

COUNCILLOR CONDUCT COMMITTEE

23 FEBRUARY 2015

GUIDANCE FOR COUNCILLORS ON WARD WORK

Report from: Perry Holmes, Monitoring Officer

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Summary

This report sets out guidance on handling ward work previously agreed and issued to Councillors by the Standards Committee in 2011. The Councillor Conduct Committee is asked to review the guidance at Appendix A which has been updated to bring it into line with the new Councillor Conduct regime. It is recommended that the guidance should be re-issued to all Councillors after the local elections in May 2015.

1. Budget and Policy Framework

1.1 The Councillor Conduct Committee is responsible for promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives serving on Council Committees. The Committee has power to advise, train or arrange training on matters relating to the Members' Code of Conduct.

2. Background

2.1 On 24 November 2010 the former Standards Committee discussed the development of a protocol or written guidance to assist Councillors in handling ward work as recommended by the Standards Hearings Sub Committee after considering the findings of an investigation into a complaint about ward level activity by a particular Councillor.

2.2 At that time Group Leaders had been consulted and had expressed support for development of some general guidance for Councillors.

2.3 The guidance subsequently agreed by the Standards Committee on 2 February 2011 was issued to all Councillors and voting Co-opted members after the 2011 elections. The Committee is invited to review the guidance which has been updated to reflect the new Councillor Conduct regime.

3. Draft guidance on ward work

- 3.1 The guidance attached at Appendix A to this report clarifies and consolidates provisions in the Members' Code of Conduct and the Council's Constitution together with established practice relating to ward work.
- 3.2 The Committee is invited to consider and comment on the draft guidance and to authorise the Monitoring Officer to re-issue it to all Councillors.

4. Risk Management

- 4.1 Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.
- 4.2 The provision of guidance to Councillors on dealing with ward work will minimise risk to their personal safety and also assist them to avoid breaching any requirements relating to member conduct at ward level.

5. Financial and legal implications

- 5.1 There are no financial implications arising from this report.
- 5.2 The draft guidance is consistent with the provisions of the Members' Code of Conduct adopted by the Council.

6. Recommendations

- 6.1 The Councillor Conduct Committee is asked to consider and comment on the draft guidance for Councillors on ward work attached at Appendix A; and
- 6.2 The Committee is asked to authorise the Monitoring Officer to issue the guidance to all Councillors and co-opted members after the local elections in May 2015.

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Background papers

Standards Committee 2nd February 2011

Councillor Conduct Committee – 23 February 2015 Medway Council

Ward work - Guidance for Councillors

1. Introduction

This guidance was updated and approved for issue to all Councillors and voting co-opted members of the authority by the Councillor Conduct Committee on 23 February 2015. . Ward work is a key aspect of the representational role of an elected Councillor. Medway Council has developed a range of role profiles for Councillors, which are available in full on Just 4 You, the Council's intranet. The first role profile outlines the key duties of a Front Line Councillor including dealing with resident's concerns and representing the concerns and interests of individual constituents and the ward more generally – see Appendix 1.

This guidance note highlights and summarises the support Councillors can expect to receive from Council Officers in dealing with ward work in line with relevant provisions within the Council's Constitution and established practice. It also summarises the measures Councillors should take to ensure they operate at ward level in compliance with the Members' Code of Conduct and other codes and protocols adopted by the Council, best practice in terms of personal safety and with a view to achieving the best outcomes for residents. This guidance should be read in conjunction with the guidance for Councillors on use of resources.

The Local Government Association produces a comprehensive Councillor's Guide which is made available to all Medway Councillors when they are elected. This includes advice on representing the ward, community involvement and surgeries and casework. A training session on handling ward work is also usually offered as part of the induction programme for Medway Councillors after each local election.

2. Ward level information

Getting to know their ward is a key priority for new Councillors and keeping abreast of issues affecting local residents is an ongoing issue for all Councillors during their term of office.

Medway Council now publishes demographic ward profiles for Medway on its website bringing together headline statistics covering a variety of themes including population, employment, earnings, education, health, housing and crime. This information can be accessed by searching for "ward profiles" on the home page of the Council's website or via the following link:

<http://www.medway.gov.uk/environmentandplanning/developmentplan/factsandfigures/demographicwardprofiles.aspx>0A slight variation to the Council prepared ward profiles are the 'neighbourhood area profiles'. . A number of the twenty one profiles match ward boundaries, others span a number of

wards due to the grouping of Super Output Areas according to the make up of the area.

<http://www.medway.gov.uk/environmentandplanning/developmentplan/factsandfigures/areaprofiles.aspx>

Other useful websites are as follows:

Official Labour market statistics by ward

https://www.nomisweb.co.uk/reports/lmp/ward/contents.aspx?Session_GUID={BEBB3474-FBF0-42F9-8AD7-82E61DC6799E}

e.g. Chatham Central

<https://www.nomisweb.co.uk/reports/lmp/ward/1308624287/report.aspx?town=chatham%20central>

General national statistics at ward level

<http://www.neighbourhood.statistics.gov.uk/dissemination/LeadHome.do;jessioid=ac1f930d30d53d9223a57f574464b689d85c3af6c8af?m=0&s=1294142429041&enc=1&nsjs=true&nsck=true&nsvg=true&nswid=1260>

e.g. Chatham Central

<http://www.neighbourhood.statistics.gov.uk/dissemination/LeadAreaSearch.do?a=7&r=1&i=1001&m=0&s=1294142493791&enc=1&areaSearchText=chatham+central&areaSearchType=14&extendedList=false&searchAreas=Search>

Councillors can expect to be kept up to date by officers on all significant matters affecting their ward including (but not limited to) the following issues:

- Schools – including amalgamations, closures, academies, proposed new schools and important internal matters such as changes to staffing structures and the appointment of Deputy/Assistant Directors, Service Managers and other senior staff
- Greenspaces – including large-scale clearances, new green space developments, improvements to parks, changes to grass cutting regime etc
- Parking – including changes to car parks, introduction of Controlled Parking Zones and on-street parking charges etc
- Road works – including introduction of yellow lines, road surface improvements, pavement improvements, road closures and roadworks (excluding smaller scale works like pot holes for example)
- Transport – including changes to bus routes, introduction/changes of speed limits, improvements or changes to railway stations/tracks/bridges/ and any transport consultations
- Public events and official visits in the ward – including festivals, fun runs, ceremonial openings, community events etc

- Service reconfigurations – including proposals to discontinue, close or restrict any facility such as post offices, youth clubs, council offices, libraries, services for older people etc
- Ward Improvement schemes – including introduction of new recycling facilities, alleygates, health centres etc
- Consultation exercises
- Establishment of new PACTs with an invitation to attend
- Major planning and economic development issues – including introduction of a major shopping centre, town centre works and the introduction of Council led economic/social regeneration schemes
- Regeneration activity - including the formation of resident's groups, consultations, forums and any physical works

It is an established convention that Councillors will be briefed equally, and involved in any ward level meeting or consultative exercise organised by the Council. Ward members may also request a confidential briefing from officers that will not be shared with other ward members unless the member concerned chooses to do so.

3. Dealing with case work

All Councillors deal with problems and issues raised with them at ward level by local residents. This is known as case work and usually involves dealing with the resolution of a specific problem. Although the traditional way of meeting constituents is through the use of surgeries, casework for Councillors also comes through letters, phone calls, emails, responses to leaflets and door-knocking.

It is best practice for Councillors to refer any enquires or complaints from residents who live outside of their ward to the relevant ward councillor. In addition there is clear guidance on referral of issues to a fellow-ward Councillor if the matter raised would give rise to a conflict of interest or pre-determination. See section 6 below.

If Councillors or officers arrange meetings or events involving residents across more than one ward or where the issue involved is likely to impact on residents of other neighbouring wards it will be expected that all ward councillors will be notified and invited to attend. The protocol on Member/Employee relations in the Council's Constitution sets out in detail how Councillors should process ward level enquiries and what they can expect in response from officers.

The key points are as follows:

- Councillors should make enquiries to the relevant Director, Deputy/Assistant Director or Service Manager who will respond within a reasonable timescale
- Where it is not possible to give a prompt response the officer will inform the Councillor of the reason for this

- If the matter is of a more general concern or the Councillor is not happy with an operational officer's response the matter should be taken up with the relevant Deputy/Assistant Director or Director.
- Councillors should not approach more junior members of staff, except on matters of day- to -day service issues, discussions with staff in Democratic and Member's Services and meetings with staff specifically assigned to a task group, panel or forum to support members in their role
- The Member's Services Section will provide Councillors with support on day-to-day correspondence which will be on Medway Council headed paper.
- Councillors should not ask officers to do anything which could be regarded as politically biased.
- Where a Council officer is the first point of contact for a constituent they will either signpost the constituent to their ward Councillors or act as a liaison point.
- Councillors should not reply to resident's enquiries on behalf of the Council.
- Councillors may receive complaints or issues related to safeguarding of children or vulnerable adults. If there is a complaint the complainant should be directed to the Council's complaint process in the first instance. If a Councillor wishes to take forward enquiries on behalf of a constituent it is important to bear in mind that the matter may be before the courts and that Council officers may not be in charge of all that is happening with the family. Any Councillor who believes there is a safeguarding issue should make an immediate referral to Customer First. It is very important for Councillors to remain detached and not become too personally involved as cases may be complex and may put the Councillor in a vulnerable position.

The A-Z of services on the Council's website is a useful resource or Councillors when determining which Council department to refer a specific casework issue to. In most cases constituents should be sign posted in the first instance to Customer First. In addition Councillors should be familiar with the Council's complaints procedures as residents may wish to pursue an issue via the complaints process with an ultimate right of complaint to the Local Government Ombudsman.

4. Community Engagement with the Council

In undertaking ward work Councillors may be asked to advise on how residents can have input to the formal decision-making processes of the Council on a particular issue. Councillors need to be familiar with the following provisions within the Council's Constitution enabling issues of concern to residents to be raised at this more formal level:

- The facility for public questions at full Council meetings
- The Councils petitions scheme and the facility for members of the public to set up e-petitions

- The Councillor Call for Action procedure for matters relating to community safety

In addition Councillors themselves may submit motions on ward level issues for debate at full Council and ask a question at these meetings. There is provision for member's items at Overview and Scrutiny Committees and for input by ward Councillors at Planning Committee and Licensing Hearing Panels (subject to the Codes of Good Practice on Planning and Licensing in the Council's Constitution).

5. Personal Safety and Insurance

Councillor contact with individual constituents is usually rewarding and non-adversarial but sometimes residents approach their Councillor because they have been unsuccessful in resolving an issue through other channels. Councillors quickly become skilled and experienced in dealing with angry and frustrated residents. Training and guidance for new Councillors is provided.

It is very important that Councillors do not put themselves at risk. There are a range of personal safety measures that Councillors can take to prevent and deal with those rare circumstances when they feel anxious for their personal safety as follows:

- Try not to hold surgeries in an otherwise empty building
- Try not to do surgeries alone
- Consider the layout for surgeries – it is a good idea for Councillors to sit closest to the door with constituents seated on the other side of a table
- Try and arrange a separate waiting room
- Be prepared to deal with a range of emotions. Training is available on how to deal with aggressive and difficult people and people who make unacceptable remarks. For example, racist or personally offensive comments
- Try to be accompanied when undertaking home visits. At the very least leave details with another person of the address you are visiting and your expected time of return
- Do not encourage callers at your home
- Do not put yourself at risk if you are looking into a complaint about the activities of a particular resident. For example, breach of planning permission where you are seeking evidence to support enforcement activity by the Council. Instead refer the matter to officers to pursue
- Deal with abusive or nuisance telephone calls in accordance with police advice. Use answer-machines and voicemail to screen calls if necessary.
- Refer any malicious or anonymous letters or emails to the police
- Park in safe well lit places
- Report any incidents of concern even if fairly minor or “nearly happened” to the Chief Executive
- Attend training which covers personal safety

Annex 2 to this guidance note sets out the position with regard to insurance.

6. Member conduct at ward level – danger zones

The Members' Code of Conduct and other codes and protocols in the Council's Constitution generally apply to Councillors and voting co-opted members of the Council when they are acting in that capacity..

The particular danger zones for Councillors when conducting ward work are as follows:

- **Complaints of inappropriate behaviour** - the Members' Code of Conduct requires all Councillors and voting co-opted members to have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The Code includes a requirement to act solely in the public interest and never to improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits. Members must not place themselves under a financial or other obligation to outside individuals or organisations and must make all choices based on merit when carrying out public duties. Members are required to promote and support high standards of conduct. . These provisions take on a particular significance for Councillors when meeting with constituents on a one-to-one basis.
- **Breach of confidentiality** – Councillors must not disclose information provided to them in confidence. It is very important for Councillors to be clear whether or not information they are providing in response to constituent's enquiries should be in the public domain.
- **Promoting and supporting high standards of conduct** – Councillors need to be mindful of the risk of bringing the Council into disrepute through their individual conduct.. It is always important for Councillors to remain calm and professional when dealing with complainants or attending ward level meetings where residents may be angry or critical of the Council.
- **Improper advantage/disadvantage**– The Members' Code of Conduct says that Councillors must act solely in the public interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for themselves, their family, friends or close associates. At ward level all Councillors have to be careful to handle enquiries from residents fairly, irrespective of political affiliation and personal association. In particular, Councillors who hold positions of special responsibility should not seek to secure an accelerated or preferential response from Council officers or partner organisations (such as local NHS bodies or the Police) to their ward level enquiries.

- **Use of resources** - the provisions in the Code relating to use of Council resources are also significant at ward level and another guidance note has been produced covering this aspect of the Code.
- **Ward Improvement Fund (WIF)** – There is a budget providing £3000 for each Councillor to spend on projects at ward level which command community support and strictly relate to an unmet need in the ward(s), or improve social, economic or environmental wellbeing in the ward(s) Under the Council’s Constitution, the Directors and the Chief Executive have delegated authority to approve proposals for WIF projects. They will do so only following a request from, and after consultation with, the ward member(s) in question.
- **Conflicts of interest/pre-determination** – The Members’ Code of Conduct and the Medway Council Members’ Codes of good practice on Planning and Licensing set out in some detail the obligations of Councillors where they have a disclosable pecuniary interest or other interest in a matter of Council business or where their activities at ward level may give rise to pre-determination or bias. Councillors need to understand these rules because it is easy to fall foul of the rules when championing an issue at a local level and subsequently seeking to take part in formal decision-making on the same matter. Training is provided on this as part of member induction after each local election.
- **Safeguarding** – Councillors need to be mindful of their responsibility to safeguard vulnerable children and adults and to take steps to ensure that any safeguarding concern is referred to Customer First who will then refer the matter for assessment. Safeguarding is about the safety of individuals but also families and if there are any community issues placing families, vulnerable adults or children at risk these should also always be reported to Customer First.
- **Procurement and the Council’s commissioning role** - increasingly the Council is commissioning in partnership with other organisations and procuring and commissioning services from other providers. It is therefore important that Councillors are aware of the Council’s procurement rules and the rules on conflict of interests. Contractors and providers may lobby individual Councillors and it is very easy to express a view or make a comment that could prejudice your own or the Council’s position in subsequent decision-making.
- **Data Protection** - Councillors should be aware that they might be permitted to limited access to personal data held by the Council. Where the Council permits such access, it will explicitly restrict the use of any personal information provided for specific purposes.

Councillors must be conversant with their responsibilities for personal data under the Data Protection Act 1998.

A useful guide is available from the Information Commissioner’s Office at http://www.ico.gov.uk/for_organisations/sector_guides/political.aspx

In particular, Councillors who handle personal information covered by the Act must check to see if they need to register as a Data Controller with the Information Commissioner's Office. Failure to notify is a criminal offence punishable by a fine of up to £5000. In determining whether they need to notify, Councillors need to consider the role in which they are processing personal data. If processing personal data as a member of the Council or as a representative of a major political party, Councillors will not normally be required to notify the ICO. However, when carrying out their role as a representative of the residents in a ward a Councillor may need to notify. For example, if they use personal data to timetable surgery appointments or take forward complaints made by local residents. It is recommended that Councillors contact the Information Commissioner's Office for advice.

- **Misuse of Information** - Councillors are also likely to come into contact with local and neighbourhood level data used for service planning and monitoring. For example, this data might represent the likelihood that different residents will access a service, and be used to forecast future demand. Councillors should take great care to ensure that any data or information provided to them is used according to its intended purposes, and is not used for other purposes without the approval of the author.

7. Further advice

For further advice on any of the areas covered in this guidance note please contact:

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Julie Keith – Head of Democratic Services
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Annex 1

Role Profile 1: Front Line Councillor

Key duties in the following areas:

Community liaison

1. To participate constructively and effectively in the good governance of the Council, Medway as a whole and your local area.
2. To act in a manner which promotes the best interests of Medway, its residents and those who work in Medway.
3. To collectively be the council's policy makers and carry out a number of strategic and corporate leadership functions.
4. To deal effectively with the concerns of local residents on issues pertaining to the Council and its partners.
5. To represent the interests of the ward for which elected and their communities
6. To bring the views of the community into the council's decision making processes and to be the advocate of their communities.
7. To participate effectively in all relevant consultative processes with the local community and with other organisations.
8. To ensure effective contact with community representatives and other local stakeholders as appropriate and represent their views.
9. To develop and maintain a working knowledge of the organisation's services and activities and other matters which affect and impact on the local community.

Overview and scrutiny and regulatory roles

1. To be involved in reviewing the Council's policies, budget, strategies and service delivery through the overview and scrutiny processes when you are not a Member of the Executive, with a view to assessing their effectiveness in meeting the strategic objectives of the authority and the needs of its residents. To carry out this role in relation to scrutinising partners.
2. To participate actively and effectively as a Member on any scrutiny, regulatory or other Committee/panel, assembly or forum to which the Councillor is appointed.

Statutory

1. To fulfill the statutory requirements of an elected Member of a local authority and to participate in those decisions and activities reserved to the Council.
2. To develop and maintain a working knowledge of the authority's services, management arrangements, powers, duties and constraints.
3. To develop and maintain a working knowledge of the council's partners and their services e.g. the police and the NHS

Ways of working

1. To have a good understanding of the Council rules set out in the Constitution, determining how Council meetings are meant to be run.
2. To comply with the Council's Code of Conduct or such other code of conduct as the Council may from time to time adopt.
3. To comply with the Member/Officer protocol as set out in the Constitution.
4. To ensure that the principles of equality and fairness are integral to all actions and policies of the council.
5. To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.
6. To make use of new technology as a means of effective communication.
7. To have a good understanding of the responsibilities elected members have as corporate parents.
8. To develop good working relationships with other members and with employees of the authority.

Skills and knowledge required

1. Good communication and interpersonal skills
2. Ability to use ICT to support their role
3. Ability to relate and deal with the public in a professional and timely manner
4. Ability to work effectively with council officers and outside organisations
5. Community Leadership skills including managing ward and case work

6. Ability to manage conflicting priorities, stress and time.
7. Understanding and appreciation of diversity and equalities issues
8. Understanding of the legislation relating to duties, obligations and rights of elected members
9. A good understanding of how local, national and European government operates, including the statutory and financial frameworks.
10. Ability to keep abreast of issues affecting local government

Annex 2

MEDWAY COUNCIL INSURANCE POLICIES**COVER FOR COUNCILLORS**

- **Introduction**

Members benefit from a number of the Council's insurance policies. The cover ranges from indemnity to Members for claims arising out of their official capacity to more direct benefits like personal accident. Brief summaries of the policies applicable are given below. The Systems, Exchequer and Insurance Manager will be able to give more detailed advice to Members on request

- **Employers Liability**

This policy covers the Council's legal liability to pay compensation to employees injured as a result of Council negligence. Members are indemnified under the policy

- **Public Liability**

This policy covers the Council's legal liability to pay compensation to third parties, who are either injured, or have their property damaged as a result of Council's negligence. Members are indemnified under the policy whilst acting in their official capacity as a Councillor.

- **Officials Indemnity**

The policy covers the Council's legal liability to pay compensation to third parties who have suffered a financial loss as a result of Council's negligence. Although rare this could arise from a decision which the Council has taken which are later proven to be in error and as a result a third party has suffered a financial loss. Again Members are covered under this policy whilst acting in their official capacity as a Councillor.

- **Libel and Slander**

The insurance policy covers the Council against claims from third parties who have suffered or alleged they have suffered, a libel appearing in any publication normal in the business by a Member, or by any employee, provided in the case of Member's such materials in the publications were specifically authorised by the Council. The insurance policy also covers alleged slanders in oral utterances, made by a Member, or employee, arising out of and in the course of the discharge of official duties on behalf of the Council, and in the case of a Member, official meetings of the Council or its committees or sub committees or any occasion when the Member is specifically authorised to represent the Council

- **Service on ‘Outside’ Bodies**

The Council’s insurance policies apply to claims arising from the business of the authority, that is its usual activities. Where a Member is serving on an ‘outside’ body in a decision making capacity then the Council’s insurance policy would not apply. **It is up to the relevant body to ensure that it arranges adequate cover for its Members**

It is recommended that members discuss the insurance position with the ‘outside’ body before sitting on such bodies. The Council’s insurance policies extend to cover, at the request of the Council, for financial loss occasioned by an error occurring committed or alleged to have been committed by the Member in pursuit of their duties whilst in the capacity of a Nominated Representative of the Council

- **Personal accident**

The Council have taken insurance to cover Members under a Personal Accident Policy. This will cover Members for personal accident and assault whilst engaged in Council activities. Payments are based on a capital sum of £50,000 in the event of a worst-case scenario, e.g. death and then a sliding scale depending on the extent of the disability, be it permanent or temporary.

- **Business Travel (which includes separate personal accident cover)**

The Council has taken insurance to cover Members and their accompanying spouse/partner and/or children whilst travelling on Council activities. The cover under this policy is wide scoping and includes an element for personal accident, and the cover is similar as that provided for by the Council’s main personal accident policy, but the capital sum is reduced to £20,000. However there is cover under this policy for temporary total disablement.

For further information on this and exclusions that apply, please contact the Head of Finance Operations(details below).

For further advice please contact:

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