

Mae'r ddogfen hon ar gael yn Gymraeg hefyd



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SECTION 23 – WHISTLEBLOWING POLICY

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1. What is Whistleblowing?

- 1.1.** In this policy “Whistleblowing” means the reporting of suspected misconduct, illegal acts or failure to act within the Council. The aim of this Policy is to encourage employees and others (see paragraph 4) who have serious concerns about any aspect of the Council’s work to come forward and disclose them.
- 1.2.** Employees are often the first to realise that there may be something seriously wrong within the Council. Whistleblowing is viewed by the Council as a positive act that can make a positive contribution to the Council’s commitment to sustaining the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others (see paragraph 4) with serious concerns about any aspect of the Council’s work to come forward and voice those concerns. Whilst this Policy largely focuses on our employees/workers and elected members, members of the public who wish to raise concerns should contact the officers named in paragraphs 7.3 and 7.4 below.
- 1.3.** If you are considering raising a concern you should read this Policy first. It explains:
- The type of issues that can be raised.
 - How the person raising a concern will be protected from victimisation and harassment.
 - How to raise a concern.
 - What the Council will do.

2. Aims of the Policy

- 2.1.** The Policy is designed to ensure that you can raise your concerns about wrongdoing or malpractice within the Council without fear of victimisation, subsequent discrimination, disadvantage or dismissal, if you are an employee or “worker”. “Worker” in this context includes not only those who are directly employed by the Council but also other individuals such as agency workers and casual staff. Anyone who works for the organisation under any type of contract will fall within the scope of the protection.
- 2.2.** It is also intended to encourage and enable you to raise serious concerns within the Council rather than ignoring a problem or “blowing the whistle” outside.
- 2.3.** The Policy aims to:
- Encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns of practice.
 - Provide avenues for you to raise those concerns and receive feedback on any action taken.
 - Reassure you that you will be protected from reprisals or victimisation for whistleblowing or making a qualifying disclosure.

3. Scope of the Policy

3.1. This Policy is intended to enable those who, in good faith, believe there may be wrong doing in the Council affecting some other person or service, to report their concerns at the earliest opportunity so that they can be properly investigated.

3.2. There are existing procedures in place to enable you to lodge a grievance relating to your own employment contract.

3.3. Separate procedures exist for service users with concerns about services provided to them or other matters:

(<https://www.conwy.gov.uk/en/Council/Forms/Form-Complaint.aspx>),

and for complaints about the conduct and behaviour of councillors

<https://www.conwy.gov.uk/en/Council/Contact-Us/Contact-the-Council/How-to-make-a-complaint.aspx>

3.4. The law provides protection for workers who raise legitimate concerns about specified matters. These are called “qualifying disclosures”. “Qualifying disclosures” are disclosures of information where the employee/worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:

- A criminal offence
- A breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- An act causing damage to the environment
- Concealment of any of the above

(ACAS: Whistleblowing-Public Interest Disclosure)

4. Who can raise a concern under the policy

The Policy applies to all:

- Employees*.
- Workers i.e. agency staff and casual workers.
- Employees of contractors engaged in work for the Council.
- Employees of suppliers.
- Those providing services under a contract or other agreement with the

Council e.g. a consultant or provider of an Occupational Health/Physiotherapy service.

- Employees of other organisations working with CCBC staff in joint teams and other forms of partnership working e.g. health, third sector and youth justice.
- Volunteers.
- Members of the public, who should report concerns directly to the three senior officers named in paragraphs 7.3 and 7.4 below.
- Elected Members.

* This policy applies to all employees of Conwy County Borough Council **other than** those in educational establishments, who have separate Whistleblowing Policy arrangements. If you are employed in, working with, or assisting Conwy County Borough Council schools please refer to your school's arrangements.

5. Safeguarding – Duty to Report an Adult at Risk or a Child at Risk

Safeguarding is about protecting children and adults from abuse or neglect, and educating those around them to recognise the signs and dangers.

Safeguarding is everyone's business. Employees/workers in each department in the Council need to recognise and act when they identify children and adults at risk. It is a legal duty to report an Adult at Risk and a Child at Risk under the Social Services and Wellbeing Act 2014. For further information regarding your responsibilities around Safeguarding, please refer to the Corporate Safeguarding Policy - http://intranet.corp.conwy.gov.uk/upload/public/attachments/689/Corporate_safeguarding_policy_April_2017.pdf or refer to your Designated Safeguarding Lead in your department if appropriate.

6. Safeguards: Protecting the Whistleblower

6.1. Your Legal Rights

This Policy has been written to take account of the Public Interest Disclosure Act 1998 (PIDA) and the requirements of ss.17 to 20 of the Enterprise and Regulatory Reform Act 2013.

The PIDA makes it unlawful for the Council to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Rarely, a case may arise where it is the employee/worker that has participated in the action causing concern. In such a case it is in the employee/worker's interest to come forward as soon as possible. The Council cannot promise not to act against such an employee/worker, but the fact that they came forward may be taken into account.

6.2. Harassment or Victimisation

The decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice.

The Public Interest Disclosure Act, 1998 will protect you from any reprisals, so long as you meet the rules set out in the Act. The Enterprise and Regulatory Reform Act 2013 made it a requirement that the employee/worker must have a reasonable belief that the disclosure is in the public interest. In brief, to obtain that protection, employees/workers must act reasonably and responsibly.

You must:

- Believe it to be substantially true
- Not act maliciously or make false allegations and
- Not seek any personal gains

The Council will not tolerate harassment or victimisation of a whistleblower and will take appropriate action to protect you when you raise a concern in good faith and will treat this as a serious disciplinary offence.

6.3. Anonymous Allegations and Confidentiality

You are encouraged to put your name to your allegation. Concerns expressed anonymously are much more difficult to investigate. This Policy is not ideally suited to concerns raised anonymously, (it would be helpful to understand your reason(s) for remaining anonymous, should that be your choice), however, they will be considered at the discretion of the Council.

In exercising that discretion, the factors to be taken into account would include:-

- The seriousness of the issues raised
- The likelihood of being able to confirm the allegation from other sources
- The credibility of the concern.

Every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this you will be offered advice and support from senior management. Your concerns will be taken seriously and the Council will do all it reasonably can to help you throughout the investigation and for a period after its conclusion.

Note

For those who are not Council employees/workers we will endeavor to provide appropriate advice and support where possible.

6.4. Untrue Allegations

If you are an employee of the Council and you make a protected disclosure in good faith, reasonably believing it to be true, but it is not confirmed by the investigation, the Council will recognise your concern and no action will be taken against you. If, however, you make an allegation(s) that is malicious, vexatious, frivolous or for personal gain, disciplinary action may be taken against you.

If you are a casual worker your engagement may be terminated, and if an agency worker your agency will be notified and your assignment to the Council may be ended.

7. How to Raise a Concern

- 7.1. This will depend on the seriousness and sensitivity of the issues involved and who is suspected of wrongdoing.

The officers and postholders specified below are responsible for responses to whistleblowing concerns and the overall effectiveness of the Policy.

- 7.2. As a first step, you should normally raise concerns with the Director or Head of Service responsible for your service.
- 7.3. If however you feel that you do not wish to raise your concerns with your Director/Head of Service, then you are encouraged to contact the Council's Monitoring Officer, Head of Law & Governance, Matt Georgiou on 01492 576075 or email matthew.georgiou1@conwy.gov.uk (or in his absence the Deputy Monitoring Officer: Ceri Williams ceri.williams@conwy.nwalescls.com)
- 7.4. If your concern relates to financial irregularities the matter will be reported to the Strategic Director (Finance & Resources)/Section 151 Officer, Amanda Hughes email amanda.hughes2@conwy.gov.uk and the Head of Audit and Procurement, Sioned Parry email sioned.parry@conwy.gov.uk
- 7.5. Concerns are better raised in writing. You are invited to set out a background and history of the concerns, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation and why you believe them to be true. If you do not feel able to put your concerns in writing, you can telephone or meet the appropriate officer. Alternatively you can ask your trade union or professional association to raise a matter on your behalf.
- 7.6. The nearer to the event/incident you express the concern, the easier it is to action.
- 7.7. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient genuine grounds for your concern.

8. How the Council will respond

- 8.1. The Council will respond to your concerns as quickly as practicable. Do not forget that testing your concerns is not the same as either accepting or rejecting them.
- 8.2. The overriding principle for the Council will be the public interest. In order to be fair to all employees and the Council, including those who may be wrongly or mistakenly accused, initial enquires will be made to decide whether an investigation is appropriate and, if so, what form it should take.

8.3. The investigation may need to be carried out under terms of strictest confidentiality i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases, however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

8.4. Where appropriate the matters raised may:-

- be investigated internally by management, internal audit, or through the disciplinary, capability or grievance processes.
- be referred to the Police
- be referred to the external Auditor
- be referred and put through established child protection/safeguarding procedures.
- form the subject of an independent inquiry

8.5. The senior officers referred to in paragraphs 7.2, 7.3 and 7.4 above will make the decision.

8.6. Some concerns may be resolved by agreed action without the need for investigation.

8.7. Within ten working days of a concern being received, the officer who is dealing with the matter will write to you:-

- acknowledging that your concern has been received
- indicating how they propose to deal with the matter and if no investigation is to take place, why not
- giving an estimate of how long it will take to provide a final response
- supplying you with information on employee support mechanisms

8.8. The amount of contact between you and the officer(s) considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. It is likely that you will be interviewed to ensure that your disclosure is fully understood. Any meeting can be arranged away from your workplace, if you wish, and a trade union representative or a friend may accompany you in support.

8.9. The Council will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive appropriate advice and support.

8.10. You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, the Council will tell you of the outcome of the investigation.

8.11. If you are not satisfied with the Council's response and wish to take the matter

further, you are advised to contact the Wales Audit Office at the following address:-

PIDA Officer
The Auditor General for Wales
1 Capital Quarter
Tyndall Street
Cardiff
CF10 4BZ

E-mail : whistleblowing@audit.wales Tel. 02920 320 522

If your information is about fraud or corruption and you do not feel able to talk to anyone within Conwy County Borough Council, you may contact the Audit Commission, Tel. 0845 052 2646.

Alternatively you may contact the charity Public Concern at Work, Tel. 020 7404 6609 for advice on any aspect of whistleblowing.

9. Training

An online training module on Whistleblowing is provided by the Council. Members of staff can access the Whistleblowing e-Learning module via our CCBC e-Learning portal, Guidance on how to access can be found on the Intranet under Staff Training.

10. Review of the Policy

This policy will be reviewed jointly with the Trade Unions 4 years after implementation. Minor amendments will be delegated to the Monitoring Officer and/or Head of People and Performance e.g. terminology, title descriptions, or legal changes, that have to be implemented.

SECTION 23: APPENDIX A - WHISTLEBLOWING REFERRAL

To be filled in by officer receiving complaint
(normally Head of Service or Strategic Director)

Date of report	
Service	
Name of officer taking complaint	
Name of person making complaint (anonymised if need be but see policy)	
Nature of whistleblowing complaint (include as much detail as possible including dates and times, names, location and witnesses and attach any emails or letters received)	
Was the matter resolved at service level	
If so, what action was taken	
<p>SignedHead of Service</p> <p>Date</p> <p>Please scan and send a copy of this completed form to</p> <ol style="list-style-type: none"> 1. The Monitoring Officer (matthew.georgiou1@conwy.gov.uk) and 2. The Head of Audit and Procurement (sioned.parry@conwy.gov.uk) 3. The Strategic Director (Finance & Resources) (amanda.hughes2@conwy.gov.uk) 	

SECTION 24

24.1 Petition Scheme

1. Overview

- 1.1 Creating or taking part in a petition is one way, individuals, community groups and organisations can get involved in what the Council does. It allows people to raise issues of concern, giving Councillors the opportunity to consider the need for change.
- 1.2 Before submitting a petition, you should first check with your local Councillor to see if the Council is already acting on your concerns and that the Council is the most appropriate body to receive your petition.

2. Who can raise a petition?

- 2.1 Anyone who lives, works, owns a business or studies in the County Borough of Conwy 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.

3. Consideration of a Petition

- 3.1 Depending on the subject matter and advice from the Council's Monitoring Officer, and in consultation with the Chair of the relevant committee, the petition can be presented at a meeting of the Council, the Cabinet, an Overview and Scrutiny Committee or Local Area Forum.
- 3.2 The Monitoring Officer will consider the petitions submitted and determine if the petition is admissible based on the criteria for a valid petition (section 4 below).
- 3.3 Local Members will be notified of petitions relevant to their wards, or if the lead petitioner is from their ward.

4. Requirements of a Valid Petition.

Lead Petitioner

- 4.1 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:
 - The name of the lead petitioner, may be an individual who lives, works or studies within Conwy County Borough Council's area of responsibility or an organisation based in the Conwy area.

- The lead petitioner will be required to provide the Council with basic personal information so that we can contact you.

The Petition

4.2 The Council will consider all petitions with more than 100 signatories that fall within the scope of this Scheme, but will use its discretion where there are fewer than 100 signatories in cases where this is clear local support for action (for example, where the residents of a small community have petitioned for traffic calming measures). The Chair of the relevant committee will consult with the appropriate Cabinet Member before exercising this discretion.

4.3 Petitions can be submitted to the Council or one of its committees either on paper or [electronically](#), with the general requirements of the Scheme applying to both paper and e-petitions. The petition must have:

- A title;
- A short statement, covering the subject of the petition, explicitly setting out what action you would like the Council to take, for example 'We call on Conwy County Borough Council to ...'. The petition will be returned if it is unclear;
- Any information, which you feel is relevant to the petition and reasons why you consider the action requested to be necessary. You may include links to other relevant websites on an e-petition;
- Provide the names and postal addresses of those signing the petition, including postcodes.

4.4 If you submit an e-petition:

- A date for when you would like your e-petition to go live on the website. It may take Democratic Services up to 5 days to check your e-petition request and discuss any issues with you, so please ensure that you submit the request in sufficient time.
- A date for when your e-petition will stop collecting signatures. In order to achieve the maximum impact, you may want to set this date so that the e-petition will be submitted before a date on which a debate is to be held or a decision taken on the issue. We will host your e-petition for up to four months but would expect most to be shorter in length than this.
- Your name - as lead petitioner, your name will be displayed with your e-petition on the website.
- When an e-petition reaches its closing date, you will no longer be able to sign it online. The list of signatories will be collated by Democratic Services and the lead petitioner will be contacted regarding the submission of the completed e-petition.

- 4.5 A suggested petition template is shown at [Appendix A](#).
- 4.6 Petitions may be rejected if the Council's Monitoring Officer considers that it:
- contains intemperate, inflammatory, abusive or provocative language
 - is defamatory, frivolous, vexatious, discriminatory or otherwise offensive, or contains false statements
 - discloses confidential or exempt information, including information protected by a court order or government department
 - discloses material, which is otherwise commercially sensitive
 - names individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies, or makes criminal accusations
 - contains advertising statements
 - relates to the Council's planning or licensing functions as there are separate statutory processes in place for dealing with these matters
- 4.7 Petitions that are not admissible under this Scheme:
- Petitions relating to an issue that the Council does not have any power or duty or shared delivery responsibility.
 - Petitions submitted in response to a formal public consultation exercise or statutory consultation as there are separate processes in place for dealing with these matters.
 - 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.
 - Petitions asking the Council to adjudicate, arbitrate or mediate personal or staffing issues or commercial interests where this is the role of a court or tribunal.
 - Petitions on matters that are subject to legal proceedings in the courts.
 - Petitions on matters that are already subject to determination by an Ombudsman (or person with similar powers).
 - Petitions that are essentially freedom of information (FOI) requests, comments, compliments or complaints, which will be passed to the appropriate department for a suitable response.

- Petitions, which raise issues of possible councillor or local government employee misconduct 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.
- When a petition has been presented to Council or a Committee no further petition on a similar topic and seeking a similar outcome shall be considered within six months of the Council meeting at which the petition was first considered or the petitioner heard.

Petition Signatories

- 4.8 An appropriate signatory is an individual who lives, works, owns a business or studies in Conwy County Borough; 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.
- 4.9 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.
- 4.10 An individual who signs a petition will be required to provide us with basic personal information including name, address; those who sign a paper petition, should also include a signature.
- 4.11 If an individual signs an e-petition they will be required to provide us with basic personal information, including an e-mail address, to enable us to verify the 'signatures' collected are genuine. When they have submitted this information they will be sent an e-mail to the e-mail address provided. This e-mail will include a link to confirm the e-mail address is valid. Once this step is complete, the 'signature' will be added to the e-petition. The individual's name (but no other details) will be published on the e-petition website.

5. Submitting a Petition

Where to submit a petition

- 5.1. Paper or electronic petitions are to be submitted to:
- An Elected Member of Conwy County Borough Council for presentation to Council or committee; or
 - To Democratic Services , Conwy County Borough Council, PO Box 1, Conwy, LL30 9GN; or
 - Electronically to: committees@conwy.gov.uk

How and by when the council will acknowledge receipt of a petition

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

Confirming a Valid Petition

- 5.4 Initial checks to confirm that a submitted petition meets the requirements of the Scheme will be undertaken by Democratic Services Officers for all petitions.
- 5.5 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. The lead petitioner for each petition will be notified by Democratic Services and requested to liaise with each other to consider options to amalgamate petitions and determine which lead petitioner will present the petition. If agreement is not reached, the petitioner with the largest number of signatures will have the right to present the petition.
- 5.5 Any concerns regarding the validity of the petition will be raised initially with the Head of Democratic Services, who will consult with the Monitoring Officer before determining the validity of any petition.
- 5.6 If we decide that a petition is not acceptable then we will let the lead petitioner know our reasons.

6. The steps the Council may take in response to a petition received by it.

- 6.1 In accordance with the rules of procedure:
- At a meeting of the Council, the Executive (Cabinet) or an Overview and Scrutiny Committee, any member of the Council may present a petition, signed by persons other than members of the Council, which is relevant to some matter in relation to which the Council have functions, or which affects the area of the Council, or part of it, or the inhabitants of that area, or some of them. The member presenting the petition shall satisfy him/herself that the petition is proper to be received.
 - A member wishing to present a petition shall give notice of his/her intention to do so to the Proper Officer before the beginning of the meeting at which he wishes to present it.
 - The presentation of a petition shall be limited to not more than five minutes, and shall be confined to reading out, or summarising, the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the person presenting it shall think fit.

- Petitions shall be presented in the order in which notice of them is received by the Proper Officer.
- In addition to provisions in sub-paragraphs (1 to 4) above, petitions (including e-petitions) may be presented by members of the public in accordance with the provisions of the Overview and Scrutiny Public Engagement Protocol – Petitions (including e-Petitions) in Section 7 of the Constitution.

Exceptions

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

7. Response to the Petition.

- 7.1 Following the meeting a response will be sent to the lead petitioner within 15 working days of the meeting and will be posted on the Council's website.

8. Alternatives to Petitions

- 8.1 After reading the Petition Scheme, an individual or organisation may consider that a petition is not the most appropriate avenue to achieve your desired outcome. Alternative options to enable members of the public to have their say include:
- Writing to the appropriate Cabinet Member or Senior Officer
 - Contacting your local Councillor
 - Responding to a [Consultation](#)
 - Use of the [Overview and Scrutiny Public Engagement Protocol](#)
 - Contact the Council via [Have your say](#)
 - If your petition relates to an issue, which is beyond the powers of the Council to address, it may be more appropriate to start an e-petition on the Senedd Cymru website.

**APPENDIX A: SUGGESTED PAPER PETITION TEMPLATE –
CONWY COUNTY BOROUGH COUNCIL**

LEAD PETITIONER DETAILS:	
Name:	
Full Postal Address:	
Lead Petitioner's email address	
Lead Petitioner's 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 Conwy County Borough Council to take some specific action, for example: " <i>We call on Conwy Council to...</i> "	<i>We call on..</i>

Petition Signatories:			
Serial	Name	Full Postal Address	Postcode
1.			
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24.2 – Multi-Location Meeting Policy

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Overview

Background

1. Arrangements were first made to progress “remote meetings” in the Local Government (Wales) Measure 2011, however this required at least 30% of the attendees to be in attendance in person and was rarely used. At the outset of the coronavirus pandemic in March 2020, the Welsh Government introduced the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 which established a framework for Councils to convene remote meetings for all attendees throughout 2020 and part of 2021.
2. With the implementation of the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) the Welsh Government has provided Councils the power and freedom to convene multi-location meetings which will enable greater accessibility and public participation in local government decision making.

Local Authority Meetings

3. In accordance with the 2021 Act this Multi-Location Meeting Policy will apply to all meetings of:
 - a. The Council
 - b. Cabinet
 - c. Regulatory Committees
 - d. Overview and Scrutiny
 - e. Joint Committees
 - f. A committee or sub-committee of b. – c. above.
4. Formal meetings of the Council or its committees are convened in accordance with the relevant legislative requirements for those meetings. These meetings are usually held to make formal decisions or recommendations and are often held in public. Notice of these meetings are published in advance on the Council's website and includes information about the location, timing and business to be conducted. Previously these meetings would have been held with all participants being in physical attendance at a single venue.

Legal Requirements

5. Under the Local Government and Elections (Wales) Act 2021 ('the 2021 Act'), Part 3, Chapter 4, local authorities are required to:
 - a. Broadcast full Council meetings (with effect from May 2022).
 - b. Make and publish arrangements to ensure that all Council, Cabinet, Committee and Joint Committee meetings may be attended remotely (i.e. enabling persons who are not in the same place to attend the meeting) – also referred to as 'multi-location meetings'.
 - Meetings must be capable of being held virtually, but each authority must decide whether their meetings will be held fully virtually, partially virtually (where some participants are in the same physical location, whilst others join the meeting virtually, also referred to as 'hybrid meetings') or as physical meetings (although authorities may not mandate physical attendance at meetings).
 - Meeting participants must be able to speak to and hear each other; and for meetings which are required to be broadcast (i.e. full Council meetings), participants must also be able to see and be seen by each other.
 - These requirements took effect from May 2021, when the temporary provisions for remote attendance at meetings made under the Coronavirus Meeting Regulations 2020 ended.
 - c. Publish all meeting documents on the Council's website, including notices, summonses, agendas, reports and background papers (with effect from May 2021).
 - A note of the meeting, including Members in attendance, any declarations of interest and decisions made, must be published within 7 working days of the meeting.
 - Notice of meetings is no longer required to be posted at the Council's offices. However, copies of agendas and reports must be made available for the public if meetings are held physically.
 - The Council is also required to make public access provision for members of the public who cannot access electronic documents, for example, by providing access to computers, copies of documents, or making documents available for inspection.
6. When considering arrangements for multi-location meetings, authorities must have regard to the statutory guidance issued by the Welsh Ministers.

7. Section 2 of the statutory guidance sets out a number of general principles to guide authorities when developing their meeting arrangements, namely, transparency, accessibility, good conduct, Welsh language, local needs and future generations. This sets the framework within which authorities must consider options and decide the meeting arrangements which best suit the authority and the communities it serves.
8. The guidance also confirms that the meeting arrangements should be reflected in the procedure rules set out in the Constitution.

Policy on Multi-Location Meetings

9. Alongside the legally mandated arrangements that authorities must make for multi-location meetings, the statutory guidance says that authorities should develop a wider policy setting out the detailed systems chosen by the authority for the operation of its multi-location meetings.
10. This policy is intended to clarify the arrangements of multi-location meetings for:
 - a. Participants in meetings convened by the Council;
 - b. Officers providing support to formal meetings;
 - c. Officers with adjacent responsibilities – for example, those responsible for drafting and clearing reports, attending meetings to present reports to members and officers with supervisory responsibilities on governance matters;
 - d. Anyone with an interest in the way in which the business of this authority is conducted.

What are Multi Location Meetings?

11. Multi-location meetings are meetings of the Council or its committees whose participants are not all in the same physical place. This may include:
 - all participants are in the same physical location except one individual who joins from another location, with a physical public gallery being provided;
 - a roughly equal number of members are present in one physical space compared with those joining through remote means;
 - all members are joining through remote means but nonetheless a physical public gallery has been made available in a Council venue;
 - a meeting taking place wholly through remote means where no physical meeting arrangements have been made.
12. Multi-location meetings offer this Council an opportunity to raise its profile in the community and to bring its work directly into people's homes. For participants in meetings there are other benefits associated with the flexibility of being able to attend remotely, particularly around balancing meeting attendance with other commitments and a reduction in travel requirements.

Participating at a Meeting

13. A “participant” of a multi-location meeting is defined in the statutory guidance as a person who takes an active part in that meeting. They might be an elected Member, an officer of the Council, a public speaker, an appellant or claimant on a regulatory matter, someone presenting a petition, or taking part formally in another way.

Observing a Meeting

14. An “observer” of a multi-location meeting is defined in the statutory guidance as a member of an audience, or otherwise spectating, a multi-location meeting. They might be in the same room that a meeting is taking place or they might be observing by remote means.

The Meeting Environment in Conwy

Physical Venue

15. At present, the Council Chamber at Bodlondeb, Conwy, is the only venue with the ability to fully support multi-location meetings (with livestreaming and translation capabilities).

The Technological Requirements

16. The delivery of multi-location meetings requires the provision of equipment and facilities to enable those involved to participate or observe meetings as identified below:

Control Systems

17. Any multi-location meeting will be facilitated by Democratic Services who will use the control systems to ensure that the full range of meeting facilities and functionality can be co-ordinated and integrated for all participants and observers to deliver effective meeting support. The control systems will provide and co-ordinate cameras, audio inputs and outputs, simultaneous translation, integration with the livestreaming system and to support participants and observers.

ICT equipment required

18. Physical Participants and Observers:
 - Microphones to enable other participants and observers to hear the meeting proceedings
 - Headsets to enable access to simultaneous translation facilities where required.
 - Appropriate cameras to show other participants and observers when the individual is speaking.
 - Display screens to enable those physically participating/ observing to see those attending remotely.
 - Audio enhancement and hard of hearing support without compromising the audio quality of the remote attendees.
19. Remote Participants:
 - A suitable laptop/tablet with camera and microphone facilities.

- A headset allowing participants to effectively communicate with other attendees (particularly those with hearing difficulties).
- Suitable access to the internet.
- Relevant software which is publicly available to support remote attendance at meetings.

20. Remote Observers:

- A suitable ICT device with an audio output and ideally a visual display
- Internet access to view the Council's webcasting website.

Determining the type of Meeting

21. The Welsh Government guidance identifies that the needs of local democracy, and the needs of the public in engaging with multi-location meetings, are a paramount consideration in deciding where and when meetings will be convened partially or wholly by remote means. The overriding intention of the 2021 Act is to help the public to be able to access and engage with local democratic systems. The convenience of participants and the efficient operation of relevant authorities themselves is important but the needs of the public are important and a balance has to be achieved with the physical and remote element of meetings when decisions are being made.
22. In addition to Council and Cabinet meetings the Council has a number of other committees and sub-committees which support its statutory, regulatory and governance arrangements.
23. Physical meetings should not be seen as representing the "gold standard" with multi- location meetings being second best. Physical meetings may be convenient and effective for those who are digitally excluded or most familiar with and comfortable with how they work – but they may also be inaccessible and impractical to many.

Multi-Location Meetings

24. All meetings must be able to operate as multi-location meetings to ensure that participants, as defined above are able to attend remotely or observe the livestream. This includes meetings of the following:
- Council
 - Cabinet (and Sub-Committees)
 - Planning Committee
 - General Licensing Committee (and Sub-Committees)
 - Statutory Licensing Committee
 - Governance & Audit Committee
 - Democratic Services Committee
 - Finance & Resources Overview & Scrutiny Committee
 - Economy & Place Overview & Scrutiny Committee

- Education Overview & Scrutiny Committee
- Social Care & Health Overview & Scrutiny Committee
- Standards Committee
- Conwy Harbour Advisory Committee

25. Experience has identified that some meetings may be better suited to having a higher level of physical attendance. These will primarily be around any appointment or appeals processes where additional flexibility is needed due to the sensitive nature of these meetings and how they could potentially impact the livelihoods of those participants other than the Council representatives in attendance. However, this does not preclude some or all participants attending these meetings remotely if they wish or if there are overriding reasons for doing so.

Remote Meetings

26. Joint Committees that are supported by the Local Authority and that have representatives from two or more other Local Authorities or other partner organisations will primarily be held as fully remote meetings to ensure maximum participation and reduce the need for travel. However, there may be a need at times to meet fully face to face, and this will be a matter for each joint committee to assess. These include:

- Standing Advisory Council on Religious Education (SACRE)
- Corporate Joint Consultative Committee
- Corporate Joint Health, Safety and Health Promotion Committee

27. With appropriate facilities in other local authority venues, multi-location meetings may enable some participants to attend physically in venues in or near their own area whilst the remaining participants attend remotely.

28. Meetings that aren't formal committee meetings and aren't open to the general public will predominantly be held as fully remote meetings unless there are overriding reasons for operating as a multi-location meeting. These include:

- Task and Finish Groups
- Working Groups
- Liaison Groups
- Local Area Forums
- Member Development and Information Forum

Note: These meetings are not broadcast and there is no simultaneous translation provision. As such, there is more flexibility with the meeting venue and remote meeting software to be used.

Use of Cameras

29. The Law requires participants of meetings that are broadcast to be able to “speak to and be heard by each other” and “to see and be seen by each other”. Committee Members are required to ensure that their cameras remain on throughout debates and during voting in order to maintain the integrity of the decision-making process and to reduce the opportunity for legal challenge of any decision.
30. There are occasions when a remote participant may need to disable their camera to stabilise their connection to the meeting due to internet issues. If a Member needs to leave the meeting temporarily they should make sure their video is off and post a message using the chat function (e.g. “I need to leave for 5 minutes” and “I’m back”). This emulates the situation within the Council Chamber when the Democratic Services Officer notes this type of activity.

Establishing the Calendar of Meetings

31. To provide clarity and transparency for participants and observers of council meetings a programme of meetings is developed and approved annually by Council which identifies when, where and how each of the Council’s main committee meetings will be held. This is subject to change during the year for operational reasons, but always in consultation with the Chair, e.g. cancellation of a meeting if there are insufficient items on the agenda, or calling an additional ‘special’ meeting for items that need to be considered before the next scheduled meeting or to balance out the committee work programme. Additional meetings should only be convened in exceptional circumstances.
32. Officers scheduling other meetings (outside the formal programme of meetings) to which elected Members are invited should avoid scheduling meetings to be held simultaneously or immediately following another meeting.

The Survey of Meeting Timings

33. After each local election a survey will be circulated to all elected members to give the opportunity to provide views on the frequency, the most suitable day and time for each committee meeting to take place.
34. The feedback from the survey will be reflected in the Council’s programme of meetings which is published on the Council’s website.

Attendance at Meetings

Elected Member and Council Officer Participants

35. Invitations to meetings will be provided electronically using Microsoft Outlook. The invitation will include a link to further details of the meeting on the Council’s Intranet site and will include links to enable participants to join remotely should they wish to do so.
36. All meetings must be quorate and if quorum is achieved the meeting will proceed, notwithstanding a Committee Member’s or Members’ failure to achieve a connection. If a Committee Member joins the meeting at a later time they must make themselves known immediately by using the chat

function within Zoom and comment and vote only on those complete agenda items remaining.

Remote Participants

37. Those participants considering attending the meeting remotely should also ensure that they have appropriate internet connectivity to join and maintain their attendance throughout the meeting. Members are able to make use of other Council facilities (e.g. Coed Pella or Glasdir) to ensure a stable internet connection but they should liaise with Democratic Services in advance to make sure a suitable space is available. Participants should also ensure that they have headphones and use of appropriate IT kit as mentioned above.
38. If connectivity is lost for any remote attendee during proceedings so that the quorum is not met, the Chair will require the meeting to be paused in order to allow re-establishment of connectivity if at all possible. If connectivity is lost for a number of Committee Members which is above the ordinary quorum level and it proves impossible to re-establish connection for a sufficient number of Members, the meeting will be adjourned to either to later in the day or a later date.
39. If remote attendees declare a personal and prejudicial interest in a particular item, in order to continue to comply with the Code of Conduct for Members, they will be removed from the meeting by the Democratic Services Officer and placed in the virtual 'waiting room' for the duration of the relevant item.
40. Elected Members and officers should have regard to the ['Best Practice' Guidance](#) that has been prepared to assist remote attendees.

Physical Attendance

41. It is up to each elected member whether or not they want to physically attend any meeting (subject to the guidance on the type of meeting taking place).
42. Officers are encouraged to attend in person, if possible.
43. If public health requirements are instituted at any particular time further guidance will be issued at that time. For example, if social distancing requirements are introduced which reduces the capacity for in person attendees this will be communicated as appropriate.

Attendance of other participants

44. Meetings are also attended by a range of participants other than committee members. These include external partners, stakeholders and members of the public speaking in accordance with the Council's agreed protocols.
45. Once the need for additional participants (as listed above) is identified by the service area or support officers, they will inform Democratic Services of the details and contact information of the participant. The external participants will be contacted by the Democratic Services Officer to confirm their attendance,

explain how they can join the meeting either as a physical or remote participant and the meeting procedures.

46. If the external participant is joining the meeting remotely an electronic meeting invitation similar to that of other participants will be sent. They will also be offered the opportunity of a test meeting to familiarise themselves with the technology and the arrangements that are in place.
47. All remote public speakers will be invited to join the meeting when they enter the 'waiting room' but must remain in mute mode and not speak unless invited by the Chair to do so. The Chair will invite each speaker to begin their presentation at the appropriate time. Speakers will 'leave' the meeting following the relevant agenda item.

(Note: There is separate guidance available for members of the public speaking at a Planning Committee.)

Recording and broadcasting of meetings

48. All meetings open to the public will be recorded and livestreamed and made available for viewing after the meeting has concluded. Should the livestreaming fail the meeting will continue and a recording will be available through the Council's website following the conclusion of the meeting.
49. Notice is given (on the meeting agenda and signage in the Council Chamber) so that everyone attending the meeting is aware that they may be recorded and that by attending the meeting they are deemed to consent to this.
50. No person other than the Council shall be entitled to make a video or audio recording or transmission of a meeting of the Council or its Committees.

Record of Attendance

51. The attendance of each committee member, non-committee member and other participant(s) will be recorded by the Democratic Services Officer supporting the committee. This will be achieved by recording attendance on a sign in sheet or using the attendance record from the remote meeting software to confirm attendance at the meeting. These records will be combined and added into the minutes of the meeting before being published on the Council's website.
52. Committee Members are to inform the relevant Democratic Services Officer if they are unable to attend a meeting and their apologies will be recorded: at the meeting, in the minutes of the meeting and published on the Council's website.

Observing Meetings

Livestream of Meeting

53. The main purpose of livestreaming is to aid transparency, governance and accountability by giving members of the public, elected Members, officers and other interested parties the opportunity to observe meetings without having to attend in person and for the Council to have an audio and visual record of its decision making process.
54. The formal meetings of Council will be livestreamed and recorded for subsequent upload to the Council's webcasting website within 48 hours of the end of the meeting.
55. The recording does not replace the formal record of the meeting and the decisions taken, which are published on the Council website in the form of minutes and retained in hard copy in accordance with the Council's retention policy.
56. [A Livestreaming Protocol](#) is included as part of the Council's Constitution which serves to:
 - Ensure compliance with the Council's obligations under the Data Protection Act 2018 and the Human Rights Act 1998.
 - Specify the notifications to be given about livestreaming in agenda packs, for public speakers and observers and at the start of each meeting being streamed or recorded.
 - Ensure that appropriate signage is provided at physical meeting venues to make clear that recording is taking place.
 - Provide the Chair with the discretion to terminate or suspend the livestream in appropriate circumstances.
 - Safeguard that no exempt or confidential agenda items will be livestreamed.
 - Confirm the availability of recordings to be viewed on the Council's website and subsequently stored in accordance with the Council's records management procedures.
 - Provide for the removal of recordings or parts of recordings by the Monitoring Office, if necessary.

Physical Attendance of Observers at Multi-location Meetings

57. Observers will be able to attend the physical element of meetings from the public gallery in the Council Chamber at Bodlondeb, Conwy.

Physical attendance of observers for Remote Meetings

58. To enable those observers who do not have access to the internet to view fully remote meetings, they may request to attend a public viewing of that meeting. For viewing a fully remote meeting this will require a request to be submitted 2 clear working days prior to the remote meeting to enable arrangements to be made in a suitable location for the viewing.

Online Meeting Platforms

59. The Council currently uses Zoom as its primary remote meeting platform so it can effectively facilitate dual language meetings and offer a simultaneous translation services for in person and remote attendees. However other platforms may be utilised from time to time.
60. When attending remotely, Members must access the meeting individually. Elected Members are encouraged to use their Council laptop or iPad but there is nothing to prevent the use of personal devices.
61. Other participants are able to join meetings using links contained within the meeting invitation which is circulated to all participants.

Publication of Meeting Information

Public information

62. The production and publication of the programme of meetings, public agenda, reports, decision records and minutes are facilitated by the Council's committee administration software Civica-Modern.gov. Meeting participants are sent an email which includes links to the electronic agenda pack at least three clear working days prior to a meeting.
63. The software enables the Council to publish public information to its Welsh and English webpages for the public to view. The public are also able to subscribe to updates on the Meetings webpages and identify any specific meetings or topics which they have an interest in. Once registered, the Modern.gov system will automatically provide electronic updates when new information is published on the website.
64. The Modern.gov software creates a pdf version of the agenda pack thus providing a paperless facility which enables participants to annotate their meeting document during their preparation for a meeting (if saved to GoodReader). This reduces the need and cost attributed to the printing of these documents.
65. For those participants with an identified need or to provide ease of reading for more complex documents, hard copies can be provided with prior arrangement with the Democratic Support Officer as necessary.

Non-Public Information

66. The law provides that some information may not be made publicly available and this is known as exempt or confidential information. When this type of information is considered at a formal meeting the documents are published on the Council's intranet and are only available to those entitled to view them.

Consideration of exempt or confidential information at meetings

67. When exempt or confidential information is to be considered at a formal meeting, wherever possible, the agenda will schedule those items at the end of the meeting, so as to minimise any inconvenience to observers who will be required to leave the meeting at that point.
68. Agenda items which contain public information, and which are not fully exempt or confidential can be considered in a public environment. Should any participant wish to refer to the exempt or confidential information the Chair must be informed, and the meeting should exclude the press and public before continuing.
69. When an exempt or confidential item is planned to be considered the Chair will request that those not entitled to consider the exempt information leave the meeting. Those attending in person will be asked to leave the Council Chamber and those attending remotely will be removed from the virtual meeting (and placed in the virtual 'waiting room' if the meeting is to be re-opened to the public) by the Democratic Services Officer whilst the exempt information is considered.
70. The live link will cease before consideration of the exempt item commences and there may be a hiatus in proceedings to ensure that no recording is taking place.
71. When consideration of the exempt information has been completed, if there are further public items to be considered, all remote participants will be invited to re-join the public remote meeting and the recording and/or webcast will be resumed.
The observers or participants attending the physical meeting will be invited to return into the meeting venue.

Access and Participation at meetings

Officer support at meetings

72. Primary support for multi-location meeting will be provided by Democratic Services Officers. This will include the:
 - "Organiser" who will circulate the meeting appointment which will include a link to enable participants to join remotely. The organiser will also monitor the remote participants and assist them to join or re-join the remote meeting.
 - "Clerk" who will support the meeting, facilitate any voting and take the minutes.
 - "Recording controller" will facilitate the live streaming of the meeting or the recording and subsequent upload of the meeting to the Council's webcasting webpage.

- For larger or more technical meetings an additional Democratic Services Officer will support the other Democratic Services Officers as necessary during the meeting.
- Additional support may be required from ICT Officers to ensure that the technology used during meetings operates effectively and that the meeting can be progressed as planned.

Meeting preparation

73. When attending remotely, Members and officers should have regard to the 'Best Practice' Guidance that has been prepared to assist remote attendees. At the very minimum remote participants should:
 - Know how to join the meeting in advance
 - Know how to adjust settings such as microphone sensitivity and volume levels
 - Know how to turn their camera on and off
 - Know how to mute/unmute equipment – this is very important
74. Prepare thoroughly. The Chair will assume that everyone has read any reports being considered and be looking for observations and focussed debate.
75. Remember that meetings are being recorded and that all participants should be aware of their demeanour and surroundings.
76. Report any technical issues that prevent being seen or heard to Democratic Services and IT as soon as possible.
77. Members are reminded that should adhere to the Members Code of Conduct at all times.

Voting at Meetings

78. The voting rule are set out in the relevant procedure rules in the Council's Constitution and, unless a ballot or recorded vote is demanded, the vote will be taken by show of hands or electronic voting (once this is technically possible) or if there is no dissent, by the affirmation of the meeting.
79. If there is any doubt relating to a show of hands the Chair may request a roll-call. This requires the Clerk to ask each participant individually if they are for or against the recommendation or if they wish to abstain from the vote. If a participant cannot be contacted to provide their vote, the clerk will continue with the roll-call vote and return to those participants who have not responded after an attempt to contact all participants has been made. If the participant cannot be contacted after a second attempt to provide their vote and there is a quorum in attendance at the meeting the participant shall be recorded as not in attendance.

80. Responses are recorded and when all of the participants in attendance have indicated their vote, the Clerk will then collate the responses and inform the Chair of the outcome of the vote.

81. The Chair will announce the outcome of the vote to the meeting.

Chairing meetings

82. Chairing a multi-location meeting is very different to chairing a face-to-face meeting and the Chair will be supported to carry out their role effectively. The role of the Chair is particularly challenging at a physical meeting with some participants joining remotely. The “balance” between individuals in a room, and those joining by remote means, will have a significant effect on how business will be transacted.
83. Chairs have a particular responsibility to prepare for a multi-location meeting, in a more planned and directed way than might be necessary for a physical meeting.
84. At the start of the meeting the Chair will ensure that the system allows everyone to participate. The Chair will also:
- Introduce themselves and explain who the Committee Members are to ensure that those watching or listening to a broadcast are aware who is who.
 - Provide a reminder of the meeting arrangements (including technical issues) particularly relating to conduct and behaviour.
85. Given the nature of multi-location meetings, the Chair will use their absolute discretion as to the order in which Members are given the opportunity to contribute to the debate on a specific item. The Chair will ensure every member has the opportunity to participate in the meeting.
86. The Chair must allow officers to speak if they indicate that they wish to do so.

Chat Function use by Remote Participants

87. The chat function cannot be seen by those present in the Council Chamber and will only be monitored by the Democratic Support Officer to keep track of those remote attendees that need to temporarily excuse themselves from the meeting and when they return.
88. The chat function should be used for meeting purposes only. Members should note that the chat may appear on the livestream.

Review of Policy

89. This policy will be reviewed on an as required basis.

24.3 - PROTOCOL FOR WEBCASTING OF COUNCIL AND OTHER COMMITTEE MEETINGS

Introduction

The Council has agreed that certain Council and Committee meetings will be transmitted live on the Council's website (webcasting). The Council has fixed cameras located within the Council Chamber at Bodlondeb, Conwy for this purpose.

The main purpose of webcasting is to aid transparency, governance and accountability by giving members of the public, elected Members, officers and other interested parties the opportunity to view meetings without having to attend in person and for the Council to have an official audio and visual record of its decision making process.

Webcasting does not replace the formal record of the meeting and the decisions taken, which are published on the Council website in the form of minutes and retained in hard copy in accordance with the Council's retention policy.

This protocol governs the conduct of Council and Committee meetings which are the subject of webcasting and aims to ensure that the Council is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998.

Accordingly the following principles will apply to all meetings which are to be webcast by the Council:

Notification of Webcasting

Agenda Packs

Included with each Council and Committee agenda notification the following notice will be attached for meetings that are being webcast:

WEBCASTING This meeting will be filmed for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 6 months. A copy of it will also be retained in accordance with the Council's data retention policy. If you make representation at the meeting you will be deemed to have consented to being filmed. By entering the Council Chamber you are also consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured you should sit in the public gallery area. If you have any queries regarding webcasting of meetings, please contact Democratic Services on...

Public Speakers

In any correspondence notifying public speakers of the meeting date at which permission to speak has been granted, the following advice will be included if the particular meeting is to be webcast:

Please note that this meeting will be filmed for live and/or subsequent broadcast on the Council's website. If you do not wish to be filmed/recorded, please contact the Democratic Services Team to discuss your concerns.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people.

Signage at meetings

The following signage will be displayed inside and outside of the meeting room:
WEBCASTING PLEASE NOTE THAT CONWY COUNTY BOROUGH COUNCIL
WILL BROADCAST THIS MEETING LIVE ON ITS WEBSITE AND THE RECORD
WILL BE ARCHIVED FOR FUTURE VIEWING.

AS YOUR IMAGE MAY BE INCLUDED IN THE BROADCAST, BY ENTERING THE
COUNCIL CHAMBER YOU ARE CONSENTING TO BE FILMED AND TO THE
POSSIBLE USE OF THOSE IMAGES AND ANY SOUND RECORDINGS

Conduct of Meetings

At the start of each meeting to be filmed, an announcement will be made to the effect that the meeting is being webcast.

The Chair of the meeting shall have the discretion to terminate or suspend the webcast if:

- (i) The meeting is suspended;
- (ii) A resolution is lawfully passed to exclude the press and public from the meeting;
- (iii) There is a public disturbance;
- (iv) Webcasting may lead to a potential infringement of the rights of any person or other breach of law, subject to legal advice; or
- (v) The Chair considers that continuing to webcast would prejudice the proceedings of the meeting, subject to agreement by the majority of Members attending the meeting.

No exempt or confidential agenda items shall be webcast. The Democratic Services Officer for the meeting will ensure that webcasting of the meeting has ceased and will confirm this to the Chair of the meeting before any discussion of exempt or confidential matters is commenced.

All archived webcasts will be available to view on the Council's website for a minimum period of six months and thereafter will be stored in accordance with the Council's records management procedures.

Archived webcasts or parts of webcasts shall only be removed from the Council's website if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory provision or common law doctrine, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information.

If the Monitoring Officer has decided to take such action they must notify all Elected Members in writing as soon as possible of the decision and the reasons for such a decision. It is anticipated, however, that meetings will be conducted lawfully and that the need to exercise this power will occur only on an exceptional basis.

The actual webcasts and archived material, and copyright therein, remain the property of the Council, and the right to copy, issue, rent, perform, communicate or adapt any of the webcast or archived material is restricted as follows:

- (i) Subject to (ii) and (iii) below, any person may copy and use webcast material or part thereof provided that the facility is not used in a way that otherwise breaks the law and that the whole agenda item is displayed.
- (ii) The use of any webcast involving the alteration or editing of the material which results in changing the message or context is not permitted without the prior written approval of the Monitoring Officer.
- (iii) The use of any webcast for commercial purposes involving re-use of the material is not permitted, unless the prior written approval of the Monitoring Officer is obtained.

Any Elected Member who is concerned about any webcast should raise their concerns with the Monitoring Officer.

If a technical fault develops, the Chair may agree a short adjournment to see if the problem can be resolved. If after adjourning the problem still persists, the meeting should continue irrespective of it not being transmitted live.

Other Filming and Recording of meetings

This protocol does not affect existing provisions in the Council's Constitution regarding the recording of meetings which states that no person other than the Council shall be entitled to make a video or audio recording or transmission of a meeting of the Council or its Committees.

Amendment of this Protocol

The Head of Law and Governance, in consultation with the relevant Cabinet Member, shall be authorised to make any minor amendments to this Protocol to ensure it is kept up to date and fit for purpose.

24.4 - REMOTE ATTENDANCE AT MEETINGS BEST PRACTICE FOR CONWY COUNTY BOROUGH COUNCILLORS AND OFFICERS

Introduction

This guidance aims to support Members and Officers with remote attendance in meetings (whether that is a fully remote meeting or a multi-location meeting).

The majority of the Council's democratic meetings will be live streamed and will also be available for subsequent viewing on-line. If the live streaming fails the meeting will continue and a recording will be uploaded to the Council's website at the conclusion of the meeting. Therefore, it is important that Members and Officers present themselves professionally throughout the meeting.

Preparation – Virtual Attendance

1. Know how to join the meeting. You can join from a laptop or an iPad if you have downloaded the Zoom App from the App Store. You will get a better experience if you join through the App and not the browser. If you have to join by phone it is better to note down the phone number to call, Meeting ID and Passcode on a piece of paper so you have the information ready when prompted to join.
2. The Outlook calendar invitation will provide a link with all the other information required to join any formal democratic meeting, such as the Meeting ID and passcode – in the interest of security, please do not share this passcode. Make sure you have access to this information.
3. Know what to do if your equipment fails, have a phone number to hand to call in case of technical difficulties (included in the calendar invite).
4. Working from home through Netscaler can slow the connection down. You can disconnect from Netscaler if it is causing issues – particularly if you want to use audio, video and present your screen.
5. If you do disconnect from Netscaler make sure you have the meeting details to hand and any documents you want to present are available from your desktop. Or, send your presentation to Democratic Services in advance of the meeting, giving them sufficient time to prepare.
6. Fully charge your equipment, long meetings can take a lot of battery, or make sure you're connected to a power source.
7. Locate yourself in a comfortable place as some meetings may take some time.
8. Keep your device still and on a flat surface.
9. Make sure that you are in the centre of the screen by positioning your device or camera appropriately and look into the camera. Aim for a head and shoulders shot similar to a passport photo.
10. Consider your personal appearance, you'll be visible throughout the meeting.
11. Consider the background, either use the corporate background (with Council logo) or aim for a plain wall backdrop as your bookshelves or notice board may be distracting for other meeting participants. You may have confidential or inappropriate information on the wall behind you. Is there enough light for people to see you? Is the sun or artificial lighting 'bleaching' out your face? Some applications provide you with an option to blur the background, so no detail is shown.

12. Ask anyone in your immediate vicinity to stay out of shot.
13. Minimise any noise around you that could be picked up on your mic and turn off any noisy gadgets, e.g. mobile phone on silent, set Teams to 'do not disturb', etc.
14. Have everything to hand, e.g. glass of water, agenda, glasses, pen, paper. If you need to leave the meeting momentarily make sure you turn your video off.
15. Remember that you should be the only person able to hear any confidential and exempt items being discussed.
16. Remember that meetings, if not live, may be made available to the public, so it is important to conduct yourself as you would in any public meeting.
17. Prepare thoroughly for the meeting, reading reports in advance and preparing any questions in advance so they are focused on the subject matter. Avoid repetition where possible. Focus on the business under discussion. Make sure your contributions are necessary and helpful for securing the outcomes required.
18. Make sure you can view your papers easily. You can view papers by using two devices (laptop and iPad), connecting an additional screen, or splitting your screen, whichever is more comfortable for you.

During the Meeting

19. Meetings will be set-up with a Waiting Room. Committee Members and Officers should enter the Waiting Room **at least 15 minutes prior** to the start of the meeting. If everyone waits until the last minute this can create a queue, not enable enough time to sort out any technical / connectivity issues, check Translation, all of which may result in you missing the start of the meeting. You can join the meeting in plenty of time and switch off your audio and video until the meeting starts.
20. All participants will be invited to join the meeting as soon as the host (the Democratic Services Officer) is able to do so.
21. Committee Members will be identified as such, to make it easier to distinguish between Committee Members and Non-Committee Members.
22. All participants will be muted with video switched off on arrival to the meeting. A test will be carried out for each participant, prior to re-muting for the commencement of the meeting.
23. All microphones should remain muted until the participant is invited to speak by the Chair.
24. Committee Members will be invited to open video participation. Committee Members are required to keep their cameras on throughout debates and during voting in order to maintain the integrity of the decision-making process.
25. To assist the Chair (by minimising the number of videos open on screen) with the exception of the Senior Leadership Team, Officers are asked to keep their video off until they are invited to participate by the Chair.
26. The Democratic Services Officer will turn off an individual video if deemed necessary. For example, if a participant has to leave the meeting momentarily their camera should be turned off; cameras can be turned back on by the participant when they are able to re-join the meeting.

27. If a Committee Member does have to leave the meeting for any reason they should use the chat facility to inform the Democratic Services Officer when they are leaving and when they return to the meeting.
28. If translation is available participants must select their language of choice. Select 'English' if translation is required. Participants must select 'Cymraeg' if they want to speak in Welsh and do not require the translation service.
29. As is the case with face-to-face meetings the Chair controls the meeting and all interaction is through the Chair. Respect the Chair and wait in turn to be called.
30. Anyone wishing to speak should use the 'raise hand' function on Zoom. If this cannot be used for any reason participants can attempt to attract the attention of the Chair (or the Committee Officer) by raising their physical hand or, if that fails, they can politely interject. Do not use the chat function for this purpose as it isn't always possible to monitor.
31. Members may use the chat function for meeting business only. Remember, the 'chat' can sometimes appear on a livestream.
32. When invited to speak by the Chair, participants are responsible for 'un-muting' their mics and then 'muting' once they have finished speaking. The Democratic Services Officer can assist when needed.
33. If the Chair has not already done so, participants are expected to introduce themselves prior to speaking. Officers are asked to state their name and the position they hold in the Council for the benefit of public viewers.
34. Rules around voting are defined within the Council's Constitution and, unless a ballot or recorded vote is requested, the vote will be taken by show of hands. Make sure videos are on and hands clearly remain raised whilst the Democratic Services Officer is counting. The Chair will advise when you can lower your hand.
35. There may be times when a roll call or recorded vote is required. Listen for your name, make sure your video is on and unmute your mic to respond.
36. In the event of a secret ballot a Zoom poll will appear on your screen. Select your vote and make sure you 'submit' your response for it to register.
37. The Committee Officer will confirm the numbers that have voted, but it is the role of the Chair to confirm the outcome of the vote.
38. If any participant has declared a prejudicial interest in an agenda item they should leave the meeting. They will be placed in the Zoom 'waiting room' for the duration of the discussion and voting. They will be re-admitted to the meeting prior to moving onto the next agenda item.
39. When a meeting goes into private session any livestreaming will be ended. The meeting will be paused and anyone not required to be in the meeting will be asked to leave (the Democratic Services Officer can remove an attendee from the meeting if required to do so).
40. Councillors should ensure that private/exempt matters are dealt with privately otherwise it would be a breach of the Members' Code of Conduct. Participants are encouraged to use a headset with microphone to ensure that confidential information cannot be overheard by anybody nearby.
41. If you wish to leave the meeting early, if you are a Committee Member please inform the Democratic Services Officer by using the chat function and click on 'leave meeting' and log out of Zoom, do not leave the meeting streaming unattended

24.5 - PROTOCOL FOR LIAISON BETWEEN COUNCIL OFFICERS AND MEMBERS OF PARLIAMENT / MEMBERS OF THE SENEDD

Liaison between Council Officers and MPs and MSs should take place at Chief Officer level.

Correspondence with MPs and MSs should be issued from Chief Officers.

Meetings with MPs and MSs. Relevant Conwy County Borough Council members should be advised of any proposed meeting and, if appropriate, be given the opportunity to attend. Which member(s) is (are) relevant will depend on the subject matter of the meeting; relevant members may therefore be local members, scrutiny chairs / vice chairs, cabinet members and/or the Leader.

Chief Officers are expected to follow up meetings by writing to the MP / MS confirming the key points from the meeting and any action to be implemented.

24.6 - PROTOCOL FOR LIAISON WITH LOCAL MEMBERS

1. Scope

- 1.1 Members are elected to represent the views of their constituents. Local Members also have an important role to play in representing the Council in their electoral divisions, responding to the concerns of their constituents, in meetings with partners and serving on external bodies and organisations. It is essential for the proper running of the Council that Members are fully informed about matters on which they may be required to make decisions or which affect their wards.
- 1.2 The Council accepts that Members need to be aware of significant and relevant matters within their local area if they are to be effective in their roles as spokespersons on behalf of their local communities. It is difficult to define what constitutes 'significant and relevant' matters but they include matters or issues that are of concern to the general public and Local Members. Officers may not always be aware of matters that could potentially be sensitive, either locally or politically, so if there is any doubt there will be a presumption in favour of liaising with the Local Member.
- 1.3 For the avoidance of doubt this Protocol does not cover Social Care cases or instances where third parties request matters to be kept confidential for commercial or personal reasons.
- 1.4 The following protocol sets out a framework of rights or practices which are to be applied to Local Members. It isn't possible to provide examples of all possible eventualities but, quite simply, the spirit of the protocol is to keep Members involved and aware of events and issues affecting their wards.

2. Responsibility

- 2.1 It is the duty of all senior officers to ensure that all relevant staff (and external agencies undertaking work on behalf of the Council) are aware of the requirement to keep Local Members informed and that the timing of such information allows Members to contribute to those discussions effectively. Local Members can add value and provide local knowledge, perspective and insight to any discussion and should be able to influence discussions going forward.
- 2.2 The protocol will be disseminated throughout the Council to ensure that all officers communicate with and involve local ward members
- 2.3 Local Members should also be kept informed about matters affecting their electoral divisions during the formative stages of policy development. It is important in an effective democratic process that they know early on if they are to deal with their constituents' concerns or to exert influence on their behalf.

3. Reports via Democracy

- 3.1 Officers will ensure that local matters being reported through the committee process are identified and marked accordingly on the front page of the report.
- 3.2 Local Members will be consulted on any local matter being reported through the committee process and their comments (including 'no comment') will be included under the 'consultation' heading within the standard report template. Where there is a multi-member ward the author of the report will ensure that all Local Members are consulted and given the opportunity to comment. Cabinet Members and Member Champions will be consulted in a similar way.
- 3.3 Subject to the Council's Code of Conduct for Members, the usual rules regarding bias and predetermination, the current rules permit local members to attend and speak at meetings of committees in relation to items which affect the Member's own electoral division. Local Members are expected to advise the Chair of the Committee of their intention to speak. There are separate arrangements in place for the Planning Committee.

4. Business Conducted Outside Committee

- 4.1 Senior Officers as well as the Leader, Cabinet Members and Committee Chairs and Vice-Chairs are expected to keep Local Members apprised of significant and relevant matters that are not the subject of a report to Council or its Committees, but which relate specifically to the local member's ward or which may have a material impact in the local area of which the ward is a part.
- 4.2 In particular, the Local Member(s) should, where appropriate, be invited to relevant meetings. If Local Members do not attend such meetings for whatever reason, they should be advised by the convenor of the meeting (provided the meeting is convened by the Council or its officers) of any significant outcome.

5. Consultation

- 5.1 Whenever the Council undertakes any form of consultation exercise, the local member(s) will be notified at the outset of the exercise.
- 5.2 Local Members will be advised of all planning applications relating to their electoral divisions and can make representation in line with the Planning Code of Practice. Local Members will be informed of any significant change in recommendation as soon as possible.
- 5.3 All Licensing applications are available for viewing on the website, which is routinely updated.

- 5.4 In terms of Asset Management, Local Members will be consulted in line with the *Disposal and Acquisition Policy* which recognises that communication with relevant Members in securing local opinion and support to an activity is vital, and the earliest such contact can be made may assist in the process.
- 5.5 Consultation on Section 106 moneys will be undertaken in line with the *Section 106 Spending Protocol*.
- 5.6 For issues that affect a wider geographic area it may be appropriate to consult via the relevant Local Area Forum in line with their Terms of Reference.

6. Delegated Decisions

- 6.1 Before Chief Officers exercise delegated powers under the Scheme of Delegation they shall consider whether their decision is likely to have a significant impact upon the Council's profile or have significant financial implications; if it does there will be a presumption in favour of the referring the matter to Members.
- 6.2 In any event, when exercising delegated powers each Chief Officer will, where appropriate, keep the Cabinet fully informed, in particular the relevant Portfolio Holder, have regard to any comments from the relevant Scrutiny Committee and ensure that they consult with/inform the Local Member in advance.
- 6.3 Where an individual Cabinet Member makes a decision in accordance with the scheme of delegation on a local matter the local member will be consulted as part of the process and any comments will be included in the report presented to the Cabinet Member for consideration.
- 6.4 Delegated Planning Decisions will be taken in accordance with the Planning Code of Practice.

7. Local Meetings

- 7.1 Where any public meeting to be held in a member's electoral division is arranged by the Council the Local Member(s) for the ward in which the public meeting takes place will be informed of the event and invited to attend.
- 7.2 Where a meeting has been arranged by the Council with Town and Community Councils or other community groups the Local Member(s) will be informed and invited to attend. If an officer is invited by a Town or Community Council to attend its meeting, as a matter of courtesy, the Local Member should be made aware.
- 7.3 If Local Members do not attend such meetings for whatever reason, they should be advised by the convenor of the meeting (provided the meeting is convened by the Council or its officers) of any significant or relevant outcome.

- 7.4 Local members will be invited to the opening of any Council buildings/projects or launches of services in their wards though if present the Chair of the Council/Deputy Chair or Leader/Deputy Leader shall take precedence unless otherwise agreed.

8. General Correspondence

- 8.1 Routine meetings and correspondence between the public and officers on operational matters will not be referred to the Local Member(s). This does not apply where the matter is significant and relevant. If there is a recurring theme which could develop into a significant issue then Local Members should be kept informed.

9. Action Relating to Other Members' Wards

- 9.1 Where a member wishes to propose a motion or seek a debate or otherwise speak in a meeting of the Council or a Committee in relation to a local matter in another member's ward, they should seek wherever possible, as a matter of courtesy, to give prior warning to the local ward member(s).
- 9.2 All members who involve themselves in matters relating to the Council or its functions in wards other than their own should seek, as a matter of courtesy, to advise the local ward members of these actions and should do so in advance if circumstances permit. (This shall not apply to canvassing or other party political activity.)
- However, it must be accepted that Cabinet and Scrutiny Members will on occasion have a need to consider issues which involve individual wards and it may not always be possible to inform local ward members in advance.

10. Confidentiality

- 10.1 The local member(s) under this protocol must not make public nor make personal use of any information or material supplied to them where the supplier of the information has indicated that it is of a confidential nature. They must also comply with any relevant provisions of the Data Protection Act and the Freedom of Information Act.

11. Commitments

- 11.1 Local members are reminded that they do not have the right to commit the Council or its officers to any particular course of action and should ensure that they do not convey to the public any false impression of commitment or give any undertaking that they are not in a position to personally fulfil.

24.7 - POLICY FOR THE REMOVAL OF LOCAL AUTHORITY GOVERNORS

1. This document sets out the Council's policy for the removal of school Governors appointed to their role by the Council (an "Authority Governor")
2. The Government of Maintained Schools (Wales) Regulations 2005 ("the Regulations") set out that an Authority Governor is a school governor who has been appointed to their position by the Local Authority (Regulation 7)
3. Under the Council's Constitution, Authority Governors are appointed by the Cabinet Member with responsibility for Education and Skills ("the Cabinet Member") under delegation.
4. Regulation 27 provides that an Authority Governor may be removed from office by the person who has appointed them, which, in the Council's case, is the Cabinet Member.

Disqualification from acting

5. Schedule 5 of the Regulations sets out the circumstances in which an Authority Governor is disqualified from acting in that role. Some of these circumstances involve automatic disqualification, and so any relevant Governors would be informed in writing accordingly. These circumstances are:
 - 5.1 where they are liable to be detained under the Mental Health Act 1983;
 - 5.2 where they have, without the consent of the governing body, failed to attend meetings for a period of 6 months beginning with the date of the first such meeting which he or she failed to attend;
 - 5.3 where they have been made bankrupt;
 - 5.4 where they have been disqualified from acting as a director of a company or are subject to an order made under s429(2)(b) of the Insolvency Act 1986;
 - 5.5 where they have been removed as a trustee or manager of a charity;
 - 5.6 where they have been prohibited from working with children; or
 - 5.7 where they refuse to apply for a check by the Disclosure and Barring Service.
6. An Authority Governor who becomes aware that they are disqualified from acting as a governor must immediately inform the Council's Education Department or Cabinet Member in writing.
7. Where the Council becomes aware that an Authority Governor is disqualified from acting by virtue of Schedule 5 of the Regulations, whether having been notified by that Governor or otherwise, the Council must take immediate steps to remove that Authority Governor from their position.
8. Where it appears that any of the disqualification criteria may apply, the Council's Legal Department should be consulted to verify the position if there is any doubt.

Removal for any other reason

9. Paragraph 5 of this policy sets out the reasons for disqualification of an Authority Governor. However, Regulation 27 does not limit the reasons for which the Cabinet Member may remove an Authority Governor from their role and an Authority Governor can be removed for other reasons. However, in seeking to remove an Authority Governor, the Cabinet Member must act reasonably and lawfully. The Cabinet Member must also consider any equalities issues and in particular must not remove an Authority Governor due to a protected characteristic
10. Examples of reasons where the Cabinet Member may remove the Authority Governor include:-
 - Conduct or bias that is clearly not in the best interest of the school as a whole;
 - Serious failure to co-operate with the Local Education Authority, or the Governing Body as a whole;
 - An irretrievable breakdown in the relationship between the Authority Governor and the Governing Body;
 - Failure to meet the standard of behaviour set out in the Code of Conduct for School Governors.
11. The examples in the previous paragraph do not constitute an exhaustive list as there may be other situations where the Cabinet Member, acting reasonably, considers that it is in the best interests of the school to remove the Authority Governor

Authority Governors ceasing to be an elected Member

- 12 Authority Governors who leave their position as an elected Member, for whatever reason, or who are not re-elected to the Council shall be removed from their position as the Council's appointee to the governing body from the date upon which they cease to be an elected Member and no right of appeal shall apply in this case.

Notification of Removal

13. In cases falling within paragraphs 9, 10 and 11 above, the Cabinet Member shall, as soon as reasonably practicable, inform the Authority Governor and the Clerk to the Governing Body by written notice ("the Notice") of the intention to remove the Authority Governor from the Governing Body.
14. The Notice shall contain clear and detailed reasons as to why the removal is being considered.
15. The Notice shall be served on the Authority Governor at his or her last known address by ordinary first class post and a copy shall be sent by email if an email address has been provided.

Appeal process

16. Where the Cabinet Member has issued the Notice, the Authority Governor may appeal such decision. The Authority Governor must provide written notice of appeal ("the Appeal Notice") in writing within 10 working days of the date of the Notice. The Appeal Notice shall be sent or hand delivered to the Head of Democratic Services at the Council's offices at Bodlondeb, Conwy LL32 8DU
17. The Appeal Notice shall set out the grounds under which the Authority Governor wishes to challenge the intention to remove him or her as an Authority Governor
18. If no Appeal Notice is received by 5pm on the 10th working day from the date of the Notice then the Authority Governor shall from that time be removed as an Authority Governor. This shall not be the subject of a call-in.
19. If an Appeal Notice is received, the Council will convene a Panel ("the Panel") to consider the Authority Governor's appeal which will be held within 10 working days of receipt of the Appeal Notice. Both the Authority Governor and the Cabinet Member shall be told no later than 5 working days in advance as to where and when the Panel meeting will take place
20. The Panel shall comprise one Member of the Education and Skills Overview and Scrutiny Committee, one Independent Member of the Council's Standards Committee and one Member of the Executive (who must not be the Cabinet Member)
21. The Authority Governor and the Cabinet Member shall both have the right to attend the Panel meeting to make representations. Alternatively if both parties agree, the matter can be dealt with by way of written representations
22. The Panel and its advisers may ask questions of the Authority Governor and the Cabinet Member
23. The Panel, following submission by the parties, shall deliberate in private but may ask any Council officers to provide advice if required
24. The Panel will provide a recommendation to the Executive in writing ("the Recommendation"), which will include reasons for such decision, within 5 working days of the Panel meeting
25. The Recommendation shall be considered at the next available meeting of the Executive, where the Executive shall decide whether or not the Authority Governor should be removed. Neither the Authority Governor or the Cabinet Member may make further representations to the Executive

26. The decision of the Executive shall be final and shall not be subject to call-in. The Authority Governor and the Clerk to the Governing Body shall be informed of the decision as soon as practicable after the Executive meeting. In the event that the decision is to confirm the removal of the Authority Governor from the Governing Body, this will take effect from the date of the Executive meeting.

24.8 – ANTI FRAUD POLICY

1 INTRODUCTION

1.1 Conwy County Borough Council is one of the largest organisations in the County Borough, employing over 5,000 full and part-time staff which includes agency workers and contractors etc. The Council controls millions of pounds of public money and takes very seriously the high expectations of the public and the degree of scrutiny to which the affairs of the Council are subject.

9.1 In carrying out its functions and responsibilities the Council wishes to promote a culture of openness and fairness and expects that elected members and employees at all levels and others who serve the Council e.g. temporary workers, agency staff, contractors, voluntary staff and other individuals which the term “employee” may not explicitly capture such as suppliers etc, will adopt the highest standards of propriety and accountability. Proper accountability, achieved through probity, internal control and honest administration is therefore essential. This commitment will result in the desired outcome of creating a zero tolerance culture, promoting high ethical standards, encouraging prevention, promoting detection, and formalising the procedures for investigation. This will assist in minimising the opportunity for fraud and corruption to exist within the Council's systems. This framework is in line with the strategic aims and objectives of the Council in relation to preventing crime and ensuring value for money.

1.3 An effective policy requires support across the Council and involves :

- Culture
- Prevention (of error, irregularities, fraud and corruption)
- Detection and Investigation
- Deterrence
- Awareness and Training

1.4 The Council's Anti-Fraud and Corruption policy is based on a series of comprehensive and inter-related procedures designed to deter, frustrate, or take effective action against any attempted fraudulent or corrupt acts affecting the Council.

1.5 The Council must maintain constant vigilance in order to safeguard the resources to which it is entrusted and protect its reputation. This involves raising awareness to deter and identify fraud and, at the same time, ensure there are mechanisms for employees to raise legitimate concerns when they feel justified.

1.6 The Council is also aware of the high degree of external scrutiny of its affairs by a variety of bodies including:

- Public Services Ombudsman for Wales
- Wales Audit Office
- The Audit Commission
- Central Government Departments and Parliamentary Commissions

- Her Majesty's Revenue & Customs
- The Department of Works & Pensions
- Senedd Cymru and Welsh Government

2 WHAT IS FRAUD AND CORRUPTION?

Fraud

2.1 The Fraud Act 2006 provides definitions of the criminal offence of [fraud](#) and identifies three key offences :

- ***Fraud by false representation*** - a person is in breach of this section if this is done dishonestly and there is intent, by making the representation, to make a gain for himself or another; or to cause or expose the risk of loss to another.
- ***Fraud by failing to disclose information*** - a person is in breach of this section if he dishonestly fails to disclose to another person information which he is under a legal duty to disclose; and intends by failing to do so, to make a gain for himself or another; or to cause or expose the risk of loss to another.
- ***Fraud by abuse of position*** - a person is in breach of this section if he occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person; dishonestly abuses that position with the intention to make a gain for himself or another; or to cause or expose the risk of loss to another.

2.2 It also creates new offences:

- Obtaining services dishonestly
- Possessing, making and supplying articles for use in frauds
- Fraudulent trading applicable to non-corporate traders

2.3 The maximum sentence is 10 years imprisonment.

2.4 The Act largely replaces the laws relating to obtaining property by deception, obtaining a pecuniary advantage and other offences that were created under The Theft Act 1978.

Corruption

2.5 The Bribery Act 2010 provides definitions of the criminal offence of bribery and identifies four key offences:

- ***Bribing another person*** - A person commits an offense by offering, promising or giving a financial or other advantage to another person, directly or through an intermediary :

- a) intending that advantage to induce a person to perform improperly a Function or to reward a person for so doing (whether or not it is the same person to whom the advantage is offered) or
 - b) knowing or believing that accepting the advantage would itself be improper performance of a Function.
 - c) **Being bribed** - A person commits this offence by requesting, agreeing to receive or accepting a financial or other advantage, directly or through a third party, for his or her own or someone else's benefit :
 - d) that person intends that, as a consequence, there is improper performance of a Function or
 - e) there is improper performance of a Function (whether as a reward, in anticipation of or as a consequence of the request, agreement or acceptance). The request, agreement or acceptance itself may be the improper performance of a Function.
 - **Bribery of a Foreign Public Figure** – This offence will be committed if a person offers or gives a financial or other advantage to a foreign public official with the intention of influencing the foreign public official and obtaining or retaining business, where the foreign public official was neither permitted nor required by written law to be so influenced.
 - **Failing to prevent Bribery** - A company is “strictly liable” for any bribe paid by a person performing services on its behalf, unless the organisation proves that adequate anti-bribery procedures were in place.
- 2.6 The maximum penalty for the offenses is 10 years' imprisonment and/or an unlimited fine. For the "failure to prevent" offense, the fine alone applies.
- 2.7 The Bribery Act 2010 replaces the fragmented and complex offences at common law and in the Prevention of Corruption Acts 1889-1916.

3 CULTURE

- 3.1 The Council is determined that the culture and tone of the organisation represents honesty and opposition to fraud and corruption.
- 3.2 There is an expectation and requirement that all individuals and organisations associated with the Council will act with integrity and that elected Members and Employees at all levels will lead by example. All aspects of this policy must be complied with and the Council will maintain a zero tolerance culture to fraud and corruption.
- 3.3 The Council's elected Members and Employees are an important element in its stance on fraud and corruption and are positively encouraged to raise any concerns they may have. They can do this in the knowledge that such concerns will be treated in strictest confidence and be properly investigated. If necessary, a route other than to the line manager may be used to raise such concerns, examples of which include:
- Directly with Internal Audit

- The Chief Executive
- Head of Service

The Council also has a *Whistleblowing Policy* to ensure the highest possible standards of openness probity and accountability.

- 3.4 Members of the public are also encouraged to report any concerns which they may have which may be made by any of the above routes. This may also be via the Corporate Information and Customer Service Manager to whom all complaints by members of the public are referred.
- 3.5 Senior management are responsible for following up any allegations of fraud or corruption received by contacting the Audit Manager. The investigating officer, usually a member of the Internal Audit Department, will:
- Deal promptly with the matter
 - Record all evidence received
 - Ensure that all evidence is sound and adequately supported
 - Ensure the security of all evidence collected
 - Contact other agencies, such as the Police (where appropriate)
 - Notify the Council's Insurers (where appropriate)
 - Assist management to implement Council disciplinary procedures (where appropriate)
- 3.6 Senior management must deal swiftly and firmly with those who defraud the Council or who are corrupt. The Council should be considered robust in dealing with financial malpractice.
- 3.7 There is a need to ensure that any investigation process is not misused. Any abuse, such as raising unfounded or malicious allegations, will be dealt with as a disciplinary matter.

4 PREVENTION

- 4.1 The Corporate Framework requires a whole range of high level component parts, if it is to contribute to the Council having an effective counter-fraud policy, and some of the key ones include:
- An Anti-Fraud & Corruption Policy Statement which emphasises the importance of probity to all concerned
 - Member support
 - Codes of Conduct for Members and Employees
 - Protocol for Members on Gifts and Hospitality
 - Formal Declarations of Interest for all staff
 - Whistleblowing Policy, confidential reporting and Complaints Procedures
 - Benefits Anti-Fraud Policy, Strategy and Sanctions Policy

- Contracts procedure rules and Financial procedure rules
- IT Security Policy
- The Regulation of Investigatory Powers (RIPA) procedure
- Sound internal control systems, procedures and reliable records
- Effective Internal Audit
- Scheme of delegation
- Clear responsibilities, accountabilities and standards
- Effective recruitment procedures
- Induction and training
- The Council's Disciplinary Procedure
- Proceeds of Crime Act (Anti-Money Laundering) Policy

4.2 In particular, employees are required to operate within the following guidelines:

- The Council recognises that a key measure in the prevention of fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the previous record of potential employees in terms of their propriety and integrity. In this regard temporary and contract employees should be treated in the same manner as permanent employees.
- Employees recruitment is in accordance with procedures laid down by the Head of Corporate Human Resources. Written references regarding honesty and integrity of potential employees must be obtained before employment offers are made. Professional qualifications including driving licenses should be checked, where necessary with the examining body, to ensure they are correct as part of the appointment procedure.
- Employees are expected to follow standards of conduct related to their personal Professional Institute, where applicable, and also to abide by any specific Council requirements on personal conduct.
- The Council has in place, a Disciplinary Procedure for dealing with allegations of fraud and corruption. All employees are notified of this through the Employees Handbook.
- Elected Members and Employees are reminded under the Council's *Contract Standing Orders* and *Financial Regulations* that they must operate within *Section 117 of the Local Government Act 1972*. This requires declaration of any interests in contracts (such as membership of contracting bodies) that have been, or are proposed to be, entered into by the Council. The legislation also prohibits the acceptance of fees or rewards other than by means of proper remuneration.

4.3 Elected Members are required to operate within:

- *Council Standing Orders and Financial Regulations*
- *The Code of Conduct for the time being in force and*
- *All relevant and applicable legislation*

These matters are brought to the attention of the Member when elected in the form of an information pack, which is signed for by the Member. The Member must then register any potential areas of conflict between Members' Council duties and responsibilities and any other areas of their personal or professional lives.

4.4 Systems operating:

- The Council has *Contract Standing Orders* and *Financial Regulations* which place an obligation on employees, when dealing with the Council's affairs, to act in accordance with best practice.
- The Strategic Director – Finance and Efficiencies has a statutory responsibility under *Section 151 of the Local Government Act 1972*, *Sections 114 and 116 of the Local Government Finance Act*, and *Accounts and Audit Regulations*, currently in force, to ensure the proper administration of the Council's affairs and has developed *Financial Codes of Practice* which outline systems, procedures and responsibilities of employees, in relation to the Council's financial activity. The *Financial Codes of Practice* shall be distributed to relevant officers within the Council. The Head of Corporate Financial Services also maintains a Head of Profession role within the Council and through this, exercises amongst other things, a quality control through financial administration.
- The Council has in place systems and procedures which incorporate efficiency and effective internal controls, including adequate separation of duties. Heads of Service are also required to ensure that such controls, including those in a computerised environment, are properly maintained and documented.
- Their existence and appropriateness is independently monitored by the Internal Audit Department.

4.5 Combining with Others:

Arrangements are in place which encourages the exchange of information between the Council and other agencies on national and local fraud and corruption activity in relation to local authorities. These include:

- Police
- Local Authority Financial Organisations
- Internal Auditor Networks
- Audit Commission
- Wales Audit Office

- Other Councils

5 DETECTION AND INVESTIGATION

- 5.1 The array of preventative systems, particularly internal control systems within the Council, help to provide indicators of and help to deter, any fraudulent activity.
- 5.2 It is often the alertness of staff, elected members and the public to the possibility of fraud and corruption, that enables detection to occur and appropriate action to be taken. The Council's *Whistleblowing policy* is intended to encourage enable staff to raise their concerns.
- 5.3 Despite the best efforts of financial managers and auditors, many frauds are discovered by chance or "tip-off", and the Council has in place arrangements to enable such information to be properly dealt with.
- 5.4 Employees of the Council are required by its *Contract Standing Orders* and *Financial Regulations* to report all suspected irregularities to Internal Audit either directly or through line management. Reporting is essential to the Anti-Fraud and Corruption policy, as this:
 - a) Ensures the consistent treatment of information regarding fraud and corruption.
 - b) Facilitates proper investigation by an experienced Audit team.
 - c) Ensures proper implementation of a fraud response investigation plan.
- 5.5 The Council takes part in the National Fraud Initiative which is co-ordinated by Internal Audit. Details of the exercise and findings are published on the Council's Intranet and web site.
- 5.6 Depending on the nature and anticipated extent of the allegations, Internal Audit will normally work closely with senior managers of the service concerned and other agencies, such as the Police, to ensure that all allegations and evidence are properly investigated and reported on. The Council has a *Fraud Response Plan* which provides further details on the investigation process including preservation of evidence, sanctions, dealing with the media etc. Similarly there is a separate *Money Laundering policy and guidelines* which should be referred to where necessary.
- 5.7 The Council's *Disciplinary policy and procedures* will be used where the outcome of the audit investigation indicates improper behavior and the Head of Service considers appropriate.
- 5.8 The Council will normally wish the Police to be made aware of and to independently prosecute offenders where financial impropriety or other crime is discovered. Referral to the Police will normally be a matter for the Head of Law and Governance.

6 DETERRENCE

- 6.1 There are a number of ways to deter potential fraudsters from committing or attempting fraudulent or corrupt acts, whether they are inside and/or outside of the Council, and these include :
- Publicising the fact that the Council is firmly set against fraud and corruption and states this at every appropriate opportunity e.g. clause in contracts, statements on benefits claim forms, website, publications etc.
 - Acting robustly and decisively when fraud and corruption are suspected and proven e.g. the termination of contracts, dismissal, prosecution, reporting employee to their professional body etc.
 - Taking action to effect the maximum recoveries for the Council e.g. through agreement, Court action, penalties, under Proceeds of Crime Act etc.
 - Having sound internal control systems, that still allow for innovation, but at the same time minimising the opportunity for fraud and corruption.
 - The operation and advertising of a Benefit Fraud Hotline and formal arrangements for whistleblowing.
 - Publicising instances of fraud/corruption and the resultant disciplinary/prosecution action for cases both within the Council and for other public organisations.

7 AWARENESS AND TRAINING

- 7.1 The Council recognises that the continuing success of its *Anti-Fraud and Corruption policy* and its general credibility will depend largely on the effectiveness of programmed training and responsiveness of elected members and employees throughout the organisation.
- 7.2 To facilitate this, the Council supports the provision of training programmes and circulation of relevant information to ensure that responsibilities and duties in this respect are regularly highlighted and reinforced. This includes the requirement for information to be provided to third parties providing services to and on behalf of the Council.
- 7.3 Specialist training in fraud and corruption issues will also be given to appropriate staff involved in investigation work.
- 7.4 Internal Audit will publicise the Anti-Fraud and Corruption policy on the Intranet with other up to date advice and guidance on current issues and will provide fraud awareness training to staff as and when required.

8 **CONCLUSION**

- 8.1 The Council has in place a clear network of systems and procedures to prevent fraud and corruption. It is determined that these arrangements will keep pace with any future developments in techniques for preventing fraudulent or corrupt activity that may affect its operation.
- 8.2 To this end, the Council maintains a continuous overview of such arrangements and through the Strategic Director – Finance and Efficiencies, it will ensure a regular review of its *Contract Standing Orders*, *Financial Regulations*, *Financial Codes of Practice* and audit arrangements.