



Cwmbran Community Council  
Cyngor Cymuned Cwmbrân

## Code of Conduct Complaints

### Member & Officer Protocol

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2. Review due To be agreed.
3. Document Reference 1.1.3

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# **Code of Conduct Complaints: Member and Officer Protocol**

## **Cwmbran Community Council**

### **Introduction**

1. The Code of Conduct applies whenever Members act, claim or give the impression to be acting as a member of Cwmbran Community Council.
2. It 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 their fellow Members and between Members and Officers.
3. The Code also applies to a Member at any time if they conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute or if they use or attempt to use their position to gain an advantage for themselves or any other person or if they misuse the authority's resources.
4. The Council's Standing Orders confirm that all complaints relating to breaches of the Code of Conduct should be reported to the Public Services Ombudsman for Wales. The Ombudsman has the discretion to decide whether allegations of breaches of the Members' Code of Conduct will be investigated.
5. This Protocol sets up a framework for good working relationships between Members and between Members and Officers. It is designed to avoid the need for some complaints and/or encourage early resolution of such complaints.
6. The Protocol will also reflect the principles underlying the 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.

### **Member & Officer Relations**

7. 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. They give advice to Members and the Council and carry out the Council's work under its direction and control.
8. Members and Officers should treat each other with respect at all times.
9. 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

10. 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
- 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
- Compliance with the Members' Code of Conduct
- Compliance with this Protocol at all times

11. Both Members and Officers should take care not to give the impression that their distinct roles have blurred in any way. Members and Officers should therefore exercise caution in forming close, personal relationships with each other as the impression could be given that a particular Member or Officer may be able to secure advantageous treatment as a result of such a friendship.

12. 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.

13. All dealings between Members and Officers should observe reasonable standards of courtesy and neither party should seek to take advantage of their position.

14. 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 to the Clerk. 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.

15. Complaints about the Clerk should first be referred to the Chairman of the Council.

16. Similarly, if there is concern by an Officer in relation to a Member's conduct, all such concerns should be brought personally to the attention of the Clerk.

17. All Members have the same right and obligations in their relationship with officers and should be treated equally. However, Chairs of Committees have additional responsibilities and their relationship with officers may be different, more frequent and more complex from those of members without those responsibilities. 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 the Clerk, will differ from that with opposition groups.

### **Rights & Duties of Individual Members**

18. All Members have the right:-

- To inspect documents in the possession or control of the Council
- To attend Committee, Sub Committee, Joint Committee, policy seminars and 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.

19. There are also duties on individual Members to:-

- Abide by the Members Code of Conduct and this Protocol.
- To disclose personal and prejudicial interests.
- 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 received from officers, especially advice from the Clerk where it is given under his statutory duty.
- To take into account any advice given by the Monitoring Officer (Torfaen County Borough Council)

### **Confidentiality and the Press**

20. The rights for Members to inspect documents are set out in Standing Orders
21. 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.
22. 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.

23. Duties of confidentiality arise when one person is provided with information by another, 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
24. 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.
25. 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.

#### **Correspondence & e-mails**

26. All correspondence, including e-mails between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member or other organisation, except to the Committee Chair responsible for that area of work where appropriate. Where it is necessary to copy the correspondence to another Member this should normally be made clear to the original Member, before any correspondence is sent.
27. Correspondence including e-mails between an individual Member and an Officer should not be copied by the Member to the media or other organisations. Officers other than the Clerk should not contact the Press and comply with the requirements of the Officers' Code of Conduct.
28. Local government should promote openness and transparency so information should not be disseminated secretly. E-mails to and from Members should not be blind copied, without declaring to whom the Email has been copied.
29. Members who do not use the council's IT equipment must nevertheless comply with the Council's ICT security policy, and this Protocol.

#### **Involvement of Ward Members**

30. Much of what the Council does requires effective communication between everyone who may be affected. Ward Members especially are concerned to know and be involved in matters that affect their Ward. Where Members raise specific concerns

which may involve ward level issues other than their own, it is expected that the Ward Member/s is/are to be notified.

### **Attendance by Members at Meetings Arranged by Officers**

31. Members are free to request a meeting with the Clerk to discuss aspects of the Council's business, bearing in mind the reasonable calls of the Clerk's other duties.
32. 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 Committees of any relevant discussions and/or outcomes. There may be occasions where a Member may be invited to attend such a meeting by the appropriate Officer or by a resolution of a Committee.
33. Members may request meetings with Officers and bring third parties to that meeting by agreement with officers.

### **Breaches of the Protocol**

34. Allegations by an Officer of a specific breach of this Protocol by a Member should be made to the Clerk to the Council. It is hoped that any potential problems may be resolved by early discussion between the Members involved and the Clerk. If this does not prove possible the Clerk may, take advice from the Monitoring Officer at Torfaen County Borough Council.
35. The Clerk will decide whether disciplinary procedures are appropriate in the case of alleged breach of this Protocol by Officers.
36. Allegations by a Member of a specific breach of this Protocol by another Member should be made to the Clerk to the Council. It is hoped that any potential problems may be resolved by early discussion between the Members involved and the Clerk. If this does not prove possible the Clerk may, take advice from the Monitoring Officer at Torfaen County Borough Council.

### **Training, Briefing & Advice**

37. Joint training and briefings for the operation of this Protocol for Members and Officers will be arranged as required and overseen by the Policy & Finance Committee.
38. The Clerk to the Council will give advice on the interpretation and operation of this Protocol.

### **Review**

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