

# PART 5

# CODES AND PROTOCOLS

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<b><u>Contents</u></b>	<b><u>Pages</u></b>
Members' Code of Conduct	3-16
Protocol Standard of Conduct to be followed by Members	17-21
Gifts and Hospitality Policy	22-27
Officers' Code of Conduct	28-30
Protocol for Member/Officer Relations	31-41
Whistleblowing Policy	42-49
Planning and Development Committee - Code of Good Practice	50-64
Management of Unreasonably Persistent Customers	65-70
Protocol for Public speaking at Scrutiny Committee Meeting	71-77

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## MEMBERS' CODE OF CONDUCT

Adopted by the Council on 2<sup>nd</sup> May 2008

Revised – 26<sup>th</sup> May 2016

### PART 1 INTERPRETATION

#### 1.—

(1) In this code—

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

(a) is a member of any committee or 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*” (“*cyfarfod*”) 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 sub-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 (Committees 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*” (“*aelod*”) includes, unless the context requires otherwise, a co-opted member;

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

“*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;

“*relevant authority*” (“*awdurdod perthnaso*”) 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*” (“*chi*”) means you as a member or co-opted member of a relevant authority; and

“*your authority*” (“*eich awdurdod*”) 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.—**

(1) 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 Chief Executive 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.

## **PART 3 INTERESTS**

### **Personal Interests**

## **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 society, 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; or

[(b) *Paragraph Repealed*]

(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 a statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that the 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**

#### **Registration of Personal Interests**

##### **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 subparagraph (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*” (“*gwybodaeth sensitif*”) 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 a value specified in a resolution of your authority, provide written notification to your 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.

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LOCAL PROTOCOL – STANDARDS OF CONDUCT TO BE FOLLOWED  
BY MEMBERS**

**1. Introduction**

This protocol sets out the standards of conduct to be followed by Members of Rhondda Cynon Taf CBC in dealing with each other. It should be read in conjunction with the Members' Code of Conduct and the Member-Officer protocol. It adds to these documents and does not detract from them.

**2. The standards of conduct**

**Members shall: -**

**2.1 Public Behaviour**

- (a) Show respect to each other
- (b) Not make personal abusive comments about each other
- (c) Not publish anything insulting about each other
- (d) Not make malicious allegations against each other
- (e) Not publish or spread any false information about each other
- (f) Show respect to diversity and equality
- (g) Use social media responsibly and in accordance with the Members' Code of Conduct and this protocol

**2.2 Behaviour in Meetings**

- (a) Behave with dignity
- (b) Show respect to the Chair and obey his/her decisions and conversely Members can expect the Chair to show mutual respect to Members
- (c) Not use indecent language nor make racial remarks or remarks which prejudice or may be deemed to be offensive to any section of society

**2.3 Confidentiality**

- (a) Keep the confidentiality of exempt papers and any other documents which are not public
- (b) Not release confidential information to the press or the public
- (c) Not use confidential information for purposes other than intended

**2.4 Local Members**

- (a) Work with Members of adjoining wards for the benefit of the locality
- (b) If dealing with any matter relating to another ward:  
Explain to anyone seeking assistance that he/she is not the local Member and inform the local Member, unless it would lead to a breach of confidentiality

### **3. Rules of procedure**

#### **Rules of Procedure for dealing with complaints under the Local Protocol**

- 3.1** Legislation sets out a statutory regime whereby complaints for breaches of the Members' Code of Conduct are referred to the Public Services Ombudsman for Wales (the Ombudsman).
- 3.2** The Ombudsman has the discretion to decide whether allegations of breaches of the Members' Code of Conduct will be investigated. This protocol is designed to deal effectively with those complaints which are not suitable for reference to the Ombudsman or which would benefit from a local determination.
- 3.3** Allegations by a Member(s) of a breach of one (or more) of the standards of conduct set out in paragraph 2 of the protocol by another Member(s) will be dealt with in accordance with the procedures set out below.
- 3.4** It is important that any allegations made under the protocol are dealt with quickly and effectively with the co-operation of all parties involved. Each party must make themselves available to attend a hearing held thereunder as a matter of priority and within the timescales set out in this protocol.
- 3.5** Should, following commencement of the protocol process, any Member elect at anytime to refer the matter to the Ombudsman for investigation the protocol process will be discontinued and cannot subsequently be resumed.

#### **3.6**

##### **Stage One – Making the Complaint and informal resolution**

- (i) Any Member who wishes to submit an allegation under the protocol should send the complaint to the Monitoring Officer. The complaint must be submitted to the Monitoring Officer within one month of the event that has given rise to the complaint occurring or; within one month of the substance of the complaint coming to the attention of the Member submitting the allegation.
- (ii) Following receipt of the complaint the Monitoring Officer will advise whether the allegation falls within the protocol or whether the complainant(s) should consider referral to the Ombudsman as an allegation of breach of the Members' Code of Conduct.

- (iii) If there is a formal referral to the Ombudsman then legislation and regulations set out how the Ombudsman may investigate that matter and if appropriate refer the result of any investigation to the Standards Committee so that the Committee may determine that complaint.
- (iv) If the Monitoring Officer determines that the allegation falls within the protocol he/she will seek to try and resolve the matter informally.
- (v) If following Stage One the Monitoring Officer cannot resolve the matter informally between the parties and the Member(s) wishes to proceed with the allegation under the protocol the matter will be referred to a hearing before the Standards Committee under Stage Two.

N.B. The Monitoring Officer may choose not to deal with the allegation at this stage in order to be able to advise the Committee later in the process, in which case the Deputy Monitoring Officer or a Legal Officer will advise the Member complainant(s).

### 3.7

#### Stage Two – Standards Committee hearing

- (i) Stage Two is a hearing before the Standards Committee.
- (ii) The Member(s) making the complaint will be asked to re-confirm the substance of the complaint in writing to the Monitoring Officer (including identifying which standard(s) of conduct set out in paragraph 2 above is/are alleged to have been breached) together with all the written evidence they wish to submit for consideration at the hearing within two weeks of notifying the Monitoring Officer they wish the complaint to be dealt with by way of hearing before the Standards Committee.
- (iii) The Member(s) who is the subject of that complaint must provide a written response to that complaint within one month of receipt of notification of it together with all written evidence they wish to submit for consideration at the hearing.
- (iv) The Monitoring Officer if he/she participated in Stage One will notify the deputy monitoring officer or a legal officer of receipt of the complaint who shall thereafter have conduct of the matter (the 'Investigating Officer').
- (v) If the Monitoring Officer chose not to deal with the allegation at Stage One he/she shall be the Investigating Officer.
- (vi) Both the Member(s) making the complaint and the Member(s) against whom the allegation(s) has been made must respond promptly to all correspondence relating to the matter including requests to confirm

availability in respect of scheduling the hearing itself. Member(s) will be given dates within a two month window in which they must confirm a date they are available to attend the hearing.

- (vii) The papers referred to in paragraph 3.7(ii) and 3.7(iii) will be distributed to the Members of the Committee in accordance with the Council's Access to Information Rules.
- (viii) No additional evidence may be produced without the prior consent of the Chair of the Committee.
- (ix) Each Member must give notification in writing to the Investigating Officer of any witnesses they intend to call to give evidence at the hearing. It is the responsibility of the Member calling the witness to ensure that witness is available to attend on the agreed date.
- (x) If either side wishes not to be present or fails to attend, the hearing may be held in their absence.
- (xi) Should they deem it appropriate the Standards Committee may invite Council officers to attend the hearing to answer any questions they may have any relevant to the matter before it.
- (xii) The proceedings at the Standards Committee hearing itself shall be conducted as follows: -
  - a) Opening address by the Chair;
  - b) Member(s) who submitted the complaint be invited to address the Committee;
  - c) Questions by Committee Members;
  - d) Member(s) who the allegations have been made against be invited to address the Committee;
  - e) Questions by Committee Members;
  - f) Witnesses for Member(s) who submitted the complaint address the Committee
  - g) Questions by Committee Members;
  - h) Witnesses for Member(s) who the allegations have been made against be invited to address the Committee;
  - i) Questions by Committee Members;
  - j) The Member(s) who has made the complaint be invited to address the Committee with any closing remarks;
  - k) The Member(s) who is/are the subject of the complaint be invited to address the Committee with any closing remarks
  - l) Questions by Committee Members (if any) to Council Officers who have been invited to attend by the Committee
  - m) Committee to retire to deliberate in private on the representations and decide whether or not the Member(s) who the allegations have been made against has failed to comply with the protocol and what sanction, if any, to impose;

n) Committee to reconvene in public for the Chair to announce the Committee's finding.

N.B. There will be no cross examination of any of the parties save for questions asked by Committee members.

- (xiii) The Investigating Officer will be available to advise the Committee.
- (xiv) The Committee can come to one of three conclusions, namely:-
  - (a) That there is no basis to the complaint.
  - (b) That there is a basis to the complaint but that no further action is required.
  - (c) That there is a basis to the complaint and that the Member should be censured.
- (xv) The conclusion reached by the Committee will be minuted. In addition, the Committee can make recommendations to Council regarding changes to the protocol or taking any further action.

**3.8** N.B. The time-limits and deadlines set out in these procedures are subject to there being flexibility in exceptional circumstances as determined by the Chair.

#### **4. Other matters**

**4.1** The protocol is not designed for use by members of the Public. If there is a complaint by a member of the public against officer conduct or Member conduct, then that should follow normal processes, either through a complaint to the Chief Executive or relevant Chief Officer in respect of an officer or to the Monitoring Officer and/or the Ombudsman in respect of a Member.

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## **A POLICY ON ACCEPTANCE OF GIFTS AND HOSPITALITY OFFERED TO MEMBERS AND OFFICERS adopted by the Council on 23 May 2007 – Revised 25<sup>th</sup> March 2014**

### **Introduction**

1. This guidance is issued under the statutory Codes of Conduct for Members and officers, and is therefore relevant to Councillors and Co-opted Members of Rhondda Cynon Taf County Borough Council, and to Council employees to whom the Employee Code of Conduct relates. The guidance contains the levels set by the Council under the Codes above which the receipt of gifts and hospitality can be accepted but together with refusals must be notified to and registered by the appropriate Group Directors and kept under review by the Monitoring Officer.

### **Definitions**

2. “Gift” – any tangible item given to a Member or employee arising out of his/her official duties and position with the Council. “Hospitality” – any entertainment beyond the offer of non-alcoholic drinks and light refreshments, which would reasonably be regarded as normal social congress, offered to the Member or officer in his/her official capacity or in the course of their duties as a Member or officer of the Council. Hospitality can include (but not exclusively) entertaining individuals to meals, travel opportunities, hotel accommodation, invitations to events, sporting and theatre tickets. “Other benefits” – any other benefit offered to a Member or employee in the course of or arising from their official duties, not constituting covered by the definitions of Gifts or Hospitality above.

NOTE: the above definitions do not include gifts, hospitality or other benefits offered by the Council, which do not need to be authorised or registered.

### **Statutory and Council Framework**

3. The Council’s Code of Conduct for Members states that:- Article 9(b) (Members) must avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by the Authority), material benefits or services for themselves or any person which might place them or reasonably appear to, place them under an improper obligation.”

“Registration of Gifts and Hospitality – Article 17, a Member must within 28 days of receiving any gift, hospitality material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority’s Monitoring Officer of the existence and nature of that gift, hospitality material benefit or advantage.

4. The statutory Code of Conduct for Local Government Employees (which currently excludes fire-fighters and teachers) states that:-

“Personal Interest – Article 8 (Employees must comply with) any rules of their relevant Authority on the declaration by employees on hospitality or gifts offered to or received by them from any person or organisation doing or seeking to do business or otherwise benefiting or seeking to benefit from a relationship with the Authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant Authority.”

### **Acceptance and Refusal**

5. Currently the Council has agreed a threshold figure of **£25** in relation to the acceptance of gifts, hospitality and other benefits by Members and Officers. Whatever the value of the gift, hospitality or other benefit offered to a Member or employee, if its acceptance may place him/her under an improper obligation to the donor, or may reasonably appear to do so, it should always be refused. Members and officers must not contravene the provisions of the Bribery Act 2010 as they may be liable to a fine and/or imprisonment.

6. It is not possible to describe all the situations where an improper obligation may arise. However, these are some examples of circumstances in which offers are likely to be seen as suspect:-

- The offer of hospitality, gifts or benefits, which do not appear to have any proper purpose connected with the Council (examples could include the offer of private holidays or the use of holiday accommodation, personal gifts of substantial value or other benefits offered to the Members or employees at substantially below the price they would normally be offered to the public);
- Benefits offered to individuals who are closely involved with the matter or relevant service area by someone seeking to do business with the Council by (for example) negotiating a contract or the sale or acquisition of a property, or who has submitted a tender for a Council project;
- Regular and repeated hospitality from the same person or organisation;
- Hospitality offered where the Council or employee would be the sole guest on an essentially private occasion;
- Hospitality offered for purely sporting or social occasions away from the Council's area, where there would be no general expectation that the Council should be represented, nor any clear connection with Council functions.

It should be stressed that the above are examples only, and are not

exhaustive. Each offer should be considered on its merits and it will be necessary for the Member to take a personal view as to whether it is appropriate to accept it.

7. Members and employees must strike a balance between, on the one hand, taking an active part in the life of the community and ensuring that the Council is properly represented when it needs to be in a position to receive or impart information, and, on the other hand, the need to avoid the appearance of improper obligations.
8. In circumstances where it is necessary for the Council to be represented at events where hospitality is offered, it is appropriate to accept unless there are circumstances which clearly suggest that an improper obligation may be seen to arise. If, for example, the host offering hospitality is at a sensitive stage in contractual negotiations with the Council, it will not be appropriate for those who are directly or indirectly involved with those negotiations to accept hospitality. If the matter is a major project which affects many parts of the Council, all invitations during negotiations should be refused. If, however, the issue is relatively minor and confined to one service area or a small group of individual Councillors or employees, it may be appropriate for those unconnected with the matter to accept invitations, if it is believed that the event concerned is particularly relevant to Council functions.
9. The offer of hospitality from major public bodies (including the UK Parliament, the National Assembly for Wales, National Health Service Trusts, Health Authorities, Audit Commission and other Councils) will normally be appropriate for acceptance as the implication of improper obligation would rarely arise in those circumstances and such events are generally arranged for proper public purposes. However, those offered the hospitality would still need to consider whether acceptance is likely to further the Council's interests. Also, if the organisation is involved in the process of negotiating a contract or other arrangement with the Council, careful consideration should be given before accepting the invitation.
10. The acceptance of Gifts and Hospitality in relation to civic or ceremonial events or occasions will not be the subject of any threshold and an inventory of any such gifts received must be recorded in accordance with paragraph 17.
11. Members and employees may be offered gifts in the form of bequests, as a result of their undertaking official duties. This most often happens in the case of home care or residential care staff. Offers of bequests should be discouraged where possible, but if a bequest is made, employees are required by their Code of Conduct to seek the consent of the Council before accepting it. Acceptance of a bequest by Members or employees should be considered

within the following framework:-

- Consent will generally be refused where undue influence or persuasion has been shown to be brought to bear on the testator;
- The acceptance of small bequests representing a minor proportion of the estate in each individual case will generally be seen as acceptable.

### **Authorisation**

12. It is necessary under the Employee Code of Conduct for employees to receive formal authorisation from the Council before accepting gifts, hospitality or other benefits. Even if authorisation is given by this guidance or otherwise, employees remain under a duty to consider whether acceptance of the gift, hospitality or other benefit would place him/her under an improper obligation or be reasonably regarded as such, and whether they need to register its receipt. The responsibility to do so remains with the employee.
13. Subject to paragraph 12 above, this guidance gives general authorisation for employees to accept the following without further authorisation:-
  - Promotional or advertising items including pens, calendars, note pads, diaries, etc;
  - Token gifts given to all or most participants at the end of an official visit by or to the Council or a properly authorised conference;
  - Modest gifts given by individuals to express gratitude for help given in the proper performance of official duties, where refusal would needlessly offend, including (for example) bunches of flowers, boxes of chocolate, single bottle of inexpensive wine etc, but repeated or costly gifts of this nature should be politely refused;
  - Hospitality offered as part of a conference or training event at which attendance has been authorised through the normal procedures;
  - Hospitality by way of meals offered at business meetings where it is necessary because of diary commitments or other pressing circumstances, for the meeting to cover a normal mealtime. In such cases, the hospitality should be of an appropriately modest scale.

## **Authorisations**

14. The Chief Executive must seek approval of the Monitoring Officer and the Chief Financial Officer.

Group Directors must seek the approval of the Chief Executive.

Service and other Directors must seek the approval of their Group Directors.

Officers below Service Directors must seek their approval of their Service or other Directors.

15. Councillors or Co-Opted Members are not required to obtain authorisation before accepting hospitality, gifts or other benefits offered but they should consult with the Chief Executive or the Monitoring Officer. They will be responsible for any decision they take to accept.

## **Registration**

16. Members and employees are required to register all gifts, hospitality or other benefits accepted or refused other than those authorised under paragraph 13, using the applicable forms, which will be returned for registration to the appropriate Group Director.
17. Civic gifts or donations intended to be given to the Council and not to the Member or employee personally, should be accepted on behalf of the Council and need not be registered by the individual formally receiving them. However, the receipt of such gifts must be recorded by the Council for inventory purposes.

## **Offering Hospitality, Gifts and Other Benefits**

18. There will be many occasions when it is necessary and appropriate for the Council to offer hospitality, gifts or other benefits to organisations or individuals in order to further the proper exercise of the Council's functions. These may include the following (which is for guidance and not intended to be an exhaustive list):-
  - Promoting the economic, environmental and social benefit of the inhabitants of the area;
  - Securing economic development;
  - Encouraging visitors and providing entertainment;
  - In connection with official and courtesy visits by distinguished people, representatives of foreign, national, regional and local government and other public services;
  - Raising money for charitable purposes or for the funds of public bodies which provide services otherwise than for gain.

19. When considering whether to make such offers, Members and employees must ensure that they have proper regard to the fiduciary responsibilities of the Council towards Council Taxpayers and the inhabitants of the area.
20. The Member Code of Conduct says that:-
- “7. Members:
- (a) must not, in their official capacity or otherwise, use their position improperly to confer on or secure for any person, and in particular their family, friends or those with whom they have a close personal association, an advantage or disadvantage or to secure an advantage for themselves;
  - (b) must, when using or authorising the use by another Member of the resources of the Authority, do so prudently and in accordance with the law and the Authority’s requirements; and
  - (c) must ensure that the resources of the Authority are not used improperly for their own private purposes, their family, friends and persons with whom they have a close personal association.”
21. The Employee Code of Conduct says that:-
- “7. Qualifying employees of relevant Authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the Authority for personal use unless authorised to do so.”

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## **OFFICERS' CODE OF CONDUCT**

### **Code of Conduct for Qualifying Employees**

#### **General Principles**

1. The public is entitled to expect the highest standards of conduct from all qualifying employees of relevant Authorities. The role of such employees is to serve their employing Authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

#### **Accountability**

2. Qualifying employees of relevant Authorities work for their employing Authority and serve the whole of that Authority. They are accountable to, and owe a duty to that Authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

#### **Political Neutrality**

3. Qualifying employees of relevant Authorities, whether or not politically restricted, must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

#### **Relations with Members, the Public and Other Employees**

4. Mutual respect between qualifying employees and Members is essential to good local government, and working relationships should be kept on a professional basis.
5. Qualifying employees of relevant Authorities should deal with the public, Members and other employees sympathetically, efficiently and without bias.

#### **Equality**

6. Qualifying employees of relevant Authorities must comply with policies relating to equality issues, as agreed by the Authority, in addition to the requirements of the law.

#### **Stewardship**

7. Qualifying employees of relevant Authorities must ensure that they use public funds entrusted to them in a responsible and lawful

manner, and must not utilise property, vehicles or other facilities of the Authority for personal use unless authorised to do so.

### **Personal Interests**

8. Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:
  - (1) any rules of their relevant authority on the registration and declaration by employees of financial and non-financial interests.
  - (2) any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant Authority and must not contravene the provision of the Bribery Act 2010 as this may result in the imposition of a fine and/or imprisonment.

### **Whistleblowing**

9. In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the relevant Authority's confidential reporting procedure, or any other procedure designed for this purpose.

### **Treatment of Information**

10. Openness in the dissemination of information and decision making should be the norm in relevant Authorities. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Member, relevant Authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

### **Appointment of Staff**

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

### **Investigations by Monitoring Officers**

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

## **MEMBER - OFFICER RELATIONS PROTOCOL**

### **1. Underlying Principles**

- 1.1 The Local Government Act 2000 set up an Ethical Framework for Local Government introducing a Statutory Code of Conduct for Members and requiring the appointment of a Standards Committee to promote and maintain high standards of conduct.
- 1.2 The Members' Code of Conduct sets out in general terms aspects of conduct which Members must observe in carrying out official duties and which have direct relevance to relations between Members and between Members and Officers.
- 1.3 This Protocol sets up a framework for good working relationships between Members and Officers with regards to their respective roles, as set out below and in the Council's Constitution, as the best means of supporting the work of this Council.
- 1.4 The Protocol seeks to set out not only current practices and conventions but also aims to promote clarity and certainty on dealing with other issues.
- 1.5 The Protocol will also reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers so that together they enhance and maintain the integrity of the Council and its public reputation.

### **2. Member - Officer Relations**

- 2.1 Both Members and Officers serve the public but their roles and responsibilities differ. Members represent their constituents and the wider public. Officers are responsible to the Council and must give advice to Members and the Council and carry out the Council's work under the direction and control of the Council, the Cabinet and its Committees and sub-Committees.
- 2.2 The relationship between Officers and Members should be characterised by mutual respect which is essential to good local government.
- 2.3 Members can expect from Officers:-

- Commitment to the Council as a whole and not only to one part
- Respect and courtesy
- The highest standards of integrity
- Timely responses to enquiries and complaints
- Impartial, professional advice
- Regular up to date information that can be considered appropriate and relevant to their needs having regard to any individual responsibilities that they have and positions that they hold
- Awareness of and sensitivity of the political environment
- Appropriate confidentiality
- Support for the role of Members within the arrangements made by the Council
- That they will not use their relationship with Members to seek to advance their personal interests or to influence decisions improperly
- Compliance with this Protocol at all times
- Compliance with the Officers' Code of Conduct
- Compliance with relevant Equalities legislation

#### 2.4 Officers can expect from Members:-

- Respect and courtesy
- The highest standards of integrity
- An understanding of and support for respective roles, work loads and pressures
- That they will not raise matters relating to the conduct or capability of an Officer, or of the employees collectively, at meetings held in public or in the Press. Employees have no means of responding to criticism like this in public.
- That they will not require Officers to change their professional advice nor take any action which an Officer considers unlawful or illegal or which would amount to maladministration or breach of a statutory code of conduct
- Leadership
- Not to be subject to bullying or discrimination or to be put under undue pressure
- That they will not use their relationship with Officers to seek to advance their personal interests or those of others or to influence decisions improperly
- Recognise and pay due regard to their role as an employer in their dealings with Officers
- Compliance with the Members' Code of Conduct
- Compliance with this Protocol at all times
- Compliance with relevant Equalities legislation

#### 2.5 Close personal familiarity between individual Members and Officers can damage professional relationships and prove embarrassing to other

Members and Officers. Situations should be avoided that could give rise to suspicion and any appearance of improper conduct. This includes excessive socialising between Members and Officers.

- 2.6 Any act against an individual Officer may be regarded as a form of bullying, intimidation or harassment if it is intended to influence unfairly that person's actions, thoughts or deeds. Whilst this Protocol cannot give guidance on every situation where such behaviour may occur, the Council is committed to promoting professional and courteous working relationships between individuals.
- 2.7 Members should consult with the Monitoring Officer and the Chief Finance Officer about legality, maladministration, financial impropriety and probity or where they have any doubt as to whether the particular decisions were or are likely to be contrary to the policy framework or budget.
- 2.8 In seeking advice and support Members should have due regard to the seniority of the Officer with whom they are dealing and the fact that, while those Officers owe duties to the Council as their employer such duties are first expressed to their respective manager and the Chief Executive and not to any individual Member. For this reason Members should not give direct instructions to staff unless authorised so to do by the Constitution. If so authorised instructions shall be given to the relevant Chief Officer rather than a more junior member of staff.
- 2.9 All dealings between Members and Officers should observe reasonable standards of courtesy and neither party should seek to take advantage of their position.
- 2.10 If there are any occasions where Members may have reason to complain about the conduct or performance of an Officer, all such complaints should be made personally, either to the Chief Executive or Monitoring Officer as appropriate and in the case of the Chief Executive to the Monitoring officer. It is particularly important that such complaints are made in this way and are not aired in public such as at a meeting of the Council, to other external bodies or members of the public or in the Press.
- 2.11 Similarly, if there is concern by an Officer in relation to a Member's conduct, all such concerns should initially be brought personally by the relevant Chief Officer to the attention of the Chief Executive or in his/her absence to the Monitoring Officer.
- 2.12 All Members have the same right and obligations in their relationship with Officers and should be treated equally. However, Members of the Executive and Chairs of Committees have additional responsibilities and their relationship with Officers may be different and more complex from

those of Members without those responsibilities and this is recognised in the expectations they are entitled to have of Officers. Also, where a political group forms an administration either alone or in partnership with another group or groups, it is recognised that the relationship with Officers, particularly those at a senior level, will differ from that with opposition groups.

### **3. The Role of Officers**

- 3.1 To initiate and to implement the policies set and the decisions made by Members.
- 3.2 To provide professional and technical advice to Members.
- 3.3 To carry out those functions delegated to Officers.
- 3.4 To provide reasonable help, support and advice to all Members.
- 3.5 To represent the Council on outside bodies.
- 3.6 To act in a specific capacity listed below where appointed so to do by the Council:

**The Chief Executive** (as defined by the Local Government and Elections (Wales) Act 2021) has the following functions and duties:

The Chief Executive must keep the following matters under review:

- (i) the manner in which the exercise by the Council of its different functions is co-ordinated;
- (ii) the council's arrangements in relation to—
  - (A) financial planning,
  - (B) asset management, and
  - (C) risk management;
- (iii) the number and grades of staff required by the Council for the exercise of its functions;
- (iv) the organisation of the Council's staff;
- (v) the appointment of the Council's staff; and
- (vi) the arrangements for the management of the Council's staff (including arrangements for training and development).

**The Monitoring Officer (Director of Legal Services)** (as defined by the Local Government and Housing Act 1989 section 5) has the

following functions and duties:

to prepare reports for the consideration of the Council where it appears to him that any proposal, decision or omission by the Council, a Committee, Sub-Committee, or Officer has given rise or is likely to give rise to a contravention of any statute or maladministration or injustice as mentioned in Part III of the Local Government Act 1974.

**The Chief Financial Officer (Director of Finance & Digital Services)** (as defined by the Local Government Act 1972 section 151) has the following functions and duties:

to prepare reports for the consideration of the Council where it appears to him that any Committee, Sub-Committee, or Officer has or is about to make a decision which involves or would involve the Council incurring expenditure which is unlawful; or has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and is likely to cause a loss or deficiency to the Council; or is about to enter an item of account, the entry of which would be unlawful.

#### **4. The Role of Members**

- 4.1 To promote the social, economic and environmental well being of the community.
- 4.2 Collectively be the ultimate policy makers and decision makers and carry out a number of strategic and corporate functions.
- 4.3 Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities.
- 4.4 Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances.
- 4.5 Balance different interests identified within the electoral division and represent the ward as a whole.
- 4.6 Be involved in decision making.
- 4.7 Be available to represent the Council on other bodies.
- 4.8 To promote the highest standards of conduct and ethics and to treat each other with courtesy and respect.
- 4.9 To act collectively as the employer of the staff.
- 4.10 To act in a specific capacity listed below where appointed so to do by the Council in accordance with the Constitution:

- Chair of the Council
- Leader of the Executive
- Executive Member
- Portfolio Holder (with or without delegated authority)
- Chair of the Scrutiny Committee
- Member of the Scrutiny Committee
- Chair of a Committee other than Scrutiny
- Member of a Committee other than Scrutiny
- Representing the Council on Outside Bodies

### **Rights and Duties of Individual Members**

#### 4.11 All Members have the right:-

- To inspect documents in the possession or control of the Council as set out in the Council's Constitution
- To attend Committee, Sub Committee, Joint Committee, training sessions and such meetings as are necessary for the proper performance of that Member's duties
- To see accounts and make copies before the Annual Audit to inspect specific books, contracts, bills etc
- To receive approved allowances

#### 4.12 There are also duties on individual Members to:-

- Abide by the Members Code of Conduct and this Protocol
- To disclose personal and prejudicial interests as set out in the Code of Conduct
- To register the receipt of any gifts and hospitality at levels determined by the Council
- To use all reasonable endeavours to attend meetings of the Council, its Committees, sub-Committees, other events and any outside bodies to which they have been appointed and to give apologies [with reason] where appropriate on those occasions where the Member is unable to attend
- To attend and participate in opportunities for training and development including policy development
- To take into account advice provided by the Chief Executive, the Monitoring Officer or Officers of the Council.

## **5. Members in their role as Local Members**

### 5.1 When acting in their electoral ward role Members:

- need to be mindful of their competing roles, i.e. acting for the Council and acting for constituents, and the possible conflicts of interest that can arise and the pressure this can bring on Officer time; and
- recognise the Officer's right to suggest that senior Officers, the Executive (Council) or a Committee should authorise additional work requested by individual Members.

## **6. The Relationship between the Overview and Scrutiny Committees and Officers (when executive decisions are being scrutinised)**

6.1 The Council's Overview and Scrutiny Committees shall seek the advice of the Monitoring Officer where they consider there is doubt about the legality of Executive decisions or the Monitoring Officer and other appropriate Officers where they consider a decision of the Executive might be contrary to the policy framework.

6.2 When considering calling Officers to give evidence the Committee shall not normally, without the consent of the relevant Chief Officer, request the attendance of a junior Officer to ensure that such Officers are not put under undue pressure.

6.3 When asking Officers to give evidence before the Committee questions should be confined, so far as possible, to questions of fact and explanation and professional opinion relating to policies and decisions.

6.4 Where they consider it appropriate the Committee may ask Officers to explain advice given to Members (of the Executive) prior to decisions being taken and explain decisions they themselves have taken under the Scheme of Delegation.

6.5 The Committee shall not question Officers in such a manner whereby the nature and frequency of the questions or tone or language used could be considered by a reasonable person to be harassment, discriminatory or otherwise unacceptable nor deal with matters which are of a possible disciplinary/capability nature.

6.6 The Committee shall, at all times respect the political impartiality of the Officers and must not expect Officers to give a political view.

### **Officer Relationships with Party Groups**

6.7 It must be recognised by all Officers and Members that in discharging

their duties Officers serve the Council as a whole and not exclusively any political group, combination of groups, or any individual Members.

- 6.8 Officers may properly be called upon to support and contribute to the deliberations of political groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even handed manner.
- 6.9 The support provided by Officers can take many forms, ranging from a briefing with the Leader of the Executive, the Leaders of other political groups, or Chairs of Committees, to a presentation to a full party group meeting.
- 6.10 Any request for advice given to a political group or Member will be treated with strict confidence by the Officers concerned and will not be accessible to any other political groups. Factual information upon which any advice is based will, if requested, be available to all political groups.
- 6.11 When attendance is requested for political group meetings:
  - 6.11.1 the request to attend a group meeting must be made through the Chief Executive;
  - 6.11.2 Officers will not attend party group meetings which include persons who are not Members of the Council or be present at purely party political discussions;
  - 6.11.3 such a request can only be made in relation to Council business;
  - 6.11.4 Officers must respect the confidentiality of any party group discussions at which they are present.

## **7. Confidentiality and the Press**

- 7.1 Any Council information provided to a Member in his/her capacity as a Member must only be used by the Member in connection with the proper performance of their duties. Confidential information should not be disclosed to the media, discussed or released to any other persons. Members should not disclose or use confidential information for the personal advantage of themselves or anyone known to them or to the disadvantage or the discredit of the Council or anyone else.
- 7.2 Officers and Members have a responsibility to protect the Council's reputation. Leaking of confidential information including exempt agenda items and minutes to the media or public criticism of individual Officers by Members or of individual Members by Officers is unacceptable. There are clear requirements set out both in the Members' Code of Conduct and in the Officer Code of Conduct regarding confidentiality.

7.3 Duties of confidentiality (under common law) arise when one person (the 'confident') is provided with information by another (the 'confider') either orally or in writing in the expectation that the information will only be used or disclosed in accordance with the wishes of the confider.

Examples of this duty are;-

- if the relationship is inherently confidential e.g. lawyer and client
- If the relationship is personal e.g. between colleagues in circumstances that suggest an expectation of confidentiality
- If there is risk through identification e.g. whistle blowers

7.4 The fact that information is not marked 'confidential' does not necessarily prevent it from being confidential as this may be inferred from the subject matter and the surrounding circumstances. Confidentiality is unlikely to be established where the information is already known to a wide circle or is in the public domain. Wherever possible, officers and Members should clearly indicate in correspondence or verbally when they expect information to remain confidential to avoid confusion.

7.5 Whilst this Protocol is not aimed in any way at restricting a Member's freedom of speech or right to contact the media, Members must distinguish between acceptable levels of political debate and unacceptable or derogatory personal comments or remarks when they comment on particular issues. Comments to the Press should not challenge the integrity and good faith of other Members or be based on inaccurate information offered without due regard or attempt to establish the facts.

## **8. Correspondence and E mails**

8.1 All correspondence, including Emails between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where it is necessary to copy the correspondence to another Member this should be made clear to the original Member, before any correspondence is sent.

8.2 Correspondence including emails between an individual Member and an Officer should not routinely be copied by the Member to the media. Officers other than the Press and Communications Team should not contact the Press (unless authorised to do so) and should comply with the requirements of the Officers' Code of Conduct.

8.3 Local government should promote openness and transparency so information should not be disseminated secretly. E mails by and from Members should not be blind copied, without acknowledging to whom the e-mail has been copied.

8.4 Members who do not use the Council's IT equipment will nevertheless comply with the Council's ICT Security Policy, and this Protocol.

## **9. Use of Social Media**

9.1 Members and Officers must use social media (facebook, twitter, blogs etc) responsibly and in accordance with both the law and Members' and Officers' Codes of Conduct. Care must be taken not to disclose confidential information, particularly personal data relating to third parties, which is protected by Data Protection Legislation.

## **10. Attendance by Members at meetings arranged by Officers**

10.1 Members are free to meet Officers to discuss aspects of the Council's business, bearing in mind the reasonable calls of their other duties.

10.2 Officers will arrange many meetings with colleagues or third parties to discharge the routine business of the Council or to action its decisions. The convention is that Members will not be present at these meetings but will be advised either informally or through reports to Cabinet and Committees of any relevant discussions and/or outcomes. There may be occasions where a Member may be invited to attend a meeting by the appropriate Officer or by a resolution of a Committee.

10.3 Members may request meetings with Officers and bring third parties to that meeting where appropriate.

## **11. Breaches of this Protocol**

11.1 Allegations by an Officer of a specific breach of this Protocol by a Member should be made to the Monitoring Officer. It is hoped that any potential problems may be resolved by early discussion between the Members involved and the Monitoring Officer. If this proves impossible the Monitoring Officer may, in consultation with the Chair of the Standards Committee refer the matter to the Standards Committee and invite them to reach a view as to whether the Protocol has been breached. The view of the Standards Committee will be reported at a Council meeting. The Standards Committee will follow the Council's Local Protocol resolution procedures (suitably adapted) for dealing with any complaints made against Members under this Protocol.

11.2 The Chief Executive will decide whether disciplinary procedures are appropriate in the case of alleged breach of this Protocol by Officers.

11.3 Allegations by a Member of a specific breach of this protocol by another Member will be dealt with in accordance with the Council's Local Protocol resolution procedures (suitably adapted).

**12. Training and Briefing**

- 12.1 Training and briefing for the operation of this Protocol for Members and Officers will be arranged as required and overseen by the Standards Committee.

**13. Advice**

- 13.1 The Council's Monitoring Officer and Deputy Monitoring Officer will give advice on the interpretation and operation of this Protocol.

**14. Review**

- 14.1 The operation of this Protocol will be regularly monitored and reviewed by the Standards Committee with particular reference to findings on breaches, and recommendations made to Council for amendment where necessary.

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## WHISTLEBLOWING POLICY

### CONTENTS

Introduction.....	43
Aims and Scope of This Policy.....	44
Protected Disclosure & Confidentiality.....	44-45
Procedure for Blowing the Whistle.....	45-46
Response of the Council.....	46-47
Further Action Outside the Policy.....	47
Appendix A – The Workers ‘Do’s and Don’t’s.....	48-49

## **1. INTRODUCTION**

- 1.1 Workers are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may appear to be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 For the purpose of this Policy & Procedure, 'workers' refers to all those that deliver services on behalf of the Council and also those organisations that provide services to the Council – i.e. Employees, Contractors and Suppliers.
- 1.3 The Council is committed to achieving the highest possible standards of service. In line with that commitment, workers with serious concerns about any aspect of the Council's work are encouraged to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis and the Council encourages workers to participate without fear of reprisals.
- 1.4 If workers bring information about a wrongdoing to the attention of the Council, they are protected in certain circumstances under the Public Interest Disclosure Act 1998. This is commonly referred to as 'blowing the whistle'. The law that protects whistle-blowers is for the public interest, so people can speak out if they find malpractice in an organisation. Blowing the whistle is more formally known as 'making a disclosure in the public interest'
- 1.5 Under the Public Interest Disclosure Act 1998, it is unlawful for an employer to take action against a worker or treat them unfairly for having made a 'protected disclosure' of information. If a whistle-blower is deemed to be treated in this way, the legal remedies under the Human Rights Act may be available to them.
- 1.6 Detailed information on what is classed as a protected disclosure is contained in section 3 of this document.
- 1.7 This Whistleblowing Policy & Procedure has been produced to encourage and enable workers to raise serious concerns within the Council rather than overlooking a problem.
- 1.8 The Director of Human Resources has overall responsibility for the maintenance and operation of this policy. The Council will maintain a record of cases, and their outcomes for reporting purposes.

## **2. AIMS AND SCOPE OF THIS POLICY & PROCEDURE**

- 2.1 This policy sets out the procedure for workers to 'blow the whistle'. It explains how a worker can take matters further if they are dissatisfied with the Council's response and also reassures workers that they will be protected from reprisals or victimisation for Whistleblowing.
- 2.2 This Whistleblowing Policy & Procedure is intended to cover serious wrongdoings, such as:
- unlawful, corrupt or irregular use of public money or resources,
  - conduct that poses a serious risk to public health, safety, the environment or the maintenance of the law,
  - any criminal offence,
  - gross negligence or mismanagement by public officials.
- 2.3 If the matter does not fit into one of the above categories, then employees will be aware that there is an existing procedure in place to enable a grievance to be lodged relating to their own employment.

## **3. PROTECTED DISCLOSURE & CONFIDENTIALITY**

- 3.1 The purpose of Protected Disclosures is to encourage people to report serious wrongdoing in their workplace by providing protection for employees who want to 'blow the whistle'.

### Whistleblowing and providing your details:

- 3.2 The best way to raise a concern via the Council's Whistleblowing arrangements is to provide as much information as possible. You may be required to provide contact details in the event that an investigating officer may have further questions to ask and specify whether you would wish all communication to be made in Welsh or English.
- 3.3 A worker can raise a concern confidentially and give their personal details, on the condition that it is not revealed without their consent. The Council will always endeavour to ensure the confidentiality of a worker however; in rare circumstances this cannot be guaranteed, in which case the worker will be notified. The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those who may be responsible for malpractice. The Council will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern.
- 3.4 Any cases of harassment will be dealt with in accordance with the Council's 'dignity at work' procedure for employees. However, it does not mean that if a worker is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of their Whistleblowing.

- 3.5 To make a protected disclosure, the whistleblower must be identified as a 'worker' of the Council. A 'worker' includes current and former employees, volunteers, contractors and suppliers.
- 3.6 The disclosure will be protected if:
- the information is about serious wrong doing in or by the workplace,
  - the whistleblower reasonably believes the information is true or likely to be true,
  - the whistleblower wants the serious wrongdoing to be investigated
- 3.7 The disclosure will not be protected if
- the whistleblower knows the allegations are not true,
  - the whistleblower acts in 'bad faith',
  - the information disclosed is protected by legal professional privilege.

Whistleblowers who wish to remain anonymous

- 3.8 A worker can raise a concern anonymously with a preference not to give their personal details. Anonymous information will still be assessed and is just as important to the Council, however workers should be made aware that the ability to carry out a full and thorough investigation may be limited if the worker cannot be contacted to be asked any follow up questions.
- 3.9 When assessing an anonymous concern, the Council will consider the seriousness and credibility of the concern raised and also the likelihood of substantiating the allegation based upon the information provided.

**4. PROCEDURE FOR BLOWING THE WHISTLE**

- 4.1 Initially, workers should raise their concern with their immediate line manager / Head of Service / key contact within the Council, who will be able to determine whether they can deal with the concern or if it requires escalation.
- 4.2 This can depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the matter.
- 4.3 Managers who receive a concern from an individual must treat that information as potentially serious and report it to their relevant Head of Service.
- 4.4 The matter raised must be kept in confidence and not disclosed to any other party unless instructed to do so.
- 4.5 In some instances the direct contacts may be the individuals where concerns relate. In which case, the officers listed below should be

contacted:

- i) In respect of any matters involving actual or potential unlawful conduct, maladministration or contravention of the law:  
Andrew Wilkins - Director of Legal Services  
Email: [director.legal@rctcbc.gov.uk](mailto:director.legal@rctcbc.gov.uk)
  - ii) In respect of any potential irregularity affecting any financial or other resources of the Council:  
Barrie Davies - Director of Finance & Digital Services  
Email: [barrie.j.davies@rctcbc.gov.uk](mailto:barrie.j.davies@rctcbc.gov.uk)
  - iii) In respect of any other service related issue or an employment matter:  
Richard Evans - Director of Human Resources  
Email: [director.hr@rctcbc.gov.uk](mailto:director.hr@rctcbc.gov.uk)
- 4.6 If workers are unclear as to the appropriate person to approach, they should contact the Director of Human Resources in the first instance who will give advice and guidance in respect of how to (potentially) blow the whistle.
- 4.7 The Council encourages concerns to be raised in writing via the 'Report It' section of the Council's Website. Individuals should include as much information as possible such as relevant dates, incidents and witnesses. If access to the Internet is not possible then letters can be sent to the Officers noted above. If employees do not feel able to put their concerns in writing, via the 'Report It' mechanism or in a letter, then they can telephone any of the Officers as stated above or contact their Local Councillor. Employees may invite their trade union to raise the matter on their behalf.
- 4.8 The earlier an individual expresses a concern, the easier it is to take appropriate action. Although workers are not expected to prove the truth of an allegation, they will need to demonstrate that they reasonably believe the information is true or likely to be true, in respect of their concern.
- 4.9 In order to ensure the integrity of any potential investigation, initial enquiries will be made to decide whether an investigation is appropriate.
- 4.10 Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures. Following the reporting of a concern which is not anonymous, the investigating officer will inform the 'whistleblower' that their concern is being investigated and explain the process that will be followed.

- 4.11 If a fact finding meeting is required, the 'whistleblower' will have the right to be accompanied by a Trade Union representative or work colleague (if they are an employee). It will be up to the 'whistleblower' to make the necessary arrangements and to specify whether they would wish the meeting to be conducted through the medium of Welsh or English.
- 4.12 The Council will take steps to minimise any difficulties that the 'whistleblower' may experience as a result of raising a concern. For instance, if the 'whistleblower' is required to give evidence in criminal or disciplinary proceedings, the Council will advise on the procedure. The Council accepts that the 'whistleblower' needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the 'whistleblower' will receive information about the progress of the investigation if specifically required and/or requested to do so. This will be provided in writing by the investigating officer.

## **5. RESPONSE OF THE COUNCIL**

- 5.1 The action taken by the Council will depend on the nature of the concern. Outcomes could include:
- Refer the matter to the Police - any allegation made which could be deemed as an offence of a criminal nature (e.g. using a phone whilst driving) may be forwarded to the police for a decision on whether any further action will be taken,
  - Refer the matter to the External Auditor (Audit Wales),
  - Request that the matter be the subject of an independent inquiry.

## **6. FURTHER ACTION OUTSIDE THE POLICY**

- 6.1 This policy is intended to provide workers with an avenue to raise concerns within the Council. Should a worker remain unsatisfied following this, and if they feel it is right to pursue the matter externally, then the following contact points are available:
- i) Council Members (if staff live within the Council boundaries),
  - ii) The External Auditor (Audit Wales). Audit Wales can be contacted on telephone number 01443 680349,
  - iii) relevant professional bodies or regulatory organisations e.g. HM Revenue & Customs or Health & Safety Executive,
  - iv) Police,
  - v) Public Concern at Work
  - vi) ACAS.
- 6.2 If a worker decides to take the matter outside the Council, then they will need to ensure that they do not disclose any confidential information, unless they have evidence to corroborate their allegation.

## **Appendix A – THE WORKERS ‘DO’S’ AND DON’TS’**

If you suspect potential:

- fraud, corruption and/or a criminal act,
- a failure to comply with a legal obligation,
- a miscarriage of justice,
- danger to health & safety,
- damage to the environment
- any attempt to cover up these acts in any area of Council activity.

### **DO**

#### **1. Make an immediate note of your concerns.**

Note all relevant details, such as what was said in telephone or other conversations, the date, time and the names of any parties involved.

#### **2. Deal with the matter promptly.**

Any delay may cause the Council to suffer further financial loss.

#### **3. Blow the Whistle**

- Report your suspicions to the appropriate person.
- You can do this using the ‘Get Involved’ feature on the Council’s Intranet / Internet website.

Alternatively,

- Convey your concern to your Line Manager / Head of Service / key contact within the Council (if you are a Supplier or Contractor)
- By letter or telephone to the appropriate Officer listed under Section 4 of the Whistleblowing Policy & Procedure.

#### **4. Remember that if you are an employee, the Council will protect you from harassment and potential victimisation from within.**

#### **5. Further support can be obtained from the Occupational Health Unit (01443) 494003 if required.**

### **DON’T**

#### **1. Do nothing.**

#### **2. Be afraid of raising your concerns.**

- You will not suffer any recrimination as a result of voicing a reasonably held suspicion. The Council will treat any matter you raise sensitively and in confidence.

**3. Approach or accuse any individuals directly.**

**4. Try to investigate the matter yourself.**

- There are special rules surrounding the gathering of evidence for use in criminal cases. Any attempt to gather evidence by people who are unfamiliar with these rules may destroy the case.

**5. Convey your suspicions to anyone other than those with the proper authority.**

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## **PLANNING AND DEVELOPMENT COMMITTEE - CODE OF GOOD PRACTICE**

### **Background**

### **Introduction**

#### **Section A: Conduct of All Members regarding the Planning Process**

1. Relationship to the Members' Code of Conduct.
2. Development Proposals and Interests under the Members' Code of Conduct.
3. Fettering Discretion in the Planning Process.
4. Contact with Applicants, Developers and Objectors.
5. Lobbying of Councillors
6. Lobbying by Councillors

#### **Section B: Conduct at Planning and Development Committee**

##### **Procedure for Convening a Site Visit and Conduct**

1. Convening the site visit.
2. Conduct in general.
3. Conduct in relation to Site Meetings.

##### **Public Speaking at Meetings**

1. Conduct in general
2. The Procedures

##### **Key Issues**

1. Officers
2. Decision Making

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## MEMBERS' PLANNING CODE OF GOOD PRACTICE

### Introduction

**The aim of this code of good practice:** to ensure that in the Planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

**The key purpose of Planning:** to control development in the public interest.

**Your role as a Member of the Planning and Development Committee:** to make planning decisions openly, impartially, with sound judgment and for justifiable planning reasons, as set out in the Agenda to meetings of Planning and Development Committee, namely, "Members should have regard to the Development Plan and, so far as material to applications, to any other material considerations, and when taking decisions, Members have to ensure they do not act in a manner that is incompatible with the Convention on Human Rights as incorporated into legislation by the Human Rights Act 1998" .

**When the Code of Good Practice applies:** to Members at all times when involving themselves in the planning process. (This includes, where applicable, when participating in the decision making Planning and Development Committee meetings or when involved on less formal occasions, such as meetings with officers or the public (e.g. "site meetings") and consultative meetings). It applies equally to planning enforcement matters or site specific policy issues, as it does to planning applications.

**If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Director of Prosperity & Regeneration, the Head of Legal Services or one of his staff, and preferably well before any meeting takes place.**

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## SECTION A

### CONDUCT OF ALL MEMBERS REGARDING

#### The Planning Process

##### 1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with.
- **Do** then apply the rules in this Planning Code of Good Practice, which seeks to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:
  - the Council at risk of proceedings on the legality or maladministration of the related decision; and
  - yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Code of Conduct, in a complaint being made to the Local Ombudsman.

##### 2. Development Proposals and Interest under the Members' Code

- **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings, or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. (Use the disclosure form provided for disclosing interests.)
- **Do** then act accordingly. **Where your interest is personal and prejudicial:-**
  - **Do not** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Planning and Development Committee.
  - **Do not** try to represent local views (another Member may be able to do so instead).
  - **Do not** get involved in the processing of the application.
  - **Do not** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.

- **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal, in which you have a personal and prejudicial interest, to an appropriate officer, in person or in writing, the Code places greater limitations on you in representing that proposal than would apply to a normal member of the public. (For example, where you have a personal and prejudicial interest in a proposal to be put before a meeting, you will have to withdraw from the room or chamber whilst the meeting considers it, whereas an ordinary member of the public would be able to address the meeting on the proposal and observe the meeting's consideration of it from the public gallery.)
- **Do** notify the Director of Legal Services in writing of your own planning application(s) and note that:-
  - \* notification to the Director of Legal Services should be made no later than submission of application:
  - \* the proposal will always be reported to the Planning and Development Committee as a main item, and will not be dealt with by officers under delegated powers; and
  - \* it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and with Members of the Planning and Development Committee (where permitted).

### 3. **Fettering Discretion in the Planning Process**

- **Do not** fetter your discretion, and therefore your ability to participate in planning decision making at Planning and Development Committee, by making up your mind, or appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting and of your hearing the officer's presentation and evidence and arguments on both sides.
- **Fettering your discretion** in this way, and then taking part in the decision, will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all the factors enabling the proposal to be considered on its merits.
- **Do** be aware that as a Member of Planning and Development Committee, which is a regulatory committee where decisions are made on behalf of the whole County Borough (and not individual electoral divisions) you should take care to ensure that you act, and are seen to act, impartially at all times.

### 4. **Contact with Applicants, Developers and Objectors**

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Do not** agree to any formal meeting with applicants, developers or groups of objectors. Where you feel that a formal meeting would be useful in clarifying the issues, you should not seek to arrange that meeting yourself, but should request the Service Director of Planning to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the Council to any particular course of action, that the meeting is properly recorded on the application file, and that the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:
  - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
  - report to the Service Director of Planning any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

**In addition, in respect of presentations by applicants/developers**

- **Do not** attend a planning presentation unless an officer is present and/or it has been organised by officers.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application.
- **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.

**5. Lobbying of Councillors**

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality, and therefore your ability to participate in the Planning and Development Committee's decision making, to express an intention to vote one way or another, or to express such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community, not just to the people in your own electoral division, and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person,

company, group or locality.

- **Do** follow the Council's Code of Conduct in relation to, and do not accept gifts and/or hospitality from any person involved in or affected by, a planning proposal.
- **Do** copy or pass on any lobbying correspondence you receive to the Service Director of Planning at the earliest opportunity.
- **Do** promptly refer to the Director of Prosperity & Regeneration any offers made to you, without officers being present, of planning gain or constraint of development, through a proposed S.106 Planning Obligation or otherwise.
- **Do** inform the Director of Legal Services where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will, in turn, advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:
  - listening or receiving viewpoints from residents or other interested parties;
  - making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of, or amount to, pre-judging the issue and you make clear you are keeping an open mind;
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion or speaking at the meeting as a Local Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or local view, you have not committed yourself to vote in accordance with those views, and will make up your own mind having heard all the facts and listened to the debate.

## 6. **Lobbying by Councillors**

- **Do not** become a member of, lead or represent an organisation whose primary purpose is to lobby, to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and/or prejudicial interest which you should declare.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, but disclose a personal interest where that organisation

has made representations on a particular planning proposal, and make it clear to that organisation, and to the Planning and Development Committee, that you have reserved judgment and maintained the independence to make up your own mind on each separate proposal.

- **Do not** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken. Apply a “reasonableness test” to issues of balance and degree when assessing what may be regarded as “excessive” in the prevailing circumstances.
- **Do not** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how individual Members should vote on a planning issue.

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## SECTION B

### CONDUCT AT PLANNING AND DEVELOPMENT COMMITTEE

#### Procedure For Convening A Site Visit And Conduct

##### 1. Convening a Site Visit

- **Do** specifically detail the substantial reason(s) for requesting a site visit. Such details should be submitted before (or if this is not possible) at the relevant Planning and Development Committee. The Committee will then vote on the request for a site visit.
- **Do** note that, in calling for a site visit, you should be satisfied that the Committee should expect to benefit from a site visit and that it should assist in the determination of an application where, for example, the impact of the proposed development is difficult to visualise from the plans and supporting material, or where the proposal is particularly contentious.
- **Do** note that this accords with the way in which site visits are used by Planning Inspectors, which is to “acquaint the Inspector with the site” and “its environs”.
- **Do** note that Members acting on behalf of non-Planning and Development Members must specifically detail the substantial reason(s) for requesting a site visit. Such details should be submitted before or (if this is not possible) at, the relevant Planning and Development Committee. The Committee will then vote upon the request for a site visit.
- **Do** make more use of informative discussion between officers and members prior to a matter being considered at Planning and Development Committee.
- **Do** note that, following the site visit, the Council Business Unit officer will report back, on the soonest possible occasion, to Planning and Development Committee on the outcome of the visit.

##### 2. Conduct in General

- **Do** try to attend site visits to which you have been invited.
- **Do not**
  - quote particular factors as significant in terms of the weight attached to them, relative to other factors or the difficulty of their assessment in the absence of a site inspection, or
  - that there are significant policy or precedent implications and

specific site factors needing to be carefully addressed.

- **Do** ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information.
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Do not** hear representations from any other party. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the Council and direct them to or inform the officer present.
- **Do not** express opinions or views to anyone.
- **Do not** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias, unless:
  - you feel it is essential for you to visit the site other than through attending the official site visit;
  - you have first spoken to the Service Director of Planning about your intention to do so and why (which will be recorded on the file); and
  - you can ensure you will comply with these good practice rules on site visits.

### 3. **Conduct in Relation to Site Visits**

- Site visits are attended by the Chair, Vice-Chair, a member of the larger opposition group and local member(s). Where justified, on occasion, they are also attended by adjoining local member(s). Requests for site visits need to be justified by Members, with the identity of the requesting member and the reason for the site visit being minuted. (See above)
- When a site visit is made, members of the public are not allowed to speak. After the site has been inspected, and any questions by Members have been dealt with, the matter is automatically referred to the next meeting of the Planning and Development Committee. A report is presented giving details of the site visit, together with the officer's recommendation.
- These procedures are designed to ensure that Planning and

Development Committee benefits from a site visit, and should assist the determination of an application where, for example, the impact of the proposed development is difficult to visualise from the plans and supporting material, or where the proposal is particularly contentious. It is suggested that this would also be in accord with the way in which site visits are used by Planning Inspectors, which is to “acquaint the Inspector with the site” and “its environs”.

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## **PUBLIC SPEAKING AT MEETINGS**

### **1. Conduct in General**

- **Do not** allow applicant(s), objectors, their professional advisors/agents or members of the public to communicate with you during the Committee's proceedings (orally or in writing), other than through the procedure for public speaking, as this may give the appearance of bias. Arrangements are currently being considered for the better separation of Committee Members from members of the public at such meetings. Until these physically transpire, Members should bear this matter firmly in mind whilst attending Planning and Development Committee.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

### **2. The Procedures**

- Not all planning applications are considered by the Planning and Development Committees. Minor applications are usually determined at officer level under delegated powers. The National Assembly for Wales encourages Councils to determine at least 70% of all applications under delegated powers, particularly where they comply with local plans previously agreed by the Council.
- The Planning and Development Committee considers all planning applications which require determination by Elected Members of the Council, in its role as the Local Planning Authority.
- The simplest and most appropriate way for members of the public and other interested parties to comment on a planning application is by expressing any views they may have in writing. Views should be sent to the Director of Prosperity & Regeneration, at the main Regeneration & Planning Office at Sardis House, Pontypridd. Comments must be submitted within a specified time period. This will usually be 21 days from the date of the consultation letter. This will ensure that any comments received can be taken into account fully, before a decision on the application is made.
- All those who submit written comments in this way will receive a letter of acknowledgement. They will be informed that they, or their agent, may be able to speak at the Planning and Development Committee, if the application is one which needs to be considered by Planning and Development Committee.
- If anyone wishes to speak at the Planning and Development Committee, they must notify the Planning Department, in writing, at least 2 working days prior to the date of the Committee meeting where the planning application will be considered. This will allow reasonable notice for the applicant, or his/her agent, to be able to

speak in response, should they so wish. It should be noted, however, that where an application is deferred (following an application where Members have indicated that they are minded to either grant or refuse contrary to officer recommendation) then speakers will not be heard on the second occasion that the application is before Members (having been given the opportunity to speak upon the first occasion) subject to the Chair's discretion, in exceptional circumstances, to allow such speakers.

- Notification of a request to speak at the Committee which is received less than 2 days before the date of the meeting, will not be permitted, unless there are exceptional circumstances, to be determined by the Legal Services Officer, in consultation with the Chair of the Planning and Development Committee. This rule will be strictly enforced to prevent delays in Committee business.
- In order to keep the meeting to a reasonable length, if a number of people wish to speak either for or against a particular planning application on similar grounds, they should seek to combine their representations and nominate one spokesperson to speak on their behalf. This will avoid unnecessary repetition at the Committee meeting.
- Visual aids and other supporting evidence (for either applicant or objector) will not be permitted, unless there are exceptional circumstances (to be determined by the Legal Services Officer in consultation with the Chair of the Planning and Development Committee). Applications by applicants or objectors to submit visual aids or other supporting evidence to Planning and Development Committee will need to be made to the Planning Department in advance of committee meetings in order for their appropriateness to be assessed. This will not impinge upon Council officers submitting such evidence. The Chair shall have absolute discretion as to the conduct of business, which shall include deciding on the number of speakers, together with ruling upon the admissibility of all evidence.

The order for public speaking will normally be as follows:-

1. The applicant(s).
2. The applicant's professional adviser(s).
3. Supporters for the Applicant(s).
4. Professional advisers of the objector(s).
5. Objector(s).
6. Response by the applicant(s) or their professional advisors to new material or detail introduced by the objector(s) or by their professional advisor(s).

## 7. Presentation of the Council Officer's report.

Members will then consider and debate the application and will determine the decision to be made on it.

- Each speaker will have no more than 5 minutes to address the meeting although, in exceptional circumstances, the Chair may extend this time.
- Consideration of an item will not be delayed simply because an objector, or the applicant, is not present, providing they have been appropriately informed of the date of the meeting and of their right to speak at that meeting.
- All speakers must comply with the directions of the Chair, should he/she interrupt them during their speech.
- All those making verbal comments are advised that the law of defamation applies to any statement made in public. It is important, therefore that speakers do not make personal comments about either applicants or objectors.
- These rules are designed to ensure fair play and the smooth conduct of the meeting.
- To allow remote tools (drones) in facilitating site visits although this does not replace the option for physical site visits.
- Details of the Meetings of the Planning and Development Committee are available on the Council website, with meetings occurring every other Thursday (unless the website advises differently.) are normally held at 5.00 p.m. in the Council Chamber, Council Offices, The Pavilions, Cambrian Park, Clydach Vale. CF40 2XX. General enquiries in respect of meetings should be made to the Council's Business Unit [CouncilBusinessUnit@rctcbc.gov.uk](mailto:CouncilBusinessUnit@rctcbc.gov.uk)
- If members of the public want to know when, or if, a particular planning application is due to be considered by the Planning and Development Committee, they should contact the Planning Section at Sardis House, Pontypridd: [planningservices@rctcbc.gov.uk](mailto:planningservices@rctcbc.gov.uk)

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## KEY ISSUES

### 1. Officers

- **Do not** put pressure on officers to put forward a particular recommendation on how a planning application should be decided. (This does not prevent you from asking questions or submitting views to the Planning officers, which may be incorporated into any committee report).
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct. As a result, all officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

### 2. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, your reasons are recorded and set out in the report to the Committee.
- **Do** make decisions having regard to the Development Plan and, so far as material to applications, to any other material planning considerations and act in a manner that is compatible with the Convention on Human Rights as incorporated into legislation by the Human Rights Act 1998.
- **Do** come to your decision only after due consideration of all the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer the decision until such information can be made available.
- **Do not** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate. It is incumbent upon Members to ensure that they are present for the entire debate in relation to an application, to allow them to vote. A Member leaving The Chamber, and subsequently attempting to vote, may have their vote not counted.
- **Do** have recorded the reasons for Committee's decision to defer any proposal.

- **Do** make sure that, if you are proposing, seconding or supporting a decision contrary to officer recommendations or to the development plan, you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and will be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge, which may involve legal proceedings.

# **POLICY ON THE MANAGEMENT OF UNREASONABLY PERSISTENT CUSTOMERS**

## **1. INTRODUCTION**

- 1.1 In general, dealing with complaints is a straightforward process. However, there are a small number of customers who pursue their cases in a way that can impede the investigation of their complaint or have significant resource issues for the Council in dealing with the issues that they raise. For example, the sheer number or nature of their enquiries/correspondence may lead them to be considered as 'persistent' or 'vexatious'.
- 1.2 The purpose of this policy is to ensure that whilst the Council's services to users are not being restricted or diminished, such unreasonably persistent customers (sometimes referred to as vexatious complainants) are dealt with consistently and fairly across all services. It also ensures that staff and elected Members are aware of the process for identifying such customers, the options available for action and who can authorise them. This policy does not apply to any partnership arrangements.
- 1.3 This policy may be used by elected Members in conjunction with the Protocol for elected Members for dealing with Anonymous Correspondence.

## **2. DESCRIPTION OF AN UNREASONABLY PERSISTENT CUSTOMER**

- 2.1 An 'unreasonably persistent customer' is categorised as such because of the frequency or nature of their contacts or complaint. The customer may take up what the Council regards as a disproportionate amount of time and resources and disrupt service delivery for themselves and others.
- 2.2 In exceptional circumstances action must be considered to limit customer contact with the service concerned. However it is recognised that they may wish to raise other legitimate issues concerning other service areas
- 2.3 Examples of unreasonably persistent customer behaviour are detailed below, may be made in person, by telephone, in writing, by email, or fax and may relate to an individual, a number of individuals, or a group.
  - aggressive, intimidating, threatening behaviour displayed during telephone calls or when visiting Council offices/premises which may upset staff, customers or elected Members.
  - numerous repeat calls which disrupts service delivery and upsets staff.
  - insistence that issues be dealt with by a supervisor/manager.

- making excessive demands on staff time whilst a complaint is being investigated.
- submitting repeat issues of concern/complaints.
- refusing to accept a decision once a complaint has been investigated.
- changing the basis of a complaint as the investigation proceeds or introducing trivial or irrelevant information for comment.
- making groundless complaints about staff.
- refusing to accept that a complaint is outside the remit of the Council.
- refusing to co-operate with staff dealing with their issues of concern.
- seeking to have a complaint investigated by someone else, once the Complaints Procedure has been exhausted.
- making malicious, unwarranted or defamatory comments against staff or elected Members or making remarks which are a protected characteristic as defined by the Equality Act 2010.

### **3. THREATS TO HEALTH AND SAFETY/ POTENTIAL CRIMINAL ACTION**

- 3.1 If a member of staff feels threatened by contact with a member of the public they will report this to their Service manager in writing, explaining the reason(s) why.
- 3.2 Where there is an imminent risk of harm, the Service manager may immediately temporarily exclude the customer from the premises to prevent escalation of the situation. If the Service manager believes that the customer should be excluded on a long term basis, this requires the agreement of the Head of Service/Service Director, under the provisions of 2.2 above.
- 3.3 The member of staff will complete the appropriate Health & Safety Violence at Work incident report form (HS V1) for the Service manager to formally record the incident and take any necessary action.  
For example:
- i) Head of Service/Service Director to write to the customer concerning their behaviour and if necessary set conditions for further contact with staff, such as restrictions upon attendance at Council establishments.
  - ii) Report the matter to the police.
- 3.4 Threatening, abusive or offensive customer behaviour during a telephone call to staff is unacceptable. When such calls are received by staff they will explain that the call will be terminated if such behaviour continues. When staff terminate a call, a note will be placed on the case file explaining why this course of action was taken.
- 3.5 Repeated calls of this nature may be deemed as harassment and referred by the Service manager to the Head of Service, to be reported to the police. Any physical or verbal assaults on a member of staff or elected Member or any other customer will be reported to police.

- 3.6 There will be no right of appeal against a decision to exclude a person/group from one or more Council buildings where that decision was made for Health & Safety reasons (as set out in HSV1).

#### 4. ELECTRONIC RECORDING OF VERBAL COMMUNICATION

- 4.1 The electronic recording of meetings or telephone conversations by customers with staff or elected Members may be considered as intimidating. If a customer intends recording a conversation by electronic means (e.g. by mobile phone or Dictaphone), this must be made clear to the other party beforehand and requires their agreement.
- 4.2 There is no obligation for staff or elected Members to agree to the electronic recording of such conversations/meetings. When a member of staff/elected Member states they are not happy to proceed with a recorded conversation/meeting, the customer will be expected to comply with this, and not undertake any recording.
- 4.3 If staff or elected Members comply with a recorded conversation, it must only be retained for personal use by the customer, to help with their recollection of the discussion. It must not be shared with any third party for any reason.
- 4.4 Any covert recording of meetings / telephone calls by customers will be considered unreasonable behaviour and the customer will be subject to appropriate action as outlined in this policy.

#### 5. MANAGING UNREASONABLY PERSISTENT CUSTOMERS

- 5.1 The following two stage process will be used across all Council services for dealing with Unreasonably Persistent Customers.

Stage 1	Stage 1 Service Action	Follow Up/Action
Officer reports customer behaviour to Service manager/ Head of Service, who will determine whether behaviour was unreasonable (as per UPC descriptions in 2.2).	<ul style="list-style-type: none"> <li>Head of Service in consultation with Service Director, issues warning letter that restricted contact may be introduced if UPC behaviour continues, including details of appeal process (cc to Service F/Back officer).</li> <li>Head of Service/ Service Feedback Officer notifies Service Director – Legal Services of warning letter issued for a central record and to inform an annual report to Standards Committee.</li> </ul>	<ul style="list-style-type: none"> <li>If customer appeal is received, the Service Director, Legal Services will:               <ol style="list-style-type: none"> <li>notify the relevant Group Director to consider appeal;</li> <li>inform customer whether or not the Group Director upheld the appeal.</li> </ol> </li> </ul>
Stage 2	Stage 2 Service Action	Follow Up/Action

<p>Customer continues to behave unreasonably in his/her dealings with the Service despite receiving a warning letter at Stage 1.</p>	<ul style="list-style-type: none"> <li>• Group Director in consultation with Director of Legal Services or Service Director – Legal Services determines restricted contact arrangements.</li> <li>• Service Director – Legal Services will: <ul style="list-style-type: none"> <li>i) write to customer of decision regarding restricted contact arrangements/termination of contact.</li> <li>ii) maintain record of decision/action taken for inclusion in annual monitoring report to Standards Committee in terms of the process applied to the customer and decision determined.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Any further contact from customer will be treated in accordance with this policy. For example: <ul style="list-style-type: none"> <li>i) repeat/further correspondence will be placed on file.</li> <li>ii) abusive/intimidating telephone calls will be terminated.</li> </ul> </li> </ul>
<p><b>Note:</b> The authority reserves the right to implement this policy immediately at Stage 2 in exceptional circumstances without issuing a Stage 1 warning. In such cases the customer will be notified of the reasons why immediate action was considered appropriate.</p>		

5.2 Any decision on restricting contact will be appropriate to the customer's behaviour and based on their specific circumstances. For example, where customers bombard the Council with correspondence on an issue which has already been addressed, any subsequent or repeat correspondence received will be considered to identify any new issues raised. If none are evident, the correspondence will just be placed on file.

5.3 Group Directors, in consultation with the Service Director – Legal Services or Monitoring Officer will have discretion to impose the following restrictions:

- Restricting contact within manageable and reasonable time restrictions.
- Restricting contact with a specified officer or team, or at a particular time or place.
- Restricting telephone contact to specific days and times.
- Exclusion from one or more Council establishments, due to unreasonable or violent behaviour.
- Restricting contact in a particular form, for example contact by letter only.
- Requiring the customer to enter into an agreement regarding further contact with the Council.
- Complete termination of contact with a customer or permanent exclusion of a customer from Council premises.

5.4 Any decision to restrict contact will be a Service based decision, and will not be applied Council wide. For example, Customer Services may restrict contact in a One4All Centre but this arrangement would not necessarily apply to the same customer at a Leisure Centre.

- 5.5 Awareness of the decision to restrict or terminate contact with a customer will be circulated to the appropriate service team.
- 5.6 Exclusions will normally be reviewed and determined on a case by case basis but in extreme cases may be permanent. When a customer exclusion has been imposed but is subsequently ignored, the period of exclusion may be immediately reviewed, extended or possibly made permanent.

## **6. APPEAL PROCESS**

- 6.1 If a customer is unhappy with the decision to identify him/her as unreasonably persistent at Stage 1 of this policy, he/she has 15 working days to appeal against the decision. Appeals should be made in writing setting out reasons why the customer disagrees with the decision. Appeals should be made to:

Service Director - Legal Services,  
Legal & Democratic Services,  
The Pavilions,  
Clydach Vale,  
Tonypany,  
Rhondda Cynon Taf.  
CF40 1NY

- 6.2 The Service Director - Legal Services will notify the Group Director of any appeals received at Stage 1 of the process and will inform the customer concerning the decision reached, that their appeal is either “upheld” or “not upheld”.
- 6.3 Further unreasonably persistent customer behaviour will be considered by the Group Director in consultation with the Service Director – Legal Services or Monitoring Officer to determine the level of restricted contact arrangements to be applied.
- 6.4 The Service Director – Legal Services will notify the customer in writing of the decision reached. The Monitoring Officer will report to Standards Committee concerning the process applied to the customer and decisions taken to invoke restricted contact arrangements.

## **7. REVIEW**

- 7.1 A review of the decision to categorise a customer as ‘unreasonably persistent’ will be undertaken no later than 12 months following the date of the decision made to restrict contact.
- 7.2 The review will be undertaken by the Service Director – Legal Services, to ensure a review at cross cutting service level and to consider any relevant contact information for the restriction period.

7.3 The Service Director – Legal Services will review each case and recommend whether customer restrictions should continue, or be fully/partially removed. The Service Director – Legal Services will notify the relevant Group Director of the recommendations made following the review.

7.4 The Group Director will consider the Service Director – Legal Services recommendations and will notify them as to whether or not they are endorsed. The Service Director – Legal Services will notify the customer accordingly.

## **8. MONITORING ROLE OF THE STANDARDS COMMITTEE**

8.1 The Monitoring Officer will present an annual report to Standards Committee summarising all decisions made and action taken in respect of unreasonably persistent customers.

8.2 Standards Committee will review each case in order ensure that the Policy has been appropriately administered and adhered to.

## **9. NEW ISSUES ARISING FROM UNREASONABLY PERSISTENT CUSTOMERS**

9.1 Any new issues raised by an unreasonably persistent customer will be treated on their merits. The Group Director concerned will consider whether any restrictions already applied remain appropriate and necessary in terms of any new issue raised.

## **10. OTHER RELEVANT POLICIES / PROTOCOLS**

- Customer Feedback Scheme
- Violence at Work Policy
- Protocol for Elected Members to deal with Anonymous Correspondence.

## **PUBLIC SPEAKING AT A SCRUTINY COMMITTEE MEETING**

Rhondda Cynon Taf County Borough Council recognises that members of the public can make an important contribution and be a valuable source of information. The Council therefore encourages the active participation of all residents within the Scrutiny process in Rhondda Cynon Taf.

This Guide provides information on what members of the public can expect when attending a Scrutiny Committee meeting.



## **CONTENTS**

1. What is Scrutiny?
2. Where and when do the Committees meet?
3. How do I get my "Voice" heard?
4. Who can speak?
5. How long do I have to speak?
6. What can I speak on at the meeting?
7. What can't I speak on at the meeting?
8. Attendance at the meeting
9. Where do I sit?
10. When will I speak during the meeting?
11. Can I hand out supporting documents or use visual aids?
12. Once I have spoken?
13. How do I register to speak?
14. How do I register to speak in Welsh?
15. How do I register to speak if I have a disability or additional needs?
16. Written representations
17. Additional information

### **1. What is Scrutiny?**

The Council's Scrutiny process provides an opportunity for elected Members (Councillors) to examine the services that the Council provides and to ask questions on how decisions have been made. Scrutiny Committees must also make arrangements to listen to the views of the public and the community. One of the roles of the Scrutiny Committee is to take account of those views when considering the relevant issue and, if considered appropriate, to pass those views on to the Council's Cabinet for their consideration.

It is important to be aware that the Scrutiny Committees do not deal with individual queries, concerns or complaints. You should also bear in mind that a Scrutiny Committee meeting is a meeting held in public but it is **not** a Public Meeting.

The Council has five Scrutiny Committees:-

#### **Overview and Scrutiny Committee**

This Committee co-ordinates the work of the following four thematic Scrutiny Committees and ensures that the work of each of these Committees is effective. The Committee is responsible for approving the Work Programmes developed by the four themed Scrutiny Committees to ensure deliverable, co-ordinated and outcome focused programmes of work. To fulfil the Overview and Scrutiny role in relation to 'all Council' cross cutting themes which cut across the terms of reference of the four thematic Scrutiny Committees. The Committee is also responsible for dealing with all 'Call-Ins' (under the Council's Overview and Scrutiny Procedure Rules).

## **Finance and Performance Scrutiny Committee**

This Committee is responsible for scrutinising financial and operational performance; treasury management arrangements; the annual revenue budget consultation process; statutory performance reporting requirements and monitoring the implementation of medium term financial planning decisions.

## **Children and Young People Scrutiny Committee**

This Scrutiny Committee's role is in connection with scrutinising all education provision from 3 – 19 years and Children's Social Services.

## **Health and Well-Being Scrutiny Committee**

This Scrutiny Committee's role is in connection with scrutinising services which support the Health and Well-being of our communities. The Committee considers adult social services as well as other functions which contribute to the health and wellbeing of the County Borough such as Leisure Services, Housing and Public Health and Wellbeing.

## **Public Service Delivery, Communities and Prosperity Scrutiny Committee**

This Scrutiny Committee deals with scrutinising public service delivery across a range of Council services. The Committee considers areas which contribute to prosperity and also community safety issues. It is the Council's designated Crime and Disorder Committee (pursuant to Section 19 and 20 of the Police and Justice Act, 2006).

## **2. Where and when do the Committees meet?**

Each of the Council's five Scrutiny Committees meet approximately 8 times a year. Meetings commence at 5 p.m. (with the exception of meetings of the Overview and Scrutiny Committee, when dealing with 'Call-Ins' as these are 'special' meetings and are convened at a time as requested by the Chair). To increase engagement with the public in scrutiny, we endeavour to hold as many Scrutiny meetings in different venues across the County Borough. A schedule of all the Scrutiny Committee meetings for the current municipal year is available on the Council website at the following link:- <https://www.rctcbc.gov.uk/EN/Council/CouncillorsCommitteesandMeetings/Committees/Committees.aspx>

### **3. How do I get my “voice” heard?**

Your “voice” at a Scrutiny Committee can be heard via two ways. If you choose, you can request to speak at a Scrutiny Committee or alternatively, you can send in your written representations. The procedure for submitting written representations can be found in paragraph 16 on pages 5-6.

### **4. Who can speak?**

Anyone who lives or works in Rhondda Cynon Taf and who has registered in advance is entitled to speak at a scheduled meeting of one of the Council’s Scrutiny Committees (to include “Call-In” meetings as dealt with by the Overview & Scrutiny Committee).

The number of speakers will be limited to two per agenda item with the discretion for the Chair to increase this limit if he/she feels it appropriate to do so.

In the event that a person aged under 16 years of age wishes to speak at a Scrutiny Committee meeting, they must be accompanied by an adult.

### **5. How long do I have to speak?**

For each agenda item a maximum of 10 minutes speaking time be allocated in total for members of the public to speak. Individual speakers will be limited to 5 minutes in respect of each agenda item.

The Chair has discretion to stop the speaker before their allotted time has concluded, if in the Chair’s view the speaker is making any comments that are, or appear to be, defamatory or offensive or unrelated to the agenda item under discussion.

### **6. What can I speak on at the meeting?**

A member of the public, speaking on an item on the agenda must address their speech to the item they have registered to speak on and cannot address other agenda items or unrelated business.

You should make every effort to ensure that:

- Your comments are clear and concise and are directly related to the report on which you have requested to speak;
- You avoid repeating points made previously by any earlier public speakers;

- Your views are limited to the advantages or disadvantages of the report and that you highlight how the report could affect the delivery of services to specific user groups of citizens in Rhondda Cynon Taf; and
- Your comments are not defamatory, discriminating or contain offensive language.

Speakers may be asked to clarify any of the comments they make and asked questions by Members. Speakers must not enter into debate with the Committee Members.

## **7. What can't I speak on at the meeting?**

The right of the public to speak applies to all items on the agenda with the exception of the following:

- Apologies; Declarations of Interest and Minutes
- If an agenda item has been withdrawn
- Any agenda item that is not accompanied by a written report or agenda item for which the Chair has exercised his or her discretion to withdraw the right of public speaking
- When confidential/exempt items are under consideration by Scrutiny the Chair will ask all members of the press and public to vacate the meeting room.

The right to speak does not include the right to ask any questions of any Elected or Co-opted Member, Officer of the Council, invited attendees or any other speaker.

## **8. Attendance at the Meeting**

Members of the public who have registered to speak are asked to arrive 15 minutes before the scheduled start time of the meeting and should inform the Democratic Services Officer of their arrival.

## **9. Where do I sit?**

The Democratic Services Officer will seat you accordingly and, at the appropriate time, the Chair will ask you to move to a particular place within the room, where you can be clearly seen and heard.

## **10. When will I speak during the Meeting?**

Normally, agenda items with public speaking will be considered first and will take the following format:

- Responsible Officer from the Council to present the report;
- If applicable, the Cabinet Member portfolio holder to address the Scrutiny Committee;
- Members of the public who have registered to speak;

- Other elected Members (i.e. not Members of the Scrutiny Committee); and
- Scrutiny Committee Members

### **11. Can I hand out supporting documents or use visual aids?**

In order for Members to give full consideration to any points made, speakers must provide any supporting information/documentation they intend to refer too in their presentations in advance on registering to speak. No additional information/documentation may be produced at the meeting itself.

Should speakers wish to produce visual aids by way of a PowerPoint presentation, then these slides must also be provided in advance on registering to speak.

### **12. Once I have spoken**

After you have finished speaking, please be aware that you may be asked questions by the Chair of the Committee and/or Members of the Committee.

The Committee will then consider the comments made and thereafter determine whether to make any recommendations arising from those comments/issues raised to the Cabinet or Senior Officer with delegated responsibility as deemed appropriate.

The Chair will then advise that there are no further queries and if you so wish, you are free to leave the meeting.

### **13. How do I register to speak?**

The agendas for Scrutiny Committee meetings are published on the Council's website, 5 clear days before the date of the meeting.

Members of the public wishing to speak must notify Democratic Services by no later than 5.00 p.m. on the penultimate working day preceding the relevant Scrutiny Committee meeting.

Requests must include details of the agenda item of the relevant Scrutiny Committee at which you wish to speak.

Applications will be dealt with in the order that they have been received. All those registered to speak will be advised prior to the meeting, either by email or through the contact telephone number that has been provided, if your request to speak has been accepted.

### **14. How do I register to speak in Welsh?**

In accordance with the guidance as shown in 13, should you wish to address Members of the Committee in Welsh then the same process applies, including stipulating whether the address is to be conducted in Welsh or English.

### **15. How do I register to speak if I have a disability or additional needs?**

If you have a disability or any additional needs and require assistance in order to fully participate in our Scrutiny process please contact us on the email address below with as much notice as possible in advance of the meeting so we can discuss and make arrangements for reasonable adjustments.

## **16. Written representations**

We appreciate that you may find it difficult to address the Committee in person. If this is the case, we welcome written submissions and this must be done in the same manner i.e. by no later than 5.00 p.m. on the penultimate working day preceding the relevant Scrutiny Committee.

Please submit written representations to:

Email: [scrutiny@rctcbc.gov.uk](mailto:scrutiny@rctcbc.gov.uk)

or to the following postal address:

Democratic Services,  
Rhondda Cynon Taf County Borough Council,  
The Pavilions,  
Cambrian Park,  
Clydach Vale, Tonypany. CF40 2XX

## **17. Additional Information**

Filming and recording of meetings will not be allowed, unless in exceptional circumstances and at the discretion of the Chair. Prior permission is to be sought.

Speakers should advise Democratic Services in advance if they have any special needs or requirements.

If you have any questions concerning public speaking at a meeting then please do not hesitate to contact one of our Democratic Services Officers on the email address as shown below:

[scrutiny@rctcbc.gov.uk](mailto:scrutiny@rctcbc.gov.uk)