

**DRAFT BUDGET 2023/24**  
**HOPE COMMUNITY COUNCIL**  
Updated: 28.11.2022

Committee/Budget Head	Budget 2019/20	Budget 2020/21	Budget 2021/22	Budget 2022/23	Expected 2022/23	Proposed 2023/24	Variance
<b>Leisure and Environment Committee</b>							
1.1 Summer play scheme/ Youth	£2,200	£2,200	£2,200	£2,200	£1,540	£2,200	£0
1.2 Environ imp/plygrnd	£13,200	£13,100	£16,100	£15,000	£1,190	£15,000	£0
1.3 Caergwrle Castle	£10,000	£5,000	£3,500	£3,500	£5,088	£6,000	£2,500
**Castle Reserves					£3,850		
1.4 Community Competitions/Engagement		£250	£500	£750	£400	£750	£0
1.5 Village Improvements		£2,000	£2,000	£2,000	£550	£15,000	£13,000
<b>Total</b>	<b>£25,400</b>	<b>£22,550</b>	<b>£24,300</b>	<b>£23,450</b>	<b>£12,618</b>	<b>£38,950</b>	<b>£15,500</b>
<b>Planning and Highways Committee</b>							
2.1 Bus shelters	£0	£200	£200	£200	£0	£200	£0
2.2 Street lighting – supply	£5,000	£5,000	£4,500	£3,580	£3,580	£8,305	£4,725
2.3 Street lighting – maint	£26,000	£26,000	£30,300	£30,300	£1,150	£30,300	£0
** Street light upgrade reserves					£17,250		
2.4 Christmas lights	£4,000	£4,000	£8,000	£8,000	£7,100	£12,500	£4,500
2.5 CCTV Cameras	£1,000	£1,000	£1,000	£1,000	£3,769	£2,000	£1,000
2.6 Road & Highway Improvements			£4,855	£3,500	£0	£3,500	£0
<b>Total</b>	<b>£36,000</b>	<b>£36,200</b>	<b>£48,855</b>	<b>£46,580</b>	<b>£32,849</b>	<b>£56,805</b>	<b>£10,225</b>
<b>Finance Committee</b>							
3.1 Salaries and N.I. & payroll	£7,914	£10,945	£12,538	£13,500	£14,133	£15,130	£1,630
3.2 Pension/gratuity	£960	£1,200	£2,145	£2,160	£2,373	£2,446	£286
3.3 Clerks Travel Expenses (Gen Admin)	£200	£200	£200	£200	£222	£200	£0
3.4 Bank Charges (Gen Admin)	£0	£0	£0	£80	£60	£60	-£20
3.5 Audit fees (Gen Admin)	£500	£500	£500	£790	£560	£825	£35
3.6 Chain / honours board (Gen Admin)	£100	£100	£100	£100	£126	£100	£0
3.7 Stationery & equipment (Gen Admin)	£350	£350	£350	£450	£410	£450	£0
3.8 Computer, Maint, Hosting, GDPR. (Gen Admin)	£1,000	£1,000	£850	£950	£1,769	£2,000	£1,050
3.9 NEW - Postage (Gen Admin)			£0	£220	£150	£200	-£20
3.11 Insurance (Gen Admin)	£675	£1,300	£1,350	£1,350	£1,377	£1,377	£27
3.12 Subscriptions (Gen Admin)	£720	£720	£770	£780	£767	£790	£10
3.13 Photocopier (Gen Admin)	£250	£250	£250	£250	£200	£250	£0
3.14 Election expenses	£500	£500	£500	£5,000	£407	£500	-£4,500
3.15 Office costs (Gen Admin)	£1,213	£1,260	£1,303	£1,475	£1,538	£1,584	£109
3.16 Grants	£3,000	£3,000	£4,000	£4,000	£4,000	£4,000	£0
3.17 Chairman's allowance/Cllr Exp	£6,700	£6,700	£6,700	£6,700	£9,920	£9,920	£3,220
3.18 Council website (Gen Admin)	£350	£2,250	£300	£200	£84	£200	£0
3.19 Training	£1,500	£1,500	£1,500	£2,250	£433	£2,250	£0
3.21 Noticeboard/Millennium Maps/Kiosk	£1,200	£1,350	£1,350	£1,000	£0	£1,000	£0
3.22 Defib	£250	£250	£250	£250	£0	£250	£0
3.23 Village Celebrations						£1,000	£1,000
** Village Celebration Reserves					£120		£0
<b>Total</b>	<b>£27,382</b>	<b>£33,375</b>	<b>£34,956</b>	<b>£41,705</b>	<b>£38,649</b>	<b>£44,532</b>	<b>£2,827</b>
<b>Summary</b>							
Leisure and environment	£25,400	£22,550	£24,300	£23,450	£12,618	£38,950	£14,650
Planning and Highways	£36,000	£36,200	£48,855	£46,580	£32,849	£56,805	£7,950
Finance	£27,382	£33,375	£34,956	£41,705	£38,649	£44,532	£9,576
<b>Total</b>	<b>£88,782</b>	<b>£92,125</b>	<b>£108,111</b>	<b>£111,735</b>	<b>£84,116</b>	<b>£140,287</b>	<b>£32,176</b>
<b>Balance as at 31 March 2022</b>							
Reserved - Caergwrle Castle (grant)	£102,806						
Reserved - Caergwrle Castle		-£5,000					
Reserved - Caergwrle Castle		-£22,933					
Reserved - Street Lighting (ongoing upgrades)		-£25,805					
Reserved - Match Funding		-£10,000					
Reserved -Summer Playscheme/Youth 2020/21		-£2,000					
Reserved - VE Day Celebrations		-£750					

	<b>£36,318</b>		
<b>Income 2022/2023</b>	<b>£</b>	<b>Expenditure 2021/2022</b>	<b>£</b>
Balance 31 March 2022	£102,806	Probable expenditure 2021/2022	£84,116
Precept 2022/2023	£113,155		
Estimated interest 2022/23	£85		
Refund of VAT	£6,892		
Cadw - yearly grant (not yet received)	£4,450		
<b>Total income</b>	<b>£227,388</b>	<b>Total expenditure</b>	<b>£84,116</b>
<b>Estimated Balance as at 30 March 2023</b>	<b>£143,272</b>		
Reserved - Caergwrle Castle (grant)	-£5,000		
Reserved - Caergwrle Castle	-£19,083		
Reserved - Street Lighting (ongoing upgrades)	-£37,705		
Reserved - Porch Lane/Willow Match Funding (2021/22)	-£23,000		
Reserved - Summer Playscheme/Youth 20/21	-£2,000		
Reserved - VE Celebration/Community Celebration	-£510		
	<b>£55,974</b>		

**Recommended precept requirement for 2023/2024 (Based on estimates submitted)**

Estimated expenditure for 2023/2024	£140,287
Working balance for 2023/2024	£26,500
Total revenue resource requirement	£166,787
Less estimated available balance as at 1 April 2023	£55,974
Less estimated VAT claim for 2022/23	£2,500
Recommended Minimum Amount to be met from precept based on the above figures	<b>£108,313</b>

**Precept for 2023/2024**

**TBA**

Precept levied for 2022/2023	£113,155
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Note: The annual charge for band 'D' properties for 2023/24 would be as follows:

**\*\*PLEASE NOTE THAT THIS HAS NOT BE CONFIRMED YET BUT THIS IS TO GIVE YOU AN IDEA**

**Example showing the calculations based on the above drafted budget figures**

£108313 :- 1850.10 (Council tax base for 2023/2024) = £58.54 (£61.16 2022/23) **(£-2.62/ 4.28% decrease)**

**Example showing the calculations if we increased the above drafted budget figures by £5000**

£113313 :- 1850.10 (Council tax base for 2023/2024) = £61.24 (£61.16 2022/23) **(£+0.08/ 0.13% increase)**

**Example showing the calculations if we decreased the above drafted budget figures by £5000**

£103313 :- 1850.10 (Council tax base for 2023/2024) = £55.84 (£61.16 2022/23) **(£-5.32/8.70% decrease)**



### Definition of Civility and Respect

Civility means politeness and courtesy in behaviour, speech, and in the written word.

Examples of ways in which you can show respect are by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

The National Association of Local Councils (NALC), the Society of Local Council Clerks (SLCC), and One Voice Wales (OVW), believe now is the time to put civility and respect at the top of the agenda and start a culture change for the local council sector.

By our council signing up to the civility and respect pledge we are demonstrating that our council is committed to treating councillors, clerks, employees, members of the public, representatives of partner organisations, and volunteers, with civility and respect in their role.

Signing up is a simple process, which requires councils to register and agree to the following statements:

Statement	Tick to agree
Our council has agreed that it will treat all councillors, clerk and all employees, members of the public, representatives of partner organisations, and volunteers, with civility and respect in their role.	
Our council has put in place a training programme for councillors and staff	
Our council has signed up to Code of Conduct for councillors	
Our council has good governance arrangements in place including, staff contracts, and a dignity at work policy.	
Our council will commit to seeking professional help in the early stages should civility and respect issues arise.	
Our council will commit to calling out bullying and harassment when if and when it happens.	
Our council will continue to learn from best practice in the sector and aspire to being a role model/champion council e.g., via the Local Council Award Scheme	
Our council supports the continued lobbying for the change in legislation to support the Civility and Respect Pledge, including sanctions for elected members where appropriate.	

This Report is jointly published by:



# Bullying and Harassment in Councils

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## Introduction

One Voice Wales & the Society of Local Council Clerks (SLCC) are committed to improving the performance of community and town councils in Wales. One aspect of improvement is around behaviour by both elected members and council employees. While serious issues with behaviour are limited to a small number of cases each year, the impact of these cases is significant for those involved. Unacceptable behaviour can impact on the effectiveness of Councils undermining both loyalty and commitment and a souring of relationships which is in no one's interests. At its very worst it can result in ill-health and sickness absence which is clearly unproductive and very costly to those Councils which experience relationship issues of this nature.

This guidance has been developed by Paul Egan (One Voice Wales) and Naomi Bibi (SLCC) to support both councils and clerks when issues do arise.

Lyn Cadwallader, Chief Executive of One Voice Wales gives his full support to the production of this guide which he considers will help all Councils and employees to understand the nature of unacceptable behaviour and have a toolkit to help everyone ensure that Councils foster effective governance and employment practice. In his view, it is essential that Councils take all necessary actions to root out poor behaviour on the part of members and/or officers so that together a cohesive and focussed approach is adopted in achieving the best outcomes for local people.

As the professional body for local council clerks and chief officers, SLCC is similarly pleased to support the development of this guide. Rob Smith, Chief Executive of SLCC, gave his full support to the production of the guide and noted the value of its aims of improving behaviours, engendering positive relationships and helping councils and employees to deliver for their communities.

## Effective Councillor and Officer Relationships

Councillors have different enthusiasms and interests, so celebrate this. Councillors have different skills and attitudes; for example, some work with ideas while others are very practical; some like accounts while others prefer reports. The community or town council needs a range of skilled people to work as a team.

Your chair has the roles of team leader and umpire at meetings. Some councils appoint a separate council leader, but this party-political role has no status in law. The clerk provides advice and administrative support and takes action to implement council decisions. The clerk may have to act as a project manager, personnel director, public relations officer or finance administrator. The clerk is not just a secretary and is not at the beck and call of the chair or other councillors; the clerk is answerable only to the council as a whole. The clerk is the **proper officer** of the council in law. Legally councils can agree to delegate decisions to clerks because they are professional officers whose independence allows them to act on behalf of the council. Clearly the clerk must be treated with respect. The best councils will have a clerk and councillors who

work as a team to serve the community.

## What is bullying and harassment?

Personal harassment takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse and includes bullying.

What are bullying and harassment? These terms are used interchangeably by most people, and many definitions include bullying as a form of harassment.

Harassment as defined in the Equality Act 2010 is: Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or councillor) or involve groups of people. It may be obvious, or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Examples of bullying/harassing behaviour include: spreading malicious rumours, or insulting someone by word or behaviour (copying e-mails that are critical about someone to others who do not need to know, ridiculing or demeaning someone – picking on them or setting them up to fail), exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of power or position, unwelcome sexual advances – touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected, making threats or comments about job security without foundation, deliberately undermining a competent worker by overloading and constant criticism, preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face. They may also occur in written communications, email, phone, through social media (e.g., Facebook, Twitter) and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all staff.

Bullying and harassment can make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and de-motivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost

always job performance is affected and relations in the workplace suffer.

## **SLCC's Research**

In 2017 Hoey Ainscough were commissioned by the SLCC to survey their members on issues relating to council governance, the Code of Conduct and standards arrangements under the Localism Act 2011.

Although the research focussed on England and its regime, Welsh members were included in the survey and the responses were consistent between the regions and countries.

The Localism Act (which does not apply in Wales) arrangements, which deregulated standards arrangements, are now over five years old and SLCC have been receiving increasing anecdotal evidence from their members that in some places standards are deteriorating and the lack of effective sanctions in the legislation for serious or persistent misconduct by councillors was having a negative effect on the governance of some parishes. SLCC therefore wanted to establish on a more systemic basis whether what they were hearing anecdotally was in fact true; if so, what was the scale of the issue and what were the effects. This evidence would be used, where appropriate, to help SLCC decide whether it felt it would wish to push for changes to the English/Welsh statutory framework and to identify what further support its members and the sector might need.

A survey in November 2017 was sent to all SLCC members with a series of questions designed to identify what clerks felt about certain key standards issues. In parallel a shorter questionnaire was sent to the English Monitoring Officers (MOs) of the principal authorities (In Wales, the Public Services Ombudsman investigates complaints) who have oversight of parishes under the legislation to see what impact, if any, parish governance issues were having on their role. We received 801 responses to the clerk questionnaire and 55 responses to the Monitoring Officer survey.

### **Summary of the findings**

The findings from the survey were:

1. The number of complaints against councillors does not appear to have changed since before and after the introduction of the Localism Act, with roughly the same number reporting cases had increased as saying they had decreased



2. Most parish /community councils do not have issues with member behaviour, however a significant minority (some 15%) do have serious issues
3. In those councils with problems, it is generally caused by one or two councillors who are consistently disruptive although there is a smaller minority of councils where the whole council is seen to be acting inappropriately because of factional splits or significant governance failures
4. While the number of cases has remained roughly constant, there is a great deal of dissatisfaction with how those cases are now handled and particularly resolved, with the vast majority of respondents pointing to the lack of powers (unlike in Wales where there is a Public Services Ombudsman that receives complaints concerning alleged breaches of the code of conduct ) to remove councillors from office as seriously damaging to the governance of councils where there are significant behavioural issues
5. Most clerks believe they are well supported by the principal authority 's Monitoring Officer in helping them deal with issues but a sizeable minority are very dissatisfied with the support they receive (Not necessarily the case in Wales as Monitoring Officers have more of an advisory role to community councils)
6. Most clerks, however, are dissatisfied with the outcome of complaints and the way they have been handled with a minority saying they (and in some cases their councillors) no longer see the point in making a complaint
7. There is a significant feeling that the current legislative framework means certain individuals now believe they are 'untouchable' and are given free rein to cause disruption and that problems therefore go on longer without coming to a resolution (see section below on the Ledbury Town Council Judicial Review 2018)
8. Disruption generally seems to be either because of personal animosities between councillors or else because individuals or small groups of councillors are challenging the 'status quo ' and see themselves as outsiders who wish to change the way that the council has traditionally been run
9. There is a small minority of councils where the behavioural issues are aimed directly against the clerk or other staff, but more generally the clerk tends to get caught in the crossfire, either as part of the general targeting of the way the council is run or because they are having to manage the behaviour or reconcile the factions. However, a minority of respondents said they had left a previous role as a clerk because of the way they were being treated and a handful of respondents were either currently engaged in an employment dispute with their council or actively considering it
10. Some councils and their councillors struggle to understand the rules around declarations of interest and a minority of councillors appear routinely to ignore the rules as they do not believe there will be any consequences
11. Councillors (particularly longstanding councillors) are resistant to

receiving training, either because they see no benefit or feel they have received training in the past, or simply because they are volunteers who cannot commit the time. The availability and cost of training is also seen as a major barrier to getting councillors to go on training courses.

## **What is the difference between a grievance and a Code of Conduct complaint?**

In simplest terms, a grievance is a complaint by an employee about the actions of his or her employer, their terms and conditions of employment, work they are being asked to undertake or the working environment. It may relate to the conduct or attitude of a colleague.

In the Community and Town Council sector, a grievance is a complaint about the Council as a corporate body and an employer. A grievance cannot be just about the behaviour of an individual councillor. It may be linked to the behaviour of a councillor but only to the extent that the Council as an employer has not prevented or managed the unacceptable behaviour. A grievance may be about a person's line manager if they are another member of staff.

A line manager cannot raise a grievance about a more junior member of staff – if there is an issue of this nature that should be dealt with through normal staff management processes. Nor can a councillor raise a grievance about a member of staff – this should also be managed through normal management processes.

A council has a duty to redress the grievance of an employee promptly and fairly.

A Code of Conduct complaint relates to behaviour by an individual who may have breached the formal Code regulating the behaviour of councillors or the separate Code for officers. Behaviours that are unacceptable are set out in the Codes of Conduct. A Code of Conduct complaint against a councillor is dealt with by the Public Services Ombudsman for Wales and cannot be dealt with by the Community or Town Council under the statutory framework. However, One Voice Wales has developed a 'Model Local Resolution Protocol' for dealing with low-level complaints about members which the PSOW supports (see later in this guidance).

The Code of Conduct for officers forms part of an employee's terms and conditions of appointment. A complaint that an officer has failed to comply with the Code of Conduct is a disciplinary matter for the relevant Community or Town Council. The Ombudsman has no power to investigate a breach of the employee Code of Conduct. That said, where the alleged conduct results in potential maladministration by the Council, that aspect may fall within the Ombudsman's powers to investigate a complaint by the person directly affected.

## **What should you do to resolve the complaints in the first instance?**

In either case attempts to resolve matters informally should always be attempted before any formal process is contemplated. Ways of doing this can be as simple as an open and frank discussion or a more involved facilitated mediation. In these situations, nobody has anything to lose by trying to resolve a situation before it escalates.

Raising a formal complaint is not something that can or should be undertaken lightly. Even the most justified complaints damage relationships in the workplace in both the short and longer term.

## **Making Complaints to the Public Service Ombudsman for Wales (PSOW)**

The Ombudsman considers that resources should not be used to investigate matters which are trivial, or which have little or no impact on the public. It is important that PSOW focusses its investigations on matters that are serious and have the potential to undermine the relationship between councillors and the public they serve, such as corruption, bullying and misuse of power in public office.

The Ombudsman uses a two-stage test when receiving complaints about breaches of the Code.

### **The two-stage test**

The process requires the application of a two-stage test. Where she is satisfied that a complaint is supported by direct evidence that a breach has taken place, initially the public interest is considered in deciding whether a complaint against a councillor can and should be investigated. She considers the public interest again during an investigation to ensure that it should continue and, finally, again, when determining whether a matter should be referred to a Standards Committee (SC) or to the Adjudication Panel for Wales (APW) for consideration.

There is no widely accepted definition of public interest, but it has been described as “something which is of serious concern and benefit to the public”. The public interest therefore relates to something which has an impact on the public and is not merely a matter the public finds to be of interest or a matter that impacts solely on an individual (although an individual may be more directly impacted by the matter than the wider public).

The published public interest factors the Ombudsman considers are set out below:

- the seriousness of the breach
- whether the member deliberately sought personal gain for themselves or another person at the public expense

- whether the circumstances of the breach are such that a member has misused a position of trust or authority and caused harm to another
- whether the breach was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity

It is clear therefore that councillors or Clerks making a complaint about harassment or bullying should ensure that there is sufficient evidence to support its consideration in terms of the impact on the individual concerned and how it may impact on the work of the Council and in turn the services delivered to the town or community. It goes without saying that witnesses who may be able to support a complaint should be identified in any complaint or statements in support of allegations should be provided to support the complaint.

### **Considerations**

Then taking any of the above factors into account, relevant considerations can include the circumstances of the complaint; the extent to which the councillor was responsible for, or was to blame for, the alleged breach; whether the alleged conduct was premeditated and/or planned and whether the alleged conduct has caused harm or impacted on another person, group or body. Views expressed by the complainant, or any other person affected by the alleged conduct, relating to the impact and effect should also be considered. Other considerations may be:

- whether there is evidence of previous similar behaviour on the part of the member
- whether the Councillor has been the subject of any previous complaints or investigations, or been referred to the Standards Committee (SC) or the Adjudication Panel for Wales (APW) for a similar matter? Is the alleged conduct ongoing, repeated or is there evidence of escalating behaviour?
- whether the investigation or referral to an SC or the APW is required to maintain public confidence in elected members in Wales
- whether investigation or referral to an SC or the APW is a proportionate response. Consider whether it is likely that the breach would lead to a sanction being applied to the member and whether the use of resources in carrying out an investigation or hearing by an SC or the APW would be regarded as excessive, when weighed against any likely sanction.

Public interest will not be decided based on resource alone, but this is a relevant consideration when making an overall assessment. A balanced view should be taken and consideration of the outcomes of previous cases considered by SCs across Wales and the APW will be helpful in achieving this.

The list is not exhaustive and not all factors will be relevant to every case.

## **The role of the Council and Chairman**

## **The legal position**

Councils as employers are responsible for preventing bullying and harassing behaviour. It is in their interests to make it clear to everyone that such behaviour will not be tolerated — the costs to the business of the Council may include poor employee relations, low morale, inefficiency and potentially the loss of staff. An organisational statement to all councillors and staff about the standards of behaviour expected can make it easier for all individuals to be fully aware of their responsibilities to others.

Councils are encouraged to adopt a policy setting out its expectations and approach to dealing with identified cases of bullying and harassment by individual councillors towards other councillors and employees and relating to bullying and harassment by employees. One Voice Wales and the S LCC can provide model policies to assist Councils.

## **The Code of Conduct**

The Public Service Ombudsman for Wales has published guidance to assist councillors understand their obligations under the Code. The guidance makes it very clear that bullying and harassment constitutes a breach of the Code. The guidance can be accessed from the following web-link:

<https://www.ombudsman.wales/wp-content/uploads/2021/05/Code-of-Conduct-Guidance-Community-Councils.pdf>

One Voice Wales has also provided member councils with a model informal resolution process which can be used to deal with low level complaints from employees (other than the Clerk) against councillors and from councillors against councillors. The Ombudsman is very supportive of this process and encourages all councils to adopt it and use it whenever possible to resolve issues at an early stage before problems escalate. Wherever possible consideration should be given to using the informal resolution process which will enable the following matters to be considered in a more timely way and enable the individuals concerned to reach an appropriate form of agreement which is mutually acceptable. Those matters that are suitable for local resolution are:

- Minor complaints from Members about Members
- Minor complaints from Officers about Members
- Members alleged to have not shown respect and consideration for others – either verbally or in writing
- Repetitive low level and frivolous complaints

Please note that even when a council has adopted an informal resolution process these are only appropriate for these types of complaints and the Ombudsman may decide to investigate any cases which the Ombudsman considers raise more serious matters.

## **The role of the Chair of a Council**

It is the Chair 's responsibility to preserve order in the conduct of those present at meetings of the Council . It is also likely to be the case that the Chair will be the person whom the Clerk will approach for information about the Council and the community/town, to seek to informally discuss matters with and informally consult on decisions that are in the Clerk 's remit to make or pass back to a formal meeting. In the context of the formal role at meetings, the Chair has a duty to ensure that the behaviour of members is appropriately monitored and if there are clear examples of bullying or harassment relating to councillors or the Clerk, the Chair should warn those concerned to desist from such behaviour. In extreme cases, the Chair or any other member can put a motion to the meeting to expel a councillor from the meeting.

## **The Council's Values and Beliefs**

Although cases of bullying and harassment in Councils are probably limited to a minority of Councils it may be helpful for all Councils to consider adopting a values and beliefs statement that demonstrates to both councillors , employees and the public its position in relation to human interrelationships within the Council. Some examples are: -

### **Example 1**

#### **Trust and respect**

We trust residents to make choices and decisions that are best for them. We will help when we are needed. The way we work together as staff, councillors, and partners reflects trust and respect for each other.

#### **Pride**

Our elected councillors and our staff are proud to work for us. They are committed to making our town a great place to live, and even a better place to do business.

#### **Working as a team**

The way we work together as councillors and staff makes sure we are the best we can be. We avoid duplication, tackle inefficiency and improve services and experience of residents and customers.

#### **Being valued**

We recognise our many responsibilities for keeping the area and our residents safe and prosperous. We recognise our councillors and staff for their contribution and for our success.

### **Example 2**

**Leadership** - Councillors are elected to represent their communities and to lead on issues that will affect the lives of local people.

**Integrity** – operating with integrity, being ethical, trustworthy and reliable and treating others with respect.

**Tenacity/ Persistence** – work proactively to achieve the decision of the Council

even if it takes a long time and a great deal of effort.

**Communication** – to give the public the opportunity to ask questions and engage with the Council, and to publicise the work of the Council.

**Strong financial management** – to ensure that the Council's resources are managed effectively and efficiently, at least cost, yet maintain quality.

**Training** – to support relevant training for Councillors and staff members.

**Working as a corporate body** – to respect decisions made democratically

These would serve to ensure that the Council is observing the ten principles that underpin the Code of Conduct which are:

A) Selflessness - Members must act solely in the public interest. They must never use their position as members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

B) Honesty - Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

C) Integrity and Propriety - Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

D) Duty to Uphold the Law - Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

E) Stewardship - In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

F) Objectivity in Decision-making - In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

G) Equality and Respect - Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

H) Openness - Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

I) Accountability - Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

J) Leadership - Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the Council's statutory officers and its other employees.

## **Ledbury Town Council Judicial Review 2018 and its relevance in Wales**

### **Introduction**

Although the Ledbury case was a judicial review in England the decision's underlying principles are relevant to Wales and are founded in the legislative framework and the Code of Conduct in Wales. Caselaw such as the Heesom and Calver cases also provide useful context for the application of the Code in Wales.

### **The Ledbury Case**

The case arose after the Clerk & Deputy Clerk raised grievances about the conduct of two councillors. It was alleged that the councillors were bullying and harassing staff and preventing them from carrying out their duties. The grievances were investigated by the Council's advisor and the grievances upheld. The councillors appealed the outcome of the grievance.

Cllr Harvey believed that the matter was purely a Code of Conduct matter and self-referred to the Monitoring Officer. In May 2016, the Town Council put in place measures that restricted Cllr Harvey's access to the Clerk and Deputy Clerk, removed her from committees and outside bodies, prevented her from acting as a substitute for another councillor and informed other bodies of its decision.

On 11<sup>th</sup> May 2017 the Council resolved to maintain and extend the prohibitions. Shortly after that the Monitoring Officer confirmed that the investigation of Cllr Harvey's self-referral had concluded there was no breach of the Code.



## **What were the issues at Judicial Review?**

Cllr Harvey challenged the 11<sup>th</sup> May 2017 decision on the grounds that the decision was ultra vires as it should have been dealt with as a Code of Conduct complaint by the Principal Authority and not an internal grievance.

She also claimed the decision was substantively unfair as it breached her Article 10 rights to freedom of expression or substantively unfair at common law.

She further claimed procedural unfairness through the absence of investigation, detail of complaints about her, failure to disclose the full evidence to the Council and its failure to allow Cllr Harvey to defend herself.

The Council's view was that it was acting to protect its staff and that it had the powers to do so.

## **The Decision**

The Court agreed that the correct process for dealing with councillor behaviour is through the Principal Authority and the Code of Conduct under the Localism Act 2011. This follows the reasoning in previous cases and to a certain extent could have been expected as an outcome.

The Court while not having to consider the second and third issues found some of Cllr Harvey's argument persuasive. The discussion in the judgement providing useful guidance.

## **Implications of the Judicial Review**

Where a complaint relates to the conduct of a councillor in Wales and falls into the provisions of the Council's Code of Conduct, the Council can and should attempt to resolve it informally. If this informal approach fails then it may be passed to the Public Services Ombudsman for Wales (PSOW) as a local council has no powers to deal with the matter. Where the PSOW investigates a complaint and decides that the complaint should be referred to either a local standards committee or the Adjudication Panel for Wales, where breaches of the Code are found, they may decide to impose a sanction such as censure or suspension on the councillor.

Any complaint about a councillor's conduct should be regarded as a Code of Conduct complaint even if the complainant is an employee and it is raised in a grievance.

A complaint may fall outside the Code of Conduct in which case the Council must carry out or arrange for a proper investigation. There may also be overlapping issues that the Council as an employer should address in addition to any Code of Conduct being considered by the PSOW. The procedure followed must identify the issues in full, separating the issues as necessary. It must also ensure that the subject of the allegations is provided with details of the allegations and evidence so that they can provide a response.

Any subsequent measures taken as the employer must be proportionate and limited

to the minimum required to stop the issue recurring. The measures should be kept under regular review and their effectiveness evaluated.

### **Further Commentary**

In the wider context of regulating employment relations between a council and its staff the Ledbury decision does not obviate a council's duty of care towards its employees. Nor does it invalidate the principle of employers' vicarious liability established in the Bude Stratton case. This principle is clear that a council as a corporate body may be legally liable for the actions of individual members.

It is still possible for a Council to protect its employees if done correctly and that Councils have both preventative and reactive protective measures that they can apply. These are:

#### Preventative

Dignity at work policy

Member Officer protocol (perhaps with limitations on officer contact time)

Good induction of new members and ongoing training for existing members

Good policies to support effective governance

#### Reactive

Must be temporary (for example pending the decision of the PSOW)

Regularly reviewed

Relevant and proportionate

Not punitive

Still enables a councillor to carry out their role

Make a corporate Code of Conduct complaint – supported by/supporting the employee

## Support for Councils and Clerks

There are several available sources of support including:

### Mediation

In some cases, it may be appropriate to consider engaging an external mediator to assist in the handling of complaints relating to bullying and harassment. There are a range of sources of this form of service and One Voice Wales does engage a qualified consultant who can assist in such cases.

### Training of Members

One Voice Wales offers six training courses that are relevant in this context and they are:

Code of Conduct

Council as an Employer

Equality and Diversity

Effective Staff Management

Mediation Skills

The Councillor

### Support available for individuals

SLCC members can access a wide range of training and personal development opportunities which can support them. By developing their professional skills and knowledge they can equip themselves to better manage some of the demands of their role. Available opportunities include ILCA, CiLCA, the Community Governance degree, and continuing professional development courses.

SLCC members also have access to a free counselling service to provide individual support when they are experiencing distress in their personal and professional lives. Details of this can be obtained by logging into the SLCC website.

In addition to this SLCC members who are also members of the Association of Local Council Clerks are entitled to individual employment advice and support from the trade union. Details of this can be found at [www.alccunion.co.uk](http://www.alccunion.co.uk). Clerks may also be members of other trade unions who can offer individual employment advice and support.

## **Making a complaint and evidencing it**

One Voice Wales and SLCC are aware that bullying and harassment allegations have primarily originated from Clerks in several Councils in Wales and in all cases, it has related to the approach of individual councillors rather than the Council. We are also aware that Clerks who have submitted complaints to the Public Services Ombudsman for Wales have often been dissatisfied with the result that the case has not been investigated. This has occasionally resulted in councillors often wrongly assuming that they have been exonerated. In those cases where Clerks have not been able to resolve such issues within the Council itself, the following checklist has been put together to assist them in formulating any complaint they may wish to submit to the Public Services Ombudsman for Wales.

# Making a Complaint of Bullying and/or Harassment

## Checklist

### Factual Evidence

- Can you document the dates, times and location?
- Do you have any witnesses who will support you?
- Are the witnesses prepared to write and sign a witness statement to accompany your complaint?
- Are the witnesses prepared to be interviewed if an investigation is undertaken by the PSOW or by the Council in the case of a grievance?

### Read and Understand the Code of Conduct

- Identify which parts of the Code have been breached and how
- Explain how you consider the member has breached the Code

### Collection of Written Evidence

- E-Mails
- Letters
- Memos
- Comments on social media
- Other

### What support has been provided to you

- Staff
- Chairman/Mayor
- Other Councillors
- SLCC
- ALCC/ trade union

### What is the impact on you personally

- Feeling undermined
- Illness (Describe)
- Absence from Work

## Conclusion

The purpose of this guide is to help Councils and their employees develop a greater awareness and understanding of what constitutes unacceptable behaviour, the impact it can have on individuals and the Council as a whole and above all, what steps can be taken to address such issues when they occur.

## Useful Links & Materials

OVW website - [www.onevoicewales.org.uk](http://www.onevoicewales.org.uk)

SLCC website - <https://www.slcc.co.uk>

PSOW website - <https://www.ombudsman.wales>

ALCC website - <https://www.alccunion.co.uk>

CASTLE WORKING GROUP - MEETING

8th November 2022 at 18:30

Present

Mrs M Williams (Chair of Committee)

Mr A Parsonage

Mr B Hughes

Mrs J Arnold

Mr M Taylor

Mr N Jones

Mr D Roberts

1. Apologies for Absence

Mrs S Hughes

2. Members to report on site visit

Councillors Parsonage, Jones and Arnold visited the site prior to the meeting. After discussion with other members of the group, all were in agreement that the points listed in section 4 needed to be addressed.

3. Management of the Castle woodland

Points raised by an ex-Councillor were addressed in the 'Caergwrle Castle Hill Management Plan 2020 - 2025'.

4. Report on appropriate issues

- a) Reinstate green swathe (compartment 10) between Castle (compartment 9) and wooded area.
- b) Woodland below summit requires topping to open up and expand view of and from the Castle, especially from Caergwrle.

c) The steps accessing the Castle interior require repair/replacement.

d) Main path from A541 is well maintained, however:-

(d1) Steps from compartment 1 entering compartment 10 need to be lowered. To this end an extra step needs to be added below the first step and a further step added at the fifth step.

(d2) Path to the left of these steps and the paths leading to the steps entering the Castle, require some maintenance, to ensure they are clear of debris, defined, open and safe.

e) The notice-board to the right of the War Memorial off the A541, at the base of the formal footpath to the monument, requires renewal.

f) The inscriptions on the metal plates capping two posts, located on the north east border of compartment 10, are unreadable and need to be re-engraved.

Points 4d1 & 4d2 - need to be addressed by FCS, ASAP and should be referred to Alistair Hemphill.

Point c - CADW should be written to, due to costs involved.

A meeting to be arranged with FSC, once the minutes are ratified at the next full Community Council meeting.

**Notes added after meeting:**

Also 1x section of the handrail on the steps needs replacing.

**Recommendation:**

Following the above meeting and 3x members attending site, the Working Group propose that a meeting is required with Alastair Hemphill, FCS to discuss the points raised above.