

**Time** 1.00 pm      **Public Meeting?** YES      **Type of meeting** Oversight  
**Venue** Committee Room 3 - Civic Centre

## Membership

**Chair** Cllr Phil Page (Lab)

### Labour

Cllr Val Evans  
Cllr Zee Russell  
Cllr Martin Waite

### Conservative

Cllr Wendy Thompson

Quorum for this meeting is two Councillors.

## Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

**Contact** Jaswinder Kaur  
**Tel/Email** 01902 550320 or [jaswinder.kaur@wolverhampton.gov.uk](mailto:jaswinder.kaur@wolverhampton.gov.uk)  
**Address** Democratic Services, Civic Centre, 1st floor, St Peter's Square,  
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

**Website** <http://wolverhampton.moderngov.co.uk>  
**Email** [democratic.services@wolverhampton.gov.uk](mailto:democratic.services@wolverhampton.gov.uk)  
**Tel** 01902 550320

Please take note of the protocol for filming and recording of, and use of social media in, meetings, copies of which are displayed in the meeting room.

Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

# Agenda

## Part 1 – items open to the press and public

*Item No.*    *Title*

### **BUSINESS ITEMS**

- 1            **Apologies for absence**
- 2            **Declarations of interest**
- 3            **Minutes of previous meeting** (Pages 3 - 4)  
[To agree the minutes of the previous meeting, held on the 14 June 2018.]
- 4            **Matters arising**  
[To consider any matters arising from the minutes of the previous meeting.]

### **DECISION ITEMS**

- 5            **Freedom of Entry - HMS Forward** (Pages 5 - 8)  
[To consider whether to confer the title of Freedom of Entry to HMS Forward.]
- 6            **Councillor Code of Conduct and Protocol for Councillor and Employee Relations** (Pages 9 - 38)  
[To consider amendments to the Councillor Code of Conduct and Protocol for Councillor and Employee Relations.]

<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Standards Committee</b> Minutes - 14 June 2018
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## Attendance

### Members of the Standards Committee

Cllr Phil Page (Chair)  
Cllr Val Evans  
Cllr Zee Russell  
Cllr Wendy Thompson

### Employees

Robert Baldwin	Lead Lawyer
Jaswinder Kaur	Democratic Services Manager

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## Part 1 – items open to the press and public

*Item No.*     *Title*

- 1     **Apologies for absence**  
Apologies for absence were received from Ray Tomkinson, Independent Member.
- 2     **Declarations of interest**  
There were no declarations of interest made.
- 3     **Minutes of previous meeting**  
That the minutes of the previous meeting held on the 22 March 2018 be agreed as a correct record.
- 4     **Matters arising**  
There were no matters arising from the previous minutes.
- 5     **Conferring the Title of Honorary Alderman**  
Jaswinder Kaur, Democratic Services Manager presented the report on Conferring the Title of Honorary Alderman for approval. The Committee were requested to consider convening an extraordinary meeting to confer the title of Honorary Alderman on former Councillors whom had met the eligibility criteria of providing 20 years' distinguished service.

The Mayor, Councillor Phil Page proposed and Councillor Val Evans seconded the recommendation.

Resolved:

That Council convene an extraordinary meeting of the Council on 18 July 2018 to confer the title of Honorary Alderman on former Councillors Ian Claymore, Barry Findlay, Malcolm Gwinnett, Andrew Johnson, Christine Mills, Patricia Patten, Judith Rowley, Tersaim Singh and Andrew Wynne.

<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Standards Committee</b> <b>24 October 2018</b>
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<b>Report title</b>	Freedom of Entry – HMS Forward	
<b>Cabinet member with lead responsibility</b>	Councillor Val Gibson, Governance	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Kevin O’Keefe, Director of Governance	
<b>Originating service</b>	Legal Services	
<b>Accountable employee(s)</b>	Shamsher Zada	Solicitor
	Tel	01902 552454
	Email	Shamsher.zada@wolverhampton.gov.uk
<b>Report to be considered by</b>	Council	7 November 2018

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**Recommendations for decision:**

The Standards Committee is recommended to recommend that Council:

1. Convene an extraordinary meeting of the Council on 7 November 2018, to confer the honour of Freedom of Entry on HMS Forward in recognition of their services to the City of Wolverhampton.
2. Arrangements be made in due course to celebrate the honour.

## **1.0 Purpose**

- 1.1 To consider granting the honorary Freedom of Entry to the City of Wolverhampton to HMS Forward (the "Unit").

## **2.0 Background**

- 2.1 HMS Forward was officially opened in 1999 by HRH The Princess Royal. It is a modern purpose-built training centre for Royal Navy Reservists from across the region. Although the Unit is located centrally in Birmingham it acts as the single representative for the Royal Navy across the five counties of the West Midlands, Warwickshire, Staffordshire, Shropshire and Worcestershire. There is a crew of nearly 100 personnel of which twenty percent originate from the City of Wolverhampton.
- 2.2 HMS Forward has built firm relations with the City of Wolverhampton over the last twenty years. The Unit regularly visit and present at the City of Wolverhampton College, as well as attending events at the University of Wolverhampton. The Unit engage with numerous Department for Work and Pensions (DWP) job fairs across the City to raise awareness and offer part-time job opportunities to the public. They have a monthly presence in Queens Square with the HMS Forward Outreach Trailer. The Unit regularly attend New Cross Hospital for the same reason.
- 2.3 HMS Forward has attended many Council led job fair events, including West Park, Molineux Stadium and Wolverhampton Racecourse. More recently they have been working closely with Defence Relations Management based at West Midlands Reserves Forces and Cadets Association (WMRFCA) by supporting employer engagement events in the City and forging strong links with the Chamber of Commerce.
- 2.4 HMS Forward supports military events in the City of Wolverhampton, they have provided a team of personnel for several parades, including Armed Forces Day and Remembrance Day. In addition, the Commanding Officer and Staff Officer try to accommodate invitations from the Mayor's Officer to provide a senior Naval Officer for all military events. The Unit provide personnel to support the Royal British Legion with the annual Poppy Appeal in the City Centre of Wolverhampton.
- 2.5 Members of the Standards Committee may wish to consider if this is an opportunity to bring HMS Forward in line with RAF Cosford, 210 Battery, The Mercian Regiment and West Midlands Fire Service who have all received Freedom of Entry.

## **3.0 Freedom Scroll**

- 3.1 If the Committee is minded to approve the recommendation, a citation will be prepared for submission to Council which, together with the Resolution passed, will be transcribed on to a Freedom Scroll, made of vellum, hand decorated and inscribed, which will be sealed with the City Council's Corporate Seal.

#### **4.0 Financial implications**

- 4.1 It is traditional to hold a celebratory event in the Mayor's Parlour, the arrangements for which will be made in consultation with HMS Forward. The total cost of the Freedom Scroll and celebratory event is anticipated to be in the region of £1,000. This will be funded from existing budgets set aside for hospitality and equipment purchases within Civic Support.  
[GE/16102018/P]

#### **5.0 Legal implications**

- 5.1 Section 249 (5) of the Local Government Act 1972 allows Council to confer the award of honorary freemen or honorary freewomen of the place or area (known as Freedom of Entry for service units) of which it is the authority. A special meeting of the Council would need to be convened where the proposed resolution would receive the support of not less than two-thirds of the Members voting.  
[SZ/14092018/S]

#### **6.0 Equalities implications**

- 6.1 There are no equalities implications arising from the recommendations in this report.

#### **7.0 Environmental implications**

- 7.1 There are no environmental implications arising from the recommendations in this report.

#### **8.0 Human resources implications**

- 8.1 There are no human resource implications arising from the recommendations in this report.

#### **9.0 Corporate landlord implications**

- 9.1 There are no corporate landlord implications arising from the recommendations in this report.

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## Standards Committee

24 October 2018

<b>Report title</b>	Councillor Code of Conduct and Protocol for Councillor and Employee Relations	
<b>Cabinet Member with Lead Responsibility</b>	Councillor Val Gibson, Governance	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Kevin O'Keefe, Director of Governance	
<b>Originating service</b>	Democratic Services	
<b>Accountable employee</b>	Jaswinder Kaur	Democratic Services Manager
	Tel	Tel: 01902 550320
	Email	jaswinder.kaur@wolverhampton.gov.uk
<b>Report to be considered by</b>	Council	7 November 2018

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### Recommendations for decision:

The Standards Committee is recommended to recommend that Council:

1. Approve the revised Councillor Code of Conduct.
2. Approve the revised Protocol for Councillor/Employee Relations.

## **1.0 Purpose**

- 1.1 This report outlines the proposed changes made to the Councillor Code of Conduct and Protocol for Councillor/Employee Relations for approval by the Council. It is recommended that the Council agrees and adopts the revised Councillor Code of Conduct and Protocol for Councillor/Employee Relations.

## **2.0 Background**

- 2.1 The Special Advisory Group received a report on the 24 November 2017 recommending that the Constitution be refreshed to remove repetition, update terminology and, where possible, simplify the wording to make it clearer.
- 2.2 The revised constitution was approved was approved by Council on the 13 December 2017 and it was noted that further amendments to the Constitution would be presented in 2018 .
- 2.3 The Councillor Code of Conduct and Protocol for Councillor and Employee Relations were not updated during the 2017 review, it was therefore deemed appropriate to update both during this review in order to ensure consistency throughout the Constitution.

## **3.0 Reasons for updating Councillor Code of Conduct**

- 3.1 The Councillor Code of Conduct has been revised to include the Nolan Principles, which had previously featured in a separate section of the Constitution. The Nolan Principles were established in 1995 in order to improve standards of behaviour in public life and apply to anyone who works as a public office holder.
- 3.2 The proposed revised code provides greater clarification when the code is applicable, expectations of conduct and rules of conduct
- 3.3 The proposed revised code re-enforces that it is the responsibility of each individual Councillor to declare a relevant interest at any Council or Committee meeting.
- 3.4 The proposed revised Code also seeks to provide further guidance and advice to Councillors when declaring any relevant interests to the Monitoring Officer.
- 3.5 The proposed revised Councillor Code of Conduct aims to provide greater transparency for Councillors on the standard of behaviour expected of them whilst fulfilling their commitments as elected members and to the public also.

## **4.0 Reasons for updating Protocol for Councillor and Employee Relations**

- 4.1 The revised Protocol for Councillor and Employee Relations proposes minor alterations, in order to broaden the purpose of the Protocol and provide further clarity to Councillors and Employees regarding their relations.

## **5.0 Financial implications**

5.1 There are no financial implications arising from the recommendations in this report.  
[GE/09102018/A]

## **6.0 Legal implications**

6.1 The Localism Act 2011 abolished the old National Code of Conduct for members. However, under s27(2) of the Act each council was under a duty to adopt a Code of Conduct and, although the precise form of the Code was to be up to each individual authority, s28(1) of the Act said that the Code had to be consistent with the Seven Principles of public Life (the 'Nolan Principles') and s28(2) said it must contain whichever provisions the authority considered appropriate with regard to registration and declaration of interests.  
[RB/09102018/M]

## **7.0 Equalities implications**

7.1 There are no equalities implications arising from this report.

## **8.0 Environmental implications**

8.1 There are no environmental implications arising from this report.

## **9.0 Human resources implications**

9.1 There are no human resources implications arising from this report.

## **10.0 Corporate Landlord implications**

10.1 There are no corporate landlord implications arising from this report

## **11.0 Schedule of background papers**

11.1 [Changes to the Constitution](#)

## **12.0 Appendices**

Appendix 1 – Councillor Code of Conduct

Appendix 2 – Protocol for Councillor and Employee Relations

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**Code of Conduct for Councillors of City of Wolverhampton Council**

**1. Purpose of the Code**

- 1.1 The purpose of this Code of Conduct is to assist you in the discharge of your obligations as a Councillor to both the Council, local communities and the public at large by:
- a. setting out the standards of conduct that are expected of you when you are acting in that capacity, and in so doing
  - b. providing the openness and accountability necessary to reinforce public confidence in the way in which you perform those activities.
- 1.2 The Code also applies to co-opted members of Council Committees who are entitled to vote on any issues coming before those Committees.

**2. Scope of the Code**

- 2.1 The Code applies to you in all aspects of your activities as a Councillor, including (but not limited to): -
- a. at formal meetings of the Council
  - b. when acting as a representative of the Council
  - c. in taking any decision as a Cabinet Member, Committee Member or Panel Member
  - d. in discharging your functions as a Ward Councillor
  - e. at briefing meetings with Council Employees
  - f. at site visits
  - g. when purporting to act as a Councillor
- 2.2 This Code are is complementary to any related Codes and Protocols of the Council within the Council's Constitution and elsewhere. It does not seek to regulate what you do in your private and personal life.
- 2.3 References to committees or meetings of the Council within this Code also refer to Council, Cabinet, sub-committees, panels and working groups, as well as joint-committees.

**3. Public Duties of Councillors**

- 3.1 You have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act and to act on all occasions in accordance with the public trust placed in you.
- 3.2 You have an overriding duty to act in the interests of the City of Wolverhampton Council area as a whole, but also have a duty to represent the views of all residents of your ward.

**4.0 General Principles of Conduct**

- 4.1 In carrying out your duties, in or exercising the functions of the Council, or otherwise acting as a Councillor, you will be expected to observe the following general principles of conduct. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

**4.2 *Selflessness***

You should take decisions solely in terms of the public interest. You should not seek to gain financial or other material benefits for yourself, your family, or friends.

**4.3 *Integrity***

You should not place yourself under any financial or other obligation to outside individuals or organisations that might influence you in the performance of your official duties.

**4.4 *Objectivity***

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit.

**4.5 *Accountability***

You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

**4.6 *Openness***

You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.

**4.7 *Honesty***

You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**4.8 *Respect for Others***

You should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age,

religion, gender, sexual orientation or disability. You should respect the impartial role of the Council's statutory officers, and its other employees.

**4.9 Leadership**

You should promote and support these principles by leadership and example.

**4.10 Stewardship**

You should do whatever you are able to do, to ensure that the Council uses its resources prudently and in accordance with the law.

**5.0 Expectations of Conduct**

5.1 You shall base your conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, immediately in favour of the public interest.

5.2 You shall at all times ensure that your use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters and that you observe any limits placed by the Council on the use of such expenses, allowances, facilities and services.

5.3 You shall complete any mandatory training required for your role as a Councillor or any committees to which you are appointed.

5.4 You shall at all times conduct yourself in a manner which will maintain and strengthen the public's trust and confidence in the integrity of the Council and never undertake any action which would bring the Council, you, other Councillors or employees generally, into dispute.

**6. Rules of Conduct**

6.1 You shall observe the following rules when acting as a Councillor or co-opted Member of the Council:

1. You must treat others with respect and courtesy.
2. You must not -
  - a. Do anything which may cause the Council to breach any of its equality duties
  - b. Bully any person;
  - c. Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your council.
  - d. Lobby, intimidate or attempt to lobby or intimidate any person who is or is likely to be:
    - i. a complainant,

- ii. a witness, or
  - iii. involved in the administration or determination of any investigation or proceedings in relation to an allegation that a member (including yourself) has failed to comply with his or her council's code of conduct; or
3. You should not use or attempt to use your position as a councillor improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
4. You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
- (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is:
    - a. reasonable and in the public interest; and
    - b. made in good faith and in compliance with the reasonable requirements of the council
5. You must not prevent any person from gaining access to information to which that person is entitled by law.
6. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or council into disrepute.
7. You shall observe the following rules when using the resources of the Council, or authorising the use of those resources by others:
- a. Act in accordance with the Council's reasonable requirements including the requirements of its ICT policy and the policies listed in the Constitution which you are deemed to have read and understood.
  - b. Ensure that such resources are not used improperly for political purposes (including party political purposes);
  - c. Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
8. You shall observe the following rules when making decisions on behalf of or as part of the Council:

- a. Have regard to any relevant advice provided to you by the Council's Section 151 Officer and Monitoring Officer where such advice is offered pursuant to their statutory duties.
- b. Give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.
- c. Have regard to the rules and any advice on the registration and disclosure of interests as set out in this Code.

## **7.0 Declaration of Interests**

- 7.1 You shall conscientiously abide by the requirements of the Council in respect of the registration of interests in the Register of Members' Interests and where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Council or its Committees, or in any communications with the Council, its Members or officers.
- 7.2 Such disclosures must be made even if the interest has already been included on the Register of Interests or where there is a notification pending to the Monitoring Officer.
- 7.3 These interests extend to those of your spouse, partner, civil partner, family members or persons with whom you have a close association or personal relationship and you are aware that they have the interest.

## **8.0 Duties in respect of the Council's Standards Committee and the Monitoring Officer**

- 8.1 The application and guidance on this Code shall be a matter for the Council and for the Standards Committee and, as appropriate, the Monitoring Officer, acting in accordance with their terms of reference.
- 8.2 You shall co-operate, at all stages, with any investigation into your conduct by the Council or those persons acting on its behalf. Failure to do so is likely to be a breach of this Code.
- 8.3 All complaints will be dealt with according to the Council's Procedure for Handling Complaints against Councillors and Co-opted Members.

## **9.0 Registration of Interests**

- 9.1 You must comply with the requirements of the law and the Council in registering your interests in the Register of Councillor's Interests. These are explained below. These interests extend to those of your spouse, partner, civil partner, family members or persons with whom you have a close association or personal relationship.
- 9.2 When considering registering or disclosing any interests, you should ask yourself: "Would a member of the public, with knowledge of the relevant facts,

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

If the answer to this question is “yes”, then you should disclose that interest.

- 9.3 Within 28 days of becoming a member of the Council, or of knowing you have a disclosable pecuniary interest, you must notify the Monitoring Officer. You must also draw attention to any relevant interest, where it is required or appropriate to do so, in any proceeding of the Council or its Committees with which you are involved or in any communications with any colleague, officer or outside body in your role as a member.
- 9.4 You should consult the Council’s Monitoring Officer if you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation. If it is agreed that you have such an interest, you will be obliged to register it, but details will not be disclosed in the published version of the register. Similarly, when at a meeting, you only need to state the fact that you have a disclosable interest, and not details of the interest itself.

#### **9.0 — Other Interests**

~~9.1 In addition to the requirements of Paragraph 3, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest” or “non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent~~

~~9.2 For the avoidance of doubt you have a “non-disclosable pecuniary interest” or “non-pecuniary interest” in an item of business of your Council where —~~

- ~~a. a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Council’s administrative area, or~~
- ~~b. it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.~~

#### **10.0 Memberships**

10.1 In addition, this Code requires you to disclose any interests in any business of the Council where it relates to, or is likely to affect, either:

a. anybody or organisation of which you are a member, or in a position of general control or management, and to which you are appointed or nominated by your Council:

b. anybody or organisation which exercises functions of a public nature, is directed to charitable purposes, or has a primary purpose of influencing public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

## **11.0 Disclosable Pecuniary Interests**

11.1 The appendix details what constitutes to a pecuniary interest.

11.2 Where you

a. are present at a meeting of the council and

b. have, or become aware that you have, a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,

You must

c. not participate, or participate further, in any discussion of the matter at the meeting

d. not participate in any vote, or further vote, taken on the matter at the meeting

e. leave the room until the conclusion of the matter under discussion

11.3 Where you are an executive member taking a portfolio decision and are aware you have a disclosable pecuniary interest, you must notify the Monitoring Officer of that interest within 28 days and take no action in respect of the matter other than refer to another executive member to take the decision.

11.4 Where you have taken a portfolio decision that is subsequently discussed at a meeting of the Council, you must not try to influence the outcome of that discussion or take any further part in the proceedings unless answering questions to facilitate those discussions.

11.5 If you have a disclosable pecuniary interest in a matter coming before a meeting of the Council, you can make a written request to the Monitoring Officer beforehand for a dispensation, which may allow you to participate in the discussion and vote.

A dispensation may be granted in the following circumstances:

a. Where members of the decision-making body have disclosable pecuniary interests in a matter that would “impede the transaction of the business”

- b. That without the dispensation, the representation of different political groups on the body conducting the business would be so upset as to alter the outcome of any vote on the matter
- c. That the council considers that the dispensation is in the interest of persons living in the council's area
- d. That the council considers that it is otherwise appropriate to grant a dispensation.

Any grant of dispensation must specify how long it will last, up to a maximum of 4 years.

Dispensations under (a) and (b) above shall be decided by the Monitoring Officer, with the right of appeal to the Standards Committee. Those in (c) and (d) shall be considered by the Standards Committee, after consultation with the Independent Person(s).

The following standard exemptions in relation to the granting of dispensations, in relation to members' allowances, business rates, plus housing matters and rents have been agreed by the Councillor Conduct Committee:

- (i) An allowance, payment or indemnity given to members or any ceremonial honour given to members.
- (ii) Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time and any superseding legislation.
- (iii) Housing matters and rents (provided that those functions do not relate particularly to the member's tenancy or lease).

- 11.6 Failure to register a disclosable pecuniary interest could be a breach of the Code and a criminal offence. You must register all such interests relating to you, your spouse, civil partner or partner.
- 11.7 If a disclosable pecuniary interest arises in relation to your family member or person with whom you have a close association or personal relationship, and you are aware that they have the interest, you must disclose and register that interest. Failure to do so could be in breach of this Code.
- 11.8 If you fail to comply with the Code of Conduct (whether or not the finding is made in accordance with the Council's agreed arrangements) the Council Standards Committee may have regard to that failure in deciding:
  - a. whether to take action in relation to you, and
  - b. what action to take.

**12.0 Non-Pecuniary Interests**

12.1 Non-disclosable Pecuniary Interests or non-pecuniary interest are other interests that would qualify as grounds for bias in an application to quash a decision of the Council. If you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest” or “non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

**13.0 Gifts and Hospitality**

13.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Councillor from any person or body other than the Council.

13.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

~~13.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.~~

**14.0 Disclosure and Barring Service (DBS) Checks**

14.1 The Council takes its safeguarding responsibilities seriously. To this end, on 15 October 2013, Cabinet (Resources) Panel decided that criminal records checks would be carried out for all Councillors following election. Enhanced checks will be carried out for those Councillors who may, by virtue of their particular responsibilities, have unsupervised contact with children. (As of June 2015, this applied to the Cabinet Member for Children and Young People, the Cabinet Member for Education, and members of the Corporate Parenting Panel.) This list will be amended, as necessary, by the Head of Paid Service and the Monitoring Officer. Standard checks will be carried out for all other Councillors.

14.2 Checks will be carried out every four years (normally to coincide with election or re-election). In the case of a by-election, a check will be carried out at the time of election and then again if the Councillor is re-elected, unless that date is within 12 months of the original check. Additional checks may be carried out for any Councillor at the discretion of the Head of Paid Service and the Monitoring Officer.

14.3 The Council recognises that information released in DBS certificates can be extremely sensitive and personal. Receipt, handling and consideration of the certificates will therefore be carried out in accordance with the Disclosure and Barring Service’s code of practice.

**Appendix**

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a Councillor has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows: -

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Councillor, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	Any beneficial interest in securities of a body where—

## **Code of Conduct for Councillors**

- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either: -
  - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a Councillor;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

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**Protocol for Councillor/Employee Relations**

**1. Introduction**

- 1.1 This protocol is intended to guide members and officers of the Council in their working relations with each other. It is part of the Council's wish to uphold standards of conduct amongst councillors and officers.
- 1.2 A number of other documents also deal with standards of conduct for Councillors and officers and lay down procedures for the proper conduct of Council business. These include:
- Local Government Act 2000
  - Localism Act 2011
  - The Council's Constitution, specifically:
  - The Code of Conduct for Councillors of the City of Wolverhampton Council (part 5)
  - The Code of Conduct for Employees (part 5).
- 1.3 Its purpose is:
- a. To promote trust, openness, fairness and honesty by establishing some ground rules;
  - b. To define roles so as:
    - to clarify responsibilities
    - to avoid conflict, and
    - to prevent duplication or omission;
  - c. To secure compliance with the law, codes of conduct and the Council's own practices; and
  - d. To lay down procedures for dealing with concerns by Councillors or employees.
- 1.4 The protocol should be recognised both as a central element of the Council's corporate governance, and as a commitment to upholding standards of conduct in public life. It is one way of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation.
- 1.5 Whilst not covering every eventuality, it seeks to strengthen a good working relationship, to clarify possible areas of doubt and to offer advice as to how to deal with particular situations which might arise.

## **Protocol for Councillor/Employee Relations**

1.6 Whilst many of the situations which fall within this protocol will undoubtedly relate to councillors and senior officers, the same aspects of conduct apply to all employees.

### **2. Definitions**

2.1 Unless the context indicates otherwise, references to the term *Council* include the Cabinet, Scrutiny Board, Scrutiny Panels and Regulatory or other Committees.

2.2 Unless the context indicates otherwise, the terms Councillor and Councillors include non-elected (i.e. co-opted or independent) members as well as elected Councillors.

2.3 Employees mean all persons employed by the Council.

2.4 “*Designated Officer*” is defined in the Cabinet Procedure Rules as the Head of Paid Service, a Director or other senior employee authorised by him/her for this purpose.

2.5 “*Section 151 Officer*” means the Director of Finance.

2.6 “*Monitoring Officer*” means the Director of Governance.

### **3. Principles**

3.1 Councillors and employees must at all times observe this protocol.

3.2 The protocol is based on the model drawn up by the Association of Council Secretaries and Solicitors and has been approved by the Council’s Standards Committee who will monitor its operation.

3.3 The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct. Councillors and employees must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.

3.4 Whilst Councillors and employees are indispensable to one another, their responsibilities are distinct. Councillors are accountable to the electorate and serve only as long as their term of office lasts. Employees are accountable to the Council as a whole. Their job is to give advice to Councillors (individually and collectively) and to carry out the Council’s work under the direction of the Council.

3.5 The Council has adopted codes of conduct for both Councillors and employees. Both represent best practice. The Councillors’ code follows the national code which in turn is based on the general principles governing

## ***Protocol for Councillor/Employee Relations***

Councillors' conduct enshrined in law. These principles underpin this protocol.

- 3.6 Breaches of this protocol by a Councillor may result in a complaint to the Standards Committee if it appears the Councillors' code has also been breached. Breaches by an employee may lead to disciplinary action.

### **4. The Role of Councillors**

- 4.1 Councillors have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Councillors may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.
- 4.2 Collectively, Councillors are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget. Councillors represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies. Every Councillor represents the interests of, and is an advocate for, his/her Ward and individual constituents. He/she represents the Council in the Ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
- 4.3 As politicians, Councillors may express the values and aspirations of the party political groups to which they belong, recognising that in their role as Councillors they have a duty always to act in the public interest.
- 4.4 Councillors are not authorised to instruct employees other than:
- a. Through the formal decision making process;
  - b. To request the provision of consumable resources provided by the Council for Councillors' use;
  - c. Where employees have been specifically allocated to give support to a Councillor or group of Councillors and;
  - d. In the case of political assistants.
- 4.5 Councillors are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council. Councillors must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Councillors have an obligation under their code of conduct to have regard when reaching decisions, to any advice provided by the Monitoring Officer or the Section 151 Officer.
- 4.6 Councillors must respect the impartiality of employees and do nothing to compromise it, for example by insisting that an employee change his/her professional advice.

## **5. The Role of Employees**

- 5.1 Employees are responsible for giving advice to Councillors to enable them to fulfil their roles. In doing so, employees will take into account all available relevant factors. Under the direction and control of the Council, employees manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues. Employees have a duty to implement decisions of the Council, which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's Constitution.
- 5.2 Employees have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views. Employees must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions. Employees must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Councillors, the media or other sections of the public.
- 5.3 **Employees must at all times keep members fully informed about significant issues which affect their wards or bodies on which they represent the authority. This is fundamental to the Council's wish to enhance the representational role of councillors. For example, if the authority conducts a consultation exercise in the borough, relevant members, including ward councillors should be notified at the beginning of the exercise.**
- 5.4 Employees have the right not to support Councillors in any role other than that of employee, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on employees' involvement in political activities.

## **6. The Relationship between Councillors and Employees**

- 6.1 The conduct of Councillors and employees should be such as to instil mutual confidence and trust. The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 6.2 Informal and collaborative two-way contact between Councillors and employees is encouraged. But personal familiarity can damage the relationship, as might a family or business connection. Councillors and employees should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
- 6.3 It is not enough to avoid actual impropriety. Councillors and employees should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation

## ***Protocol for Councillor/Employee Relations***

where conflict could be perceived. Specifically, a Councillor should not sit on a body or participate in any decision which directly affects the employee on a personal basis.

- 6.4 With the exception of political assistants, employees work to the instructions of their senior officers, not individual Councillors. It follows that, whilst such employees will always seek to assist a Councillor, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Councillors should normally direct their requests and concerns to a senior officer, at least in the first instance.
- 6.5 Employees will do their best to give timely responses to Councillors' enquiries. However, employees should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Councillors should avoid disrupting employees' work by imposing their own priorities. Councillors will endeavour to give timely responses to enquiries from employees.
- 6.6 An employee shall not discuss with a Councillor personal matters concerning him/herself or another individual employee. This does not prevent an employee raising on a personal basis, and in his/her own time, a matter which his/her Ward Councillor.
- 6.7 Councillors and employees should respect each other's free (i.e. non-Council) time.

### **7. The Council as Employer**

- 7.1 Employees are employed by the Council as a whole.
- 7.2 Councillors' roles are set out in the Employee Employment Procedure Rules set out in Part 3. If participating in the appointment of employees, Councillors should:
  - a. Remember that the sole criterion is merit (other than in the case of political assistants where political consideration may apply);
  - b. Never canvass support for a particular candidate;
  - c. Never take part where one of the candidates is a close friend or relative;
  - d. Not to be influenced by personal preferences, and
  - e. Not favour a candidate by giving him/her information not available to the other candidates.
- 7.3 A Councillor should not serve on an appeal hearing if the appellant is a friend, a relative, or an employee with whom the Councillor has had a working relationship.

**8. Mayor and Employees**

- 8.1 The Mayor is the first citizen of the City. His/her role is to be an ambassador for the authority and to chair full Council meetings. Officers must give every support to the Mayor in the execution of these duties. However, the Mayor does not have any executive powers.

**9. Cabinet Members and Employees**

- 9.1 Cabinet Members will take decisions in accordance with the Constitution and will not otherwise direct employees. Designated Officers will be responsible for instructing employees to implement the decisions of the Cabinet.
- 9.2 Designated Officers (including the Head of Paid Service, the Monitoring Officer and the Section 151 Officer) have the right to submit papers to the Cabinet as a whole or to individual Cabinet Members for consideration.
- 9.3 Designated Officers and Cabinet Members shall agree mutually convenient methods of regular contact. Before taking any formal decision, the Cabinet will seek appropriate professional advice.
- 9.4 Before any formal decisions with a financial implication are taken by the Cabinet, the Section 151 Officer and the Designated Officer(s) for the service(s) concerned must be consulted. This is to ensure that those employees who are budget holders:
- a. Are aware of the proposed decision;
  - b. Have the opportunity to offer advice, and
  - c. Are subsequently able properly to authorise the financial transactions needed to implement decisions.
- 9.5 An individual Cabinet Member who is minded to write or commission a report or to make a decision about a matter within his/her responsibility must ensure that those other Councillors and employees who need to know of the matter are so informed. There is a particular requirement to involve other Cabinet Members on cross-cutting issues.
- 9.6 Cabinet Members when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include the reasons.
- 9.7 Employees taking decisions under their delegated powers must consider the advisability of informing the relevant Cabinet Member(s) of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or have wider policy implications.

**10.0 Overview and Scrutiny Councillors and Employees**

10.1 Chairs and other leading overview and scrutiny Councillors shall maintain regular contact with the employees providing the principal support to the overview and scrutiny function. In consultation with Chairs, it shall be the responsibility of the employee to ensure that those who need to know of matters being considered at meetings or for possible future consideration at meetings are so informed.

10.2 The Scrutiny Board and Scrutiny Panels may require employees to attend before them in accordance with the Overview and Scrutiny Procedure Rules and any protocol.

**11. Members of Regulatory or other Committees and Employees**

11.1 Designated Officers will offer to arrange regular informal meetings with Chairs, Vice-Chairs and spokespersons of Regulatory or other Committees.

11.2 Designated Officers (including the Head of Paid Service, Monitoring Officer and the Section 151 Officer) have the right to present reports and give advice to Regulatory or other Committees.

11.3 Members of a Regulatory or other Committee shall take decisions within the remit of that Body and will not otherwise instruct employees to act.

**12. Party Groups and Employees (Excluding Political Assistants)**

12.1 Designated Officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups. An employee who is not a Designated Officer shall not be invited to attend a party group meeting, but a Designated Officer may nominate another employee to attend on his/her behalf.

12.2 Employees have the right to refuse such requests, and will normally not attend a meeting of a party group where some of those attending are not Councillors. If some of those present are not Councillors, care must be taken not to divulge confidential information relating to Council business. Persons who are not Councillors are not bound by the Councillors' Code of Conduct. They do not have the same rights to Council information as Councillors. No Councillor will refer in public or at meetings of the Council to advice or information given by employees to a party group meeting.

12.3 Employees support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Employees must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed. The duration of an employee's attendance at a party group meeting will be at the discretion of the group, but an employee may leave at any time if he/she feels it is no longer appropriate to be there.

## ***Protocol for Councillor/Employee Relations***

- 12.4 Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decision. The presence of an employee confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so. Where employees provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 12.5 It must not be assumed that an employee is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting. An employee should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
- 12.6 Employees will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by the party group, will not relay the content of such discussions to another party group or to any other Councillors. This shall not prevent an employee providing feedback to other senior officers on a need to know basis.
- 12.7 In their dealing with party groups, employees must treat each group in a fair and even-handed manner. An employee accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
- 12.8 Councillors must not do anything which compromises or is likely to compromise employees' impartiality.
- 12.9 Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Head of Paid Service and the relevant party group leader.

### **13. Political Assistants**

- 13.1 These employees have been appointed by the Council exclusively to provide support to each of the party groups. Their function is to assist the interests and work of the group to which they have been assigned. This is in contrast to all other employees whose duty is to serve the Council as a whole.
- 13.2 Political assistants will be treated in accordance with and expected to observe all codes, policies and practices relating to the Council's employees. This includes the courtesy and consideration which the Council expects its employees to show to one another.
- 13.3 Except for their immediate secretarial and clerical support, the assistants will have no line management responsibility or power of direction over other employees.

- 13.4 Political assistants are not authorised to comment publicly on behalf of the Council as a whole, or to commit the Council to any particular course of action, but can comment on behalf of the party group to which they have been assigned.
- 13.5 The level of access to Council documents and information shall be that enjoyed by Councillors.

#### **14. Ward Councillors and Employees**

14.1 To enable them to carry out their Ward role effectively, Councillors need to be informed about matters affecting their Ward. Designated Officers must ensure that all relevant employees are aware of the requirement to keep local Councillors informed, allowing Councillors to contribute to the decision making process and develop their representative role. This requirement is particularly important:

- During the formative stages of policy development, where practicable;
- In relation to significant or sensitive operational matters;
- Whenever any form of public consultation exercise is undertaken and
- During an overview and scrutiny investigation.

14.2 Whenever a public meeting is organised by the Council to consider a local issue, all the Councillors representing the Wards affected should be invited to attend the meeting as a matter of course. If a Ward Councillor intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant employee. Provided the meeting has not been arranged on a party political basis:

- An employee may attend but is not obliged to do so, and
- The meeting may be held in Council-owned premises.

No such meetings should be arranged or held in the immediate run-up to Council elections.

14.3 Whilst support for Councillors' Ward work is legitimate, care should be taken if employees are used to accompany Councillors to Ward surgeries. In such circumstances:

- The surgeries must be open to the general public, and
- Employees should not be requested to accompany Councillors to surgeries held in the offices or premises of political parties.

## ***Protocol for Councillor/Employee Relations***

- 14.4 Employees must never be asked to attend Ward or constituency political party meetings.
- 14.5 It is acknowledged that some Council employees (e.g. those providing dedicated support to Cabinet Members) may receive and handle messages for Councillors on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party-political purposes.
- 14.6 In seeking to deal with constituents' queries or concerns, Councillors should not seek to jump the queue but should respect the Council's procedures. Employees have many pressures on their time. They may not be able to carry out the work required by Councillors in the requested timescale and may need to seek instructions from their managers.

### **15. Councillors' Access to Documents and Information**

- 15.1 This part of the protocol should be read in conjunction with the Access to Information Rules set out in Part 3.
- 15.2 Councillors may request Designated Officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as Councillors. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
- It is in the public domains, and
  - It is not barred by the Data Protection Act from being given.
- 15.3 Every Member of the Cabinet, the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees has a right to inspect documents about the business of that body. A Councillor who is not a member of a particular body may have access to any document of that specific part of the Council provided:
- He/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a Councillor (the "need to know" principle), and
  - The documents do not contain "confidential" or "exempt" information as defined by the law.
- 15.4 Disputes as to the validity of a Councillor's request to see a document on a need to know basis will be determined by the Monitoring Officer. Employees should seek his/her advice if in any doubt about the reasonableness of a Councillor's request.

## ***Protocol for Councillor/Employee Relations***

- 15.5 A Councillor should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:
- a. Where to do so is likely to be in breach of the Data Protection Act, or
  - b. Where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the Councillors' Code of Conduct.
- 15.6 Information given to a Councillor must only be used for the purpose for which it was requested.
- 15.7 It is an accepted convention that a Councillor of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.
- 15.8 Councillors and employees must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so. When requested to do so, employees will keep confidential from other Councillors advice requested by a Councillor.
- 15.9 Councillors and employees must not prevent another person from gaining access to information to which that person is entitled by law.

### **16. Media Relations**

- 16.1 All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.
- 16.2 Press releases or statements made by employees must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.
- 16.3 Employees will keep relevant Councillors informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 16.4 Before responding to enquiries from the media, employees shall ensure they are authorised to do so. Likewise, employees will inform the Council's press office of issues likely to be of media interest, since that unit is often the media's first point of contact.
- 16.5 If a Councillor is contacted by, or contacts, the media on an issue, he/she should:
- a. Indicate in what capacity he/she is speaking (e.g. as Ward Councillor, in a personal capacity, as a Cabinet Member, on behalf of the Council, or on behalf of a party group);
  - b. Be sure of what he/she wants to say or not to say;

## ***Protocol for Councillor/Employee Relations***

- c. If necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's press office and/or relevant Designated Officer, except in relation to a statement which is partly political in nature;
- d. Consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
- e. Never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
- f. Consider whether to consult other relevant Councillors; and
- g. Take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

### **17. Correspondence**

- 17.1 Correspondence between an individual Councillor and an employee should not be copied to another Councillor unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no "blind" copies.
- 17.2 Official letters written on behalf of the Council should normally be in the name of the relevant employee. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of a Cabinet Member or the Chairs of the Scrutiny Board, Scrutiny Panel or Regulatory or other Committee.
- 17.3 The Mayor may initiate correspondence in his/her own name.
- 17.4 Letters which create legally enforceable obligations, or which give instructions on behalf of the Council should never be sent in the name of a Councillor.
- 17.5 When writing in an individual capacity as a Ward Councillor a Councillor must make clear that fact.

### **18. Access to Premises**

- 18.1 Employees have the right to enter Council land and premises to carry out their work. Some employees have the legal power to enter property in the ownership of others.
- 18.2 Councillors have a right of access to Council land and premises to fulfil their duties.
- 18.3 When making visits as individual Councillors, they should:

## ***Protocol for Councillor/Employee Relations***

- a. Whenever practicable, notify and make advance arrangements with the appropriate employee in charge;
- b. Comply with health and safety, security and other workplace rules;
- c. Not interfere with the services or activities being provided at the time of the visit.
- d. If outside his/her own Ward, notify the Ward Councillor(s) beforehand; and
- e. Take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

### **19. Use of Council Resources**

- 19.1 The Council's Codes and protocols set out in Part 3 must be observed.
- 19.2 This part of the protocol should be read in conjunction with the Council's "whistleblowing" policy.
- 19.3 Councillors or employees with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Head of Paid Service or Monitoring Officer.
- 19.4 A Councillor who is dissatisfied about the actions taken by, or conduct of, an employee should:
  - a. if a councillor is dissatisfied they should address this with the employee privately and confidentially and if it is not resolved informally they should refer the issue to their manager.
- 19.5 If direct discussion with the employee is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Councillor should raise the issue with the employee's Manager.
- 19.6 A serious breach of this protocol by an employee may lead to an investigation under the Council's disciplinary procedure.
- 19.7 An employee who believes a Councillor may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the Leader of the relevant party group. More serious complaints may involve alleged breaches of the Councillors' Code of Conduct and may be referred to the Standards Committee.

**20. Attendance at Seminars and Conferences**

- 20.1 There is a presumption that only essential conferences will be attended. The term 'conference' is used to mean any paid for event, including seminars and workshops, attended by a Councillor or employee of City of Wolverhampton Council.
- 20.2 Essential conferences are to be defined as:
- a. Those that meet identified Councillor or employee development needs as defined by individual Councillor or Employee Development Reviews that have been conducted in accordance with established procedures.
  - b. Those for which the costs and benefits to the Council have been evaluated.
- 20.3 Attendance at paid for conferences will require prior approval by the responsible budget holder regardless of cost.
- 20.4 The maximum total number of Councillors and/or employees attending any individual conference shall be three; but the presumption shall be for one.
- 20.5 One employee may accompany a Councillor or Councillors at any individual conference.
- 20.6 The presumption shall be that one employee representing City of Wolverhampton Council may attend a conference.
- 20.7 Following attendance at any conference a written report shall be prepared by the Councillor or employee attending and must include a summary of the key implications for the Council. The report shall be submitted, in the case of Councillors to a relevant Committee or Panel of the Council or, in the case of employees, Management Team.