



Report of the Head of Democratic Services

Democratic Services Committee - 16 April 2018

Review of Councillors Handbook Section B “Support Services” & Section C “Protocols”

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| Purpose: | To review the Councillors Handbook in order to streamline its content and to move towards a digital only version. |
| Policy Framework: | None. |
| Consultation: | Access to Services, Finance, Legal. |
| Recommendation(s): | It is recommended that: 1) The amended Councillors Handbook be recommended to Council for adoption. |
| Report Author: | Huw Evans |
| Finance Officer: | Ben Smith |
| Legal Officer: | Tracey Meredith |
| Access to Services Officer: | Sherill Hopkins |

1. Introduction

- 1.1 The Councillors Handbook aims to provide relevant information to Councillors / Co-opted Members. A review of Sections A and D of the Councillors Handbook was undertaken by the Democratic Services Committee on 7 November 2017. The recommendations of that Committee were adopted by Council on 14 December 2017.
- 1.2 The reports deals with the remainder of the Councillors Handbook namely Section B “Support Services” & Section C “Protocols”. The Head of Democratic Services has conducted an initial review of these Sections.
- 1.3 The review has seen the deletion of repetitive and defunct elements within the Councillors Handbook. The aim being to simplify the document so that it becomes more user friendly and relevant for Councillor and Co-opted Members alike. It is also intended to turn it into a web based document.

2. Section B “Support Services” of the Councillors Handbook

- 2.1 With the introduction of Councillors Self-Serve and changes to working practice due to modernisation and austerity, much of the content in this area is no longer relevant and has been deleted. **Appendix A** below sets out the newly titled “Councillor and Co-opted Member Support Services”.
- 2.2 It has proven too complicated to produce a tracked changes version of the document due to the large number of deletions and amendments. However, the current Section B “Support Services” may be viewed at www.swansea.gov.uk/cllrshandbook until May 2018.

3. Section C Protocols” of the Councillors Handbook

- 3.1 With the introduction of Councillors Self-Serve and changes to working practice due to modernisation and austerity, much of the content in this area is no longer relevant and has been deleted. **Appendix B** below sets out the newly titled “Councillor & Co-opted Member Protocols”.
- 3.2 It has proven too complicated to produce a tracked changes version of the document due to the large number of deletions and amendments. However, the current Section C “Protocols” may be viewed at www.swansea.gov.uk/cllrshandbook until May 2018.

4. Equality and Engagement Implications

- 4.1 There are no equality or engagement implications associated with this report.

5. Financial Implications

- 5.1 There are no financial implications associated with this report.

6. Legal Implications

- 6.1 There are no specific legal implications associated with this report.

Background Papers: None.

Appendices:

- Appendix A Councillor and Co-opted Member Support Services
Appendix B Councillor & Co-opted Member Protocols

Section B

Councillor and Co-opted Member Support Services

1. Cabinet Office & Democratic Services

- 1.1 The Cabinet Office provides a Personal Assistant role to the Cabinet (Executive) Members.
- 1.2 The Democratic Services (DS) Team provides general administrative support to all non-executive Councillors.

2. Correspondence

- 2.1 As part of the Sustainable Swansea - Fit for the Future programme, Councillors and Co-opted Members have become more self-sufficient. The self-serve agenda has seen Councillors embracing IT, associated software and the Oracle payments system.
- 2.2 Councillors are expected to manage their own e-mails, diary and correspondence. Should they require any support then training can be provided in certain areas by the Training Team.
- 2.3 The Cabinet Office / DS Team can assist with proof reading of documents on request.
- 2.4 The Cabinet Office / DS Team can send out general non-political mailings for Councillors Electoral Ward work. However, Councillors are expected to type their own letters although the Teams can assist with formatting. The Cabinet Office / DS Team will arrange for the letters to be printed via DesignPrint but any folding or postage costs will be taken from the individual's Councillors Community Budget.
- 2.5 The Cabinet Office / DS Team can't deal with correspondence that is political, contains information which could be deemed to be libellous or is of a personal nature.

3. Council Bodies Diary

- 3.1 The Council Bodies Diary may be viewed online at <http://www.swansea.gov.uk/councildiary>
- 3.2 The Cabinet Office will assist with the management of diaries for Cabinet Members. All other Councillors and Co-opted Members are expected to manage their own diaries.

4. Political Group Rooms

4.1 Depending on the size of a Political Group, it is likely to have a room allocated to it. Rooms will be provided with the following items:

- Pigeonhole for your agendas, mail etc. to be left for your collection;
- PC(s);
- Telephone(s);
- Storage facilities (currently 2 filing cabinet drawers per Councillor);
- Office furniture.

5. Identity (ID) Card

5.1 All Councillors are required to wear their ID Card at all times. The Card allows access within the Civic Centre and Guildhall.

5.2 If your ID Card won't allow you access, visit <http://www.swansea.gov.uk/staffnet/replacementflexicard>

5.3 If you lose or misplace your ID Card please inform the Cabinet Office / DS Team immediately. HR will "block" the card to ensure it is not misused by anyone else. A replacement can be ordered at a personal charge to the Councillor (currently £5).

5.4 Temporary passes can be obtained from the DS Team and must be returned prior to exiting the building on the same day.

6. Receipt of Mail / Agendas etc.

6.1 Incoming mail including agendas for Council meetings will be distributed daily and left in pigeonholes provided for each Councillor.

6.2 The Authority currently provides a mail delivery service for all Councillors on a Friday evening; however Councillors are asked to make every effort to collect any agendas / mail directly from their pigeonholes in order to reduce costs.

6.3 A number of Councillors have opted out of the mail delivery service. They have chosen to collect agenda(s) themselves and utilise the Modern.gov app to download electronic versions of the agenda. Agendas are also emailed out directly to all Councillors. The Councillors, Democracy and Elections web pages may be viewed at <https://democracy.swansea.gov.uk/>

6.4 **If you wish to Opt Out of the Mail Delivery Service, please inform the Cabinet Office / DS Team.**

7. e-mailing & Postage

- 7.1 Councillors are advised to use electronic correspondence wherever possible. The Authority can send mail on behalf of a Councillors; however for bulk mail the cost will be deducted from their Councillors Community Budget.
- 7.2 The Cabinet Office / DS Team will not print out all e-mails for a Councillor. However training can be arranged so that the Councillor is taught how to do so.

8. Councillors Microsite (SharePoint)

- 8.1 A dedicated Councillors “micro-site” online tool is available to display useful information for Councillors. [Micro Site Login](#).

9 Administrative Support

- 9.1 Both Teams will answer general telephone queries from members of the public, and signpost where necessary to the relevant Councillor or, provide Assembly Member / Member of Parliament etc. contact details.
- 9.2 Both teams will act as a central contact point for Councillors for their general enquiries for Departments and provide information regarding Officer contacts within Service Departments.

10. Photocopying, Fax & Scanning Service

- 10.1 Multi-Functional Devices (MFD's) are available in key locations throughout the Authority. All Councillors will be provided with a printer account which may be accessed via a Councillor ID card. Please note that personal printing is not permitted.
- 10.2 The MFD's also include a scanning facility which allows documents to be scanned and sent via e-mail.

11. ICT Support

- 11.1 There are two ways to contact the ICT Service Desk

01792 63 6900 or ict.servicedesk@swansea.gov.uk

12. Training

- 12.1 The Authority will arrange or inform Councillors of training opportunities which will include Courses, Seminars, Conferences, Induction Training for all Councillors and Other training subject to resources / budgetary availability.

13. Electoral Ward Surgery Support

- 13.1 The Authority will pay a reasonable charge for surgery hire, following prior agreement from the Head of Democratic Services.
- 13.2 Invoices for surgeries should then be forwarded to the DS Team on a monthly or quarterly basis and by the end of March of the relevant financial year for processing.
- 13.3 Surgery Posters can be printed indicating surgery details for distribution within the electoral ward.

14. Web Pages

- 14.1 Councillors are advised to take advantage of the “About You” section on the Council’s website as it allows an opportunity for you to highlight your interests etc. Information may be found at www.swansea.gov.uk/councillors

15 Councillor Meeting Room

- 15.1 A Councillor Meeting Room is located in Room 235, Guildhall. The room will accommodate 12-14 people around a table.
- 15.2 Bookings will be allocated on a “first come first served” basis and meeting slots shall be restricted to 2 hours. Block bookings shall not be permitted unless it is for a purpose such as a regular Political Group Meeting. The Head of Democratic Services shall operate a reasonable use protocol for the room.
- 15.3 Bookings are to be made by contacting the Democratic Services (DS) Team on 01792 63 6923 or e-mail democracy@swansea.gov.uk

16. Further Information Contact List

| Title | Tel: |
|---|---------------|
| Cabinet Office | 01792 63 6141 |
| Democratic Services (DS) Team | 01792 63 6923 |
| Head of Democratic Services | 01792 63 5757 |
| Chief Executive | 01792 63 7501 |
| Section 151 Officer | 01792 63 6423 |
| Monitoring Officer / Head of Legal, Democratic Services and Business Intelligence | 01792 63 6699 |
| IT Service Desk | 01792 63 6900 |

Section C

Councillor & Co-opted Member Protocols

Contents

- 1) Lord Mayor and Deputy Lord Mayor Protocol
- 2) How Councillors and Officers Deal with Planning Applications
- 3) Title of Lord Mayor or Deputy Lord Mayor in Councillors Correspondence
- 4) Access to Political Group Rooms and Other Councillor Areas by Members of the Public
- 5) Councillors Correspondence
- 6) Response to Councillor Correspondence Protocol

Lord Mayor and Deputy Lord Mayor Protocol

This Protocol is not shown within this report as it was recently amended by Council on 20 April 2017. The Protocol will appear in the online version of the Councillors Handbook.

How Councillors and Officers Deal with Planning Applications

1. Introduction

- 1.1 The planning system involves taking decisions about the development and use of land in the wider public interest, in accordance with the provisions of the Development Plan, unless there are overriding material planning considerations which indicate otherwise.

2. Role of Councillors

- 2.1 Councillors determine the Council's Planning Policy. They must abide by the provisions of the Code of Conduct during the development plan process. It is essential that they exercise their own responsibility to declare any personal interests such as land ownership or business interests which may be affected when plans are in preparation.
- 2.2 When Planning Committee Members come to make a decision on a planning application they will:
- a. Act fairly and openly;
 - b. Approach each application with an open mind;
 - c. Carefully weigh up all relevant issues;
 - d. Determine each application on its own merits;
 - e. Avoid undue contact with interested parties;
 - f. Ensure that the reasons for their decisions are clearly stated.
- 2.3 Non-Planning Committee Members are not bound by rules of pre-determination and are generally free to:
- a. Discuss any planning application with an applicant and/or lobby group;
 - b. Attend any meeting arranged by an applicant and/or lobby group;
 - c. Attend and speak at a Community / Town Council meeting;
 - d. Relay relevant information about an application to the planning officer;
 - e. Seek information from the planning officer.
- 2.4 They must at all times abide by the Member Code of Conduct and cannot improperly influence planning officers.

3. Role of Officers

- 3.1 The officers' function is to advise and assist Councillors in matters of Planning Policy and in their determination of planning applications by:
- a. Providing impartial and professional advice;
 - b. Making sure that all information necessary for the decision to be made is given;
 - c. Providing a clear and accurate analysis of the issues;
 - d. Assessing the application against the Council's Development Plan policies and all other material considerations;

- e. Giving a clear recommendation;
- f. Carrying out the decisions of Councillors in Committee or Council.

4. Lobbying

- 4.1 It is quite common for applicants or other interested parties to wish to discuss a proposed development with Councillors before a planning application is determined.
- 4.2 This can help Councillors' understanding of the issues and concerns associated with an application. However, to avoid compromising their position before they have received all the relevant information, Planning Committee Members will:
 - a. Avoid as far as possible meeting an applicant or potential applicant alone;
 - b. Avoid making it known whether they support or oppose the proposal;
 - c. Restrict their response to giving Procedure advice;
 - d. Not pressurise officers to make a particular recommendation in their report;
 - e. Direct lobbyists or objectors to planning officers who will include reference to their opinions where relevant in their report;
 - f. Advise the Head of Planning & City Regeneration or the Cabinet Member of the existence of any lobbying.
- 4.3 Where a Councillor feels that his/her impartiality has been compromised he/she will need to decide whether to declare a personal interest and withdraw from the decision making process.
- 4.4 Membership of a Community / Town Council which has expressed a view on an application does not by itself give rise to a conflict provided that the Member retains an open mind. The Council's Monitoring Officer will give advice on whether an interest should be declared in cases of doubt.

5. Discussions with potential applicants

- 5.1 Pre-application meetings with potential applicants are encouraged, but to avoid them being misunderstood they will normally be at officer level and:
 - a. Where they involve Planning Committee Members they will be at a forum prescribed for the purpose;
 - b. Potentially contentious meetings will be attended by at least two officers including the Head of Planning & City Regeneration or his representative;
 - c. A note of the discussion will be taken and placed on file and made available for public inspection at the appropriate time;
 - d. It will be made clear at such meetings that only personal and provisional views based upon the Development Plan can be given and no decisions can be made which would bind or otherwise compromise the Planning Committee or Council.

6. Decisions contrary to officer recommendation

- 6.1 From time to time Members of the Planning Committees or Council will disagree with the professional advice given by the Head of Planning & City Regeneration.
- 6.2 In such cases the reasons for rejecting an Officer's recommendation will be clearly stated and recorded in the minutes of the meeting. Where an appeal arises against such a decision, Officers will give support to the relevant members in preparing evidence for the appeal.

7. Site Visits

- 7.1 Site visits can be useful to identify features of a proposal which may be difficult to convey in a written report, but site visits do delay the decision on an application.
- 7.2 When appropriate, however, they will be normally requested by a ward member at the time of calling an application to Committee; or
- 7.3 Be authorised by the relevant Committee or by the of Planning & City Regeneration, or his representative, in consultation with the Chair of the relevant Committee;
- 7.4 Normally, the site visits will be held between the publication of the Committee Agenda and the Committee meeting.

8. Planning Applications by Councillors or Officers of the Council

- 8.1 When an application is submitted by anyone involved in the planning process, the Member or officer will:
 - a. Inform both the Head of Planning & City Regeneration and the Council's Monitoring Officer;
 - b. Take no part in processing or determining the application.
- 8.2 The Head of Planning & City Regeneration will ensure that all such applications are determined at the Committee meeting and not under delegated powers.

9. Planning applications by the Council

- 9.1 The Council itself requires planning permission to carry out or authorise development on land it owns. These applications will be treated in the same way as those from private applicants.

10. Complaints

- 10.1 Any issues or concerns arising from the Code of Practice can be raised with the relevant Cabinet Member with responsibility for Planning, the Corporate Director (Place), or the Head of Planning & City Regeneration.
- 10.2 The Council also have a formal complaints system in operation which can be used if necessary and accessed via the following link:
<http://www.swansea.gov.uk/article/7326/Corporate-complaints-procedure>
- 10.3 The Council's Complaints Team can be contacted on 01792 63 7345.
- 10.4 Issues of maladministration can be referred to the Public Services Ombudsman for Wales who can be contacted at:
- 1 Ffordd yr Hen Gae, Pencoed, CF35 5LJ
 - 0300 790 0203
 - ask@ombudsman-wales.org.uk
 - www.ombudsman-wales.org.uk

Planning Applications

Having your say at Swansea Council's Planning Committee

Listening to the people's views is an important part of City & County of Swansea Council's work. The Planning Committee welcome statements and petitions from local people about planning applications that affect them.

The Planning Committee decide the larger, complex or more controversial planning applications in the City.

The Committee meetings usually take place on Tuesdays at 2.00pm (but please check beforehand as occasionally times will vary) in the Council Chamber, Guildhall, Swansea, SA1 4PE and are open to the public.

The public have a right to attend the meeting and may make a statement to the Committee (subject to advance notice being given) if they so wish.

- **Who can speak**
- **Registering your request to speak**
- **What you can say to the Committee**
- **What happens at the meeting**

Who Can Speak

If you wish to speak directly to the Planning Committee you should be:

- Someone who lives in Swansea and/or
- Someone who has a genuine interest in expressing a view on development control matters for example someone who:
 - (i) Is an applicant (or applicant's agent) for planning permission
 - (ii) Is an individual objector/supporter of a planning application
 - (iii) Represents a group of objectors/supporters of a planning application.

Registering your request to speak

If you are thinking of speaking, please contact us as soon as possible. You can write, email or fax us and you **must**:

- Send your request to speak by **no later than 12.00 noon on the working day before the meeting, clearly indicating the item number or application number on which you wish to speak.**
- Give your name and address which will be publicly available unless there are particular reasons for confidentiality.

Contact details can be found at the end of this leaflet.

What can I say to the Committee?

Under planning law, we can only take into account comments on planning issues. For example, these include loss of light or privacy, highway safety, traffic and parking issues, noise, amenity, pollution, conservation, wildlife, design and appearance of the development.

Issues which cannot be taking into account include loss of view, effect

What happens at the meeting? (continued)

The Chair will then ask the Planning Officer to introduce the application and respond to any points raised. The Committee will then discuss the application and make a decision.

At the meeting you should not interrupt another speaker or the Committee debate.

on property values, private rights, covenants and construction noise and boundary disputes.

Swansea Council has also to take into account Welsh Assembly Government policies and guidance, together with its own planning policies and you may wish to refer to these as well.

You should not make statements that are personal, slanderous or abusive.

Keep your address short.

What happens at the meeting?

Statements are heard prior to the relevant item.

Immediately before the item is to be considered, the Chair will call you to speak to the Committee.

However, the Council Constitution provides for a total time of ten minutes for representations (a maximum of 5 minutes each for objectors and applicants and supporters). So if there is more than one person wishing to address the Committee, either as an objector or applicant or supporter, you are advised to discuss the presentation before hand, perhaps nominating one person to make the statement, to ensure that the five minute limit is not exceeded.

The Committee Chair always has discretion as to whether or not a person speaks and has discretion to allow longer speaking times if appropriate.

Late requests to speak will not normally be accepted, although, in exceptional circumstances, they may be taken with the specific agreement of the Chair and Committee.

Should objectors/applicants wish to submit photographs/images for display at Committee, this has to be done by Noon the previous working day.

Any materials/literature objectors/applicants may wish to distribute to Councillors, they must do this themselves.

If a matter is deferred/withdrawn/deferred for site visit you will not be able to speak until it comes back to Committee.

After the meeting

A letter will be sent to you notifying you of the decision made on that application.

Contact details

If you wish to make a statement or present a petition, please address it to:

Democratic Services - Tel: 01792 636923

and send it either

By post: Democratic Services, Swansea Council, Room 216 Guildhall, Swansea, SA1 4PE

By email: democracy@swansea.gov.uk

If you have any questions about the procedures above or would like a copy of the full scheme please contact the Democratic Services Team.

Translation/Special Requirements

If you would like this information in a different format, for example in Welsh, large print, computer disc or community languages, please contact: Planning Services, City & County of Swansea, Oystermouth Road, Swansea, SA1 3SN.

Title of Lord Mayor or Deputy Lord Mayor in Councillors Correspondence

1. Introduction

- 1.1 This protocol provides Councillors with guidance on the Use of the Title Lord Mayor or Deputy Lord Mayor in Councillors Correspondence. A breach of this protocol is deemed a breach of the Members Code of Conduct. As such should a breach occur then it should be reported to the Public Services Ombudsman for Wales.

2. Personal Motto and / or Civic Crest

- 2.1 The use of a Personal Motto or an attempt to use or amend the Civic Crest by the Lord Mayor, Deputy Lord Mayor or any Councillor in correspondence shall not be allowed.

3 Use of the Title Lord Mayor or Deputy Lord Mayor

- 3.1 The use of the Title Lord Mayor or Deputy Lord Mayor in personal correspondence shall not be allowed.

Access to Political Group Rooms and Other Councillor Areas by Members of the Public

1. Introduction

- 1.1 This protocol provides Councillors with guidance on access to Political Group Rooms and other Councillor areas by members of the public. A breach of this protocol is deemed a breach of the Members Code of Conduct. As such should a breach occur then it should be reported to the Public Services Ombudsman for Wales.
- 1.2 Whilst access to rooms is outlined below, Members of the public should not be allowed to use the Council's ICT equipment or any other facility prohibited by other Council protocols. Use of Council telephones in Councillor Areas may be allowed but only with the prior consent of the Councillor. Such use must be modest, necessary and appropriate.

2. Access to the Political Group Rooms & Other Councillor Rooms by Members of the Public

- 2.1 Political Group Leaders / Deputy Group Leaders shall have the responsibility for deciding whether or not members of the public should be allowed to remain unattended in their Political Group Rooms.
- 2.2 Political Group Leaders / Deputy Group Leaders are advised to consider whether or not the member of the public has a legitimate reason for being invited in the Political Group Room.
- 2.3 The relevant Political Group Leader / Deputy Group Leader shall have the responsibility of policing their own Political Group Rooms.

Councillors Correspondence

1. Introduction

- 1.1 This protocol provides Councillors with guidance on Use of Political Party / Political Group Logo, Personal Imagery and/or Colour in Councillors Correspondence.
- 1.2 Councillors must not use Council facilities and resources including letterheads and other correspondence to promote their Political Group / Political Party purposes.
- 1.3 A breach of this protocol is deemed a breach of the Members Code of Conduct. Any such breach may be reported to the Public Services Ombudsman for Wales.

2. Councillors Political Party / Political Group Names / Colours / Logos and / or Personal Imagery

- 2.1 The Council shall not print or allow its equipment / facilities to be used to print (or publish) correspondence for Councillors containing their Political Party / Political Group Names / Colours / Logos and / or Personal imagery.

3. Councillors Surgery Posters

- 3.1 Councillors Surgery Posters printed by the Council shall be allowed providing they are either printed using the corporate colours or in black and white.
- 3.2 A colour image of the Councillor shall be allowed for Councillor Surgery Posters; however the Political Group / Party Name / Logo shall not be permitted.

Response to Councillor Correspondence Protocol

1. Introduction

- 1.1 The “Customer Service - Guidelines for Staff” booklet outlines the Customer Request Response Guidelines. These guidelines do not differentiate between members of the public and Councillors. This Protocol makes a differentiation between Councillors and the public.

2. Service Requests

- 2.1 On occasion it is likely that a Councillor will approach an Officer directly in order to request a service (e.g. reporting a faulty street light, requesting an appointment etc.). In such occasions this Protocol does not apply. The Officer will simply pass the Service Request to the relevant section and they will be dealt with in the normal way.

3. Councillor Request Response Guidelines

- 3.1 All requests, where possible (and unless legislation allows otherwise e.g. FOIA gives 20 working days), shall be responded to within 5 clear working days of receipt.
- 3.2 If the response can be produced within 5 clear working days, no acknowledgement of receipt of the request is necessary.
- 3.3 Where this is not possible (e.g. due to complexity), an acknowledgment shall be sent within the 5 clear working days. The acknowledgment can be by written letter or e-mail and must contain the reason for the delay and a realistic timescale as to when the response will be made.
- 3.4 These guidelines apply equally to all forms of correspondence (written or verbal) including those received in the Welsh Language.