

20th April 2021

Dear Councillor

You are summoned to a meeting of the:

**HR Committee
on Tuesday 27th April 2021 at 7pm
To be held online**

Membership:

Cllr Brett (East)	Cllr Macfarlane (West)
Cllr Fraser (West)	Cllr Nicklin (West)
Cllr Jeffries (Copheap) Vice-Chairman	Cllr Robbins (East) Chairman

Normally, the HR Committee would meet in person and provide an opportunity for members of the public to attend. However, during the current emergency, this is not possible, and the Government have put in place Regulations that allow 'virtual' committees to be convened and held to conduct local authority business.

Warminster Town Council has adopted appropriate procedures to ensure the smooth administration of such virtual meetings.

If you wish to address members in public participation via a written submission please contact admin@warminster-tc.gov.uk at least a day prior to the meeting to enable this to be facilitated.

If you wish to view the meeting please see the link on the Warminster Town Council website www.warminster-tc.gov.uk in the meetings diary.

Copied to all other members for information.

Yours sincerely



**Fiona Fox BA (Hons) MCIPD FSLCC
Town Clerk and Responsible Financial Officer**

1. Apologies for Absence

To receive and accept apologies, including reason for absence, from those unable to attend.

2. **Declarations of Interest**

To receive any declarations of interest under Warminster Town Council's (WTC) Code of Conduct issued in accordance with the Localism Act 2011.

3. **Minutes**

3.1 To approve as a correct record, the minutes of the HR Committee meeting held on 8th February 2021; copies of these minutes have been circulated and Standing Order 12.1 provides that they may therefore be taken as read.

3.2 To note any matters arising from the minutes of the HR Committee meeting held on 8th February 2021.

4. **Chairman's Announcements**

To note any announcements made by the chairman.

5. **Questions**

To receive questions from members of the committee submitted to the clerk in advance of the meeting.

***Standing Orders will be suspended
to allow for public participation.***

6. **Public Participation**

To enable members of the public to address the committee with a written submission, an allowance of three minutes per person regarding any item on the agenda and to receive any petitions and deputations. The chairperson will read any statements submitted.

***Standing Orders will be reinstated
following public participation.***

7. **Clerk's Report**

7.1 The Civic Centre is now open 9am – 4.30pm Monday – Friday, with strict adherence to the Government's Covid regulations and rules.

7.2 Recruitment continues, a new civic centre manager has been appointed and started on the 20th April 2021, additional grounds staff are now in place, recruitment continues for an additional cleansing operative, and a committee clerk.

7.3 The clerk is starting work on a new staff handbook and has reviewed current HR policies. This is presented to members at item 9.

8. **Code of Conduct**

Warminster Town Council's Code of Conduct has been revised in line with the Local Government Association's (LGA) new model 2021.

The WTC code now incorporates the revised Member-Officer Protocol, which is referenced in the LGA code. The WTC revised code has been brought to members of the HR committee, as it codifies and clarifies significant employment welfare issues. **(See attached supplementary notes and two copies of the revised code: one with tracked changes and one fair copy).**

Once adopted by council, an easy guide to the code will be produced for members

and officers.

Members are requested to note the changes in the WTC code of conduct, and to recommend the areas falling under their remit, to council at its meeting on the 17th May 2021.

9. Policies and procedures

HR policies and procedures have been reviewed and a table is attached summarising: policies covered and whether or not they were subject to change. Any changes have been made in accordance with advice received from: the council's HR advisor/ACAS/changes in legislation/changes in personnel requiring name changes, and in order to comply with best practice.

Copies of the amended policies are attached for members perusal. **(See attached).**

Members to note the changes and to recommend the policies and procedures for adoption by council at its meeting on the 17th May 2021.

10. Induction Programme for Councillors

An induction programme has been produced for all councillors, whether new to the council or returning, who will be elected in May 2021. Attendance will be mandatory for all members; this aligns to the council's Gold Award status and the council's commitment to the training and development of its officers and members. Where possible, recordings of the sessions will be made, so that members who are unable to attend 'live', will be able to catch up at a later date. The programme is attached for members perusal. **(See attached).**

Members to note.

11. Health and Safety Report

The HR Committee has responsibility, under its Terms of Reference for the management of the risk assessments. The regular reports, which have been carried out on a monthly, ad hoc, and quarterly basis since the start of the municipal year are completed, and areas for discussion are outlined in the attached review sheet for the period: October 2020 – March 2021 inclusive. **(See attached).**

Members to note.

12. Change in Job Title

Officers job titles should clearly reflect their job and, where possible, the areas for which the job holder is responsible. The title Park and Open Spaces Manager no longer adequately describes the job holders' responsibilities which includes CCTV, H&S across all buildings in the council's portfolio, and maintenance of the same. In addition, a change in title would align to the revision in the committee's name from Parks and Recreation Committee, to Parks and Estates Committee. This would not affect any other terms and conditions.

Members are requested to resolve that with immediate effect the title Park and Open Spaces Manager is change to Parks and Estates Manager.

13. Apprenticeships

WTC's grounds maintenance and landscaping responsibilities continue to expand following the council's decision to bring idverde contracts in house.

The 2021 – 2022 staffing budget allowed for a seasonal operative, however, an alternative to this, which would benefit both the council and employee respectively, would be to bring in an apprentice. Councils have a long tradition of supporting apprenticeships, and Wiltshire College and University Centre Lackham, run a landscaping and horticultural course. This will teach the apprentice excellent skills which WTC would utilise across the council's expanding portfolio.

The course duration is 15 months, with the apprentice attending college one day per week and WTC providing 30 hours work per week. Apprenticeships are on a fixed term contract. The minimum pay would be £4.30 per hour, with most employers paying £5.00 (gross costs). Additional funding is available to support the council; £1,000 if the apprentice is under 18, and £3,000, if they are over 18. WTC would advertise the role as an apprenticeship, and once recruited, the successful candidate would start at Lackham in September.

This way forward also aligns with the council's strategic theme - building a strong, healthy community – by offering an opportunity for an apprenticeship with the council.

Members are requested to consider this proposal and to resolve that the Parks and Estates Manager recruits a landscaping and horticultural apprentice.

14. Communications

14.1 The members to decide on items requiring a press release.

14.2 The members to confirm their spokesperson for any item listed on the agenda to report on the committee's decision if required.

Confidential session pursuant to Section 1 (2) of the Public Bodies Admission to Meetings) Act 1960; the Council, by resolution, may exclude the public from a meeting (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings.

15. Staffing Matters

To receive the clerk's reports covering ongoing HR issues. **(See attached).**
(Confidential papers attached for committee members only). Members to note or resolve accordingly.

Minutes from this meeting will be available to all members of the public either from our web site www.warminster-tc.gov.uk or by contacting us at Warminster Civic Centre.

Next scheduled meeting: Monday 7th June 2021

HR Committee: Tuesday 27th April 2021

Supplementary notes

8. Code of Conduct

The Local Government Association (LGA) has developed a model councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments. This is what is presented to members today.

Members should note that all councils are required to have a local councillor Code of Conduct. Whilst complying with its legal requirements, WTC's current code is quite sparse and is very limited in guidance and advice to members and officers. The LGA model seeks to redress this, and the attached code is drawn from the LGA, information and guidance contained in the current WTC code and from the WTC current Member – Officer Protocol. The latter has been updated in places, but the core document remains the same and is now incorporated into the code.

The Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and

harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities. **(N/A WTC).**

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work. **(N/A WTC).**

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps

should include asking the monitoring officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place. **(N/A WTC).**

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Members will note that the revised WTC code of conduct addresses best practice items, where relevant, and that the current WTC systems comply with others.

The LGA is committed to reviewing the code on an annual basis to ensure it is still fit for purpose, incorporating advances in technology, social media and changes in legislation. The WTC code will be updated, and presented to members, when changes are received from the LGA, or from other sources of advice such as NALC/Wiltshire Council, and in accordance with government legislation.

Fiona Fox
Clerk and RFO
April 2021

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Warminster Town Council Code of Conduct May 2021

Introduction

1.1 The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that councillors can be held accountable and all adopt the behaviours and responsibilities associated with the role. Your conduct as an individual councillor affects the reputation of all councillors, the council and officers.

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Deleted: We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

1.2 You represent local residents, working to develop better services and deliver local change. The public have high expectations of you and entrust you to represent our local area; taking decisions fairly, openly, and transparently. You have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

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1.3 Everyone who interacts with the council: members, officers, external stakeholders and the public has a right to be free from intimidation, abuse, bullying or threatening behaviour by anyone.

1.4 This Code has been designed to protect your democratic role, encourage good conduct and safeguard the public's trust in local government.

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1.5 This Code of Conduct is composed of a number of sections which together are the Code of Conduct of Warminster Town Council, all sections and sub-sections apply to the conduct of councillors in accordance with the Localism Act 2011 and will be taken into account when any complaints regarding councillors are considered by the Monitoring Officer.

Contents

Definitions

1.6 For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of Warminster Town Council (WTC/the council). A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- is a member of any committee or sub-committee of WTC, or;
- is a member of, and represents WTC on, any joint committee or joint sub-committee of WTC,

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

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Purpose of the Code of Conduct

1.7 The purpose of this Code of Conduct is to assist you in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct.

1.8 This code is directly drawn from the Local Government Association (LGA) Code of Practice 2020, who encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

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General principles of councillor conduct

1.9 Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

1.10 As a member or co-opted member of Warminster Town Council you shall have regard to the following Nolan Principles: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

1.11 Building on these principles, the following general principles have been developed specifically for the role of councillors as individuals.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

1.12 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

1.13 This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor
- you attend any meetings, functions and events organised, solely or jointly, by Warminster Town Council (WTC)

- when you are on/in council premises or land
- when you are discussing council business;

1.14 The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

1.15 You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

1.16 Wiltshire Council's monitoring officer has statutory responsibility for the implementation of the Code of Conduct. You are encouraged to seek advice from the town clerk, who may refer matters to the monitoring officer.

Standards of councillor conduct

1.17 This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

1.18 Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1.19 Respect

1.19.1 A as a councillor:

- I treat other councillors and members of the public with respect
- I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

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1.19.2 Respect means having due regard for someone's feelings, wishes, rights or professional judgement, politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

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1.19.3 In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

1.19.4 In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor- officer protocol.

1.20 Bullying, harassment, discrimination

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1.20.1 As a councillor:

- I do not bully any person.
- I do not harass any person.
- I promote equalities and do not discriminate unlawfully against any person.

1.20.2 The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

1.20.3 The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

1.20.4 Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

1.20.5 The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

1.21 Impartiality of officers of Warminster Town Council

1.21.1 As a councillor:

- I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of Warminster Town Council.

1.21.2 Officers work for WTC, as a whole and must be politically neutral. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

1.22 Confidentiality and access to information

1.22.1 As a councillor:

- I do not disclose information given to me in confidence by anyone or acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:
 - I have received the consent of a person authorised to give it;
 - I am required by law to do so;
 - 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
 - the disclosure is:
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the local authority; and
 - I have consulted the town clerk prior to its release.
- I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.
- I do not prevent anyone from getting information that they are entitled to by law.

1.22.2 WTC must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

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1.23 Disrepute

1.23.1 As a councillor:

- I do not bring my role or local authority into disrepute.

1.23.2 As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you, or Warminster Town Council's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring the council into disrepute.

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1.23.3 You are able to hold WTC and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

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1.24 Use of position

1.24.1 As a councillor:

- I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

1.24.2 Your position as a member of WTC provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

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1.25 Use of local authority resources and facilities

1.25.1 As a councillor:

- I do not misuse council resources.
- I will, when using the resources of WTC, or authorising their use by others:
 - act in accordance with the council's requirements; and
 - ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of WTC or of the office to which I have been elected or appointed.

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1.25.2 You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

1.25.3 These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

1.26 Complying with the Code of Conduct

1.26.1 As a Councillor:

- I undertake Code of Conduct training provided by my local authority.
- I cooperate with any Code of Conduct investigation and/or determination.
- I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

1.26.2 It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of Warminster Town Council

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1.27 Interests

1.27.1 As a councillor:

- I register and disclose my interests.

1.27.2 Section 29 of the Localism Act 2011 requires the monitoring officer to establish and maintain a register of interests of members of the authority.

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1.27.3 A copy should also be provided to your clerk, where a link on the council's website will be created directing members of the public to your register held on the principal authority's website.

1.27.4 You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

1.27.5 You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

1.27.6 **Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your town clerk, who may refer to the monitoring officer.

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1.28 Gifts and hospitality

1.28.1 As a councillor:

- I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
- I register with the town clerk any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- I register with the town clerk any significant gift or hospitality that I have been offered but have refused to accept.

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1.28.2 In order to protect your position and the reputation of WTC, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it, but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your town clerk for guidance.

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Appendices

A Appendix A – The Seven Principles of Public Life

The principles are:

A.1 Selflessness

- Holders of public office should act solely in terms of the public interest.

A.2 Integrity

- Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

A.3 Objectivity

- Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

A.4 Accountability

- Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

A.5 Openness

- Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

A.6 Honesty

- Holders of public office should be truthful.

A.7 Leadership

- Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

B Appendix B – Registering interests

B.1 General

- B.1.1 Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the monitoring officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.
- B.1.2 "**Disclosable Pecuniary Interest**" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.
- B.1.3 "**Partner**" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.
- B.1.4 You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
- B.1.5 A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
- B.1.6 Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

B.2 Nonparticipation in case of disclosable pecuniary interest

- B.2.1 Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
- B.2.2 Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

B.3 Disclosure of Other Registerable Interests

- B.3.1 Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You

may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

B.4 Disclosure of Non-Registerable Interests

B.4.1 Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

B.4.2 Where a matter arises at a meeting which **affects**:

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative, close associate; or
- c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

B.4.3 Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

B.4.4 If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

B.4.5 Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

B.5 Table 1 – Disclosable Pecuniary Interests

- This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Subject	Description
Corporate tenancies	Any tenancy where (to the councillor's knowledge) (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; 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 councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* '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.

B.6 Table 2 – Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- (a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- (b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Warminster Town Council: Member-Officer Protocol 2021

1. INTRODUCTION AND PRINCIPLES

- 1.29 The purpose of this protocol is to guide members and officers of the council in their relations with one another in such a way as to ensure the smooth running of the council and to satisfy the ethical standards required. It offers guidance on some of the issues which most commonly arise, with the hope that the approach it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.30 This protocol is to a large extent a written statement of current practice and convention. If the protocol is followed, it should ensure that members receive objective and impartial advice and that officers are protected from accusations of bias and any undue influence from members.
- 1.31 It seeks to build upon the principles underlying the Code of Conduct. The shared object of the code is to enhance and maintain the integrity (real and perceived) of local government and the code, therefore, demands very high standards of personal conduct.
- 1.32 This protocol is consistent with both the Members Code of Conduct and the Officers Code of Conduct. Consequently, a breach of the provisions of the protocol may also constitute a breach of these codes.
- 1.33 This protocol should be read in conjunction with the Codes of Conduct and any guidance issued by the Monitoring Officer of Wiltshire Council.

2. LIMITATIONS OF MEMBERS' AUTHORITY

- 2.1 The authority of members is collective and, as individuals, they have no authority to issue specific directions to any employee or make criticism directly. Members must not inspect any Town Council property without authority or issue orders or correspondence.
- 2.2 The Town Council collectively is the employer and the unofficial actions of an individual member could destroy the entire basis of the employer–employee relationship. Employees are entitled to a “reasonably congenial working relationship”.

3. THE ROLES OF MEMBERS

- 3.1 Members have the following main roles:
- Determining the policy of the council and giving it political leadership
 - Monitoring and reviewing the performance of the council in implementing that policy and delivering services
 - Representing the council externally
 - Acting as advocates on behalf of their constituents and the wider community

4. THE ROLE OF OFFICERS

- 4.1 Officers have the following main roles:

- Initiating policy proposals/recommendations
- Implementing agreed policy, managing and providing services and being accountable for the efficiency and effectiveness of the services provided
- Providing professional advice to the council, its various bodies and individual members
- Ensuring the Council always acts in a lawful manner
- Ensuring WTC's finances are robust and managed correctly

5. THE RELATIONSHIP: OFFICER SUPPORT TO MEMBERS AND OFFICERS: GENERAL POINTS

- 5.1 Whilst members and officers are servants of the public and they are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Members are responsible for setting policy. Officers are accountable to the council as a whole. Their job is to give advice to members and the council, and to carry out the council's work under the direction of the council and its various bodies.
- 5.2 At the heart of the Codes of Conduct and this protocol is the importance of mutual respect. Member–officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between members and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 5.3 Members must respect the impartiality and integrity of all the council's officers. Similarly, all officers must respect the role of members as elected representatives.
- 5.4 It must be recognised by all officers and members that in discharging their duties and responsibilities they serve the council as a whole.
- 5.5 Informal and collaborative two-way contact between members and officers is encouraged, but personal familiarity can damage the relationship, as might a family or business connection.
- 5.6 Inappropriate relationships can be inferred from language/style. To protect both members and officers, officers should address members at all formal meetings of the council as councillor XXX and chair or mayor, save where circumstances clearly indicate that a level of informality is appropriate. Similarly, when addressing officers at formal meetings of the council, members should address officers by their post title.
- 5.7 It is not enough to avoid impropriety. Members and officers 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 where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

- 5.8 A member should not raise matters relating to the conduct or capability of an officer in a manner that is incompatible with the objectives of this protocol. This is a longstanding tradition in public service. An officer has no means of responding to criticisms in public. If a member feels they have not been treated with proper respect or courtesy, or has any concerns about the conduct or capability of an officer, they should raise the matter with the town clerk or the mayor. Any action taken against an officer in respect of a complaint will be dealt with in accordance with the provisions of the council's Dispute Resolution Policy.
- 5.9 An officer should not raise matters with a member relating to the conduct or capability of another officer in a manner that is incompatible with the overall objectives of this protocol.
- 5.10 Where an officer feels they have not been properly treated with respect and courtesy by a member they should raise the matter with the town clerk. In these circumstances the town clerk will take appropriate action by approaching the member and /or group leader, or by referring the matter to the Wiltshire Council monitoring officer as a complaint.
- 5.11 Officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, 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, members should normally direct their requests and concerns to the Town Clerk, at least in the first instance.
- 5.12 Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by the Town Clerk. Members should avoid disrupting officers' work by imposing their own priorities.
- 5.13 Members will endeavour to give timely responses to enquiries from officers.
- 5.14 Officers shall not discuss with a member personal matters concerning themselves or another individual employee. This does not prevent officers raising on a personal basis, and in their own time, a matter with their ward member.
- 5.15 Members and officers should respect other's free (i.e. non-Council) time.
- 6. THE COUNCIL'S DECISION-MAKING PROCESS**
- 6.1 The town clerk and officers are responsible for day-to-day management and operational decisions within the council and will provide support to all councillors in their various roles.
- 6.2 Members must always remember that decisions and policies, once determined by the council are binding.
- 6.3 Officers are responsible for day-to-day managerial and operational decisions within the council and will provide support to all members in their various roles.
- 6.4 In giving such advice to members and in preparing and presenting reports, it is the

responsibility of the officer to express their own professional views and make recommendations. Members should not seek to pressure the officer to make a recommendation contrary to the officer's professional view because of their wish to express a contrary view.

6.5 The town clerk has certain statutory roles which need to be understood and respected by all members. Members must respect these statutory obligations, must not obstruct the town clerk and other officers in the discharge of their responsibilities and must not victimise them for discharging their responsibilities.

6.6 The following key principles reflect the way in which officers generally relate to members:

- All officers are employed by and are accountable to the council as a corporate body
- Support from officers is needed for all of the authority's functions
- Day-to-day managerial and operational decisions should remain the responsibility of the Town Clerk and other officers; and
- All officers will be provided with training and development to help them support the various member roles effectively.

6.7 Finally, it must be remembered that officers within WTC are accountable to their line manager, and ultimately the town clerk, and that whilst officers should always seek to assist a member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their line manager or the town clerk.

7. RELATIONSHIPS BETWEEN MEMBERS AT COMMITTEES AND OFFICERS AT MEETINGS OF THE COUNCIL

7.1 The town clerk, or other appointed officer, are responsible under statute, for preparing the agendas for all meetings of the council, its committees, sub-committees and working groups. They are also responsible for the circulation of the same to meet statutory requirements and will normally do so in consideration with the appropriate chair.

7.2 An officer will be present at all meetings involving members of the council and will advise on any questions relating to Standing Orders, Financial Regulations, legal requirements or committee procedures and will produce formal minutes of the meeting, where these are appropriate. Working groups do not require formal minutes.

7.4 Reports should always contain a recommendation unless the issue is clearly one where a political judgement is required. They will also include the name of the officer. Members should raise issues with that officer prior to the meeting if at all possible.

7.5 Chairs and members shall give officers the opportunity to present any report and give any advice the officer considers it is advisable to give.

7.6 All members shall seek the advice of the town clerk, where they consider there is doubt about the power for decision or where they consider a decision might be

contrary to pre-determined policies of the council.

- 7.7 Members and officers should be mutually supportive in order to minimise any potential embarrassment to the council. Criticism of officers should be dealt with in private and, officers must not be publicly critical of the council or its policies.

8. MEMBERS OF OTHER COMMITTEES OR WORKING GROUPS AND OFFICERS

- 8.1 Members of a committee or working group shall take decisions within the remit of that committee or working group, and will not otherwise instruct officers to act.
- 8.2 Members may pass resolutions which authorises a named officer to take action between meetings in consultation with the chair. In these circumstances it is the officer, not the chair, who takes the action and is responsible for it. A chairman has no legal power to take decisions on behalf of a committee or working group.

9. THE RELATIONSHIP: OFFICER SUPPORT: MEMBER AND PARTY GROUPS

- 9.1 It must be recognised by all officers and members that in discharging their duties and responsibilities they serve the council as a whole.
- 9.2 The only basis on which the council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc.) to members is to assist them in discharging their role as members of the council. Such support services must therefore only be used on council business. They should never be used in connection with party political or campaigning activity.

10. OFFICER RELATIONSHIPS WITH PARTY GROUPS

- 10.1 The council recognises political groups and it is common practice for such groups to give preliminary consideration to matters of council business in advance of consideration by the relevant council body. Meetings between the town clerk and chairs and/or group leaders will be held when appropriate albeit that they have no executive powers.
- 10.2 The town clerk has the right to refuse such requests, but will not attend a meeting of a party group where some of those attending are not members of the council.
- 10.3 Officer support will not extend beyond providing factual information or professional advice in relation to matters of council business. Officers must not be involved in advising on matters of party business, and will not be present at meetings or parts of meetings when such matters are to be discussed.
- 10.4 In dealings with members, in particular when giving advice to political party groups, officers must demonstrate political impartiality, and must not suppress professional advice due to political views.
- 10.5 Any particular cases of difficulty or uncertainty in this area of officer advice to political party groups should be raised with the town clerk who will then discuss them with the relevant group leader(s).

11. MEMBERS IN THEIR WARD ROLES AND OFFICERS

- 11.1 To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. The town clerk must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their representative role.
- 11.2 Issues may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.
- 11.3 Whenever a public meeting is organised by the council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course. Similarly, whenever the council undertakes any form of consultative exercise on a local issue, the ward members will be notified at the outset of the exercise.
- 11.4 Should members or local residents convene a local meeting, officer attendance will be at the direction of the council or at the discretion of the town clerk, and will take account of the purpose of the meeting.
- 11.5 In all circumstances, the role of officers at such meetings is to provide information on the topic under consideration and any decision-making process which might be relevant, but not to offer or share judgements. Officers will seek to assist in the effective engagement of the community but will be mindful at all times of the integrity of the formal decision-making process.
- 11.5 Members attending local consultation meetings, which may on occasion give rise to heated debate, should be mindful of the restrictions on the responses available to officers, and both officers and members should act at all times within this Code of Conduct.
- 11.5 No such meetings should be arranged or held in the immediate run-up to council elections.

12. MEMBERS' ACCESS TO DOCUMENTS AND INFORMATION

- 12.1 Members may ask for information pursuant to their legal rights. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of a department's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the relevant Officer.
- 12.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 12.3 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted by the Council. The right applies irrespective of whether the Member is a member of the meeting concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers.
- 12.4 The common law rights of Members remain intact, are much broader and are

based on the principle that any Member has a prima facie right to inspect Council documents so far as their access to the document is reasonably necessary to enable the Member properly to perform their duties as a Member of the Council. This principle is commonly referred to as the 'need to know' principle.

- 12.5 The exercise of this common law right depends therefore, upon an individual Member being able to demonstrate that they have the necessary 'need to know'. In this respect a Member has no right to 'a roving commission' to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know'. This question will initially be determined by the Town Clerk.
- 12.6 In some circumstances (e.g. a Member wishing to inspect documents relating to the business of a meeting of the Council or its bodies) a Member's 'need to know' will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) the Member will normally be expected to justify the request in specific terms.
- 12.7 Whilst the term 'Council document' is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a Member 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.
- 12.8 Further and more detailed advice regarding Members rights to inspect Council documents may be obtained from the Town Clerk
- 12.9 Any Council information provided to a Member must only be used by Members for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/ briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.

13. PUBLICITY AND PRESS RELEASES

- 13.1 The council is accountable to its electorate. Accountability requires local understanding by the council, explaining its objectives and policies to the electors and taxpayers. Local councils increasingly use publicity to inform the community and to encourage public participation. Every council needs to tell the public about the services it provides. Good, effective publicity aimed to improve public awareness of a council's activities is, in the words of the Government, to be welcomed.
- 13.2 All formal relations with the media must be conducted in accordance with any council agreed procedures.
- 13.3 Press releases or statements made by officers must promote or give information on council policy or services. They will be factual and consistent with council policy.
- 13.4 Officers will keep relevant members informed of media interest in the council's

activities, especially regarding strategic or contentious matters.

13.5 Before responding to enquiries from the media, officers will ensure they are authorised to do so.

13.6 If members are contacted by, or contact, the media on an issue, they should:

- indicate in what capacity they are speaking (e.g. as ward member, in a personal capacity, on behalf of the council, or on behalf of a party group);
- be sure of what they want to say or not to say;
- if necessary, and always when they would like a press release to be issued, seek assistance from the town clerk, except in relation to a statement which is party political in nature;
- consider the likely consequences for the council of their statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
- never give a commitment in relation to a matter which may be subject to claims from third parties and/or are likely to be an insurance matter;
- consider whether to consult other relevant members; and
- take particular care in what they say in the run-up to local or national elections to avoid giving the impression of electioneering, unless they have been contacted as an election candidate or political party activist.

13.7 Officers and members using websites or social media must do so in compliance with policies or guidance issued by the council.

14. CORRESPONDENCE

14.1 Correspondence between an individual member and an officer should not be copied to another member 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.

14.2 Official letters written on behalf of the Council should normally be in the name of the relevant officer. The Mayor may initiate correspondence in his/her own name relating to his/her role as Mayor.

14.3 Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member.

14.4 When writing in an individual capacity as a ward member, a member must make clear that fact.

15. ACCESS TO PREMISES

15.1 Officers have the right to enter council land and premises to carry out their work.

15.2 Members have a right of access to council land and premises to fulfil their duties. When making visits as individual members, members should:

- whenever practicable, notify and make advance arrangements with the

appropriate manager or officer in charge;

- comply with health and safety, security and other workplace rules;
- not interfere with the services or activities being provided at the time of the visit;
- if outside his/her own ward notify the ward member(s) beforehand; and
- take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

16. USE OF COUNCIL RESOURCES

16.1 The council provides all members with services such as typing, printing and photocopying, and may provide goods such as stationery and computer equipment, to assist them in discharging their roles as members of the council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

16.2 Members should not put pressure on staff to provide resources or support which officers are not permitted to give.

17. CONCLUSION

17.1 Mutual understanding and openness on these sorts of sensitive issues and basic respect are the greatest safeguard of the integrity of the council, its members and officers.

17.2 Questions of interpretation of this protocol will be determined by the town clerk.

17.3 Copies of the protocol will be issued to all members, upon election, and all line managers.

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Introduction

- 1.1 The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that councillors can be held accountable and all adopt the behaviours and responsibilities associated with the role. Your conduct as an individual councillor affects the reputation of all councillors, the council and officers.
- 1.2 You represent local residents, working to develop better services and deliver local change. The public have high expectations of you and entrust you to represent our local area; taking decisions fairly, openly, and transparently. You have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.
- 1.3 Everyone who interacts with the council: members, officers, external stakeholders and the public has a right to be free from intimidation, abuse, bullying or threatening behaviour by anyone.
- 1.4 This Code has been designed to protect your democratic role, encourage good conduct and safeguard the public's trust in local government.
- 1.5 This Code of Conduct is composed of a number of sections which together are the Code of Conduct of Warminster Town Council, all sections and sub-sections apply to the conduct of councillors in accordance with the Localism Act 2011 and will be taken into account when any complaints regarding councillors are considered by the Monitoring Officer.

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Definitions

1.6 For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of Warminster Town Council (WTC/the council). A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- is a member of any committee or sub-committee of WTC, or;
- is a member of, and represents WTC on, any joint committee or joint sub-committee of WTC

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

Purpose of the Code of Conduct

1.7 The purpose of this Code of Conduct is to assist you in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct.

1.8 This code is directly drawn from the Local Government Association (LGA) Code of Practice 2020, who encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

- 1.9 Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.
- 1.10 As a member or co-opted member of Warminster Town Council you shall have regard to the following Nolan Principles: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.
- 1.11 Building on these principles, the following general principles have been developed specifically for the role of councillors as individuals.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

- 1.12 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.
- 1.13 This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:
- you misuse your position as a councillor
 - your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor
 - you attend any meetings, functions and events organised, solely or jointly, by Warminster Town Council (WTC)

- when you are on/in council premises or land
- when you are discussing council business;

1.14 The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

1.15 You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

1.16 Wiltshire Council's monitoring officer has statutory responsibility for the implementation of the Code of Conduct. You are encouraged to seek advice from the town clerk, who may refer matters to the monitoring officer.

Standards of councillor conduct

1.17 This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

1.18 Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1.19 Respect

1.19.1 As a councillor:

- I treat other councillors and members of the public with respect
- I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

- 1.19.2 Respect means having due regard for someone's feelings, wishes, rights or professional judgement, politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.
- 1.19.3 In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.
- 1.19.4 In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor- officer protocol.

1.20 Bullying, harassment discrimination

- 1.20.1 As a councillor:
- I do not bully any person.
 - I do not harass any person.
 - I promote equalities and do not discriminate unlawfully against any person.
- 1.20.2 The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.
- 1.20.3 The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.
- 1.20.4 Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

1.20.5 The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

1.21 Impartiality of officers of Warminster Town Council

1.21.1 As a councillor:

- I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of Warminster Town Council.

1.21.2 Officers work for WTC as a whole and must be politically neutral. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

1.22 Confidentiality and access to information

1.22.1 As a councillor:

- I do not disclose information given to me in confidence by anyone or acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:
 - I have received the consent of a person authorised to give it;
 - I am required by law to do so;
 - 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
 - the disclosure is:
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the local authority; and
 - I have consulted the town clerk prior to its release.
- I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.
- I do not prevent anyone from getting information that they are entitled to by law.

1.22.2 WTC must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

1.23 Disrepute

1.23.1 As a councillor:

- I do not bring my role or local authority into disrepute.

1.23.2 As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or Warminster Town Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the council into disrepute.

1.23.3 You are able to hold WTC and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

1.24 Use of position

1.24.1 As a councillor:

- I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

1.24.2 Your position as a member of WTC provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

1.25 Use of local authority resources and facilities

1.25.1 As a councillor:

- I do not misuse council resources.
- I will, when using the resources of WTC or authorising their use by others:
 - act in accordance with the council's requirements; and
 - ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of WTC or of the office to which I have been elected or appointed.

1.25.2 You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

- 1.25.3 These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

1.26 Complying with the Code of Conduct

1.26.1 As a Councillor:

- I undertake Code of Conduct training provided by my local authority.
- I cooperate with any Code of Conduct investigation and/or determination.
- I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

- 1.26.2 It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of Warminster Town Council

1.27 Interests

1.27.1 As a councillor:

- I register and disclose my interests.

- 1.27.2 Section 29 of the Localism Act 2011 requires the monitoring officer to establish and maintain a register of interests of members of the authority.

- 1.27.3 A copy should also be provided to your clerk, where a link on the council's website will be created directing members of the public to your register held on the principal authority's website.

- 1.27.4 You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

1.27.5 You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

1.27.6 **Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your town clerk, who may refer to the monitoring officer.

1.28 Gifts and hospitality

1.28.1 As a councillor:

- I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
- I register with the town clerk any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- I register with the town clerk any significant gift or hospitality that I have been offered but have refused to accept.

1.28.2 In order to protect your position and the reputation of WTC, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it, but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your town clerk for guidance.

Appendices

A Appendix A – The Seven Principles of Public Life

The principles are:

A.1 Selflessness

- Holders of public office should act solely in terms of the public interest.

A.2 Integrity

- Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

A.3 Objectivity

- Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

A.4 Accountability

- Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

A.5 Openness

- Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

A.6 Honesty

- Holders of public office should be truthful.

A.7 Leadership

- Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

B Appendix B – Registering interests

B.1 General

- B.1.1 Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the monitoring officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.
- B.1.2 “**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.
- B.1.3 “**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.
- B.1.4 You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
- B.1.5 A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
- B.1.6 Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

B.2 Nonparticipation in case of disclosable pecuniary interest

- B.2.1 Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
- B.2.2 Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

B.3 Disclosure of Other Registerable Interests

- B.3.1 Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You

may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

B.4 Disclosure of Non-Registerable Interests

B.4.1 Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

B.4.2 Where a matter arises at a meeting which **affects**:

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative, close associate; or
- c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

B.4.3 Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

B.4.4 If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

B.4.5 Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

B.5 Table 1 – Disclosable Pecuniary Interests

- This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Subject	Description
Corporate tenancies	Any tenancy where (to the councillor's knowledge) (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; 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 councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* '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.

B.6 Table 2 – Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- (a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- (b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Warminster Town Council: Member-Officer Protocol 2021

1. INTRODUCTION AND PRINCIPLES

- 1.29 The purpose of this protocol is to guide members and officers of the council in their relations with one another in such a way as to ensure the smooth running of the council and to satisfy the ethical standards required. It offers guidance on some of the issues which most commonly arise, with the hope that the approach it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.30 This protocol is to a large extent a written statement of current practice and convention. If the protocol is followed, it should ensure that members receive objective and impartial advice and that officers are protected from accusations of bias and any undue influence from members.
- 1.31 It seeks to build upon the principles underlying the Code of Conduct. The shared object of the code is to enhance and maintain the integrity (real and perceived) of local government and the code, therefore, demands very high standards of personal conduct.
- 1.32 This protocol is consistent with both the Members Code of Conduct and the Officers Code of Conduct. Consequently, a breach of the provisions of the protocol may also constitute a breach of these codes.
- 1.33 This protocol should be read in conjunction with the Codes of Conduct and any guidance issued by the Monitoring Officer of Wiltshire Council.

2. LIMITATIONS OF MEMBERS' AUTHORITY

- 2.1 The authority of members is collective and, as individuals, they have no authority to issue specific directions to any employee or make criticism directly. Members must not inspect any Town Council property without authority or issue orders or correspondence.
- 2.2 The Town Council collectively is the employer and the unofficial actions of an individual member could destroy the entire basis of the employer–employee relationship. Employees are entitled to a “reasonably congenial working relationship”.

3. THE ROLES OF MEMBERS

- 3.1 Members have the following main roles:
- Determining the policy of the council and giving it political leadership
 - Monitoring and reviewing the performance of the council in implementing that policy and delivering services
 - Representing the council externally
 - Acting as advocates on behalf of their constituents and the wider community

4. THE ROLE OF OFFICERS

- 4.1 Officers have the following main roles:

- Initiating policy proposals/recommendations
- Implementing agreed policy, managing and providing services and being accountable for the efficiency and effectiveness of the services provided
- Providing professional advice to the council, its various bodies and individual members
- Ensuring the Council always acts in a lawful manner
- Ensuring WTC's finances are robust and managed correctly

5. THE RELATIONSHIP: OFFICER SUPPORT TO MEMBERS AND OFFICERS: GENERAL POINTS

- 5.1 Whilst members and officers are servants of the public and they are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Members are responsible for setting policy. Officers are accountable to the council as a whole. Their job is to give advice to members and the council, and to carry out the council's work under the direction of the council and its various bodies.
- 5.2 At the heart of the Codes of Conduct and this protocol is the importance of mutual respect. Member–officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between members and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 5.3 Members must respect the impartiality and integrity of all the council's officers. Similarly, all officers must respect the role of members as elected representatives.
- 5.4 It must be recognised by all officers and members that in discharging their duties and responsibilities they serve the council as a whole.
- 5.5 Informal and collaborative two-way contact between members and officers is encouraged, but personal familiarity can damage the relationship, as might a family or business connection.
- 5.6 Inappropriate relationships can be inferred from language/style. To protect both members and officers, officers should address members at all formal meetings of the council as councillor XXX and chair or mayor, save where circumstances clearly indicate that a level of informality is appropriate. Similarly, when addressing officers at formal meetings of the council, members should address officers by their post title.
- 5.7 It is not enough to avoid impropriety. Members and officers 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 where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

- 5.8 A member should not raise matters relating to the conduct or capability of an officer in a manner that is incompatible with the objectives of this protocol. This is a longstanding tradition in public service. An officer has no means of responding to criticisms in public. If a member feels they have not been treated with proper respect or courtesy, or has any concerns about the conduct or capability of an officer, they should raise the matter with the town clerk or the mayor. Any action taken against an officer in respect of a complaint will be dealt with in accordance with the provisions of the council's Dispute Resolution Policy.
- 5.9 An officer should not raise matters with a member relating to the conduct or capability of another officer in a manner that is incompatible with the overall objectives of this protocol.
- 5.10 Where an officer feels they have not been properly treated with respect and courtesy by a member they should raise the matter with the town clerk. In these circumstances the town clerk will take appropriate action by approaching the member and /or group leader, or by referring the matter to the Wiltshire Council monitoring officer as a complaint.
- 5.11 Officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, 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, members should normally direct their requests and concerns to the Town Clerk, at least in the first instance.
- 5.12 Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by the Town Clerk. Members should avoid disrupting officers' work by imposing their own priorities.
- 5.13 Members will endeavour to give timely responses to enquiries from officers.
- 5.14 Officers shall not discuss with a member personal matters concerning themselves or another individual employee. This does not prevent officers raising on a personal basis, and in their own time, a matter with their ward member.
- 5.15 Members and officers should respect other's free (i.e. non-Council) time.

6. THE COUNCIL'S DECISION-MAKING PROCESS

- 6.1 The town clerk and officers are responsible for day-to-day management and operational decisions within the council and will provide support to all councillors in their various roles.
- 6.2 Members must always remember that decisions and policies, once determined by the council are binding.
- 6.3 Officers are responsible for day-to-day managerial and operational decisions within the council and will provide support to all members in their various roles.
- 6.4 In giving such advice to members and in preparing and presenting reports, it is the

responsibility of the officer to express their own professional views and make recommendations. Members should not seek to pressure the officer to make a recommendation contrary to the officer's professional view because of their wish to express a contrary view.

6.5 The town clerk has certain statutory roles which need to be understood and respected by all members. Members must respect these statutory obligations, must not obstruct the town clerk and other officers in the discharge of their responsibilities and must not victimise them for discharging their responsibilities.

6.6 The following key principles reflect the way in which officers generally relate to members:

- All officers are employed by and are accountable to the council as a corporate body
- Support from officers is needed for all of the authority's functions
- Day-to-day managerial and operational decisions should remain the responsibility of the Town Clerk and other officers; and
- All officers will be provided with training and development to help them support the various member roles effectively.

6.7 Finally, it must be remembered that officers within WTC are accountable to their line manager, and ultimately the town clerk, and that whilst officers should always seek to assist a member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their line manager or the town clerk.

7. RELATIONSHIPS BETWEEN MEMBERS AT COMMITTEES AND OFFICERS AT MEETINGS OF THE COUNCIL

7.1 The town clerk, or other appointed officer, are responsible under statute, for preparing the agendas for all meetings of the council, its committees, sub-committees and working groups. They are also responsible for the circulation of the same to meet statutory requirements and will normally do so in consideration with the appropriate chair.

7.2 An officer will be present at all meetings involving members of the council and will advise on any questions relating to Standing Orders, Financial Regulations, legal requirements or committee procedures and will produce formal minutes of the meeting, where these are appropriate. Working groups do not require formal minutes.

7.4 Reports should always contain a recommendation unless the issue is clearly one where a political judgement is required. They will also include the name of the officer. Members should raise issues with that officer prior to the meeting if at all possible.

7.5 Chairs and members shall give officers the opportunity to present any report and give any advice the officer considers it is advisable to give.

7.6 All members shall seek the advice of the town clerk, where they consider there is doubt about the power for decision or where they consider a decision might be

contrary to pre-determined policies of the council.

- 7.7 Members and officers should be mutually supportive in order to minimise any potential embarrassment to the council. Criticism of officers should be dealt with in private and, officers must not be publicly critical of the council or its policies.

8. MEMBERS OF OTHER COMMITTEES OR WORKING GROUPS AND OFFICERS

- 8.1 Members of a committee or working group shall take decisions within the remit of that committee or working group, and will not otherwise instruct officers to act.
- 8.2 Members may pass resolutions which authorises a named officer to take action between meetings in consultation with the chair. In these circumstances it is the officer, not the chair, who takes the action and is responsible for it. A chairman has no legal power to take decisions on behalf of a committee or working group.

9. THE RELATIONSHIP: OFFICER SUPPORT: MEMBER AND PARTY GROUPS

- 9.1 It must be recognised by all officers and members that in discharging their duties and responsibilities they serve the council as a whole.
- 9.2 The only basis on which the council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc.) to members is to assist them in discharging their role as members of the council. Such support services must therefore only be used on council business. They should never be used in connection with party political or campaigning activity.

10. OFFICER RELATIONSHIPS WITH PARTY GROUPS

- 10.1 The council recognises political groups and it is common practice for such groups to give preliminary consideration to matters of council business in advance of consideration by the relevant council body. Meetings between the town clerk and chairs and/or group leaders will be held when appropriate albeit that they have no executive powers.
- 10.2 The town clerk has the right to refuse such requests, but will not attend a meeting of a party group where some of those attending are not members of the council.
- 10.3 Officer support will not extend beyond providing factual information or professional advice in relation to matters of council business. Officers must not be involved in advising on matters of party business, and will not be present at meetings or parts of meetings when such matters are to be discussed.
- 10.4 In dealings with members, in particular when giving advice to political party groups, officers must demonstrate political impartiality, and must not suppress professional advice due to political views.
- 10.5 Any particular cases of difficulty or uncertainty in this area of officer advice to political party groups should be raised with the town clerk who will then discuss them with the relevant group leader(s).

11. MEMBERS IN THEIR WARD ROLES AND OFFICERS

- 11.1 To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. The town clerk must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their representative role.
- 11.2 Issues may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.
- 11.3 Whenever a public meeting is organised by the council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course. Similarly, whenever the council undertakes any form of consultative exercise on a local issue, the ward members will be notified at the outset of the exercise.
- 11.4 Should members or local residents convene a local meeting, officer attendance will be at the direction of the council or at the discretion of the town clerk, and will take account of the purpose of the meeting.
- 11.5 In all circumstances, the role of officers at such meetings is to provide information on the topic under consideration and any decision-making process which might be relevant, but not to offer or share judgements. Officers will seek to assist in the effective engagement of the community but will be mindful at all times of the integrity of the formal decision-making process.
- 11.5 Members attending local consultation meetings, which may on occasion give rise to heated debate, should be mindful of the restrictions on the responses available to officers, and both officers and members should act at all times within this Code of Conduct.
- 11.5 No such meetings should be arranged or held in the immediate run-up to council elections.

12. MEMBERS' ACCESS TO DOCUMENTS AND INFORMATION

- 12.1 Members may ask for information pursuant to their legal rights. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of a department's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the relevant Officer.
- 12.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 12.3 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted by the Council. The right applies irrespective of whether the Member is a member of the meeting concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers.
- 12.4 The common law rights of Members remain intact, are much broader and are

based on the principle that any Member has a prima facie right to inspect Council documents so far as their access to the document is reasonably necessary to enable the Member properly to perform their duties as a Member of the Council. This principle is commonly referred to as the 'need to know' principle.

- 12.5 The exercise of this common law right depends therefore, upon an individual Member being able to demonstrate that they have the necessary 'need to know'. In this respect a Member has no right to 'a roving commission' to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know'. This question will initially be determined by the Town Clerk.
- 12.6 In some circumstances (e.g. a Member wishing to inspect documents relating to the business of a meeting of the Council or its bodies) a Member's 'need to know' will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) the Member will normally be expected to justify the request in specific terms.
- 12.7 Whilst the term 'Council document' is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a Member 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.
- 12.8 Further and more detailed advice regarding Members rights to inspect Council documents may be obtained from the Town Clerk
- 12.9 Any Council information provided to a Member must only be used by Members for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/ briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.

13. PUBLICITY AND PRESS RELEASES

- 13.1 The council is accountable to its electorate. Accountability requires local understanding by the council, explaining its objectives and policies to the electors and taxpayers. Local councils increasingly use publicity to inform the community and to encourage public participation. Every council needs to tell the public about the services it provides. Good, effective publicity aimed to improve public awareness of a council's activities is, in the words of the Government, to be welcomed.
- 13.2 All formal relations with the media must be conducted in accordance with any council agreed procedures.
- 13.3 Press releases or statements made by officers must promote or give information on council policy or services. They will be factual and consistent with council policy.
- 13.4 Officers will keep relevant members informed of media interest in the council's

activities, especially regarding strategic or contentious matters.

13.5 Before responding to enquiries from the media, officers will ensure they are authorised to do so.

13.6 If members are contacted by, or contact, the media on an issue, they should:

- indicate in what capacity they are speaking (e.g. as ward member, in a personal capacity, on behalf of the council, or on behalf of a party group);
- be sure of what they want to say or not to say;
- if necessary, and always when they would like a press release to be issued, seek assistance from the town clerk, except in relation to a statement which is party political in nature;
- consider the likely consequences for the council of their statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
- never give a commitment in relation to a matter which may be subject to claims from third parties and/or are likely to be an insurance matter;
- consider whether to consult other relevant members; and
- take particular care in what they say in the run-up to local or national elections to avoid giving the impression of electioneering, unless they have been contacted as an election candidate or political party activist.

13.7 Officers and members using websites or social media must do so in compliance with policies or guidance issued by the council.

14. CORRESPONDENCE

14.1 Correspondence between an individual member and an officer should not be copied to another member 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.

14.2 Official letters written on behalf of the Council should normally be in the name of the relevant officer. The Mayor may initiate correspondence in his/her own name relating to his/her role as Mayor.

14.3 Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member.

14.4 When writing in an individual capacity as a ward member, a member must make clear that fact.

15. ACCESS TO PREMISES

15.1 Officers have the right to enter council land and premises to carry out their work.

15.2 Members have a right of access to council land and premises to fulfil their duties. When making visits as individual members, members should:

- whenever practicable, notify and make advance arrangements with the

appropriate manager or officer in charge;

- comply with health and safety, security and other workplace rules;
- not interfere with the services or activities being provided at the time of the visit;
- if outside his/her own ward notify the ward member(s) beforehand; and
- take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

16. USE OF COUNCIL RESOURCES

16.1 The council provides all members with services such as typing, printing and photocopying, and may provide goods such as stationery and computer equipment, to assist them in discharging their roles as members of the council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

16.2 Members should not put pressure on staff to provide resources or support which officers are not permitted to give.

17. CONCLUSION

17.1 Mutual understanding and openness on these sorts of sensitive issues and basic respect are the greatest safeguard of the integrity of the council, its members and officers.

17.2 Questions of interpretation of this protocol will be determined by the town clerk.

17.3 Copies of the protocol will be issued to all members, upon election, and all line managers.

HR Committee Meeting 27th April 2021

Item 9. Policies and procedures

HR policies and procedures have been reviewed. The table below summarises policies covered and whether or not they were subject to change. Any changes have been made in accordance with advice received from: the council's HR advisor/ACAS/changes in legislation/changes in personnel, and in order to comply with best practice.

POLICY	AMENDED YES/NO	CHANGES MADE
Acting up policy	No	
Data Protection Policy	Yes	The HR Department have supplied a re-worded policy. No change in substance.
Data Transparency and Model Publication Scheme	No	
Dignity at Work/Bullying and Harassment Policy	Yes	Change from Grievance and disciplinary procedure to Dispute Resolution Policy.
Dispute Resolution Policy	New policy	Supplied by the HR Department. This is a more up to date approach and covers both disciplinary and grievance procedures in one document, following ACAS guidelines. (Copy attached for members perusal). Members are requested to recommend that it is adopted by council at its meeting on 17th May 2021
Equality Policy	Yes	References to Disciplinary and Grievance changed to Dispute Resolution Policy.
Health and Safety Policy	Yes	Names of employees changed in line with personnel changes
Lone Working Policy	No	
Recruitment Policy and Procedure	New policy	Codifies the council's current practices which follow ACAS guidelines. (Copy attached for members perusal). Members are requested to recommend that it is adopted by council at its meeting on 17th May 2021
Sickness Absence Policy and Procedure	No	



Delivering a brighter, greener future for all

Recruitment Policy: Report for Decision.

HR Committee

Recommendation

Members should endorse the attached recruitment policy and recommend it to Full Council for ratification

Purpose of the Report

To advise members of the of best practice recruitment policies so that they can be adopted by the council.

Background

Currently the terms of reference for the HR Committee include:

Delegated Business.

The Committee has been delegated authority to deal with the following matters to conclusion:

To advertise staff appointments and arrange interviews, interview for staff appointments and make decisions on appointments through to conclusion.

While this works well for small parish councils with one or two staff, it is somewhat unsuitable for a council with the number of staff that Warminster Town Council employs. There is soon to be 25 members of staff, 10 Fulltime and 15 part-time. In addition, there can be up to a dozen seasonal and or casual staff providing cover for the Pavilion Café, boat hire and the civic centre.

It has been the practice of officers to invite councillors to sit on some staff interviews. This has been erratic. Use of councillors is common practice in parishes where there are fewer staff but unnecessary where there are enough staff qualified to conduct interviews.

In practice, it is not practicable for the HR committee to deal with the detail of these matters. Nor is it a good use of councillor time to be for example interviewing temporary staff or part time staff.

It is recommended that members should formalise the delegation to the town clerk for the implementation of resource planning and staff recruitment.

Interviews for staff should be conducted by their line manager and one other suitably qualified officer, up to the pay grade SCP 18. For posts of SCP 19 and above, interviews

should be conducted by the line manager with the Town Clerk. For the position of town clerk, interviews will be done by members with the assistance of the town clerk or with appropriate HR support if required.

ACAS Recruitment Checklist

The ACAS recruitment checklist set out best practice as recommended ACAS. Officers have used this to draw up a recruitment checklist/policy for the town council.

It codifies the procedure currently used by Warminster Town Council except that the town council does not currently have an equality & diversity monitoring form. Officers are undertaking further work on the implementation of an equality and diversity monitoring form. Adoption of the attached policy would ensure the town council has the appropriate procedures in place.

It is recommended that it is adopted as the town council's recruitment policy.

Recommendations

Members should formalise the delegation to the town clerk for the implementation of resource planning and staff recruitment.

Members should endorse the attached recruitment policy and recommend it to Full Council for ratification

Financial and Resource Implications

None

Legal Implications and Legislative Powers

Ensuring the town council has the appropriate procedures in place reduces the likelihood of any legal action relating to recruitment procedures.

Environmental Implications

None

Risk Assessment

N/A

Crime and Disorder

Officers are not aware of any issues the Council should consider under the Crime and Disorder Act.

**Tom Dommett
Assistant Clerk
April 2021**

Recruitment Policy

Adopted May 2021

Next review May 2022

Warminster Town Council Recruitment Policy

The town council will use the following procedure and checklist for recruiting staff.

Interviews for staff should be conducted by their line manager and one other suitably qualified officer, up to the pay grade SCP 18. For posts of SCP 19 and above, interviews should be conducted by the line manager with the Town Clerk. For the position of town clerk, interviews will be done by members with the assistance of the town clerk or with appropriate HR support if required

Name of vacancy/new job (delete as appropriate):
Number of vacancies/new jobs in the particular role (delete as appropriate):
Planned start date/s of new recruit/s (delete as appropriate):

Step 1 - Plan	Task done by	Date	Notes
Identify staff needed: Where, why and plan for the future			
Step 2 - Prepare	Task done by	Date	Notes
Consider whether any of the aims of the job have changed, and how this may affect factors such as the skills required and work flow			
Compile documents for the vacancy:			
• Job description			
• Person specification			
• Job application form			
• Equality & diversity monitoring form			
• Job offer letter template /Written Statement of Terms			

and Conditions of Employment			
• Information about the employer			
Decide whether candidates will be asked for references and at what point – the shortlist stage or when offered the job			
Make sure you understand the rules about hiring someone from outside the UK.			
Step 3 - Advertise	Task done by	Date	Notes
Before drawing up the job ad, decide factors such as how candidates should apply, who will sift applications and the rate of pay			
Choose where to advertise in at least two different channels			
Compile the job ad, carefully ensuring the wording is not discriminatory			
Step 4 – Handle applications	Task done by	Date	Notes
Send 'application pack' to applicants – this would usually include: <ul style="list-style-type: none"> • application form • job description • person specification • information pack about organisation 			
Using the job description, person specification and application forms, at			

least two people trained for the task should objectively draw up a shortlist of candidates for interview and/or further assessment			
Invite shortlisted candidates for interview/ assessment, and ask whether they need any 'reasonable adjustments', often called 'access requirements', for any part of the recruitment process			
<p>Get ready for the interviews, to be conducted by more than one person trained for the task:</p> <ul style="list-style-type: none"> • plan questions to probe skills and qualities essential for the job • decide how candidates' answers will be scored • anticipate candidates' questions and have the info ready • plan any selection tests/ presentations etc and how they will be scored • let the candidates know what they'll be asked to do, and if they need to prepare anything before the test or interview • book a private room which will not be interrupted by 			

telephone calls or visitors			
<p>Conduct the interview:</p> <ul style="list-style-type: none"> • welcome the candidate and give them a little time to get their own materials to hand • briefly outline the job and the organisation, then move to the first question • ask questions which cannot be answered 'yes' or 'no'. They usually begin with 'what', 'why', 'when' or 'how' • do not ask for personal information or personal views irrelevant to the job, or potentially discriminatory questions • do not ask health-related questions before making a job offer • listen and make brief notes on key points • keep to the time frame for the interview, but allow for the candidate's questions • tell the candidate when they can expect to hear from the organisation • explain that a job offer to the successful candidate will be subject to pre-employment checks – including immigration checks • ask the candidate if they have any questions about the job 			

Select the best candidate for the job using the scoring method decided earlier in Step 4			
Step 5 – Complete final details	Task done by	Date	Notes
Send the successful candidate a job offer letter and explain pre-employment checks will have to be made			
Make pre-employment checks such as the candidate's right to work in the UK and references. See the template, Outline of a pre-employment checklist			
Resolve any employment contract queries			
<p>Before the recruit starts their new job:</p> <ul style="list-style-type: none"> • give them their Written Statement of Terms and Conditions of Employment • remind them where to find out about the organisation's procedures and policies 			
Write to unsuccessful candidates and give carefully considered feedback if requested			

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Delivering a brighter, greener future for all

We believe that clear, open and fair procedures for the resolution of problems are necessary both for the success of the council and for the fair treatment of all our team.

General

Any grievance or complaint can be discussed informally, or through the formal grievance procedure. Often raising issues promptly at the time in a sensible way helps to solve them and prevent further difficulties.

Investigations

It is not always necessary to hold an investigatory meeting but where it is, everyone is required to co-operate fully with the investigation relating to disciplinary or grievance procedure. The town clerk will normally investigate a complaint or may for some incidences use an outside consultant to ensure impartiality.

Suspension

The Council may suspend you on full basic pay. Suspension is not a disciplinary penalty and carries no implication of guilt. Whilst on suspension you must be available for work or meetings as required during normal working hours.

The Right to be accompanied at Hearings

You can be accompanied at any disciplinary or grievance hearing by:

- A work colleague;
- A full time official employed by a trade union; or a lay official, so long as they have been certified in writing by their union as having received training in acting as a workers companion at disciplinary and grievance hearings.

Your representative has the right to explain or sum up your case, and to respond to any views expressed at the hearing. The representative may not answer on your behalf. If the representative cannot attend on the date set for the interview, we will always postpone the interview for up to 5 days or at our discretion longer.

Grievance

Stage 1

Where there is an issue at work we would ask that you raise it promptly and with the relevant person. If this fails or you feel the matter is more serious then you can go to the formal procedure.

Stage 2

To make a formal grievance, set out your complaint in writing, giving as full account of the situation as possible. This should be given to your line manager together with any relevant documents. We will invite you to a meeting to discuss the grievance and ask how you think it can be resolved. It may be necessary for us to make further enquiries and hold a second meeting.

After the meeting we will write to you with the outcome of the grievance. The letter will remind you of your right to appeal if you are not satisfied with the outcome. The decision of the individual hearing the appeal is final.

In serious cases or cases where your line manager is the cause of the grievance an independent consultant may be asked to investigate the complaint.

If you wish to lodge a grievance after your employment has terminated please write to the town clerk setting out your complaint.

Disciplinary Procedure

The disciplinary process has been designed to help and encourage you to achieve and maintain good standards of conduct, attendance and job performance. On occasions people may fall short of the expected standards of behaviour or performance in these circumstances disciplinary action may be taken.

At all stages of the disciplinary procedure you will:

- Be given a right of reply to all and any allegations made against you BEFORE any decision or disciplinary action is taken;
- Be advised of the nature of any disciplinary action taken against you and the consequences of such action;
- Be advised of any improvement in conduct or performance required and over what time frame; and
- Have the opportunity to be accompanied by a work colleague or trade union representative to any disciplinary hearing as described above.

Disciplinary hearings will usually be conducted by your line manager.

You must take all reasonable steps to attend the meeting. Where you are unable to attend more than one meeting the Council may, in certain circumstances, hold the meeting in your absence and make their decision based on the evidence available to them at the time.

At the meeting you will be given the opportunity to respond and to put forward any defence or arguments you want. You may ask questions, present evidence and call witnesses.

Depending on the severity of the offence and taking into account all the circumstances the disciplinary action may take any one of the following forms:-

Stage 1

- Informal counselling to give you an opportunity to rectify the situation.

Stage 2

- A verbal warning will be issued if improvement does not result following informal counselling or for more serious breaches. You will be told of steps you must take to improve your conduct and if appropriate the time limit for improvement. This will be confirmed in writing and recorded on your file for a period of time normally 6 months.

Stage 3

- For more serious matters or where you have failed to meet the required standards after having being given a verbal warning, you may be given a written warning. This will state the nature of the complaint, the required standards that must be met and where appropriate a time limit for improvement. It will also state that further disciplinary action will be followed if the required standards are not met. One copy of which will be retained by you and one placed on your file normally for a maximum of 12 months.

Stage 4

- For serious matters or where you have failed to reach the required standards after being warned you may be given a final written warning. This will state the nature of the complaint, the required standards to be met and where appropriate a time limit for improvement. It will also state that you will be dismissed if the standards are not met or if there is further misconduct. One copy of which will be retained by you and one placed on your file normally for a maximum of 12 months.

Stage 5

- Where there has been Gross Misconduct (in which case the first 4 stages may be omitted) or where you have failed to meet the required standards after due warnings have been given to you, you may be dismissed. In extenuating circumstances we may apply another sanction such as disciplinary transfer, disciplinary suspension without pay or demotion. This will be confirmed in writing. In case of gross misconduct, the dismissal will normally be without notice (or pay in lieu of notice).

Depending on the circumstances of each case the Council may omit or miss out one or more of the above stages.

Downgrading or Transfer to another Post

This action is appropriate when:

- Previous attempts, via the disciplinary procedure, to rectify a problem have failed and this is a final attempt to solve a problem without having to dismiss an employee.
- An employee is considered by the town clerk to be incompetent or otherwise unfit to fulfil the duties for which he is employed but where dismissal is not thought to be appropriate.

Appeals

You have the right of appeal against any disciplinary decision taken against you. Your appeal should be in writing and sent to the individual identified in your letter within five working days of the decision and state the reasons for your appeal. You will receive a reply within a further five working days setting a date for an appeal hearing. The decision from the appeal hearing will be final.

The following are examples of Misconduct and Gross Misconduct. These are examples only and not an exhaustive list.

Misconduct

- Poor time keeping.
- Unauthorised and unreasonable absence from work.
- Failure to meet the adequate standard of job performance.
- Failure to comply with procedures.
- Failure to answer a question during a properly constituted investigation.
- Minor violation of safety practices.
- Minor breaches of Council regulations.

- Improper use of business funds or property.

Gross Misconduct

The following acts are examples of gross misconduct and as such are considered so serious that the employee may be liable to instant dismissal.

- Theft or wilful damage of or negligence which leads to loss, damage to property or goods belonging to the Council, its customers or suppliers, or other employees.
- Unreasonably refusing to the Council searching your bags or vehicle.
- Unauthorised disclosure or use of confidential information from the Council or about any of its customers.
- Conduct likely to damage the reputation of the Council.
- Drunkenness and unlawful drug abuse.
- Discrimination on the grounds of age, sex, race, religious belief, disability or sexual orientation or harassment or bullying of colleagues or customers or service users/clients/guests/members
- Accepting bribes.
- Fraud, dishonesty or any other offence which would be a breach of the law of the land.
- Assault or attempted assault of other employees or members of the public.
- Failure to carry out a reasonable order given by a manager during working hours or serious disregard of duties.
- Serious insubordination.
- Serious breaches of the security policy or the staff discount scheme
- Serious breaches of the Health and Safety policy
- Unauthorised absence

Bullying and Harassment

The Council encourages an environment in which everyone is entitled to work without harassment, victimisation and bullying. Harassment may be described broadly as "unwanted conduct affecting the dignity of men and women". Where a particular form of conduct has the effect of making a person feel humiliated, threatened or that their privacy is being invaded, then that conduct will constitute harassment and should cease immediately.

We will not condone harassment and the procedure for dealing with complaints is set out below. The policy applies to employee's conduct in, or out of office hours or at work events.

All employees have a responsibility for complying with this policy and treating all colleagues with dignity and respect. If you believe that you have been subject to, or witnessed harassment, victimisation or bullying, you must inform the town clerk so that we can keep our workplace free from unacceptable behaviour.

The procedure for dealing with cases of harassment is set out below:

If you believe you are being subjected to any harassment then, in the first instance you should ask the offender to stop or make it clear that such attention is unwelcome. If necessary ask a friend or colleague to help you do this.

Such an informal approach may be all that is needed, but you should make a note of the details and keep them.

If your request is ignored and the harassment continues, or you feel unable to make the informal approach, please contact the town clerk immediately. Details will be taken and should be confirmed in writing by the victim, this constitutes a formal complaint.

Either the town clerk, or an independent consultant, will investigate the complaint. Allegations will be dealt with seriously and confidentially and there will be no victimisation of any employee making or being involved in a complaint.

In cases of serious alleged harassment, any employee directly involved may be suspended on full pay pending investigation.

If the harassment has taken place then the accused will be dealt with in accordance with the Dispute Resolution procedures.

It is hoped that the implementation of this policy will ensure that all our employees work in an atmosphere of mutual trust, dignity and respect.

Monitoring Performance

We monitor performance formally and informally through regular discussions that your line manager will have with you about your job, at the end of projects and through the appraisal process.

Dealing with Poor Performance

The success of the Council depends on all employees working together to achieve the best possible standards of performance. We aim to provide support and training to enable all employees to fulfil their potential and deal with any changes that the Council may require. However sometimes people perform below the standard that the job requires, although they are not doing anything deliberately wrong. In these cases we believe that it is best to deal with these problems openly and fairly and to provide clarity and practical support to improve performance.

Dealing with Poor Performance

Initially your line manager will discuss any concerns about your performance informally with you. Often raising issues promptly helps to solve them by identifying acceptable standards and any support that may be needed.

If your performance continues to fall short of that required, your line manager will arrange a formal meeting to discuss this with you. You will have the right to be accompanied by a work colleague or a trade union representative.

At this meeting your line manager will explain specific areas of your performance that aren't acceptable and you will have the chance to give reasons for this. You and the town clerk will agree a plan covering ways in which you can be supported to achieve acceptable standards, a date for review and a clear indication of what will happen if there is no improvement e.g. transfers, dismissal.

The time-scale for improvement, with formal reviews, will vary depending on the nature of the problem and the role that the employee has within the Council.

At the final review overall performance will be assessed and in most cases this will be the end of the matter, as performance will have improved as agreed.

If sufficient improvements have not been made, consideration should be given to whether you should be transferred to another role better suited to your skills set, or as a last result, dismissed.

Appeal Procedure

If you are dismissed because you are not capable of performing your job to an acceptable standard you have the right of appeal against this decision. Your appeal should be in writing and sent to the town clerk within five working days of the decision and state the reasons for your appeal. The decision from the appeal hearing will be final.

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Induction Programme for Councillors

Report to HR Committee 19th April 2021

Officers have considered the areas that should be covered by the Councillor Induction Programme. They have identified seven induction topics:

TOPIC	ITEMS TO BE COVERED	TRAINING SUPPLIED BY	PROVISIONAL DATE
IT and the council virtual world	Walk around MS Teams, the councillor file area, how to use the calendar, set up meetings, the Warminster Town Council website, Wiltshire Council app.	In house	15 May AM
Introduction to the council	Overview of Wiltshire Council, Area Board, CATG, Warminster Town Council. Calendar of meetings, member/officer protocol.	In house	15 May AM
Finance	Overview of how council finances work, and a walk through the WTC 2021 – 2022 budget	In house	27 May 7pm
Core skills for councillors	Agendas – being summoned, Standing Orders, debate and how to make an effective contribution, questions beforehand to the clerk, how to propose and the dangers of pre-determination.	Wiltshire Association of Local Councils (WALC) Katie Fielding	10 June 7pm
Chairs training	A session for all members, not just chairs, how meetings are run and managed by the chair	WALC Katie Fielding	TBC
Planning	Planning essentials for councillors	Mike Wilmott Wiltshire Council Head of Development Management Economic Development & Planning	June 2021 Date TBC
Neighbourhood Planning	Overview of neighbourhood planning in Wiltshire	Michael Kilmister Wiltshire Council Neighbourhood Planning Manager	June 2021 Date TCB

It is suggested that the inhouse training be provided one Saturday morning. This will be a virtual session on Saturday 15th May, from 9am-1pm is the suggested time. This would allow new councillors to have a good grounding before they start attending official meetings.

Other training would be provided online via Microsoft teams.

Training provided by Katie Fielding is available in two ways.

Katie will be running a series of “Councillor Fundamentals” sessions following the elections. Once the new website goes live it will contain all the information about these. The Councillors Fundamentals training sessions are £30 + VAT per person. Katie will probably run Chairmanship a little later in the year– just because of the demand for the fundamentals post elections.

Katie would happily deliver a training session for Warminster Town Council (which we will open to other parishes in the area at £20 per head). Katie would normally deliver a session for no more than 20 people. A two-hour session would be £200 +VAT.

Clearly, the most cost-effective option is to book specific Warminster sessions. This would also allow for the possibility of recouping some of the cost by allowing entry to councillors from other parishes.

Training to be provided by Wiltshire Council on Planning and the Neighbourhood Plan would be dependent on availability of Wiltshire Council Officers. It is suggested Thursday evenings would be suitable if Wiltshire Council Officers are available. However, it might have to be a morning or afternoon event. As the meeting can be recorded, non-attendees could watch it later. We would look to hold these meetings in June 2021.

Councillors will also be issued with an induction pack. This would include:

The Good Councillor’s Guide

A jargon buster

Some NALC legal topic notes

The Council’s Standing Orders, Code of Conduct and Members-Officer protocol

The terms of reference for Committees

Information about the Warminster Area Board, Wiltshire Councillors and Community Engagement Manager for the area.

Being a Good Employer Guide

Community Area Transport Group (CATG) issue process flow chart

Tom Dommett
Assistant Clerk

April 2021

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Municipal Year 2020 – 2021: Q3+Q4

Risk Assessment – outstanding actions from quarterly review

October 2020 - March 2021 and monthly reviews December - March 2020.

BLACK: notes from last meeting RED: update from last meeting BLUE: new items

Cemeteries/Churchyards

- There are still unresolved issues following the closure of the Minster churchyard during the mid-1980's. The Clerk held a meeting with officers from Wiltshire Council to discuss the best way to clarify this situation. On-going. This item will be further investigated under delegated services.

Lake Pleasure Grounds

- Maintenance work has been carried out on paths in the Lake Pleasure Grounds

Public Conveniences

- There were several incidences of vandalism of locks in July and August.
- Only the disabled/unisex toilet in central car park and the toilets in the Lake Pleasure Grounds have been open since the end of lockdown1. The frequency of cleaning the toilets has been increased to twice a week in December due to increase demand on the facilities after the end of lockdown#2
- The door in one of the toilets in the Lake Pleasure Grounds was replaced in September.
- Locks on two doors of the toilets in the Lake Pleasure Grounds was vandalised in December and has been replaced.
- The covid test centre have been using the ladies toilets in central car park.

Play Areas

- A report on the condition of the 8 play areas to be leased from Wiltshire Council was commissioned and tenders sought for repair and renewal work.

Graffiti at Queensway Play Area was removed in August

Street/Footway Lighting

- No issues

Civic Centre

- No issues
A link in the flat roof above the kitchen was fixed by Brian Loveday in September. The fridge/cooler in the Coffee bar was repaired by Roundstone in September
- The Civic Centre Manager position has been vacant, but a new staff member is being recruited.
- The Civic Centre has been closed to the public since the start of lockdown #3.
- We have been advised that one of the boilers needs to be replaced. Further investigation is taking place before a decision is made.

ICT

- No issues
- Computing – the town council's server will require replacing in 2022.
- Members are responsible for reporting problems with their council supplied hardware/software direct to Netitude. Members are also responsible for ensuring that they run software updates.
- The Council's website now complies with the latest accessibility legislation.

Cyber and compliance: Members moving to gov.uk email addresses is ongoing. The move to gov.uk email addresses has been completed. All serving councillor now have a council provided laptop.

Investments

The Council has adopted an updated Treasury Management Policy. Regular payments are made into the council's CCLA account as per the Treasury Management Policy. Despite Covid, arrangements have been made to obtain members signatures to comply with the council's procedures. A new Treasury Management Policy is required. This has been completed and is going to members for ratification.

Newsletters

The Council will have to do two more newsletter in Jan-Mar 2020. This is achievable and inline with the need to communicate budget news and the strategic plan. Covid has prevented the usual delivery of newsletters with the Warminster Way so the newsletter have appeared as adverts in the Warminster Journal.

Financial Management

The internal audit raised no issues. External Audit – AGAR – Completion awaited. Inland revenue returns are prepared by DCK Accounting Solutions. The Clerk ensures these are actioned.

Dewey House – The window in the downstairs toilet need replacing as the wood is rotting. The POSM is in discussions with builder looking for a price. The pipes in the kitchen have a problem with condensation dripping off pipe onto floor causing damp. The POSM had found a solution juts needs a contractor to be available.

COVID 19 This has resulted in the closure of the play areas, the skatepark, the tennis courts, the public conveniences, and the Civic Centre. All locations have been signed as closed. Closed probably means there is a smaller risk to the council although it is not eliminated.

All the above locations have been reopened. Albeit often partially and with restrictions in place.

COVID 19 2020 - 2021 April to date CCTV – The CCTV control room was assessed. Extra hygiene and cleaning measures were now in place. As CCTV consists largely of lone working it was deemed safe to allow staff to work when necessary.

Civic Centre – The Civic Centre was risk assessed. Extra cleaning and hygiene measures were put in place. Additional protections such as hand sanitiser, disinfectant wipes, disposable gloves and facemasks were provided. Workstations were socially distanced. Staff usage has been staggered as much as possible to minimise the number of staff in at any one time.

Skatepark – The Government change the guidance for skateparks and the council risk assessed the Lake Pleasure Ground's skatepark and concluded it was reasonable to reopen in line with the advice from the skateboarding national organisations from Wednesday 13th May 2020. The Council also took into account the problems associated with not reopening the skatepark and probable unauthorised use.

Skatepark limits:

Maximum of 10 users in the skatepark only one person to complete a run at a time. No congregating with other people in any circumstances. 12 more detailed guidelines were circulated. Additional signage was put up with more detailed guidelines, these were also circulated via social media, the council website and a media release.

The skatepark closed for lockdown#2 but has reopened as of December 2020

Tennis Courts - The Government change the guidance for tennis courts and the council risk assessed the courts in the Lake Pleasure Grounds and concluded it was reasonable to reopen them in line with the advice from the Lawn Tennis Association from Wednesday 13th May 2020.

Tennis courts limits:

- Maximum of two people per court (singles play only). Players can be from different households
- The only exception to the above is where a group of four players are all from the same household in which case, they can play doubles.

Additional signage was put up with additional guidelines, these were also circulated via social media, the council website and a media release.

Pavilion Café The Café was undergoing a refit. Once restrictions allowed this to be completed, staff painted the Café. Extra cleaning and hygiene measures were put in place. Additional protections such as hand sanitiser, disinfectant wipes, disposable gloves and facemasks were provided. The Café re-opened providing a takeaway service only. There is no food preparation (i.e. toasties) and a protective screen has been installed. Customers are not allowed inside the café and the café seating is being stored inside the café and is not available for customers. Most of the trade has been ice-cream and drinks. Payments are mainly contactless. Social distancing is applied for customers and staff. The Café has opened additional hours during the Winter season. It offers a takeaway only service.

The Civic Centre reopened for groups in September with most of the regular hirers returning. It closed again for most of November for Lockdown#2. It reopened again in December for a limited 2 weeks before Christmas. The Bar has been closed since the start of Lockdown in March 2020

Public Conveniences

Ongoing conversations have been had with the contractors about the possibility of reopening public conveniences. The main stumbling block is the difficulty of cleaning the toilets frequently, so they are safe. Other issues include the potential risk associated with hand dryers, paper towels, social distancing, and that the toilets are prone to vandalism and theft. While the Government is encouraging councils to open public toilets, the risk remains with individual councils. All have different facilities with different issues to address. The option that seems most realistic is opening the toilets in the Lake Pleasure Grounds and cleaning them twice a day and reopening only the disabled toilet in Central Car park.

Play Areas Ongoing conversations have been had with the contractors about the possibility of reopening play areas. One area of difficulty has been the safety of staff undertaking safety inspections, so inspections have been visual only. The other main one is the difficulty of cleaning equipment so that it is safe. This is a challenge and we are liaising with Wiltshire Council and Idverdi to see how best to mitigate the risk. Play Areas – Reopened in July. They are disinfected once a week in line with Government Guidance. New signage was put up in all play areas highlighting Covid 19 safety advice.

COVID 19 Update 12th April 2021.

CCTV has remained open throughout lockdown #3 but with some staff and volunteers shielding.

Civic Centre – The reception area reopening to the public on 12th April 2021. Staff are on a rota to ensure there are 2 people present.

Skatepark – The skate park closed for lockdown#3. There were numerous incidences of people ignoring the closure despite signs, fencing and patrols by police, CPSO's and staff. In line with Government guidance the skate park reopened on 29th March 2021.

Tennis Courts – These closed for lockdown#3 but reopened in line with Government guidance on 29th March 2021. They have been very busy.

Pavilion Café – The Café has remained open offering a takeaway only service. It has exceeded its sale target for the year, despite the restricted range on offer. Hopefully it has built up a customer base that will continue through the summer and into autumn 2021.

The Civic Centre closed to the public for lockdown #3. It may reopen to the public hirers on May 17th 2021.

Public Conveniences

The toilets in the Lake Pleasure Grounds and the disabled toilet in Central Car park have been open throughout lockdown #3. All the council's public toilets will reopen from 19th April 2021.

Tom Dommett
Assistant Clerk
April 2021