under this procedure are treated by the Council as made in confidence and will generally not be made public (or communicated to other Members or officers) unless required by law or in circumstances where this is necessary.
- 4.2 A Member who makes a report under this procedure will be expected to keep their report confidential and will ensure that any investigation is not impeded by disclosure of the report or complaint they have made.

5 Reporting Concerns

Wrongful activity to which this procedure applies should be reported to the Council's Monitoring Officer who will determine how to take the matter further. Reports may be made verbally or in writing. Reports made in writing must be clearly marked CONFIDENTIAL.

6 Action following a Member's Report

- 6.1 Once the Monitoring Officer has received a report from a Member under this procedure, he will consider the matter and determine what, if any, further action is required. This may involve an investigation or direct resolution of the complaint.
- 6.2 Alternatively, the Monitoring Officer may decide that the matter requires the involvement of the Police or Public Services Ombudsman for Wales or another body, regulator or law enforcement agency.
- 6.3 The Monitoring Officer may advise the reporting Member of the outcome of the investigation. However, this may not be possible in all cases. Depending on the nature of the matter giving rise to the concern, it might be necessary for any further details of the investigation to remain confidential and as such to be withheld from the reporting Member.

D Procedure for Dealing with Allegations made against Councillors and referred to the Standards Committee

1 Introduction

This document sets out the procedure that the Council's Standards Committee will follow where it is required to make decisions about the conduct of Councillors following investigations by the Public Services Ombudsman for Wales or the Council's Monitoring Officer under Part III of the Local Government Act 2000 and related regulations. If there is any conflict between this document and any statutory requirements then those statutory requirements will prevail.

2 Interpretation

In this procedure:

- 2.1 the "Act" means the Local Government Act 2000;
- 2.2 the "Council" means Wrexham County Borough Council;
- 2.3 the "Code of Conduct" means the code of conduct for members adopted by the Council or the community councils within the Council's area in 2008 in accordance with section 51 of the Act, including any revisions;
- 2.4 the "Complainant" means any person who made any allegation which gave rise to the investigation;
- 2.5 the "Investigating Officer" means the person who conducted an investigation into any alleged breach of the Code of Conduct and produced the investigation report, being either the Ombudsman (or a person acting on his or her behalf) or the Monitoring Officer;
- 2.6 an "investigation report" means a report on the outcome of an investigation into any alleged breach of the Code of Conduct produced either by the Ombudsman under s71(2) of the Act or by the Monitoring Officer under the Regulations;
- 2.7 the "Member" means any person who is the subject of an investigation into any alleged breach of the Code of Conduct;
- 2.8 the "Monitoring Officer" means the officer for the time being appointed by the Council under section 5 of the Local Government and Housing Act 1989;
- 2.9 the "Ombudsman" means the Public Services Ombudsman for Wales;
- 2.10 the "Regulations" means the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 as amended;
- 2.11 the "Standards Officer" means the officer for the time being appointed by the Council to support the work of the Standards Committee.

3 Summary of the Procedure

- 3.1 Under section 69 of the Act, the Ombudsman may investigate any alleged breach of the Code of Conduct by Members or Co-Opted Members (or former Members or co-opted Members) of the Council or a community council in the Council's area.
- 3.2 Under section 70(4) of the Act, where the Ombudsman ceases such an investigation before it is completed, he/she may refer the matters which are the subject of the investigation to the Monitoring Officer. The Monitoring Officer will then investigate matters in accordance with the Regulations before reporting and, if appropriate, making recommendations to the Standards Committee.
- 3.3 Alternatively, under section 71(2) of the Act, where the Ombudsman decides after investigating that it is appropriate, he/she will produce a report on the outcome of the investigation and send it to the Monitoring Officer and the Council's Standards Committee. The Monitoring Officer will then consider the report of the Ombudsman in accordance with the Regulations, before, if appropriate, making recommendations to the Standards Committee.
- 3.4 The Standards Committee will then make an initial determination either:
 - 3.4.1 that there is no evidence of any failure to comply with the Code of Conduct;
or
 - 3.4.2 that the Member should be given the opportunity to make representations, either orally or in writing.
- 3.5 Where the Member is given an opportunity to make representations, the Standards Committee will convene a hearing to consider any response made by the Member and it must determine under regulation 9(1) of the Regulations either that:
 - 3.5.1 there is no evidence of any failure to comply with the Code of Conduct and that therefore no action needs to be taken;
 - 3.5.2 the Member has failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure;
 - 3.5.3 the Member has failed to comply with the Code of Conduct and should be censured; or
 - 3.5.4 the Member has failed to comply with the Code of Conduct and should be suspended or partially suspended from being a member or co-opted Member of his/her authority for a period not exceeding six monthsand take any such action accordingly.

4 **Investigations by the Monitoring Officer (Referrals under Section 70 (4) of the Act)**

- 4.1 Where the Ombudsman ceases his/her investigation before it is completed and refers the matters which are the subject of the investigation to the Monitoring Officer under section 70(4) of the Act, the Monitoring Officer must:
 - 4.1.1 conduct and investigation; and

4.1.2 report, and if appropriate, make recommendations to the Council's Standards Committee.

4.2 The Monitoring Officer will investigate in accordance with the Regulations and may follow such procedures as he or she considers appropriate in the circumstances of the case.

4.3 After concluding an investigation, the Monitoring Officer must:

4.3.1 produce a report on the findings of his or her investigation and, if appropriate, may make recommendations to the Standards Committee;

4.3.2 send a copy of the report to the Member; and

4.3.3 take reasonable steps to send a copy of the report to the Complainant.

4.4 The Standards Committee will consider the Monitoring Officer's report and any recommendations in accordance with the procedure set out below.

5 Investigations by the Ombudsman (Referrals under Section 71 (2) of the Act)

5.1 Where the Ombudsman completes his or her investigation and sends a report to the Monitoring Officer and the Council's Standards Committee under section 71(2) of the Act, the Monitoring Officer must consider the Ombudsman's report and, if appropriate, make recommendations to the Council's Standards Committee.

5.2 The Standards Committee will consider the Ombudsman's report together with any recommendations made by the Monitoring Officer in accordance with the procedure set out below.

6 The First Meeting of the Standards Committee – Initial Determination

6.1 After the Monitoring Officer has:

6.1.1 produced an investigation report in accordance with paragraph 4.3; or

6.1.2 considered the Ombudsman's investigation report in accordance with paragraph 5.1

he/she will arrange for a meeting of the Standards Committee to be convened as soon as possible and for a copy of the investigation report, together with the Monitoring Officer's recommendations (if any), to be sent to each of the members of the Standards Committee.

6.2 Notice of the time and place of the meeting will be given in accordance with Part VA of the Local Government Act 1972 as amended by the Standards Committees (Wales) Regulations 2001.

6.3 If the investigation report is produced by the Ombudsman, the Monitoring Officer will advise the Standards Committee. If the investigation report is produced by the Monitoring Officer, the Standards Officer or some other suitably qualified person will advise the Standards Committee.

6.4 The business of the Standards Committee meeting will be limited to considering the investigation report and the Monitoring Officer's recommendations (if any) and to making an initial determination either:

6.4.1 that there is no evidence of any failure to comply with the Code of Conduct;
or

6.4.2 that the Member should be given the opportunity to make representations,

either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct.

7 After the First Meeting of the Standards Committee

7.1 Where the Standards Committee decides that there is no evidence of any failure to comply with the Code of Conduct, the Standards Officer will accordingly notify the Member, the Complainant and the Ombudsman.

7.2 Where the Standards Committee decides that the Member should be given the opportunity to make representations, the Standards Officer will notify the Member of the Committee's decision and the procedure which the Committee proposes to adopt to receive and consider any representations that he or she may wish to make.

8 Preparing for the Hearing to consider the Member's Representations

8.1 The Standards Officer, in consultation with the Chair of the Standards Committee, will write to the Member to propose a date for a hearing to consider any representations that the Member may wish to make and to ask the Member to respond in writing within 14 days to confirm whether he/she:

8.1.1 is able to attend the hearing;

8.1.2 wants to make representations, whether orally or in writing and if so, to include any written representations in his or her response;

8.1.3 disagrees with any of the findings of fact in the investigation report, and if so, which matters he or she disagrees with and the reasons for any disagreements;

8.1.4 wants to appear before the Committee in person or be represented at the hearing by a solicitor, barrister or any other person, in accordance with his/her right under the Regulations;

8.1.5 wants to give evidence to the Standards Committee, either orally or in writing;

8.1.6 wants to call relevant witnesses to give evidence to the Standards Committee;

8.1.7 wants any part of the meeting to be held in private;

8.1.8 wants any part of the investigation report or other relevant documents to be withheld from the public

8.2 The Standards Officer will notify the Investigating Officer of the proposed hearing date and ask whether he or she will be attending the hearing.

8.3 The Standards Officer will send a copy of the Member's response under paragraph 8.1 to the Investigating Officer and will ask him/her to confirm in writing within seven days whether he/she:

8.3.1 has any comments on the Member's response;

8.3.2 wants to be represented at the hearing;

8.3.3 wants to call relevant witnesses to give evidence to the Standards Committee;

8.3.4 wants any part of the meeting to be held in private; and

8.3.5 wants any part of the investigation report or other relevant documents to be withheld from the public.

8.4 The Standards Officer will write to the members of the Committee, the Member and the Investigating Officer at least two weeks before the hearing to:

8.4.1 confirm the date, time and place for the hearing;

8.4.2 summarise the allegation;

8.4.3 outline the main facts of the case that are agreed;

8.4.4 outline the main facts which are not agreed;

8.4.5 note whether the Member or the Investigating Officer will attend or be represented at the hearing;

8.4.6 list those witnesses, if any, who will be asked to give evidence;

8.4.7 enclose the investigation report, any relevant documents, the Member's response and any further response from the Investigating Officer; and

8.4.8 outline the proposed procedure for the meeting.

9 Powers of the Standards Committee

9.1 The Standards Committee may, in accordance with the requirements of natural justice, conduct the meeting in the manner it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings. It must so far as appears to it appropriate seek to avoid formality and inflexibility in its proceedings. The Standards Committee will decide factual evidence on the balance of probabilities.

9.2 The Member or the Investigating Officer may be represented or accompanied whether or not legally qualified but if in any particular case the Standards Committee is satisfied that there is a good reason, it may refuse to permit a particular person to assist or represent a party at the hearing.

9.3 The Standards Committee may take legal advice from a Council officer appointed for this purpose at any time during the meeting or while they are considering the outcome. The substance of any legal advice given to the Committee will be shared with the Member and the Investigating Officer if they are present.

- 9.4 Where appropriate, and in accordance with the Regulations, the Standards Committee has power to censure the Member, or suspend or partially suspend the Member for a period not exceeding six months

10 Procedure at the Hearing

- 10.1 The hearing will be held in public unless the Standards Committee is persuaded that there is a good reason to exclude the public.
- 10.2 The procedure at the meeting shall be as set out below, subject to the Chair making such changes as he or she thinks fit in order to ensure a fair and efficient hearing.
- 10.3 Introduction
The Chair of the Standards Committee will introduce those persons present and will explain the manner and order of proceedings
- 10.4 First Stage - Preliminary Procedural Issues
The Standards Committee will then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the prehearing process.
- 10.5 Second Stage - Making Findings of Fact
The Standards Committee will then consider whether or not there are any significant disagreements about the facts contained in the investigation report.
- 10.5.1 If there is a disagreement as to the facts:
- a) the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the investigation report;
 - b) the Investigating Officer may call any necessary supporting witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer;
 - c) the Member will then be invited to make representations to support his or her version of the facts;
 - d) the Member may call any necessary witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Investigating Officer an opportunity to challenge any evidence put forward by any witness called by the Member.
- 10.5.2 At any time, the Standards Committee may question any of the people involved or any of the witnesses.
- 10.5.3 If the Member disagrees with any relevant fact in the investigation report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the Standards Committee will consider whether or not it would be in the public interest to continue in his or her absence. After

considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:

- a) continue with the hearing, relying on the information in the investigation report;
- b) allow the Member to make representations about the issue, and invite the Investigating Officer to respond and call any witnesses, as necessary; or
- c) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if he or she is not already.

10.5.4 At the conclusion of the representations as to matters of fact, the Standards Committee will retire to deliberate in private on the representations, after which the Chair of the Standards Committee will announce their findings of fact.

10.6 Third Stage - Deciding whether the Member has failed to comply with the Code

10.6.1 The Standards Committee will then consider whether, based on the facts it has found, the Member has failed to comply with the Code.

10.6.2 The Standards Committee will invite the Investigating Officer to make representations as to whether or not, based on the facts the Committee has found, the Member has failed to comply with the Code of Conduct.

10.6.3 The Standards Committee will invite the Member to respond to the representations of the Investigating Officer and to make representations as to whether or not, based on the facts the Committee has found, he or she has failed to comply with the Code of Conduct.

10.6.4 The Standards Committee may, at any time, question anyone involved on any point they raise in their representations.

10.6.5 The Member will be invited to make any final relevant points.

10.6.6 The Standards Committee will retire to deliberate in private on the representations and decide whether or not the Member has failed to comply with the Code of Conduct, after which the Chair of the Standards Committee will announce their findings.

10.7 Fourth Stage - Action to be Taken

10.7.1 If the Standards Committee decides that the Member has not failed to comply with the Code of Conduct, it will formally record that there is no evidence of any failure by the Member to comply with the Code of Conduct and that therefore no action needs to be taken.

10.6.7 If the Standards Committee decides that the Member has failed to comply with the Code of Conduct it will invite the Member and the Investigating Officer to make representations as to:

- a) whether or not the Committee should apply a sanction; and

b) what form any sanction should take.

10.6.8 The Standards Committee will retire to deliberate in private on the representations and decide either that:

- a) no action needs to be taken in respect of the failure to comply with the Code of Conduct;
- b) the Member should be censured; or
- c) the Member should be suspended or partially suspended from being a member or Co-Opted Member of his or her authority for a period not exceeding six months,

after which the Chair of the Standards Committee will announce their decision.

10.6.9 After making a decision the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision (including details of the Member's right of appeal) to the Member, the Complainant and the Ombudsman as soon as reasonably practicable.

11 Failure to make Representations/Attend the Hearing

11.1 If the Member fails to make representations, the Standards Committee may:

11.1.1 unless it is satisfied that there is sufficient reason for such failure, consider the investigation report and make a determination in the Member's absence; or

11.1.2 give the Member a further opportunity to make representations.

11.2 If a party fails to be present or represented at a hearing, the Standards Committee may, if it is satisfied that the party was duly notified of the hearing and that there is no good reason for such absence:

11.2.1 hear and decide the matter in the party's absence; or

11.2.2 adjourn the hearing.

12 Illness or Incapacity

If the Standards Committee is satisfied that any party is unable, through physical or mental sickness or impairment, to attend the hearing and that the party's inability is likely to continue for a long time, the Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter.

13 Suspension

A period of suspension or partial suspension will commence on the day after:

13.1 the expiry of the time allowed to lodge a notice of appeal to an appeals tribunal under the Regulations (ie within 21 days of receiving notification of the Standards Committee's determination);

- 13.2 receipt of notification of the conclusion of any appeal in accordance with the Regulations;
- 13.3 a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last.

14 **Referral by an Appeals Tribunal**

14.1 Where the Standards Committee determines that the Member has failed to comply with the Code of Conduct, the Member may appeal against the determination to an appeals tribunal drawn from the Adjudication Panel for Wales.

14.2 An appeals tribunal may endorse the decision of the Standards Committee, refer a matter back to it recommending it impose a different penalty, or overturn the decision.

14.3 If:

14.3.1 the Standards Committee determines that the Member failed to comply with the Code of Conduct;

14.3.2 the Member appeals to an appeals tribunal drawn from the Adjudication Panel for Wales; and

14.3.3 the said tribunal refers the matter back to the Standards Committee with a recommendation that a different penalty be imposed,

the Standards Committee shall meet as soon as reasonably practicable to consider the recommendation of the appeals tribunal and will determine whether or not it should uphold its original determination or accept the recommendation.

14.4 After making its determination the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision to the Member, the Complainant, the Ombudsman and the president of the Adjudication Panel for Wales as soon as reasonably practicable.

15 **Publication of the Standards Committee's Report**

15.1 The Standards Committee will cause to be produced within 14 days after:

15.1.1 the expiry of the time allowed to lodge a notice of appeal under the Regulations, or

15.1.2 receipt of notification of the conclusion of any appeal in accordance with the Regulations, or

15.1.3 a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last, a report on the outcome of the investigation and send a copy to the Ombudsman, the Monitoring Officer, the Member and take reasonable steps to send a copy to the Complainant.

15.2 Upon receipt of the report of the Standards Committee, the Monitoring Officer shall:

15.2.1 for a period of 21 days publish the report on the Council's website and make copies available for inspection by the public without charge at all reasonable hours at one or more of the Council's offices, where any person shall be entitled to take copies of, or extracts from, the report when made so available;

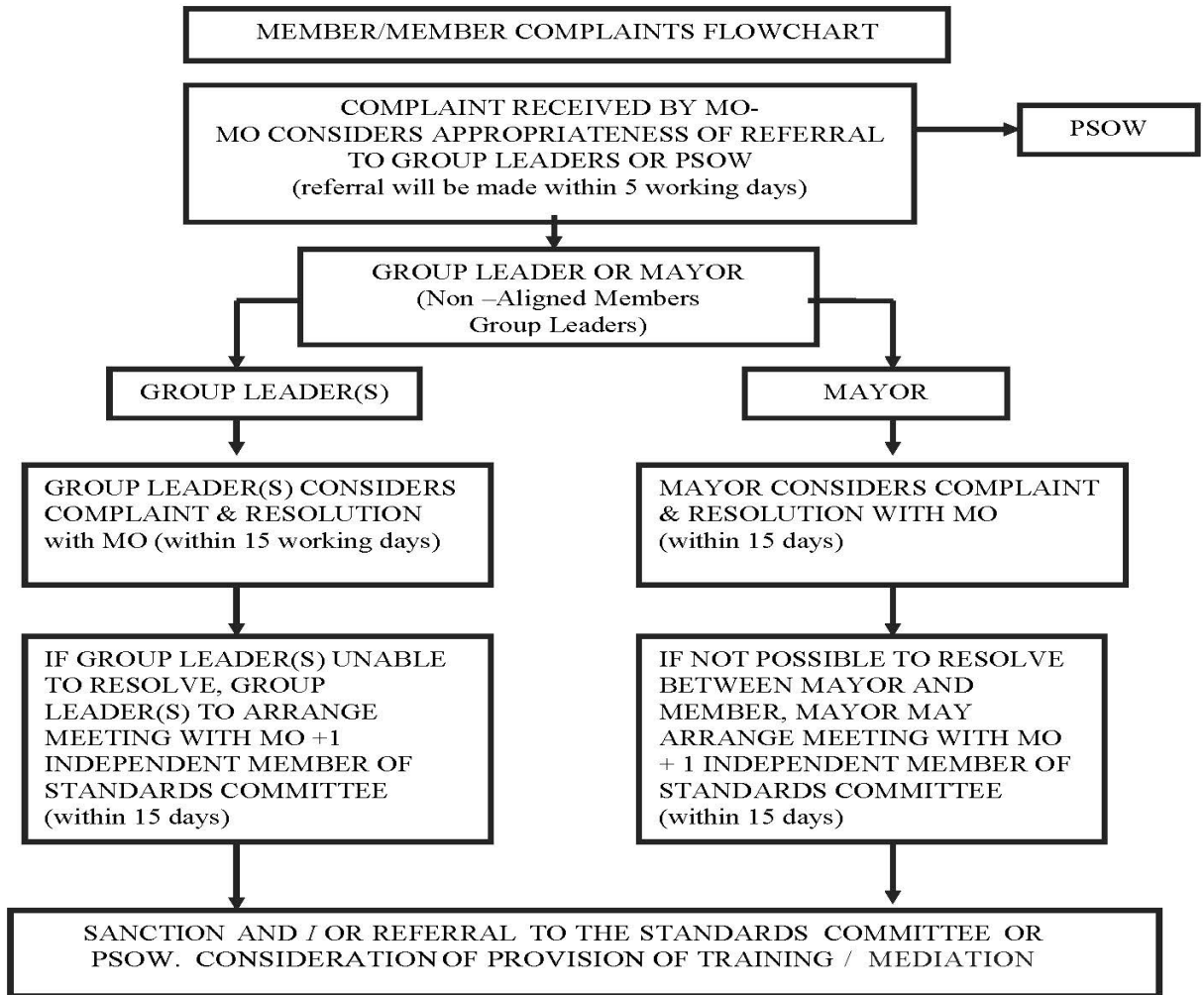
15.2.2 supply a copy of the report to any person on request if he or she pays such charge as the Council may reasonably require, and

15.2.3 not later than seven days after the report is received from the Standards Committee, give public notice, by advertisement in newspapers circulating in the area and such other ways as appear to him or her to be appropriate, that copies of the report will be available as provided by paragraphs 15.2.1 and 15.2.2 above, and shall specify the date (being a date not more than seven days after public notice is first given) from which the period of 21 days will begin.

16 Costs

The Standards Committee has no power to make an award of any costs or expenses arising from any of its proceedings.

MEMBER/MEMBER COMPLAINT FLOWCHART



IN THE CASE OF PERSISTENT BREACHES, GROUP LEADERS WILL MEET WITH THE CHIEF EXECUTIVE AND MONITORING OFFICER TO AGREE WAY FORWARD. CONSIDERATION MAY BE GIVEN TO JOINT REFERENCES TO THE OMBUDSMAN BY GROUP LEADERS FOR PERSISTENT, LOW LEVEL BREACHES.

MO = Monitoring Officer
 PSOW = Public Services Ombudsman for Wales

E Member and Officer Communication Protocol

1. Scope

- 1.1 Members are elected to represent the views of their constituents. Local Members also have an important role to play in representing the Council in their electoral wards, responding to the concerns of their constituents, in meetings with partners and serving on external bodies and organisations. It is essential for the proper running of the Council that Members are fully informed about matters on which they may be required to make decisions or which affect their wards.
- 1.2 The Council accepts that Members need to be aware of significant and relevant matters within their local area if they are to be effective in their roles as spokespersons on behalf of their local communities. It is difficult to define what constitutes 'significant and relevant' matters but they include matters or issues that are of concern or impact on the general public and Local Members. Officers may not always be aware of matters that could potentially be sensitive, either locally or politically, so if there is any doubt there will be a presumption in favour of liaising with the Local Member.
- 1.3 For the avoidance of doubt this Protocol does not cover Social Care cases, housing allocations, individual employee information, restrictions under data protection or instances where third parties request matters to be kept confidential for commercial or personal reasons.
- 1.4 The following protocol sets out a framework of rights or practices which are to be applied to Local Members. It is not possible to provide examples of all possible eventualities but the purpose of the protocol is to keep Members involved and aware of events and issues affecting their wards.

2. Responsibility

- 2.1 It is the duty of all senior officers to ensure that all relevant employees (and external agencies undertaking work on behalf of the Council) are aware of the requirement to keep Local Members informed and that the timing of such information allows Members to contribute to those discussions effectively. Local Members can add value and provide local knowledge, perspective and insight to any discussion and should be able to influence discussions going forward.
- 2.2 The protocol will be disseminated throughout the Council to ensure that officers communicate with and involve local ward members.
- 2.3 Local Members should also be kept informed about matters affecting their electoral wards during the formative stages of policy development. It is important in an effective democratic process that they know early on if they are to deal with their constituents' concerns or to exert influence on their behalf.

3. Reports via Democracy

- 3.1 Officers will ensure that local matters being reported through the committee process are identified and marked accordingly on the front page of the report.

- 3.2 Local Members will be consulted on any local matter being reported through the committee process and their comments (including 'no comment') will be included under the 'consultation' heading within the standard report template. Where there is a multi-member ward the author of the report will ensure that all Local Members are consulted and given the opportunity to comment. Lead Members and Member Champions will be consulted in a similar way.
- 3.3 Subject to the Council's Code of Conduct for Members, the usual rules regarding bias and predetermination, the current rules permit local members to attend and speak at committee meetings in relation to items which affect the Member's own electoral ward. Local Members are expected to advise the Chair of the Committee of their intention to speak. There are separate arrangements in place for the Planning Committee.

4. Business Conducted Outside Committee

- 4.1 Chief Officers and Heads of Service as well as the Leader, Lead Members and Committee Chairs and Vice-Chairs should keep Local Members apprised of significant and relevant matters that are not the subject of a report to Council or its Committees, but which relate specifically to the local member's ward or which may have a material impact in the local area of which the ward is a part.
- 4.2 In particular, the Local Member(s) should, where appropriate, be invited to relevant meetings. If Local Members do not attend such meetings for whatever reason, they should be advised by the convenor of the meeting (provided the meeting is convened by the Council or its officers) of any significant outcome.

5. Consultation

- 5.1 Whenever the Council undertakes any form of public consultation exercise, the local member(s) will be notified at the outset of the exercise.
- 5.2 Local Members will be advised of all planning applications relating to their electoral wards and can make representation in line with the Planning Code of Practice. Local Members will be informed of any changes in recommendations as soon as possible.
- 5.3 In terms of Asset Management, Local Members will be consulted in line with the Corporate Land and Buildings Strategy which recognises that communication with relevant Members in securing local opinion and support to an activity is important.

6. Delegated Decisions

- 6.1 Before Chief Officers exercise delegated powers under the Scheme of Delegation (Section 13 Table 6) they shall consider whether their decision is likely to have a significant impact upon the Council's profile or have significant financial implications; if it does there will be a presumption in favour of the referring the matter to Members.
- 6.2 In any event, when exercising those delegated powers each Chief Officer will, where appropriate, keep the Executive Board fully informed, in particular the relevant Portfolio Holder, have regard to any comments from the relevant Scrutiny Committee and ensure that there is meaningful consultation/information for the Local Member in advance.

- 6.3 Where an individual Lead Member makes a decision in accordance with the scheme of delegation (Section 13 Table 5) on a local matter the local member will be consulted as part of the process and any comments will be included in the report presented to the Lead Member for consideration.
- 6.4 Delegated Planning Decisions will be taken in accordance with the Planning Delegation Scheme.

7. Local Meetings

- 7.1 Where any public meeting to be held in a member's electoral ward is arranged by the Council the Local Member(s) for that ward will be informed of the event and invited to attend.
- 7.2 Where a meeting has been arranged by the Council with Town and Community Councils or other community groups the Local Member(s) will be informed and invited to attend. If an officer is invited by a Town or Community Council to attend a meeting, as a matter of courtesy, the Local Member should be made aware.
- 7.3 If Local Members do not attend such meetings for whatever reason, they should be advised by the convenor of the meeting (provided the meeting is convened by the Council or its officers) of any significant or relevant outcome.
- 7.4 Local members will be invited to the opening of any Council buildings/projects or launches of services in their wards though if present the Chair of the Council/Deputy Chair or Leader/Deputy Leader shall take precedence unless otherwise agreed.
- 7.5 Local Members should be informed of any ministerial visits taking place in their ward relating to council business. The Leader, Deputy Leader and relevant portfolio holder(s) should also be made aware.

8. General Correspondence

- 8.1 Routine meetings and correspondence between the public and officers on operational matters will not be referred to the Local Member(s). This does not apply where the matter is significant and relevant. If there is a recurring theme which could develop into a significant issue then Local Members should be kept informed.

9. Managing Expectations

- 9.1 To allow for efficient and timely communication all officers and Members should ensure the following:
- Subject title (header) and full officer contact details (electronic signature) to be included on all officer communications with Members
 - Member enquiries should be acknowledged within 5 working days and a full response provided within 10 working days. This will ensure Members know that their enquiry is being dealt with.

- Officers will ensure that telephones and emails are redirected if working from home, on leave or out of the office for any reason. When redirecting calls or emails, officers should ensure that another officer is available to deal with the enquiries during the period of absence
- Members should leave a message when receiving a voicemail recording to ensure that the officer has full details of the enquiry
- Senior Managers have responsibility for ensuring that Members receive the information they are entitled to, if there are any problems Members should then direct their enquiries to the relevant Chief Officer or Heads of Service
- Members to signpost routine customer enquiries to the relevant online process or web 'contact us' form where possible
- Where possible Members should report any routine customer enquiries through the online 'MyAccount' or encourage customers to sign up and use this themselves. This will enable all the relevant information to be gathered and sent to the correct service area for action
- Members are encouraged to make direct contact with officers via email or direct telephone line rather than using the customer switchboard.

10. Action Relating to Other Members' Wards

- 10.1 Where a member wishes to propose a motion or seek a debate or otherwise speak in a meeting of the Council or a Committee in relation to a local matter in another member's ward, they should seek wherever possible, as a matter of courtesy, to give prior warning to the local ward member(s).
- 10.2 All members who involve themselves in matters relating to the Council or its functions in wards other than their own should seek, as a matter of courtesy, to advise the local ward members of these actions and should do so in advance if circumstances permit. (This shall not apply to canvassing or other party political activity.) However, it must be accepted that Lead Members and Scrutiny Members will on occasion have a need to consider issues which involve individual wards and it may not always be possible to inform local ward members in advance.

11. Confidentiality

- 11.1 The local member(s) under this protocol must not make public nor make personal use of any information or material supplied to them where the supplier of the information has indicated that it is of a confidential nature. They must also comply with any relevant provisions of the Data Protection Act and the Freedom of Information Act.

12. Commitments

- 12.1 Local members are reminded that they do not have the right to commit the Council or its officers to any particular course of action and should ensure that they do not convey to the public any false impression of commitment or give any undertaking that they are not in a position to personally fulfil.