

Part 5 – Codes and Protocols

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THE MODEL CODE OF CONDUCT

Schedule to the Local Authorities (Model Code of Conduct) (Wales) Order 2008, as amended.

PART 1 INTERPRETATION

1. (1) In this code—

“CJC” means the South East Wales Corporate Joint Committee;

“*co-opted member*” (“*aelod cyfetholedig*”) means a person who is not a member of the CJC but who—

- (a) is a member of any sub-committee of the CJC, or
- (b) is a member of, and represents the CJC on, any joint committee or joint sub-committee of the CJC,

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

“*meeting*” (“*cyfarfod*”) means any meeting—

- (a) of the CJC,
- (b) of any executive or board of the CJC,
- (c) of any sub-committee, joint committee or joint sub-committee of the CJC or of any such sub-committee, joint committee or joint sub-committee of any executive or board of the CJC, or
- (d) where members or officers of the CJC are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of the CJC;

“*member*” (“*aelod*”) includes, unless the context requires otherwise, a co-opted member;

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

“*registered society*” means a society, other than a society registered as a credit union, which is—

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

“relevant authority” (“awdurdod perthnasol”) means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (ca) a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

“you” (“chi”) means you as a member or co-opted member of the CJC.

PART 2 GENERAL PROVISIONS

- 2. (1) Save where paragraph 3(a) applies, you must observe this code of conduct—
 - (a) whenever you conduct the business, or are present at a meeting, of the CJC;
 - (b) whenever you act, claim to act or give the impression you are acting in the role of member of the CJC;
 - (c) whenever you act, claim to act or give the impression you are acting as a representative of the CJC; or
 - (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.
- (2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.
- 3. Where you are elected, appointed or nominated by the CJC to serve—
 - (a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

- (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- 4. You must—
 - (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
 - (b) show respect and consideration for others;
 - (c) not use bullying behaviour or harass any person; and
 - (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the CJC.
- 5. You must not—
 - (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
 - (b) prevent any person from gaining access to information to which that person is entitled by law.
- 6. (1) You must—
 - (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or the CJC into disrepute;
 - (b) report, whether through the CJC's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, the CJC which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
 - (c) report to the CJC's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
 - (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, the CJC.
- (2) You must comply with any request of the CJC's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.
- 7. You must not—

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
 - (b) use, or authorise others to use, the resources of the CJC—
 - (i) imprudently;
 - (ii) in breach of the CJC's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.
- 8.** You must—
- (a) when participating in meetings or reaching decisions regarding the business of the CJC, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by the CJC's officers, in particular by—
 - (i) the CJC's chief executive;
 - (ii) the CJC's chief finance officer;
 - (iii) the CJC's monitoring officer;
 - (iv) the CJC's chief legal officer (who should be consulted when there is any doubt as to the CJC's power to act, as to whether the action proposed lies within the policy framework agreed by the CJC or where the legal consequences of action or failure to act by the CJC might have important repercussions);
 - (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the CJC.
- 9.** You must –
- (a) observe the law and the CJC's rules governing the claiming of expenses and allowances in connection with your duties as a member;
 - (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by the CJC), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3 INTERESTS**Personal Interests**

- 10.** (1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- (2) You must regard yourself as having a personal interest in any business of the CJC if —
- (a) it relates to, or is likely to affect —
- (i) any employment or business carried on by you;
 - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
 - (iii) any person, other than the CJC, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
 - (iv) any corporate body which has a place of business or land in the CJC's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (v) any contract for goods, services or works made between the CJC and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (vi) any land in which you have a beneficial interest and which is in the area of the CJC;
 - (vii) any land where the landlord is the CJC and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;
 - (viii) any body to which you have been elected, appointed or nominated by the CJC;
 - (ix) any —
 - (aa) public authority or body exercising functions of a public nature;

- (bb) company, registered society, charity, or body directed to charitable purposes;
 - (cc) body whose principal purposes include the influence of public opinion or policy;
 - (dd) trade union or professional association; or
 - (ee) private club, society or association operating within the CJC's area,
in which you have membership or hold a position of general control or management;
 - (x) any land in the CJC's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;
- (b) a decision upon it might reasonably be regarded as affecting —
- (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
 - (ii) any employment or business carried on by persons as described in 10(2)(b)(i);
 - (iii) any person who employs or has appointed such persons described in 10(2)(b)(i), any firm in which they are a partner, or any company of which they are directors.

Disclosure of Personal Interests

- 11.** (1) Where you have a personal interest in any business of the CJC and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of the CJC and you make—
- (a) written representations (whether by letter or some form of electronic communication) to a member or officer of the CJC regarding that business, you should include details of that interest in the written communication; or
 - (b) oral representations (whether in person or some form of electronic communication) to a member or officer of the CJC you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm

the representation and interest in writing within 14 days of the representation.

- (3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of the CJC and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- (4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to the CJC in accordance with any requirements identified by the CJC's monitoring officer but, as a minimum containing—
 - (a) details of the personal interest;
 - (b) details of the business to which the personal interest relates; and
 - (c) your signature.
- (5) Where you have agreement from the CJC's monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that the CJC's monitoring officer has agreed that the nature of such personal interest is sensitive information.
- (6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of the CJC.
- (7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12. (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of the CJC you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

- (a) relates to—
 - (i) another relevant authority of which you are also a member;
 - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
 - (iii) a body to which you have been elected, appointed or nominated by the CJC;
 - (iv) your role as a school governor unless it relates particularly to the school of which you are a governor;
 - (v) your role as a member of a Local Health Board where you have not been appointed or nominated by the CJC;
- (b) relates to—
 - (i) the functions of the CJC in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
 - (ii) the functions of the CJC in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989.
- (3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

- 13.** You also have a prejudicial interest in any business before an overview and scrutiny committee of the CJC (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by the CJC's executive, board or another of the CJC's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

- 14. (1)** Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of the CJC you must, unless you have obtained a dispensation from the CJC's standards committee—
- (a) withdraw from the room, chamber or place where a meeting considering the business is being held—
 - (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
 - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
 - (b) not exercise executive or board functions in relation to that business;
 - (c) not seek to influence a decision about that business;
 - (d) not make any written representations (whether by letter or some form of electronic communication) in relation to that business; and
 - (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.
- (2) Where you have a prejudicial interest in any business of the CJC you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (2A) Where you have a prejudicial interest in any business of the CJC you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under a statutory right or otherwise.
- (2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that the CJC may adopt for the submission of such representations.

- (3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if—
- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
 - (b) you have the benefit of a dispensation provided that you—
 - (i) state at the meeting that you are relying on the dispensation; and
 - (ii) before or immediately after the close of the meeting give written notification to the CJC containing—
 - (aa) details of the prejudicial interest;
 - (bb) details of the business to which the prejudicial interest relates;
 - (cc) details of, and the date on which, the dispensation was granted; and
 - (dd) your signature.
- (4) Where you have a prejudicial interest and are making written or oral representations to the CJC in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to the CJC within 14 days of making the representation.

PART 4: THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests

- 15. (1)** Subject to sub-paragraph (4), you must, within 28 days of—
- (a) the CJC's code of conduct being adopted or the mandatory provisions of this model code being applied to the CJC; or
 - (b) your election or appointment to office (if that is later),
- register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in the CJC's register of members' interests by providing written notification to the CJC's monitoring officer.
- (2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in the CJC's register

of members' interests by providing written notification to the CJC's monitoring officer.

- (3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in the CJC's register of members' interests by providing written notification to the CJC's monitoring officer.
- (4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).
- (5) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in the CJC's register of members' interests by providing written notification to the CJC's monitoring officer.

Sensitive information

16. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and the CJC's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify the CJC's monitoring officer asking that the information be included in the CJC's register of members' interests.
- (3) In this code, "sensitive information" (*"gwybodaeth sensitif"*) means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of the CJC, provide written notification to the CJC's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage.

Part 5B - Employees' Code of Conduct

General Principles

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

Accountability

2. Employees of the CJC work for the CJC and serve the whole of its area. They are accountable to and owe a duty to the CJC. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

Political Neutrality

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

Relations with members, the public and other employees

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

Equality

6. Employees of the CJC must comply with policies relating to equality issues, as agreed by the CJC, in addition to the requirements of the law.

Stewardship

7. Employees of the CJC must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the CJC for personal use unless authorised to do so.

Personal Interests

8. Whilst employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to

further their private interests, or the interests of others. In particular, they must comply with:

- (1) any rules of the CJC on the registration and declaration by employees of financial and non-financial interests,
- (2) any rules of the CJC on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the CJC. Employees must not accept benefits from a third party unless authorised to do so by the CJC.

Whistleblowing

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

Treatment of Information

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

Appointment of Staff

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

Investigations by Monitoring Officers

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

Part 5C – Protocol on Member/Officer Relations

Basic Principles

- 1 The basic principle of good Member/Officer relations in local government is trust, mutual respect and a common understanding of respective roles. CJC Members represent the whole of the CJC area and Officers are appointed by the CJC to give creative, robust and impartial advice, which will assist Members in reaching the best decisions for that area.
- 2 The CJC's Code of Conduct for Members says that they should "show respect and consideration for others" and "must not do anything which compromises, or which is likely to compromise, the impartiality of the CJC's employees".
- 3 The CJC's Code of Conduct for Employees says that "Mutual respect between employees and Members is essential to good local government, and working relationships should be kept on a professional basis. Employees of the CJC should deal with the public, Members and other employees sympathetically, efficiently and without bias."

Councillors' Roles

- 4 All councillors who are members of the CJC undertake the CJC's functions and take the most important decisions the CJC can make, including approval of the budget, and many will be involved in taking other more detailed CJC decisions.
- 5 Some councillors from local authorities in the CJC area, who are not members of the CJC, have responsibility for maintaining an overview and scrutiny of CJC decisions and the efficient performance of CJC functions.
- 6 These roles will relate in slightly different ways to the officers of the CJC. These are set out in more detail below.

Officer Roles and Advice

- 7 CJC officers are employees of the whole CJC and have an obligation to give impartial advice and to carry out the CJC's lawful decisions. They have operational responsibilities which are generally set out in the CJC's scheme of delegations, or in their job descriptions. These will generally be of a managerial, technical or administrative nature, and are part of the normal day-to-day work of all CJC employees.

- 8 The CJC's Member Code of Conduct describes how Members should act when taking decisions and in particular in relation to advice from officers:
- "A member ... must reach decisions having regard to any relevant advice by the CJC's officers..."
- 9 In advising, officers are free to give their professional advice wherever appropriate. Councillors may wish to test this advice by questioning and challenging something they do not agree with, but they should not, by their conduct or actions, make employees feel intimidated or threatened. They should ensure that any challenge of advice given is made to an employee of suitable seniority, generally the Chief Executive, Monitoring Officer or s151 Officer. Employees should remember that councillors are democratically elected to secure their objectives and fully entitled to question advice given, and to receive a full and complete explanation. Employees should always seek to meet the CJC's objectives when advising, providing that this can be done legally and within financial resources.
- 10 If Members remain dissatisfied with the advice given, then they may refer the matter to the CJC Chair or the relevant Sub-Committee Chair. Where necessary and appropriate, either by agreement with the Chief Executive, Monitoring Officer or s151 Officer, or following a decision of the CJC, professional advice can be commissioned by relevant officers (in consultation with relevant Members) from a reputable and suitably qualified source outside the CJC. Any subsequent report to the CJC will contain the professional advice of the Chief Executive or officer named as author, but will also contain any external professional view, clearly identified as such.
- 11 The CJC operates a system which requires advice on the legality and achievability (including financial matters) of the decision in advance of its consideration, and for that advice to be captured in reports to Members, Sub-Committees or the CJC. Officers should be permitted to give their complete advice, including a description of any relevant options and advice as to legal and financial probity. When oral advice is given, it should be recorded in writing by the officer concerned.
- 12 The CJC has three main statutory officers; the Chief Executive, the Monitoring Officer and the s151 Officer, who have duties to advise the CJC as a corporate body and have a statutory right to advise as they believe appropriate within their statutory duties.

Relationships between Officers and Members

13 As indicated above, although officers have a duty to serve the CJC as a corporate body, their working relationships will be different with different groups of Members. The following paragraphs identify and give guidance on key issues in this area.

14 **All Councillors** – all councillors and employees will demonstrate mutual respect and will deal with each other sympathetically, efficiently and without bias. Officers are responsible for advising the whole CJC but may occasionally be called upon by individual Members to advise or give information on particular issues. This is entirely proper and, within available resources, advice will be given. Officers should not advise councillors on their individual positions or assist them in personal capacities, but only in relation to CJC matters. The Monitoring Officer or his/her nominee may advise individual councillors on the Member Code of Conduct and their responsibilities in relation to the declaration of interests.

Individual Members may request that advice given to them is treated in confidence. They should make this clear at the start of any discussion or correspondence with the officer concerned. The officer will then advise the Member as to whether the discussion or correspondence can be treated as confidential within the law and within CJC procedures, so that both parties have a clear understanding of the position. Information which indicates that the CJC may be in breach of a duty, involves the protection of vulnerable people or alleges misconduct, for example, may not be kept confidential, and may be reported to the proper person or authority.

15 **Chair and Officers** – the chair of the CJC and/or chairs of sub-committees have particular roles in relation to the business of the CJC or sub-committees, and officers will support them in those roles. Generally, and subject to the CJC's rules of procedure set out in the Constitution, the Chair of any CJC body will finalise relevant agendas and the officer with responsibility for issuing the agenda will comply with the Chair's wishes in this respect. However, in certain instances, statutory officers have a right to have items included on relevant agendas, and these and any instructions issued by statutory officers in this respect will be followed.

16 **Co-opted Members and Members of the Standards & Ethics, Governance & Audit and Joint Overview and Scrutiny Committees and Officers** - Officers will deal with these members in the same way as they deal with all councillors and will be available to advise them, as set out in paragraph 15 above, in respect of their particular statutory functions only.

Conduct and Effectiveness

- 17 If councillors have any concerns about the effectiveness or conduct of particular officers, they will take this up directly and confidentially with the Chief Executive, Monitoring Officer or s151 Officer, or the Chair if the issue relates to the Chief Executive. The issue will then be handled in accordance with the CJC's procedures, and the Member and officer concerned will be advised of the outcome, unless there are legal reasons why they may not. Personal criticism (except in pursuance of a legal obligation) by Members of individual officers or identifiable groups of officers will not take place in public forums (including the media) as this could seriously affect the ability of the CJC to effectively defend its position as an employer and may in some circumstances render it liable to payment of compensation.
- 18 If any officer has concerns about the conduct of a particular Member, he/she will raise it in the first instance with the CJC's Monitoring Officer, who will then advise on whether it is appropriate for the issue to be referred to the Standards Commissioner for Wales under the Member Code of Conduct. No CJC officer will publicly criticise any councillor (except in pursuance of a legal obligation) as this would be a departure from the proper statutory process and may prejudice that process.

Access to Information and Documents

- 19 The CJC promotes openness and access to information by all its members. However, the law prevents the release of confidential or exempt information in certain circumstances, and both officers and members will abide by the CJC's Access to Information Procedure Rules set out in this Constitution. Confidential information or exempt information provided to Members must be used properly, and only for the purposes for which it has been released.

PETITION SCHEME

OVERVIEW

Petitioning is one way that individuals, community groups and organisations can participate in the democratic process, by raising issues of public concern with the CJC and allowing Members to consider the need for change. It is acknowledged that petitions can have positive outcomes that lead to change or inform debate.

1. WHO CAN RAISE A PETITION?

- 1.1 Anyone who lives, works, owns a business or studies in the CJC area can sign or submit a petition, including those under the age of 18. Anyone who lives in the area of a neighbouring Council may also sign or submit a petition IF they could reasonably be expected to be affected by the subject matter of the petition. Petitions may be submitted on paper or electronically using an online petition system which meets the requirements of a valid petition, or a combination of the two.

2. CONSIDERATION OF A PETITION

- 2.1 A petition may be considered at a meeting of the CJC or by a sub-committee if the topic of the petition relates to the specific role of that sub-committee.
- 2.2 The CJC's Chief Executive, in consultation with the Monitoring Officer, will consider the petitions submitted and determine if the petition is admissible based on the following criteria for a valid petition.

3. REQUIREMENTS OF A VALID PETITION

LEAD PETITIONER

- 3.1 All petitions require a lead petitioner to be identified who will act as the contact point for the petition. The following are the requirements necessary for a lead petitioner:
 - 3.1.1 The lead petitioner must be an individual who lives, works or studies within the CJC's area or an organisation based in the CJC area.
 - 3.1.2 The lead petitioner's full home, work, study postal address or the organisation's postal address, must be included and a personal email address or contact information to which any communications concerning the petition can be sent.

THE PETITION

- 3.2 The CJC will consider all petitions with more than 10 signatories that fall within the scope of this Scheme. Petitions can be submitted to the CJC either on paper or electronically, with the general requirements of the Scheme applying to both paper and e-petitions. The petition must:

- 3.2.1 contain a clear, short statement covering the subject of the petition. The petition will be returned if it is unclear;
- 3.2.2 call for CJC to take some specific action, for example: "We call on CJC to..." This must be repeated on every page of a paper petition;
- 3.2.3 provide the names and postal addresses of those signing the petition, including postcodes;
- 3.3 A suggested petition template is shown at Annex A to this Petitions Scheme.
- 3.4 Petitions must not contain:
 - 3.4.1 Language which is offensive, intemperate or provocative. This not only includes obvious profanities, swear words and insults, but any language which a reasonable person would regard as offensive;
 - 3.4.2 Potentially false or potentially defamatory statements;
 - 3.4.3 Information which is prohibited from being published by an order of a court or a body or person with similar power;
 - 3.4.4 Material which is potentially confidential, commercially sensitive, or which may cause personal distress or loss;
 - 3.4.5 Any commercial endorsement, promotion of any product, service or publication or statements that amount to advertisements;
 - 3.4.6 The names of officials of public bodies, unless they are part of the senior management of those organisations;
 - 3.4.7 The names of family members of elected representatives or officials of public bodies;
 - 3.4.8 The names of individuals, or information where they may be identified, in relation to criminal charges; or
 - 3.4.9 Issues for which a petition is not the appropriate channel (for example, correspondence about a personal issue or an issue subject to court proceedings).

PETITIONS THAT ARE NOT ADMISSIBLE UNDER THIS SCHEME

- 3.5 The following are not admissible:
 - 3.5.1 Petitions relating to anything the CJC is not responsible for;
 - 3.5.2 Statutory petitions, or petitions relating to Local Authority Referendums which fall under the Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001, for which separate arrangements apply within relevant local authorities;

- 3.5.3 Petitions asking the CJC to adjudicate, arbitrate or mediate personal or staffing issues or commercial interests where this is the role of a court or tribunal;
 - 3.5.4 Petitions on matters that are subject to legal proceedings in the courts;
 - 3.5.5 Petitions on matters that are already subject to determination by an Ombudsman (or person with similar powers);
 - 3.5.6 Petitions that are essentially freedom of information (FOI) requests, comments, compliments or complaints, which will be passed to the appropriate officer for a suitable response; or
 - 3.5.7 Petitions which raise issues of possible CJC Member or employee misconduct. These will be taken as complaints arising under the Local Government Act 2000 and will be reported to the Monitoring Officer rather than considered under this petition scheme.
- 3.6 When a petition has been presented to the CJC, no further petition on a similar topic and seeking a similar outcome, shall be considered within six months of the date on which the petition was first considered or the petitioner heard.

PETITION SIGNATORIES

- 3.7 An appropriate signatory is an individual who lives, works, owns a business or studies in the CJC area, or who lives in the area of a neighbouring Council and could reasonably be expected to be affected by the subject matter of the petition.
- 3.8 An individual can only sign a petition once. People must not sign both an online and a paper petition, and duplications may be removed if it is found that a petitioner has signed twice.

4. SUBMITTING A PETITION

- 4.1 Paper or electronic petitions which are to be considered by the CJC are to be submitted to the CJC's Monitoring Officer

5. HOW AND BY WHEN THE CJC WILL ACKNOWLEDGE RECEIPT OF A PETITION

- 5.1 Receipt of a paper petition or submission of an electronic petition will be acknowledged within 5 working days provided that the contact details of the lead petitioner are provided at the same time.

6. CONFIRMING A VALID PETITION

- 6.1 The Monitoring Officer or a person authorised by him/her will undertake initial checks to confirm that a submitted petition meets the requirements of the Scheme.
- 6.2 If a number of petitions are received on a similar topic with similar desired outcomes, only one lead petitioner will be able to present their petition to the CJC. The lead petitioner for each petition will be notified by the Monitoring Officer and requested

to liaise with each other to consider options to amalgamate petitions and determine which lead petitioner will present the petition to the CJC. If agreement is not reached the petitioner with the largest number of signatures will have the right to present the petition to the CJC.

- 6.3 Any concerns regarding the validity of the petition will be raised with the Monitoring Officer.
- 6.4 If a petition is invalid the lead petitioner will be informed within 10 working days of receipt of the petition, why it cannot be progressed.

7. THE STEPS THE CJC MAY TAKE IN RESPONSE TO A PETITION RECEIVED BY IT

- 7.1 A petition with 10 – 100 signatures will be referred to the Chief Executive to respond to. A response will be provided to the lead petitioner within 20 working days of receipt.
- 7.2 A petition with 101 – 500 signatures will be referred to the Chair of the CJC to respond to. A response will be provided to the lead petitioner within 20 working days of receipt.
- 7.3 A petition with more than 500 signatures will be referred to a meeting of the CJC.
- 7.3 Where a petition is considered at a meeting the petition presenter may outline the request of the petitioners, the reason for the request and the number of the signatories. In any event the lead petitioner may not speak under this rule for more than one minute.
- 7.4 The meeting may decide to:
- Take the action the petition requests;
 - Take no further action;
 - Refer the matter to the Joint Overview and Scrutiny committee, a working group or an officer;
 - Request an officer to take any other step in relation to the matter.
- 7.5 The decision of the meeting will be recorded in the minutes and provided in writing to the lead petitioner.

8. EXCEPTIONS

- 8.1 In the period immediately before an election or referendum we may need to deal with petitions differently. If this is the case we will explain the reasons and discuss any revised timescale which may apply.

9. ALTERNATIVES TO PETITIONS

9.1 After reading the Petition Scheme an individual or organisation may consider that a petition is not the most appropriate avenue to achieve the desired outcome. Alternative options to enable members of the public to have their say include:

9.1.1 Writing to the appropriate CJC Member or the CJC's Chief Executive;

9.1.2 Responding to a Consultation;

9.1.3 Making a suggestion through the CJC's website.

10. DATA PROTECTION AND GDPR

10.1 All personal data will be handled in compliance with data protection laws and the CJC's Privacy Notice. Hard copy and electronic petition information will be kept for 12 months and after that time it will be safely and securely destroyed.

ANNEX A

SUGGESTED PAPER PETITION TEMPLATE

LEAD PETITIONER DETAILS

Name	
Full Postal Address	
Email address	
Telephone number (optional)	

PETITION DETAILS

A clear, short statement covering the subject of the petition. The petition will be returned if it is unclear.	
Call for the CJC to take some specific action	We call on the South East Wales Corporate joint Committee to ... Note: to be repeated on every page of a paper petition

PETITION SIGNATORIES

We call on the South East Wales Corporate Joint Committee [insert call for specific action copied from petition details]

No.	Name	Full postal address	Postcode	Signature
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

