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**Date: 16th February 2017**

Dear Sir/Madam,

A meeting of the **Standards Committee** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Thursday, 23rd February, 2017** at **1.30 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

**Chris Burns**  
INTERIM CHIEF EXECUTIVE

## AGENDA

	Pages	
1	To receive apologies for absence.	
2	Declarations of Interest.	
	Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.	
3	To consider the appointment of a Vice Chair.	

A greener place Man gwyrddach



Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat

To approve and sign the following minutes: -

4	Standards Committee held on 27th September 2016.	1 - 4
5	Members Induction 2017.	5 - 22
6	Adoption of Monitoring Officer Protocol.	23 - 30
7	Code of Conduct Training.	31 - 56

**Circulation:**

Councillors: Mrs P. Cook and C.P. Mann

Mr T. Abbas, Mrs M. Evans, Mrs D. Holdroyd, Mr D. Lewis and Mr M. Stone

Community Councillor Mrs G. Davies

**Copy for information only to:**

Councillors H. David and Mrs M.E. Sargent. Community Councillor C. Choo Yin

And Appropriate Officers



## STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN PARK  
ON TUESDAY 27TH SEPTEMBER 2016 AT 1.30PM.

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PRESENT:

Mrs D. Holdroyd - Chair

Mrs M. Evans, D. Lewis

Community Councillor Mrs G. Davies

Councillor C.P. Mann

Together with:

L. Lane (Corporate Solicitor), H. Morgan (Senior Committee Services Officer)

### 1. APOLOGIES

Apologies for absence were received from Councillors Mrs P. Cook and H. David and Mr M. Stone.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

### 3. MINUTES - 15TH FEBRUARY 2016

RESOLVED that the minutes of the meeting held on 15th February 2016 (minute nos. 1 - 7, on page nos. 1 - 4), be approved as a correct record.

### 4. ANNUAL LETTER FROM PUBLIC SERVICES OMBUDSMAN FOR WALES 2015-2016

Consideration was given to the Annual Letter received from the Public Services Ombudsman for Wales, which provided a detailed breakdown of all complaints received and investigated by his Office during 2015/16 and the response times to requests for information.

Members were asked to note that in relation to Caerphilly, the number of complaints received by the Ombudsman compared with the local authority average adjusted for population distribution is slightly higher at 56 compared with 52. Whilst there was an increase in the number of complaints none were taken into investigation. They were informed that the figures show that the Authority's largest area of complaints is Housing. This data has been analysed and of the twelve complaints relating to Housing, seven were made prematurely (had been referred to the Ombudsman before exhausting the Council's Corporate Complaints Process). Practically it is not possible to prevent premature referrals to the Ombudsman. The Council's Complaints Policy is available via the Council's website and a hard copy booklet readily available to the Public. The remaining five complaints were not taken into investigation.

It was noted that overall 17 premature complaints were received by the Ombudsman. This is equal to the Local Authority average but as mentioned there is nothing further that can be done by the Council to prevent such referrals.

Reference is made in the Annual Letter to the increase in complaints in relation to Adult Social Services where the figure increased from three to five. This data was reviewed, three were not investigated, one was premature and one was resolved under the Quick Fix arrangements.

No complaints were taken to investigation during 2015/16 and therefore there are no relevant response times in Section E of the letter.

Members noted that the Ombudsman has "upheld" one report against the Council issued in April 2015, which has been the subject of reports to the Standards Committee. In addition the Ombudsman has not upheld one report issued in June 2015 details of which were set out in Appendix 2 of the report. There have been two quick fixes which are contained in the case book summaries, which for members ease of reference, were appended to the report. There were no code of conduct complaints made against members of Caerphilly County Borough Council during 2015/16.

During the course of the ensuing debate, reference was made to the comparison of complaints by subject category in relation to Children's Social Services (Caerphilly being 9 and the average 5). The Corporate Solicitor advised that she did not have a breakdown of these complaints, which would have been dealt with by the social services complaints officers.

Reference was also made to the comment in the letter in relation to the rise in Code of Conduct complaints and to the fact that this was almost entirely attributable to community councils (where there has been a 49 % increase). Members were advised that there have been no referrals from within the county borough and were complementary on the level of training, advice and guidance that has been provided to community/town councils by the Interim Head of Legal Services. The Chair advised that this had been raised and discussed at the last Standards Conference where concerns had been raised at the increase in the number of such complaints.

A query was also raised on one of the case book summaries detailed in the letter that related to a housing complaint and a recharge to a tenant. It was noted that Officers have reassessed the practice, changed the procedure and withdrawn the recharge.

After due consideration, Members noted the content of the amended Annual Letter, received from the Public Services Ombudsman for Wales, and were advised that it will now be presented to Council for information.

**5. RESIGNATION - MR V. BRICKLEY**

It was noted that as Mr Brickley no longer resides in the county borough and is not registered on the electoral roll for Caerphilly, he is not eligible to sit on the Committee and has subsequently resigned.

The Chair/Members paid tribute to the way in which he had carried out his role as both an independent member and Vice Chair of the Committee. It was agreed that a letter be sent expressing the views of the Committee and thanking Mr Brickley for his service. Members were advised that the vacancy will be advertised, applications sought and interviews arranged with a view to the recommendations of the Panel being presented to Council in November for consideration.

**6. ANY OTHER BUSINESS**

The Committee was advised that the new Member Code of Conduct was endorsed at the meeting of Council in May and had now been uploaded to the Council's website.

Changes to the Standards Committees Terms of Reference had also been endorsed by Council and were to be amended and uploaded to the Council's website over the next few days

Members were advised that revised training on the Code of Conduct for use following the election in May is under consideration by the Monitoring Officer and will be shared with members over the coming months.

The meeting close at 2pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the next meeting they were signed by the Chair.

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CHAIR

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## STANDARDS COMMITTEE – 23RD FEBRUARY 2017

**SUBJECT: MEMBERS INDUCTION 2017**

**REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER**

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### **1. PURPOSE OF REPORT**

- 1.1 To ask the Standards Committee to endorse the induction programme for newly elected and returning Councillors following the local government elections in May 2017 which has been approved by the Democratic Services Committee.

### **2. SUMMARY**

- 2.1 To endorse the induction programme for newly elected and returning Councillors following the local government elections in May 2017.

### **3. LINKS TO STRATEGY**

- 3.1 Member training and development is required by the Local Government Act 2000, Local Government Measure (Wales) 2011 and Caerphilly County Borough Council Member Development Strategy 2015/2018. The Induction Programme contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2016 as it prepares Councillors for their decision making roles and responsibilities where they will be called upon to consider, make recommendations and decisions that will impact on future generations:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

### **4. THE REPORT**

- 4.1 The attached report was considered by the Democratic Services Committee on 17th November 2016, which outlined the proposals for an induction programme for newly elected and returning Councillors following the local government elections in May 2017.
- 4.2 Members were referred to Appendix 1 of the report which presented a draft Induction Programme for the Committee's consideration and were advised that further support would be provided by way of an induction information pack.

- 4.3 Democratic Services Committee were advised that the programme would consist of three elements, firstly the formal presentation and market place exhibition, mandatory induction seminars and finally recommended induction sessions. The market place exhibition made up of individual 'stalls' would give Members an opportunity to find out more about the Councils' services and include contributions from Democratic Services, IT Services, Planning, Licensing, Trading Standards and Social Services and would be available from 4.00pm to 8.00pm. A formal presentation by the Chief Executive and Corporate Directors would also form part of this evening and would be held in the Chamber at Penallta House at 5.00pm.
- 4.4 Mandatory Induction will cover Member's statutory responsibilities and regulatory committee membership. These seminars will include Code of Conduct, Constitution, Information Governance, Data Protection, Licensing and Planning. It was noted that mandatory training for the Appeals, Appointments and Pensions Compensation Committee would be arranged as soon as future meeting dates became available. Members were advised that a training needs analysis would be carried out in late 2017 with a view to compiling the 2018-2010 Members Training and Support Programme. Members' individual training requests would continue to be supported subject to budgetary constraints.
- 4.5 Members referred to the All Day event scheduled for the signing of the register and sought clarification as to whether this meant that Councillors needed to be available for the full day. The Officer confirmed that this related to the staff presence which would be available all day to support Members with the various forms, photographs and other requirements but Councillors could attend at any time throughout the day in order to complete the process which would take between 20-30 minutes. The Member requested that the wording on the programme be changed in order to more accurately reflect the process and this was agreed.
- 4.6 Having fully considered the report and the Induction programme subject to the amendment referred to in paragraph 4.5, the Induction Programme was approved unanimously.
- 4.7 The amendment referred to in paragraph 4.5 has been made to the Programme together with some further minor changes to the timetable and the delivery of seminars (Appendix 2 refers).
- 4.8 Having regard to the background set out above members of this Committee are asked to endorse the revised Induction Programme at Appendix 2 to this report.

## **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that an induction programme will help prepare Members for their decision making responsibilities in which they will need to consider the positive and negative impacts on future generations, long term community resilience, economic, environmental and social capital.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 There are no specific equalities implications arising from this report

## **7. FINANCIAL IMPLICATIONS**

- 7.1 There are no financial implications arising from this report.



## **8. PERSONNEL IMPLICATIONS**

- 8.1 Costs associated with the Induction Programme will be met from the Council's existing Members' training budget provisions.

## **9. CONSULTATIONS**

- 9.1 The report reflects the views of the consultees.

## **10. RECOMMENDATIONS**

- 10.1 That Members note and endorse the Induction Programme as set out in this report.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1 To support newly elected and returning Councillors understand their roles and responsibilities as elected Members

## **12. STATUTORY POWER**

- 12.1 Local Government Act 2001, Local Government Measure (Wales) 2011.

Author: Lisa Lane Corporate Solicitor  
Consultees: Gail Williams Interim Head of Legal Services and Monitoring Officer  
Nicole Scammell Acting Director of Corporate Services and Section 151 Officer  
Cllr Christine Forehead, Cabinet Member HR and Governance/Business Manager

Appendix 1 Report to Democratic Services Committee 17th November 2016 together with the Induction Programme 2017

Appendix 2 Revised Induction Programme 2017

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## DEMOCRATIC SERVICES COMMITTEE – 17TH NOVEMBER 2016

**SUBJECT: MEMBERS INDUCTION 2017**

**REPORT BY: INTERIM HEAD OF CORPORATE SERVICES AND SECTION 151 OFFICER**

### 1. PURPOSE OF REPORT

- 1.1 The report outlines the proposed induction programme for newly elected and returning Councillors following the local government elections in May 2017 for the consideration and approval of the Democratic Services Committee.

### 2. SUMMARY

- 2.1 The work of a Councillor is complex and challenging and the political, legislative and local landscape in which they work is changing constantly. Communities have high expectations of their elected representatives from the day of their election and throughout their period of office. It is therefore essential to be able to quickly and successfully navigate the different aspects of local government. This report outlines the importance of induction and presents a draft induction program for the approval of the Democratic Services Committee.

### 3. LINKS TO STRATEGY

- 3.1 Member training and development is required by the Local Government Act 2000, Local Government Measure (Wales) 2011 and Caerphilly County Borough Council Member Development Strategy 2015/2018. The Induction Programme contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2016 as it prepares Councillors for their decision making roles and responsibilities where they will be called upon to consider, make recommendations and decisions that will impact on future generations:

- *A prosperous Wales*
- *A resilient Wales*
- *A healthier Wales*
- *A more equal Wales*
- *A Wales of cohesive communities*
- *A Wales of vibrant culture and thriving Welsh language*
- *A globally responsible Wales.*

### 4. THE REPORT

- 4.1 An induction programme is an important development opportunity as it enables Councillors to quickly become familiar with how the council works, the rules and procedures under which it operates and the complexities of the elected member role.

- 4.2 The proposed induction programme (Appendix 1) will be delivered over the first few months of the new Council term and will provide Members with an opportunity to clearly establish their roles and responsibilities and to build positive working relationships with Officers from the outset. The programme has been designed to highlight key council information and its policies and procedures which should enable Councillors to actively and rapidly participate in the business of council, increasing their confidence in their ability to make informed and effective decisions from the start of their term of office.
- 4.3 To support the induction programme an information pack will also be produced and will include a timetable of meetings, printed copies of core policies and procedures, frequently asked questions and useful contact numbers and will be distributed to Members when they sign the Acceptance of Office register.

#### **Presentation and Exhibition (Market Place) 'Your Council'**

- 4.4 The programme will commence on Tuesday 9th May 2017 with a 'Market Place' exhibition which will be held in the Atrium and Glass Restaurant area of Penallta House. The exhibition will provide Members with the opportunity to find out more about the Councils' services and meet Senior Officers as well as other Councillors. Heads of Service will be in attendance and provide Members with useful point of contact information and an organisational chart (including officer photographs) of their service area.

'Stalls' will be set up and include contributions from: - Democratic Services who will provide tutorials on the Mod. Gov system and Ap. and Members Portal; IT Services who will demonstrate the different ICT options available and Information Governance who will provide information on the safe handling of information. Planning, Highways, Licensing, Trading Standards and Social Services staff will also be present. The exhibition will be available from 4.00pm until 8.00pm and will incorporate a formal presentation by the Chief Executive and Corporate Directors in the Council Chamber at 5.00pm.

#### **Mandatory Induction**

- 4.5 The Mandatory Induction seminars presented are considered to be essential and encompass Members' statutory responsibilities and regulatory committee membership. These seminars will include Code of Conduct and Governance Arrangements (including webcasting and the use of the Chamber microphone system), Information Governance and Data Protection, Licensing and Planning and will be delivered before the full committee cycle begins.

#### **Recommended Induction**

- 4.6 The Recommended Induction seminars presented are considered to be important but not essential and include Smart and Safe Working Practices, which will look at Social Media and managing an on-line presence and hints and tips on working safely in the community; Introduction to Finance which will explain where the Council gets its funding and help Members to understand financial terminology, budget setting and medium term financial planning.

The Recommended Induction programme also includes a series of 'Introduction To...' training sessions, which returning Members will recognise from the Annual Training Programme. Each Committee, Sub-Committee and Panel will have a 30 minute introductory session prior to its first meeting. All new Councillors, along with the committee membership, will be encouraged to attend these sessions which will explain the terms of reference for that committee, introduce them to the Officers they are likely to see on a regularly basis and take them through any decision making considerations or appeal processes that they need to take into account. Newly elected Members will also be encouraged to attend and observe the full meeting as an induction activity.

## **After Induction - Training Needs Analysis – Requested Training**

4.7 During December 2017-January 2018 a training needs analysis questionnaire will be compiled and distributed. Members' responses will be analysed and from this the 2018-2020 Members Support and Development Programme will be developed which will be presented to the Democratic Services Committee for approval prior to its recommendation to Council.

4.8 We will continue to offer a mix of tutor led training sessions, e-learning modules and seminars and the Senior Councillor Development Programme will be also be re-offered if enough interest is expressed. As always we will continue to support Members individual training requests within budgetary constraints.

## **5. WELL-BEING OF FUTURE GENERATIONS**

5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that an induction programme will help prepare Members for their decision making responsibilities in which they will need to consider the positive and negative impacts on future generations, long term community resilience, economic, environmental and social capital.

## **6. EQUALITIES IMPLICATIONS**

6.1 There are no specific equalities implications arising as a result of this report.

## **7. FINANCIAL IMPLICATIONS**

7.1 Costs associated with the Induction Programme will be met from the Council's existing Members' training budget provisions.

## **8. PERSONNEL IMPLICATIONS**

8.1 The administration of the programme means additional tasks for the Democratic Services staff but these will be met through existing budgets.

## **9. CONSULTATIONS**

9.1 The report reflects the views of the consultees.

## **10. RECOMMENDATIONS**

10.1 That Members note and approve the Induction Programme as detailed in Appendix 1 of the report.

## **11. REASONS FOR THE RECOMMENDATIONS**

11.1 To support newly elected and returning Councillors understand their roles and responsibilities as elected Members.

## **12. STATUTORY POWER**

12.1 Local Government Act 2001, Local Government Measure (Wales) 2011.

Author: E. Sullivan (Interim Scrutiny Officer)  
Consultees: C. Forbes-Thompson (Interim Head of Democratic Services)  
G. Williams (Interim Head of Legal Services and Monitoring Officer)  
N. Scammell (Interim Head of Corporate Services and Section 151 Officer)  
Cllr. C. Mann (Chair Democratic Services Committee)  
Cllr Mrs C. Forehead (Cabinet Member Human Resources and Governance/Business Manager)

Appendices:  
Appendix 1 2017 Induction Programme

## INDUCTION EVENTS TIMETABLE 2017

Date and Time (Provisional)	Event
Thursday, 4th May	Local County Borough Council Elections
Monday, 8th May All Day	ALL ELECTED MEMBERS Signing Register/Collection of Members Packs/Photographs/ HR and Salaries and Wages
Tuesday, 9th May  4.00pm Market Place offered  5.00pm Presentation  6.30pm – 8.00pm Market Place offered	<p><b>Presentation and Exhibition (Market Place) ‘Your Council’</b></p> <p>Presentation by the Chief Executive and Corporate Directors on the key services provided by Council in Council Chamber, Penallta House.</p> <p>Market place set up will be held in the Atrium and Restaurant areas. This will provide Members with the opportunity to find out more about the Council’s services and meet senior officers and other Councillors.</p> <p>All Heads of Service to attend.</p>
Wednesday, 10th May  2.00pm and 5.00pm	<p><b>All Members Seminar - Code of Conduct and Governance Arrangements – to include instruction on the Chamber Microphone System and Webcasting (Mandatory)</b></p> <p>Presentation to explain:</p> <ul style="list-style-type: none"> <li>• Councillor role and responsibilities</li> <li>• Decision Making and Council Governance Structures</li> <li>• Code of Conduct</li> <li>• Overview of the Council’s Constitution</li> </ul> <p>To be delivered by Gail Williams and Cath Forbes-Thompson in the Council Chamber, Penallta House.</p>
Thursday, 11th May  2.00pm and 5.00pm	<p><b>All Members Seminar – Information Governance and Data Protection (Mandatory)</b></p> <p>Presentation to explain:</p> <ul style="list-style-type: none"> <li>• the requirements of data protection legislation and the penalties if data protection rights are not upheld, including the risk of up to £500,000 fines for mishandling of information.</li> <li>• how to handle information safely and effectively, and to comply with your data protection and freedom of information legal obligations, to protect the Council, the public, and yourselves.</li> </ul> <p>To be delivered by Joanne Jones in the Council Chamber, Penallta House</p>
Monday, 15th	<b>All Members Seminar (Recommended) – Smart and Safe Working</b>

May 5.00pm	<p>Practices</p> <p>The presentations to explain:</p> <ul style="list-style-type: none"> <li>• How to work safely in the community</li> <li>• Organising and holding ward surgeries</li> <li>• Using social media/Social Media Policy</li> <li>• Managing your on-line presence</li> </ul> <p>To be delivered by Donna Jones and Steve Pugh in the Chamber, Penallta House</p>
Tuesday, 16th May 5.00pm	<p><b>All Members Seminar – Licensing</b></p> <p>Background and introduction to the Council's Licensing and Trading Standards responsibilities</p> <p>To be delivered by Jackie Morgan, Myra McSherry and Sue Ead in the Chamber, Penallta House</p>
Thursday, 18th May 2016 6.00pm	<p style="text-align: center;"><b>ANNUAL GENERAL MEETING OF COUNCIL</b> (Date to be confirmed following the election)</p>
Monday, 22nd May 5.00pm	<p><b>All Members Seminar – Planning (Mandatory for Members of the Planning Committee – Appointed at AGM)</b></p> <p>Background and introduction to the Council's Planning responsibilities.</p> <p>To be delivered by Tim Stephens and Richard Crane in the Chamber, Penallta House</p>
<b>Committee Meeting Cycle Begins</b>	
Tuesday, 23rd May 4.00pm	<p><b>Introduction to the Regeneration and Environment Scrutiny Committee</b> - followed by the pre-meeting at 5.00pm and formal committee meeting at 5.30pm</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>To be delivered by Cath Forbes Thompson in the Sirhowy Room, Penallta House</p>
Wednesday, 24th May 2.00pm	<p><b>Cabinet</b></p> <p>Newly elected councillors are invited to observe as an Induction activity.</p>
Thursday, 25th May 9.00am	<p><b>Introduction to the Licensing Committee (Mandatory for Members Appointed at the AGM) – followed by the Taxi and General Sub Committee meeting at 10.00am</b></p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p>



	To be delivered by Myra McSherry and Sue Ead in the Rhymney Room, Penallta House
Thursday, 25th May 4.00pm	<p><b>Introduction to the Caerphilly Homes Task Group</b> – followed by the formal committee meeting at 5.00pm</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>To be delivered by Shaun Couzens in the Sirhowy Room, Penallta House</p>
Wednesday, 31st May 4.00pm	<p><b>Introduction to the Democratic Services Committee</b> – followed by the formal committee meeting at 5.00pm</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>To be delivered by Cath Forbes-Thompson in the Sirhowy Room, Penallta House</p>
Monday, 5th June 5.00pm	<p><b>All Members Seminar</b> – Introduction to Finance</p> <p>Presentation will explain:</p> <ul style="list-style-type: none"> <li>• Where the Council gets its funding and how it is spent</li> <li>• Understanding Financial Terminology</li> <li>• Budget setting and medium term financial planning</li> </ul> <p>To be delivered by Steve Harris and Lianne Dallimore in the Chamber, Penallta House</p>
Tuesday, 6th June 4.00pm	<p><b>Introduction to the Policy and Resources Scrutiny Committee</b> - followed by the pre-meeting at 5.00pm and formal committee meeting at 5.30pm</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>To be delivered by Cath Forbes-Thompson in the Sirhowy Room, Penallta House</p>
Wednesday 7th June 4.00pm	<p><b>Introduction to the Education for Life Scrutiny Committee</b> - followed by the pre-meeting at 5.00pm and formal committee meeting at 5.30pm</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>To be delivered by Cath Forbes-Thompson in the Sirhowy Room, Penallta House</p>
Wednesday, 14th June 9.00am	<p><b>Introduction to the Audit Committee (Mandatory for Members Appointed at the AGM)</b>- followed by the pre-meeting at 9.30pm and formal committee meeting at 10.00pm</p> <p>Newly elected councillors and committee members are invited to attend and</p>

	<p>observe as an Induction activity.</p> <p>To be delivered by Richard Harris and Nicole Scammell in the Sirhowy Room, Penallta House</p>
<p>Wednesday 14th June 4.00pm</p>	<p><b>Introduction to the Planning Committee (Mandatory for Members Appointed at the AGM)-</b> followed by the formal committee meeting at 5.00pm</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>To be delivered by Tim Stephens and Richard Crane in the Chamber Penallta House</p>
<p>Tuesday, 27th June 4.00pm</p>	<p><b>Introduction to the Health Social Care and Wellbeing Scrutiny Committee –</b> followed by the pre-meeting at 5.00pm and the formal committee meeting at 5.30pm</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>To be delivered by Cath Forbes-Thompson in the Sirhowy Room, Penallta House</p>
<p>Wednesday, 28th June 9.30am</p>	<p><b>Introduction to the Voluntary Sector Liaison Committee –</b> followed by the pre-meeting at 10:00am and the formal committee meeting at 10.30am</p> <p>Newly elected councillors and committee members are invited to attend and observe as an induction activity.</p> <p>To be delivered by Jackie Dix and Cath Peters in the Sirhowy Room, Penallta House</p>
<p>Monday, 3rd July 9.00am</p>	<p><b>Introduction to the Corporate Health and Safety Committee –</b> followed by the formal committee meeting at 10.00am</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>To be delivered by Donna Jones, in the Sirhowy Room, Penallta House</p>
<p>Thursday, 13th July 4.00pm</p>	<p><b>Introduction to the Future Generations Advisory Panel –</b> followed by the formal panel meeting at 5.00pm</p> <p>Newly elected councillors and panel members are invited to attend and observe as an Induction activity.</p> <p>To be delivered by Kath Peters and Paul Cooke in the Sirhowy Room, Penallta House</p>
<p>Wednesday, 26th July 1.00pm</p>	<p><b>Introduction to the Corporate Joint Consultative Committee –</b> followed by the formal committee meeting at 2.00pm</p>

	<p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>To be delivered by Lynne Donovan in the Sirhowy Room, Penallta House</p>
<p>TBC September 2017 4.00pm</p>	<p><b>Introduction to the Partnerships Scrutiny Committee</b> – followed by the formal committee meeting at 5.30pm</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>To be delivered by Cath Forbes-Thompson, Rob Hartshorn and Kath Peters in the Sirhowy Room, Penallta House</p>

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## INDUCTION EVENTS TIMETABLE 2017

Date and Time	Event
Thursday, 4th May	Local County Borough Council Elections
Monday, 8th May	<p style="text-align: center;"><b>ALL ELECTED MEMBERS</b></p> <p style="text-align: center;">Signing Register/Collection of Members Packs/Photographs/ HR and Salaries and Wages (available all day, process will take approximately 30 minutes)</p>
Tuesday, 9th May  4.00pm Market Place offered  5.00pm Presentation  6.30pm – 8.00pm Market Place offered	<p><b>Presentation and Exhibition (Market Place) ‘Your Council’</b></p> <p>Presentation by the Chief Executive and Corporate Directors on the key services provided by Council in Council Chamber, Penallta House.</p> <p>Market place set up will be held in the Atrium and Restaurant areas. This will provide Members with the opportunity to find out more about the Council’s services and meet senior officers and other Councillors.</p>
Wednesday, 10th May  2.00pm and 5.00pm	<p><b>All Members Seminar - Code of Conduct and Governance Arrangements – to include instruction on the Chamber Microphone System and Webcasting (Mandatory)</b></p> <p>Presentation to explain:</p> <ul style="list-style-type: none"> <li>• Councillor role and responsibilities</li> <li>• Decision Making and Council Governance Structures</li> <li>• Code of Conduct</li> <li>• Overview of the Council’s Constitution</li> <li>• Corporate Safeguarding Policy</li> </ul> <p>Held in the Council Chamber, Penallta House.</p>
Thursday, 11th May  2.00pm and 5.00pm	<p><b>All Members Seminar – Information Governance and Data Protection (Mandatory)</b></p> <p>Presentation to explain:</p> <ul style="list-style-type: none"> <li>• the requirements of data protection legislation and the penalties if data protection rights are not upheld, including the risk of up to £500,000 fines for mishandling of information.</li> <li>• how to handle information safely and effectively, and to comply with your data protection and freedom of information legal obligations, to protect the Council, the public, and yourselves.</li> </ul> <p>Held in the Council Chamber, Penallta House.</p>
Tuesday, 16th May	<p><b>All Members Seminar – Licensing</b></p>

5.00pm	Background and introduction to the Council's Licensing and Trading Standards responsibilities  Held in the Council Chamber, Penallta House
Wednesday, 17th May 5.00pm	<b>All Members Seminar (Recommended) – Smart and Safe Working Practices</b>  The presentations to explain: <ul style="list-style-type: none"> <li>• How to work safely in the community</li> <li>• Organising and holding ward surgeries</li> <li>• Using social media/Social Media Policy</li> <li>• Managing your on-line presence</li> </ul> Held in the Council Chamber, Penallta House.
Thursday, 18th May 2016 6.00pm	<b>ANNUAL GENERAL MEETING OF COUNCIL</b> The Council Chamber, Penallta House
Monday, 22nd May 5.00pm	<b>All Members Seminar – Planning (Mandatory for Members of the Planning Committee – Appointed at AGM)</b>  Background and introduction to the Council's Planning responsibilities.  Held in the Council Chamber, Penallta House
<b>Committee Meeting Cycle Begins</b>	
Tuesday, 23rd May 4.00pm	<b>Introduction to the Regeneration and Environment Scrutiny Committee</b> - followed by the pre-meeting at 5.00pm and formal committee meeting at 5.30pm  Newly elected councillors and committee members are invited to attend and observe as an Induction activity.  Held in the Sirhowy Room, Penallta House
Wednesday, 24th May 2.00pm	<b>Cabinet</b> Newly elected councillors are invited to observe as an Induction activity.
Thursday, 25th May 9.00am	<b>Introduction to the Licensing Committee (Mandatory for Members Appointed at the AGM) –</b> followed by the Taxi and General Sub Committee meeting at 10.00am  Newly elected councillors and committee members are invited to attend and observe as an Induction activity.  Held in the Rhymney Room, Penallta House
Thursday, 25th May 4.00pm	<b>Introduction to the Caerphilly Homes Task Group –</b> followed by the formal committee meeting at 5.00pm  Newly elected councillors and committee members are invited to attend and observe as an Induction activity.

	Held in the Sirhowy Room, Penallta House
Wednesday, 31st May 4.00pm	<p><b>Introduction to the Democratic Services Committee</b> – followed by the formal committee meeting at 5.00pm</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>Held in the Sirhowy Room, Penallta House</p>
Monday, 5th June 5.00pm	<p><b>All Members Seminar</b> – Introduction to Finance</p> <p>Presentation will explain:</p> <ul style="list-style-type: none"> <li>• Where the Council gets its funding and how it is spent</li> <li>• Understanding Financial Terminology</li> <li>• Budget setting and medium term financial planning</li> </ul> <p>Held in the Council Chamber, Penallta House</p>
Tuesday, 6th June 4.00pm	<p><b>Introduction to the Policy and Resources Scrutiny Committee</b> - followed by the pre-meeting at 5.00pm and formal committee meeting at 5.30pm</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>Held in the Sirhowy Room, Penallta House</p>
Wednesday 7th June 4.00pm	<p><b>Introduction to the Education for Life Scrutiny Committee</b> - followed by the pre-meeting at 5.00pm and formal committee meeting at 5.30pm</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>Held in the Sirhowy Room, Penallta House</p>
Wednesday, 14th June 9.00am	<p><b>Introduction to the Audit Committee (Mandatory for Members Appointed at the AGM)</b>- followed by the pre-meeting at 9.30pm and formal committee meeting at 10.00pm</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>Held in the Sirhowy Room, Penallta House</p>
Wednesday 14th June 4.00pm	<p><b>Introduction to the Planning Committee (Mandatory for Members Appointed at the AGM)</b>- followed by the formal committee meeting at 5.00pm</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>Held in the Council Chamber Penallta House</p>
Monday, 26th June	<p><b>Introduction to the Health Social Care and Wellbeing Scrutiny Committee</b> – followed by the pre-meeting at 5.00pm and the formal</p>

4.00pm	<p>committee meeting at 5.30pm</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>Held in the Sirhowy Room, Penallta House</p>
Wednesday, 28th June 9.30am	<p><b>Introduction to the Voluntary Sector Liaison Committee</b> – followed by the pre-meeting at 10:00am and the formal committee meeting at 10.30am</p> <p>Newly elected councillors and committee members are invited to attend and observe as an induction activity.</p> <p>Held in the Sirhowy Room, Penallta House</p>
Monday, 3rd July 9.00am	<p><b>Introduction to the Corporate Health and Safety Committee</b> – followed by the formal committee meeting at 10.00am</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>Held in the Sirhowy Room, Penallta House</p>
Thursday, 13th July 4.00pm	<p><b>Introduction to the Future Generations Advisory Panel</b> – followed by the formal panel meeting at 5.00pm</p> <p>Newly elected councillors and panel members are invited to attend and observe as an Induction activity.</p> <p>Held in the Sirhowy Room, Penallta House</p>
Wednesday, 26th July 1.00pm	<p><b>Introduction to the Corporate Joint Consultative Committee</b> – followed by the formal committee meeting at 2.00pm</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>Held in the Sirhowy Room, Penallta House</p>
Thursday, 14th September 2017 4.00pm	<p><b>Introduction to the Partnerships Scrutiny Committee</b> – followed by the formal committee meeting at 5.30pm</p> <p>Newly elected councillors and committee members are invited to attend and observe as an Induction activity.</p> <p>Held in the Sirhowy Room, Penallta House</p>





## STANDARDS COMMITTEE - 23RD FEBRUARY 2017

**SUBJECT: ADOPTION OF MONITORING OFFICER PROTOCOL**

**REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER**

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### 1. PURPOSE OF REPORT

- 1.1 To ask the Standards Committee to comment and endorse the revised Monitoring Officer protocol as set out in Appendix 1 to this report prior to the presentation of the Protocol to Council for adoption.

### 2. SUMMARY

- 2.1 To endorse the revised Monitoring Officer Protocol as set out in Appendix 1.

### 3. LINKS TO STRATEGY

- 3.1 The designation of one of the Council's officers as the Monitoring Officer is a statutory requirement under the Local Government and Housing Act 1989.

The proposed Monitoring Officer Protocol will contribute to the Wellbeing goals within the Well-being of Future Generations Act (Wales) 2015 by ensuring that when undertaking its functions, the Council, acts in a matter which meets the present needs but without compromising the ability of future generations to meet their own needs and that when making decisions it take into account the impact those decisions against the following goals.

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales.

### 4. THE REPORT

- 4.1 Section 5 of the Local Government and Housing Act 1989 requires every principal authority to designate one of its officers as the Monitoring Officer.
- 4.2 The main functions of the Monitoring Officer are set out in Part 2 Article 12, paragraph 12.03 of the Council's Constitution which are reproduced below.

(a) **Maintaining the Constitution.** The monitoring officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

(b) **Ensuring lawfulness and fairness of decision making.** After consulting with the head of paid service and chief finance officer, the monitoring officer will report to the full Council [or to the executive in relation to an executive function] if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Supporting the Standards Committee.** The monitoring officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(d) **Receiving reports.** The monitoring officer will receive and act on reports made by the Ombudsman and decisions of the case tribunals.

(e) **Conducting investigations.** The monitoring officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards Committee.

(f) **Proper officer for access to information.** The monitoring officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(g) **Advising whether decisions of the executive are within the budget and policy framework.** The monitoring officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

(h) **Providing advice.** The monitoring officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

(i) **Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of paid service.

4.3 The Lawyers in Local Government (LLG) have a sub group consisting of all the Monitoring officers of the principal councils in Wales, as well as the Fire and Rescue Authorities and National Parks. That sub group has developed a Monitoring Officer Protocol which is recommended for adoption by Council's across Wales. The Protocol is attached at Appendix 1, which incorporates changes to reflect local arrangements and will replace the existing Monitoring Officer Protocol which is currently in the Council's Constitution.

## 5. WELL-BEING OF FUTURE GENERATIONS

5.1 The proposed draft Monitoring Officer Protocol contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act to ensure the highest standards of conduct and lawfulness and fairness in decision making which in turn will consider the positive and negative impacts on future generations, long term resilience, economic, environmental and social capital.

## 6. EQUALITIES IMPLICATIONS

6.1 There are no equalities implications arising as a result of this report.

## **7. FINANCIAL IMPLICATIONS**

7.1 There are no financial implications arising as a result of this report.

## **8. PERSONNEL IMPLICATIONS**

8.1 There are no financial implications arising as a result of this report.

## **9. CONSULTATIONS**

9.1 The Report reflects the views of the consultees.

## **10. RECOMMENDATIONS**

10.1 The Standards Committee is asked to endorse the Monitoring Officer Protocol set out at Appendix 1 which will be presented to Council at the AGM for endorsement and authorisation for the Interim Head of Legal Services and Monitoring Officer to amend the Council's Constitution to include the revised Protocol.

## **11. REASONS FOR THE RECOMMENDATIONS**

11.1 To provide clear guidance and understanding to members and officers as to the role of the Monitoring Officer.

## **12. STATUTORY POWER**

12.1 Local Government and Housing Act 1989.

Author: Lisa Lane, Corporate Solicitor  
Consultees: Gail Williams, Interim Head of Legal Services and Monitoring Officer  
Nicole Scammell, Acting Director of Corporate Services and Section 151 Officer  
Cllr Christine Forehead, Cabinet Member HR & Governance/Business Manager

Appendices:  
Appendix 1 - Revised Monitoring Officer Protocol

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## **Protocol describing the principal functions of the Monitoring Officer and the manner in which the authority expects him/her to discharge those functions**

### **1 Functions**

The principal functions of the Monitoring Officer shall be:

- 1.1 To report to the Council and to the Executive in any case where he/she is of the opinion that any proposal, decision or proposal of the authority in respect of any “reportable incident” (being any matter which, in his/her opinion, has given rise to or is likely to or would give rise to any illegality, or breach of statutory code or which has given rise to any maladministration under Sections 5 and 5A of the Local Government and Housing Act 1989);
- 1.2 To investigate any matter which he/she has reason to believe may constitute, or where he/she has received an allegation that a matter may constitute, a reportable incident or a failure to observe the authority’s Code of Conduct for Members;
- 1.3 To act as the principal adviser to the authority’s Standards Committee;
- 1.4 To maintain the register of members’ interests;
- 1.5 Where so appointed by the Council, to act as the proper officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Council and the Executive;
- 1.6 Responsibility as set out in Council policies or regulations for Complaints, the Public Services Ombudsman for Wales and Whistle-Blowing functions of the authority;
- 1.7 To consult regularly with the Chief Executive, the Chief Finance Officer, Head of Human Resources and the Chief Internal Auditor to identify areas where the probity of the authority can be improved or better protected, and to take appropriate actions;
- 1.8 To respond to the Public Services Ombudsman for Wales in respect of any complaint of a breach of the authority’s Code which is referred to him/her for local investigation and/or determination;
- 1.9 A power to investigate any application for a dispensation and to report and recommend to the Standards Committee;
- 1.10 To secure that members and officers of the authority are fully aware of their obligations in relation to probity;
- 1.11 To report to the Executive and to the Council on the resources which he/she requires for the discharge of his functions;
- 1.12 To report regularly to the Standards Committee on the performance of his/her functions and to make any recommendations, which would better enable those functions to be performed;
- 1.13 To undertake all statutory Monitoring Officer functions, including:

- 1.13.1 advice on the requirement to adopt a Local Code within 6 months of the publication of the relevant Model Code;
- 1.13.2 advice on the requirement upon members to sign an undertaking to observe their authority's Local Code within two months of the authority adopting its Local Code and within one month of election to the Council;
- 1.13.3 advice on the requirement for members to notify the Proper Officer of the Council of any personal interests where such interests will form part of a public register, and means of gaining access to that register.
- 1.13.4 advice on the need to apply to the Standards Committee for any dispensations and of the arrangements agreed by the Standards Committee for receiving and determining any such applications, and for maintaining a register of such dispensations and advising the applicant and the Council of any dispensations which are granted;
- 1.13.5 advice on any provisions under which individual complaints of misconduct by members may be referred or delegated to the Monitoring Officer and the Standards Committee for investigation and determination, and any arrangements agreed by the Monitoring Officer and the Standards Committee for dealing with such complaints; and
- 1.13.6 advice and action under the terms of the Council's Local Resolution Protocol and Procedure for complaints against members of the authority under that Protocol and/or the obligation of any member to report a potential breach of the Code of Conduct.
- 1.13.7 advice to individual members on enquiries as to their obligations to declare or notify particular interests, on the need to apply for a dispensation, and on any consequent restrictions on the member's participation in consideration of the matter.
- 1.13.8 the provision of support and advice to Community and Town Councils within the area of the authority in maintaining probity, including advice on the requirement for members to notify the Proper Officer of that Council of any personal interests where such interests will form part of a public register, means of gaining access to that register, and of any arrangements to ensure that the Proper Officer of Community and Town Council are kept informed of any such declarations.

## **2 Resources**

For the purpose of carrying out these functions, the Monitoring Officer shall be provided with the following resources:

- 2.1 The right of access to all documents and information held by or on behalf of the authority, including documents and information held by any officer or member of the authority. For the purpose of clarification, this right does not extend to documents and information held by or on behalf of any political party or group represented on the Council;
- 2.2 The right of access to any meetings of officers or members (or both) of the authority, whether or not such meetings include any other persons. For the purpose of clarification, this right does not extend to any meetings held by or on behalf of any political party or group represented on the Council;

- 2.3 The right to require any officer or member of the authority, or any contractor of the authority, to provide an explanation of any matter under investigation;
- 2.4 A right to report to the Council, the Standards Committee, and to the Executive, including a right to present a written report and to attend at meetings and to advise verbally;
- 2.5 The right to require the assistance of any officer of the authority in carrying out an investigation and to delegate to that officer any of the powers of the post of Monitoring Officer in relation to the investigation;
- 2.6 The right of access to the Head of the Paid Service and to the Section 151 Officer and the Corporate Management Team;
- 2.7 The consent of the authority to disclose information and documents to the Public Services Ombudsman for Wales, even where such disclosure would otherwise be in breach of the Monitoring Officer's duty of confidentiality to the authority;
- 2.8 The right, after consultation with the Head of the Paid Service and the Section 151 Officer, to notify the Police, the authority's auditors and other regulatory agencies of his/her concerns in respect of any matter and to provide them with information and documents in order to assist them with their statutory functions;
- 2.9 The right to obtain at the authority's expense legal advice, either internally or from an independent external solicitor or barrister, on any matter which he/she believes may be a reportable incident, and sufficient financial resource to enable him/her to do so.

### **3 Discharge of Functions**

- 3.1 It is recognised that the Monitoring Officer will be most effective if he/she is able to advise on any issue at an early stage of policy formulation or implementation. Accordingly, officers and members of the authority should routinely inform and consult the Monitoring Officer in respect of new policy proposals and action programmes;
- 3.2 The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality, etc, or by identifying alternative and legitimate means of achieving the objective of the proposal. Accordingly, officers and members of the authority may consult the Monitoring Officer in confidence in respect of any proposal, and the Monitoring Officer will only need to make a public report on the matter if the proposal were to be a potential reportable incident and the officer or member subsequently took any action to progress that proposal despite being advised to the contrary by the Monitoring Officer;
- 3.3 Where the Monitoring Officer receives a complaint of a potential reportable incident, he/she shall in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response.
- 3.4 In appropriate cases, the Monitoring Officer may rely upon existing processes within the authority (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident, but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue;
- 3.5 In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his/her written advice to the report of any other officer of the authority;

- 3.6 Notwithstanding the above, the Monitoring Officer retains the right to make a statutory report where, after consultation with the Chief Executive and the Section 151 Officer, he/she is of the opinion that such is necessary in order to respond properly to a reportable incident.
- 3.7 Where the Monitoring Officer becomes aware of facts which, if substantiated, would indicate a failure by one or more members of the authority to observe the Code of Conduct for Members, the Monitoring Officer may:
- 3.7.1 advise any member or complainant to report the facts to the Public Services Ombudsman for Wales ( PSOW ) ; or
  - 3.7.2 conduct, or arrange for the conduct of, a preliminary investigation (see below); or
  - 3.7.3 Report the matter to the PSOW without any investigation
- 3.8 Where, upon preliminary investigation, the Monitoring Officer is of the opinion that there is substantive evidence to suggest that a member of the authority has failed to observe the Code of Conduct, he/she shall consider whether the matter is capable of local resolution and, if so, take such action as is necessary to seek to resolve the matter in accordance with the Council's local resolution procedure.
- 3.9 Where the Monitoring Officer is of the opinion that such a matter is not capable of local resolution, is so serious that local resolution is not appropriate or where such efforts have failed, the Monitoring Officer may report the matter to the Public services Ombudsman for Wales. Before so reporting, the Monitoring Officer shall where practicable consult the Chief Executive (or in his/her absence the Section 151 Officer).

#### **4 Conflicts**

Where the Monitoring Officer is in receipt of a complaint or is aware of a potential reportable event relating to a matter upon which he/she has previously advised the authority, he/she shall consult the Chief Executive who may request an independent person or a neighbouring authority to make their Monitoring Officer available to the authority to investigate the matter and report to the Chief Executive and/or the authority as appropriate.





## STANDARDS COMMITTEE - 23RD FEBRUARY 2017

**SUBJECT: CODE OF CONDUCT TRAINING**

**REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER**

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### **1. PURPOSE OF REPORT**

- 1.1 To ask the Standards Committee to endorse the revised Code of Conduct training for members which, is set out at Appendix 1 to this report.

### **2. SUMMARY**

- 2.1 To endorse the revised Code of Conduct training attached at Appendix 1 to this report.

### **3. LINKS TO STRATEGY**

- 3.1 The requirement to adopt a Code of Conduct for Members is set out in the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016. The Code of Conduct contributes to the Well-being Goals within the Well-being of Future Generations Act (Wales) 2015 as it sets out the constraints and standards within which members are expected to act in order to maintain effective governance arrangements and to ensure that members of the public can be confident that the way in which the Council conducts its business has regard to both present and future generations.

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales.

### **4. THE REPORT**

- 4.1 The Code of Conduct training materials attached have been prepared in conjunction with Monitoring Officers across Wales and the Welsh Local Government Association, which have been tailored suit our training delivery. The training will be delivered by the Monitoring Officer. The slides are to be used in conjunction with the video of the Ombudsman's contribution which has been supplied on a memory stick and will be played to members of the committee as part of this report.
- 4.2 The Monitoring Officer will provide an overview of the slides at the meeting, with a recommendation that the training is endorsed.

## **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that the Code of Conduct sets out the framework within which its members act and conduct the business of the Council, which considers the positive and negative impacts on future generations, long term resilience, economic, environmental and social capital.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 There are no equalities implications arising as a result of this report.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 There are no financial implications arising as a result of this report.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 The Code of Conduct training will be delivered to all members following the election in May 2017 but will be delivered by existing officers.

## **9. CONSULTATIONS**

- 9.1 The report reflects the views of the consultees.

## **10. RECOMMENDATIONS**

- 10.1 The Standards Committee is asked to note and endorse the revised Code of Conduct training for members as attached to this report.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1 To provide appropriate training to members as required under the Code of Conduct.

## **12. STATUTORY POWER**

- 12.1 Local Government Act 2000.  
The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 (No 2016/84).

Author: Lisa Lane Corporate Solicitor  
Consultees: Gail Williams Interim Head of Legal Services and Monitoring Officer  
Nicole Scammell Acting Director of Corporate Services and Section 151 Officer  
Cllr Christine Forehead Cabinet Member HR Governance and Business Manager

Appendices:  
Appendix 1 Code of Conduct Training Slides

# Member Induction Wales 2017



## Ethics and Standards

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**Gail Williams,  
Interim Head of Legal Services &  
Monitoring Officer**

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## Ethical Governance

Effective local government requires high standards of conduct to ensure that there is public confidence in everything we do.



## Consequences for Councillors...

- “The committee found that [the] councillor had breached the code of conduct and that he should be suspended for a calendar month”
- “[The Councillor] had failed to show respect and consideration for others... the Committee agreed that they would publish the Committee’s findings ...and recommend to Council that the Member be issued with a formal censure”
- “Councillor breaches code of conduct for threatening behaviour...towards employee”



## **Your Responsibilities**

You have a legal duty to act ethically. This is set out in the Local Government Act 2000.

The Local Authorities (Model Code of Conduct) (Wales) Order 2008 requires a mandatory code of conduct in each authority based on a national model



# The Ethical Framework

## The Nolan Committee in 1997 - origins of the ethical framework for Standards in Public Life

**As a Member you must have regard to these principles :**

- Selflessness
- Honesty
- Integrity and Propriety
- Duty to uphold the law
- Stewardship
- Objectivity in Decision making
- Equality and respect
- Openness
- Accountability
- Leadership



## Code of Conduct

- Shows you how to apply the ethical framework
- Unless you sign your Declaration of Acceptance and give a written undertaking to observe the Code of Conduct you cannot be a member
- If you fail to undertake or observe you can be suspended from office
- Applies to all members in Wales apart from members of Police Authorities who should comply with the English Code of Conduct





## **The Code Applies to You Whenever You Are ...**

- In any “official” meeting of the authority
- In any meeting where members or officers of the authority are present
- Acting, claiming to act or giving the impression you are acting as a representative of the authority
- Conducting business of the authority as a member and acting as a representative of the authority
- Acting in an official capacity
- Acting as a representative on another body unless that body has conflicting legal rules or its own code.



## And Also...

At any time if :

- You conduct yourself in a manner likely to bring your office or authority into disrepute or
- You use or attempt to use your position to gain advantage or avoid disadvantage for yourself or others or
- You misuse your authority's resources



## **General Rules you Need to Follow Under the Code**

- Promote equality
- Treat others with respect and consideration
- Do not bully or harass people
- Do not compromise the impartiality of officers
- Do not disclose confidential information
- Do not prevent access to information



## **General Rules you Need to Follow Under the Code**

- Do not bring your office or authority into disrepute
- You must report breaches of the code to your Monitoring Officer
- Do not make vexatious complaints
- You must cooperate with investigations
- You must not use your position improperly
- Do not misuse your authority's resources



## **General Rules you Need to Follow Under the Code**

- Reach decisions objectively
- Consider advice that officers give you and give reasons if you don't take it
- Comply with the law and your authority's rules regarding expenses
- Do not accept any gifts or hospitality that would place you under an obligation or seem to do so.



## Interests

The public must have confidence that you are making decisions in their best interests not yours!

Therefore, if you have an interest you must declare it.



# Personal Interests

You have a personal interest when a decision relates to or is likely to affect you or a “close personal associate” in relation to

- Your job or business
- Your employer or company in which you are a partner or director
- Someone who has contributed to your election costs or member expenses
- Any company where you have shares over £25K or more than 1% of the total share value which has premises or land in your area



- Any contract that your authority makes with a company in which you are a partner, paid director or hold shares
- Any land in which you have an interest in your authority's area
- Any land let by your authority to a firm in which you are a partner, paid director or hold shares
- Any land in your authority's area which you have a license to occupy for at least 28 days





- Any body to which you have been elected appointed or nominated by your authority
- Any public authority or body exercising functions of a public nature, charity, public opinion or policy, trade union or professional association, private club or society in your authority's area of which you are a member or in a management position



## Who is ' a Close Personal Associate'

Not just your best friend but your worst enemy....

- Close friends
- Colleagues with whom you have strong connections
- Business associates
- Close relatives
- Or someone with whom you have been in dispute
  
- But not casual acquaintances, distant relatives or people who you come into contact with through your work.



## What Do You Do If You Have a Personal Interest ?

- You must declare it verbally at meetings
- You must declare it when making written or verbal representations outside of a meeting
- You must complete a declaration of interests form
- BUT you are entitled to take part in discussions and vote unless it is a prejudicial interest



## **Prejudicial Interests**

Are personal interests which a member of the public would regard as likely to influence your opinion or your ability to be objective for example:

- If your daughter lives next to a proposed site for a new housing development
- If your son attends a local school which is due for closure



# What Do You Do if You Have a Prejudicial Interest?

You must leave the meeting during the discussion

You must not exercise delegated powers

You must not seek to influence the decision

You must not make written or verbal representations

## **UNLESS**

The Standards Committee has granted you a dispensation

The public have a right to speak in which case you have the same right to speak (but you must leave after you have spoken) or you can provide written representations to the meeting

You have been called before a scrutiny committee



## Predisposition and Predetermination

**Predisposition** – having an opinion on something but you have not yet made up your mind

**Predetermination** – having decided a position on something where no argument will change your mind

If you are involved in a decision you should avoid giving the impression that you have conclusively decided how you will vote at the meeting.

“I have a view on the subject but want to listen to all the arguments before I make up my mind”



## Bias

- Bias – Members need to remember that apparent bias can infect the whole decision and make it vulnerable to challenge as is highlighted by a recent case in the High court:- *Kelton v Wiltshire*
- Planning permission for a residential development was quashed due to the apparent bias of a member of the planning committee



## How the Code is Policed

- The Monitoring Officer
- The Standards Committee
- The Public Services Ombudsman for Wales
- The Adjudication panel for Wales





## What Happens if you Breach the Code?

- Complaints are made to the Ombudsman
- If he believes them to be justified he refers them to the authority's standard's committee or to a tribunal convened by the Adjudication Panel for Wales
- If they find the complaint proven they can impose a range of sanctions from no action through suspension to disqualification for 5 years
- Even if you are suspended you are still subject to the Code!
- Remember also any local resolution procedures



## Where to Find Further Information

- If in doubt ask the Monitoring Officer
- Guidance from the Public Service Ombudsman for Wales <http://www.ombudsman-wales.org.uk/>