

To: Chair and Members of Standards
Committee

Date: 14 July 2022

Direct Dial: 01824 712589

e-mail: democratic@denbighshire.gov.uk

Dear Member of the Committee,

You are invited to attend a meeting of the **STANDARDS COMMITTEE** to be held at **10.00 am** on **FRIDAY, 22 JULY 2022** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND BY VIDEO CONFERENCE.**

Yours sincerely

G. Williams
Head of Legal, HR and Democratic Services

AGENDA

PART 1: THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 DECLARATION OF INTERESTS (Pages 5 - 6)

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 APPOINTMENT OF CHAIR

4 APPOINTMENT OF VICE-CHAIR

5 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

6 MINUTES OF THE LAST MEETING (Pages 7 - 12)

To receive the minutes of the Standards Committee meeting held on 4th March 2022 (copy enclosed).

7 PUBLIC SERVICES OMBUDSMAN FOR WALES - 'OUR FINDINGS'

(Pages 13 - 16)

To consider a report from the Monitoring Officer (copy enclosed) on the published 'Our Findings' page on the Public Services Ombudsman for Wales website.

8 ETHICS AND STANDARDS TRAINING (Pages 17 - 110)

To consider a report by the Monitoring Officer (copy attached) regarding the materials being used in the training of elected members of relevant authorities following the local government elections in May 2022.

9 WELSH GOVERNMENT GUIDANCE - DUTY OF GROUP LEADERS TO PROMOTE ETHICAL BEHAVIOUR (Pages 111 - 114)

To receive a report from the Monitoring Officer (copy attached) on the draft Welsh Government guidance and to seek their views on proposals to support group leaders in the discharge of this duty.

10 NATIONAL STANDARDS FORUM (Pages 115 - 118)

To consider a report from the Monitoring Officer (copy attached) on the creation of a National Standards Forum and notes the progress made thus far.

11 ATTENDANCE AT MEETINGS

To note the attendance by members of the Standards Committee at County, Town and Community Council and to receive their reports.

12 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

To consider the Standards Committee Forward Work Programme (copy attached).

13 DATE OF NEXT MEETING

The next meeting of the Standards Committee is scheduled for the 16 September 2022.

PART 2: CONFIDENTIAL ITEMS

It is recommended in accordance with Section 100A(4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that exempt information (as defined in paragraph 12 and 13 of Part 4 of Schedule 12A of the Act) would be disclosed.

14 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000 (Pages 119 - 126)

To consider a confidential report by the Monitoring Officer (copy enclosed) providing an overview of complaints against members lodged with the Public Services Ombudsman for Wales.

MEMBERSHIP

Independent Members:

Julia Hughes, Anne Mellor and Peter Lamb

Town/Community Council Member

Gordon Hughes

County Councillors

Councillor Bobby Feeley

Councillor Hugh Irving

COPIES TO:

All Councillors for information

Press and Libraries

Town and Community Councils

This page is intentionally left blank

LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of
*(*please delete as appropriate)*

Denbighshire County Council

CONFIRM that I have declared a ***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-
*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

This page is intentionally left blank

Public Document Pack Agenda Item 6

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in tbc on Friday, 4 March 2022 at 10.00 am.

PRESENT

Julia Hughes (Vice-Chair), Peter Lamb and Anne Mellor together with Councillor Gordon Hughes.

ALSO PRESENT

Monitoring officer (GW), Committee Administrators (SW Host) (RTJ).

1 APOLOGIES

Apologies for the absence were received from the independent member of the Standard Committee, Ian Trigger.

In his absence, Vice-Chair Julia Hughes would chair the meeting. Julia opened the meeting by informing the committee that the meeting would have been the acting chair's last meeting; he had served the committee for ten years. The committee wanted to extend their thanks to Ian Trigger for his service to the committee.

2 DECLARATION OF INTERESTS

No declarations of interests were raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised with the Vice-Chair prior to the meeting.

4 MINUTES OF THE LAST MEETING

The minutes of the Standards Committee meeting held on 3 December 2021 were presented for consideration.

Matters Arising –

- The committee suggested that the pre-briefing should be renamed to include /training to make it more transparent why the sessions were held.
- The committee stated that before the next standards committee, reminder emails should be sent to ensure that as many standards committee members could attend.
- The Standards Committee Terms of Reference were raised, and whether they had been discussed at the Governance and Audit Committee. The Monitoring officer (MO) informed the committee that the matter had not been presented to the Governance and Audit Committee; however, it would be discussed at the March meeting.

RESOLVED that the minutes of the Standards Committee meeting held on 3 December 2021 be confirmed as a correct record.

5 ATTENDANCE AT MEETINGS

The Vice-chair invited members to update the committee on any attendance at meetings.

The Committee members who were present at the meeting had nothing to share.

It was a shared consensus amongst the members due to the close proximity to the pre-election period that they postpone any attendance at meetings until the next council was elected.

RESOLVED that the above observations and discussion be noted.

6 ETHICS AND STANDARDS TRAINING

The Monitoring Officer (MO) introduced the Ethics and Standards Training report (previously circulated); the report detailed the arrangements that would be made for the training of new and returning members after the Local Government Elections in May 2022 (the Elections) in respect of the Code of Conduct.

The MO stated that one of the roles of the Standards Committee was to advise and arrange training for Councillors and co-opted members on the Code of Conduct. The Elections would be taking place on 5th May 2022, and it would be necessary for every person who was elected to sign an undertaking to abide by the Code of Conduct. Therefore it was vital that elected members would receive training as soon as possible following the election.

It was proposed that a Code of Conduct workshop would be held for County Councillors in the first week after the Elections. A programme of events would be provided for members of the City, Town and Community Councils.

The MO informed the committee that following the elections in May 2017, the Welsh Local Government Association (WLGA) produced a standard set of training materials for use by all councils. There were intentions for a similar process will be followed this year, and the WLGA is currently preparing, in consultation with Monitoring Officers, a standard set of training materials for use following the Election. However, the material had not been finalised for release.

The MO highlighted that the Chief Executive has, as part of his vision for the Council, established five principles that, together with the Council's values, will underpin the type of organisational culture that he wants to develop there were –

- Continue to develop our own culture, the Denbighshire Way
- Be a Council closer to our communities
- Have clear performance expectations
- Promote strong Officer/Member relations

- Support and develop our staff

The training that was provided to members following the elections would also cover these principles and values and would incorporate reference to the Council's Protocol on Member/Officer Relations.

The following points were discussed further –

- Members queried whether there would be any cost implications for training for town and community councils, and the MO stated that there were never charges applied previously.
- The timescale of the training was raised and whether the MO knew how long the training would take. The MO responded that there was not a detailed breakdown of timescales. However, the training would be carried out soon following the election.
- Social media training was highlighted and whether any training would be carried out. The MO informed the committee that there was an e-module course on social media available, as well as WLGA training material.
- Monitoring of training was raised, and whether there were any logs of attendance at training were kept to ensure that members received the training which was required. The MO clarified that attendance logs for training were kept for training.

RESOLVED that the Standards Committee note the report.

7 STANDARDS CONFERENCE 2022

The report aimed to inform the committee of the contents of the Standards Conference (SC), which was held on the 9th February 2022.

The MO clarified to the members of the committee that the SC was usually held annually; however, due to the pandemic and the restrictions, it was not possible to have the SC. To re-establish the conference, it was agreed that a remote conference would be held, organised by the North Wales local authorities. The conference was held via Zoom on 9th February 2022. The conference's theme was the Independent Review of the Ethical Framework in Wales, commissioned by the Welsh Government (WG) and conducted by Richard Penn.

The MO informed the committee that over 100 delegates from across Wales attended the SC, which was chaired by Julia Hughes in her capacity as Chair of Flintshire County Council's Standards Committee.

A representative from WG, Lisa James, Deputy Director of Local Government Democracy, presented to the conference in respect of the potential changes to the ethical framework that may be considered as a result of the review by Richard Penn. Alongside the presentation from Lisa James, there were presentations from the Public Services Ombudsman for Wales, Nick Bennett, Paul Egan of One Voice Wales, and Einir Young, Chair of Gwynedd County Council's Standards Committee. They all gave their reflections on the review.

The MO stated that the overall conclusion of the conference was that the review of the framework had been welcome, as had the finding that a significant overhaul of the framework was not required. Delegates expressed their gratitude that the framework had been maintained in Wales and their wish that it should continue with some minor amendments. While there was overwhelming support for the principle of local resolution, particularly in response to the large number of complaints emanating from town and community councils, there were some concerns expressed about the resources required for monitoring officers to be able to deal with the volume of complaints if they were expected to try and resolve all such complaints.

The acting chair Julia Hughes who chaired the SC, agreed with the MO that the SC was beneficial to all who attended.

The committee discussed the following in further detail -

- Shared good practice was raised by the committee and whether good practices could be shared amongst all Councils across Wales. The MO clarified that there was a consensus among delegates that the current good practice identified in the form of the North and Mid Wales Standards Forum should be extended to become an All Wales Standards Forum.
- The committee queried the Democracy handbook, and whether it could be brought to a future meeting to allow it to be discussed by the committee, the MO stated the handbook was currently in draft format and could be brought to a future meeting once it was available.
- The Penn Review was queried and whether elected members were asked to contribute to the review. The MO responded that they were not included in the review, which was an oversight; however, the matter was being looked into.
- The recording of meetings was raised, and members queried how long the recordings (webcasts) were available. The MO stated that the recordings of meetings were available on the website for six months following the meeting.

RESOLVED that members note the report regarding the Standards Conference.

8 PROCESS FOR RECRUITING INDEPENDENT MEMBERS OF STANDARDS COMMITTEE

The Monitoring officer (MO) introduced the Process for Recruiting Independent Members of Standards Committee report (previously circulated). The report aimed to inform the Committee of the requirement to recruit independent members of the Standards Committee and the process by which this must be done

The Standards Committees (Wales) Regulations 2001 set out provisions regarding the size and composition of standards committees. Standards committees must have no less than five members and no more than nine.

The Chair of the Committee, an independent member, was approaching the end of his second term of office, which was due to expire in May 2022. It would therefore be necessary for the Council to set in motion a recruitment process for an

independent member. The Regulations require that the vacancy be advertised in at least two newspapers circulating in the area. The Council must establish a panel of no more than five people, including at least one community councillor and one lay member.

The MO stated that in previous recruitment exercises Council has been asked to nominate three county councillors to sit on the panel in addition to the lay member and community councillor. The Panel would interview applicants and make a recommendation to Council. The council would be asked to appoint the recommended candidate.

The Community Council representative on the Committee was appointed for a first term in February 2018. A Community Council representative's term of office must end at the local government election following their appointment. A Community Council representative could serve a second term if they remain a city, town or community councillor. Before a community council representative may be reappointed, it was a requirement that the Council consults city, town and community councils in its area. This was a process that could be considered following the local government elections.

The current Community Council representative Gordon Hughes, informed the committee and the MO whether he was to be re-elected as a town councillor; he would still like to be a member of the committee.

RESOLVED that the Standards Committee notes the contents of the report.

9 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

The Monitoring Officer (MO) introduced the Standards Committee Forward Work Programme (previously circulated).

- June 2022 – Code of Conduct of employees.
- June 2022 – The democracy handbook could be brought to the June meeting, however, the MO stated that this could be delayed until September 2022.
- September 2022 – review of the training and uptake for newly elected members.

RESOLVED that subject to the above, the Standards Committee's forward work programme be approved.

10 DATE OF NEXT MEETING

The date of the next Standards Committee meeting was confirmed for Friday 17th June at 10:00am.

11 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

The Monitoring Officer (MO) presented the confidential report (previously circulated) to provide Members with an overview of complaints lodged with the Public Services Ombudsman for Wales since 1st January 2018.

The MO reported on the ongoing complaints submitted, giving outline details of the nature of the complaints made and the actions taken by the Public Services Ombudsman for Wales.

RESOLVED that the Standards Committee notes the contents of the report.

Report to	Standards Committee
Date of meeting	22 nd July 2022
Lead Member / Officer	Gary Williams, Monitoring Officer
Report author	Gary Williams, Monitoring Officer
Title	Public Services Ombudsman For Wales – ‘Our Findings’

1. What is the report about?

- 1.1. The introduction of ‘Our Findings’ on the Public Services Ombudsman for Wales (the Ombudsman) website

2. What is the reason for making this report?

- 2.1. To inform members of the ‘Our Findings’ section of the Ombudsman’s website which replaces the previous Code of Conduct Casebook.

3. What are the Recommendations?

- 3.1. That the Committee notes the content of this report.

4. Report details

- 4.1. Members of the Committee will recall that the Ombudsman has previously published a ‘Code of Conduct Casebook’ (the Casebook) on a quarterly basis which set out a short summary of matters which had been investigated by the Ombudsman and the outcome that had resulted from that investigation.
- 4.2. The Casebook was regarded as a useful tool in giving elected members, the public, and standards committees an insight into the types of complaints that were being investigated and the results of those investigations.

- 4.3. The Ombudsman has now ceased to publish the Casebook and has instead created an 'Our Findings' section on her website which can be accessed via the following link: <http://ombudsman.wales/findings/>
- 4.4. The 'Our Findings' section contains a search facility whereby details of cases considered by the Ombudsman can be searched for by topic, by authority, by outcome, by date, and by case reference number. The section covers all matters investigated by the Ombudsman and not just Conduct matters.
- 4.5. This report covers the period from 1st April 2021 to 30th June 2022. The 'Our Findings' section of the Ombudsman's website contains a summary of 31 cases that have been investigated by the Ombudsman, broken down by subject matter as follows:

Integrity	12
Equality and respect	12
Disclosure and registration of interests	3
Duty to uphold the law	3
Selflessness and Stewardship	1

- 4.6. The outcomes can be categorised as follows:

No evidence of breach	10
Investigation discontinued	5
No action necessary	6
Referral to a Standards Committee	7
Referral to Adjudication Panel for Wales	3

- 4.7. Only one of these cases related to a council in Denbighshire. This case involved the posting of an image from a CCTV camera on the Facebook page of the Bodelyyddan Town Council from which it may have been possible to identify an individual young person. The Town Council referred the matter to the

Ombudsman's office and it was investigated. The Ombudsman found that the member may have breached paragraphs 5(a) and 6(1)(a) of the Code of Conduct. However, as the Town Council had not provided training on the use of its social media, or CCTV system, and, given that the Councillor had apologised and removed the image swiftly when requested to do so, the Ombudsman considered that no further action was necessary.

4.8. The cases that were referred to the Adjudication Panel for Wales (the Panel) are recorded as three matters but they in fact relate to two substantive complaints.

4.9. The first of these related to a member of a community council who had failed to disclose a criminal conviction when standing for election in 2018. The conviction would have disqualified the member from being able to stand. The member had therefore been a member for one year and eight months on a false premise. The member resigned but the Panel decided that he should be disqualified from holding office or standing for election for a period of 24 months.

4.10. The second matter referred to the Panel related to a member who was a member of both a town council and a county council. The member had over a period of several months posted information on social media about the complainant which he knew to be incorrect, some of which was provided to the member in confidence as a councillor. The member also approached the complainant in the street resulting in an altercation that became a police incident. The Panel found that the member had breached paragraphs 6(1)(d), 6(2) and 7(a) of the Code of Conduct and imposed a suspension for 9 months. The Panel found that, while the member had breached paragraphs 4(b), 6(1)(a) and 7(a), any restriction or sanction imposed would be a potential restriction on the member's Article 10 right to Freedom of Speech and therefore no restriction was imposed in respect of this aspect of the matter.

5. How does the decision contribute to the Corporate Priorities?

5.1. The report has no direct impact on corporate priorities.

6. What will it cost and how will it affect other services?

6.1. There are no costs associated with this report.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1. An assessment is not required for this report.

8. What consultations have been carried out with Scrutiny and others?

8.1. There have been no consultations in respect of this report.

9. Chief Finance Officer Statement

9.1. As stated in 6.1, there is no direct financial impact to this report.

10. What risks are there and is there anything we can do to reduce them?

10.1. There are no risks associated with this report.

11. Power to make the decision

11.1. No decision is required.

Report to	Standards Committee
Date of meeting	22 nd July 2022
Lead Member / Officer	Gary Williams, Monitoring Officer
Report author	Gary Williams, Monitoring Officer
Title	Training on Ethics and Standards

1. What is the report about?

1.1. The materials being used in the training of elected members on ethics and standards.

2. What is the reason for making this report?

2.1. To inform the Committee of the materials being used in the training of elected members of relevant authorities following the local government elections in May 2022.

3. What are the Recommendations?

3.1. That the Committee considers the materials being used in the training of elected members on ethics and standards.

4. Report details

4.1. One of the functions of this Committee is to oversee the arrangements for the training of elected members on the provisions of the Code of Conduct. The Committee received a report in March of this year on the general approach to this training but at that time the materials to be used were not yet available.

4.2. The WLGA have produced a common set of training materials for use in the provision of training in respect of the Code of Conduct. These materials are attached as Appendices 1 and 2

- 4.3. In addition, the Monitoring Officer has produced locally a presentation for County Councillors on the Council's Protocol on Member Officer Relations, a copy of which is attached as Appendix 3
- 4.4. There were three separate training sessions conducted in the first week after the local government elections for members of the County Council as well as three separate sessions on the Protocol on Member Officer Relations. Not all councillors have attended these sessions and there will be further sessions arranged in September. The Monitoring officer has also committed to attending meetings of the political groups to answer any queries that they may have on the application of the Code of Conduct.
- 4.5. The Monitoring Officer and Deputy Monitoring Officer have also conducted two sessions in July for City, Town and Community Councillors, with further sessions to be held in September. There will also be a separate session for Clerks.

5. How does the decision contribute to the Corporate Priorities?

- 5.1. The report has no direct impact upon the Corporate Priorities, however, high standards of conduct are a key component of effective local government.

6. What will it cost and how will it affect other services?

- 6.1. There are no significant costs associated with the provision of this training and any costs will be met from existing budgets.

7. What are the main conclusions of the Well-being Impact Assessment?

- 7.1. No assessment is required for this report.

8. What consultations have been carried out with Scrutiny and others?

- 8.1. There have been no consultations in respect of this report.

9. Chief Finance Officer Statement

9.1. As stated in 6.1, there will not be no substantial change to the net cost requirement for this service and will be met from existing budget allocations. There are therefore no direct financial implications.

10. What risks are there and is there anything we can do to reduce them?

10.1. There are no risks associated with this report. The provision of training will assist members to follow the provisions of the Code of Conduct and help mitigate the risk of poor conduct.

11. Power to make the decision

11.1. s54 Local Government Act 2000

This page is intentionally left blank



Cymdeithas Llywodraeth Leol Cymru
Welsh Local Government Association

Member Induction: Wales 2022

Ethics and Standards

Dyddiad/Date

www.wlga.wales @WelshLGA

Learning Objectives



At the end of this session, members should:-

Understand the importance of the ethical framework and the requirement upon them to work within

it according to the Code of Conduct

Understand how to act within the code particularly in relation to declaring interests.

Understand what will happen if the code is breached

Know where to go for advice and information

Ethical Governance



Effective local government requires high standards of conduct to ensure that there is public confidence in everything we do.

Page 23

As elected representatives you are expected to behave and conduct yourself in certain ways, regardless of individual background or politics.

Why is it important? We want to avoid...



West Lancashire Labour councillor suspended over Sir Keir Starmer tweet



Labour Leicester councillor suspended in anti-Semitism

© 23 November 2021



GOOGLE

A Labour spokesman said the party "takes all complaints of anti-Semitism extremely seriously and they are fully investigated"

A Labour councillor has been suspended from the party pending an investigation into anti-Semitism allegations.

Jacky Hangreave, who represents Westcotes ward at Leicester City Council, was suspended over accusations about posts on her social media pages.

Tory councillor in Worthing suspended over alleged support of far right

Party is investigating Tim Wills over claims he supports Patriotic Alternative, which promotes 'white genocide' theories



The antiracist campaign group Hope Conservative party. Photograph: Facebook. The Conservative party has suspended allegations that he has been a s

Tim Wills, a borough councillor been a supporter of Patriotic AI seeks the removal of ethnic mi In discussions on a PA channel

Councillor suspended following posts supporting Putin's invasion

Angus Williams

Published: 6:00 AM February 26, 2022 Updated: 11:07 AM February 26, 2022



Shayne Pooley, Ipswich borough councillor for the Gainsborough Ward, the Conservative party following posts supporting Putin's invasion of Ukraine on his social media pages. IMAGES/IPSWICH BOROUGH COUNCIL

An Ipswich councillor has been suspended while an investigation is carried out into social media posts apparently backing Vladimir Putin's invasion of Ukraine posted on his account.

Shayne Pooley, a councillor for Gainsborough ward, has been suspended from the Conservative party while an investigation is carried out, a Tory spokesman confirmed. He will continue to sit as a councillor.



Solihull councillor suspended by Tory party over autism comments

© 29 September 2021



SOLIHULL COUNCIL

Angela Sandison apologised to parents and resigned

A councillor has been suspended by the Conservative party following comments suggesting parenting skills were linked to autism diagnosis numbers.

Angela Sandison told Solihull Council's children's meeting some mothers should be encouraged to have more children.



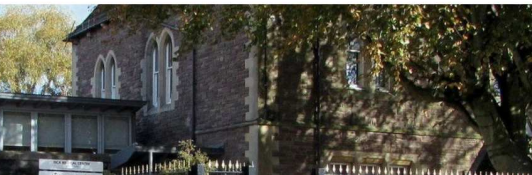
LLAIS CYNGHORAU CYMRU
THE UNITED KINGDOM COUNCILS

Why is it important? We want to avoid...



Newport councillor suspended after threatening GP's staff

October 2021



Watkins said staff at local medical
councillor has been suspended for
threatening" with staff at a GP's su
port councillor Joan Watkins w
dealing with Isca Medical cent
Services Ombudsman Wales
red as a representative for An

Labour Leicester councillor suspended in anti-Semitism probe

© 23 November 2021



GOOGLE

A Labour spokesman said the party "takes all complaints of anti-Semitism extremely seriously and they are fully investigated"

A Labour councillor has been suspended from the party pending an investigation into anti-Semitism allegations.

Jacky Nangreave, who represents Westcotes ward at Leicester City Council, was suspended over accusations about posts on her social media pages.

W News Politics Monmouthshire Council

Councillor who said homosexuality is 'unnatural, perverted, immoral and wrong' has been suspended

Graham Down said that "both homosexual and paedophile acts" were "comparable in substance"

SHARE COMMENTS

By Ruth Mosalski Political Editor
09:20, 15 AUG 2018 UPDATED 10:22, 15 AUG 2018

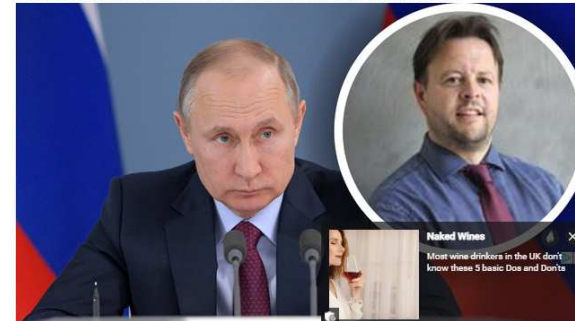
A councillor who said homosexuality was "unnatural, perverted, immoral and wrong" has been suspended. Graham Down was found to have breached the code of conduct for Monmouthshire County Council when he emailed the chief executive, Paul Mathews, with

The Met Office exactly where in Wales

Councillor suspended following Facebook posts supporting Putin's invasion

Angus Williams

Published: 6:00 AM February 26, 2022 Updated: 11:07 AM February 26, 2022



Shayne Pooley, Ipswich borough councillor for the Gainsborough Ward, has been suspended by the Conservative party following posts supporting Putin's invasion of Ukraine - Credit: TASS/PA IMAGES/IPSWICH BOROUGH COUNCIL

An Ipswich councillor has been suspended while an investigation is carried out into social media posts apparently backing Vladimir Putin's invasion of Ukraine posted on his account.

Shayne Pooley, a councillor for Gainsborough ward, has been suspended from the Conservative party while an investigation is carried out, a Tory spokesman confirmed. He will continue to sit as a councillor.

BBC Sign in Home News Sport Weather iPlayer

NEWS

Home War in Ukraine Coronavirus Climate UK World Business Politics Tech Science He

England Local News Regions Birmingham & Black Country

Solihull councillor suspended by Tory party over autism comments

Labour council chief is suspended after secret recording of him calling female Plaid Cymru politician a 'cow' appeared online

- Rob Jones made comments during meeting he didn't know was being recorded
- Council leader has been suspended from while an investigation is carried out
- Mr Jones says clip was made without knowledge and consent and was edited

By MATT DRAKE FOR MAILONLINE

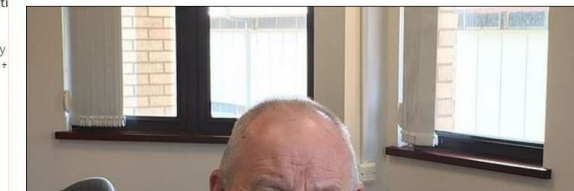
PUBLISHED: 18:51, 7 March 2021 | UPDATED: 18:58, 7 March 2021

Share 145 shares View comm

A Welsh council leader has been suspended after he was secretly recorded calling female politician a 'cow'.

Council leader Rob Jones made the 'despicable' comments during a meeting but did not know it was being recorded.

It has now come to light after the clip of the insult aimed at Plaid Cymru politician Bethan Sayed MS was shared online.





The Ethical Framework

The Nolan Committee in 1997 - origins of the ethical framework for Standards in Public Life

As a Member you must have regard to these principles :

Selflessness

Honesty

Integrity and Propriety

Duty to uphold the law

Stewardship

Objectivity in Decision making

Equality and respect

Openness

Accountability

Leadership

Your Responsibilities



You have a legal duty to act ethically. This is set out in the Local Government Act 2000.

The Local Authorities (Model Code of Conduct) (Wales) Order 2008 requires a mandatory code of conduct in each authority based on a national model.

Code of Conduct



Shows you how to apply the ethical framework

Unless you sign your Declaration of Acceptance and give a written undertaking to observe the Code of Conduct you cannot be a member. If this is not completed within two months you will cease to be a member

If you fail to undertake or observe you can be suspended from office

Applies to all members in Wales apart from members of Police Authorities who should comply with the English Code of Conduct

The Code Applies to You Whenever You Are ...



In any “official” meeting of the authority

In any meeting where members or officers of the authority are present

Acting, claiming to act or giving the impression you are acting as a representative of the authority

Conducting business of the authority as a member and acting as a representative of the authority

Acting in an official capacity

Acting as a representative on another body unless that body has conflicting legal rules or its own

code.

PL
E
2
CO

And Also...



At any time if :

You conduct yourself in a manner likely to bring your office or authority into disrepute or

You use or attempt to use your position to gain advantage or avoid disadvantage for yourself or others or

You misuse your authority's resources

General Rules you Need to Follow Under the Code



Promote equality

Treat others with respect and consideration

Do not bully or harass people

Do not compromise the impartiality of officers

Do not disclose confidential information

Do not prevent access to information

Do not bring your office or authority into disrepute

You must report breaches of the code to your Monitoring Officer



General Rules you Need to Follow Under the Code (continued)

Do not make vexatious complaints

You must cooperate with investigations

You must not use your position improperly

Do not misuse your authority's resources

Reach decisions objectively

Consider advice that officers give you and give reasons if you don't take it

Comply with the law and your authority's rules regarding expenses

Do not accept any gifts or hospitality that would place you under an obligation or seem to do so.

Interests



The public must have confidence that you are making decisions in their best interests not yours!

Therefore, if you have an interest **you must declare it.**



Personal Interests

You have a personal interest when a decision relates to or is likely to affect you or a “close personal associate” in relation to:

Your job or business

Your employer or company in which you are a partner or director

Someone who has contributed to your election costs or member expenses

Any company where you have shares over £25K or more than 1% of the total share value which has premises or land in your area

Any contract that your authority makes with a company in which you are a partner, paid director or hold shares



Personal Interests (continued)

You have a personal interest when a decision relates to or is likely to affect you or a “close personal associate” in relation to:

Any land in which you have an interest in your authority’s area

Any land let by your authority to a firm in which you are a partner, paid director or hold shares

Any land in your authority's area which you have a license to occupy for at least 28 days

Any body to which you have been elected appointed or nominated by your authority

Any public authority or body exercising functions of a public nature, charity, public opinion or policy, trade union or professional association, private club or society in your authority’s area of which you are a member or in a management position



Who is 'a Close Personal Associate'

Not just your best friend but your worst enemy....

Close friends

Colleagues with whom you have strong connections

Business associates

Close relatives

Or someone with whom you have been in dispute

But not casual acquaintances, distant relatives or people who you come into contact with through your work.



What Do You Do If You Have a Personal Interest ?

You **must** declare it verbally at meetings

You **must** declare it when making written or verbal representations outside of a meeting

You **must** complete a declaration of interests form

BUT you are entitled to take part in discussions and vote unless it is a **prejudicial interest**

Prejudicial Interests



Prejudicial Interests are personal interests which a member of the public would regard as likely to influence your opinion or your ability to be objective for example:

- If your daughter lives next to a proposed site for a new housing development
- If your son attends a local school which is due for closure



What Do You Do if You Have a Prejudicial Interest?

You must leave the meeting during the discussion

You must not exercise delegated powers

You must not seek to influence the decision

You must not make written or verbal representations

page 39

UNLESS

The Standards Committee has granted you a dispensation

The public have a right to speak in which case you have the same right to speak (but you must leave after you have spoken) or you can provide written representations to the meeting

You have been called before a scrutiny committee



Exercise - Interests

In groups consider the scenarios and answer the questions



Case Study: Declaring a personal interest

An elected member represented their Council on the cabinet of a regional economic body.

It was alleged that the Member had purchased shares in a company that had been leased premises by the regional economic body, to manufacture compound semiconductors. It was revealed that the Member had subsequently failed to declare an interest in the company during the regional economic body's Joint Committee Meetings.



Case Study: Declaring a personal interest

The complaint was investigated on the basis that there may have been a failure to comply with the following provisions of the Code of Conduct.

0(1)(a) – members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

(a) – members must not, in their official capacity or otherwise, use or attempt to use their position to confer on or secure for themselves an advantage.

0(2)(viii) – members must regard themselves as having a personal interest in any business of their authority if it relates to, or is likely to affect...any body to which they have been elected, appointed or nominated by their authority.

1(1) – Where a member has a personal interest in any business of his authority and attends a meeting at which that business is considered, he must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration or when the interest becomes apparent.

4(1)(a) – Where a member has a prejudicial interest in any business of his authority, unless he has obtained dispensation from his authority's Standards Committee, he must withdraw from the room, chamber or place where a meeting considering the business is being held.



Case Study: Declaring a personal interest

The investigation found that the Member had access to confidential information by virtue of his position on the economic body's Regional Cabinet, which enabled him to purchase shares in the Company at a low price with a reasonable expectation that he could later sell those shares at a higher value.

The Ombudsman considered that his actions were not in the spirit of the Principles which underpin the Code of Conduct, in particular the principle of integrity, which expects members not to act or take decision to gain financial benefits for themselves.

In respect of the allegation that the Member had failed to declare an interest, the investigation found that the Member had failed to declare an interest in the Company during Regional Cabinet meetings and that, whilst no decisions were made about the Company during this meeting, the Member's failure to declare a personal and prejudicial interest and withdraw from the meeting was suggestive of breaches of the Code of Conduct.

Case Study: - Outcome



Nature of allegation: Breach of paragraphs 6(1)(a), 7(a), 11(1) and 14(1)(a) of the Council's Code of Conduct

Tribunal Decision: Suspended for 5 months



Predisposition and Predetermination

Predisposition – having an opinion on something but you have not yet made up your mind

Predetermination – having decided a position on something where no argument will change your

mind

Page 45

If you are involved in a decision you should avoid giving the impression that you have conclusively decided how you will vote at the meeting.

"I have a view on the subject but want to listen to all the arguments before I make up my mind"

Bias



Bias – Members need to remember that apparent bias can infect the whole decision and make it vulnerable to challenge

As highlighted by a 2015 case in the High court:- Kelton v Wiltshire

Planning permission for a residential development was quashed due to the apparent bias of a member of the planning committee

How the Code is Policed



The Monitoring Officer

The Standards Committee

The Public Services Ombudsman for Wales

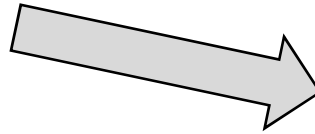
The Adjudication panel for Wales

Page 17



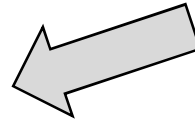
What Happens if you Breach the Code?

Complaints are made to the Ombudsman

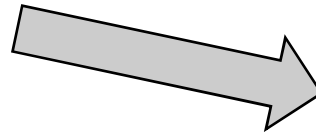


Ombudsman considers complaints against a two stage process
1 – does evidence suggest a breach of the code of conduct has happened?

Once investigated, if they believe the complaint to be justified they refer them to the authority's standard's committee or to a tribunal convened by the Adjudication Panel for Wales



2 – if proven, is it serious enough and in the public interest to investigate
If yes, it will be investigated



If they find the complaint proven they can impose a range of sanctions from no action through suspension to disqualification for 5 years

Even if you are suspended you are still subject to the Code!

Remember also any local resolution procedures



What Happens if you Breach the Code?

Outcomes from Ombudsman review:

No evidence of a breach

No action to be taken

Referral to the MO

Referral to the Adjudication Panel for Wales

Potential Sanctions:

Standards Committee:

- Censure
- Suspend or partially suspend for up to 6 months

Adjudication Panel for Wales:

- Suspend for up to a year
- Disqualify for up to 5 years

Note: Standards Committee local resolution may still be discussed and debated in a public forum

Ombudsman – Complaint Process



Page 50





Exercise - Questionnaire



Where to Find Further Information

If in doubt ask the Monitoring Officer or Committee Clerk

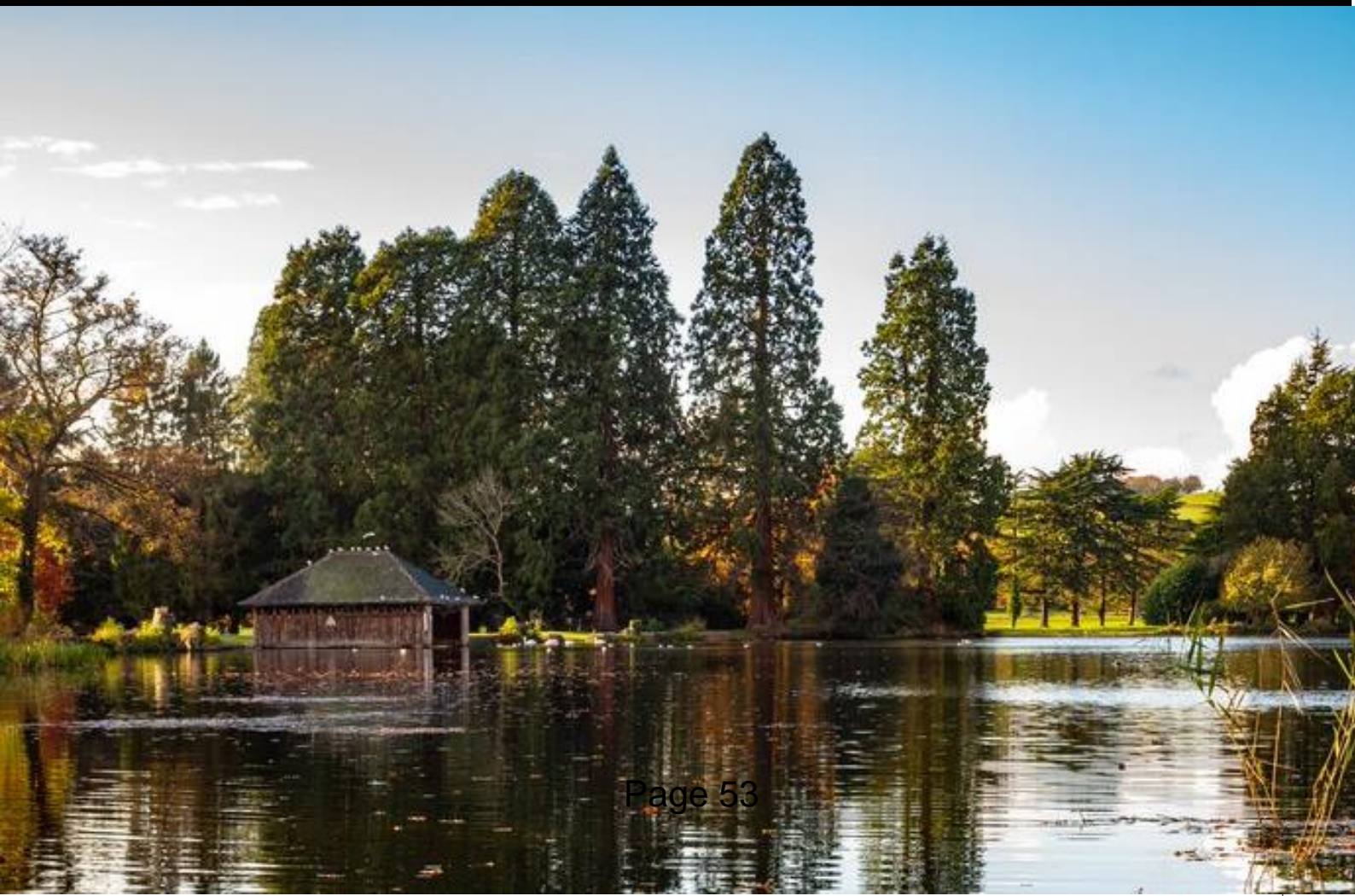
Guidance from the Public Service Ombudsman for Wales

<https://www.ombudsman.wales>

In the case of Community, Parish and Town Councils, contact OneVoiceWales, SLCC or NALC

Ethics and Standards

Briefing Pack for Facilitators



**Cymdeithas Llywodraeth Leol Cymru
Welsh Local Government Association**

Un Rhodfa'r Gamlas

Heol Dumballs
Caerdydd
CF10 5BF
Ffôn: 029 2046 8600

wlga.cymru

One Canal Parade

Dumballs Road
Cardiff
CF10 5BF
Tel: 029 2046 8600

wlga.wales

Welsh Local Government Association - The Voice of Welsh Councils

We are The Welsh Local Government Association (WLGA); a politically led cross-party organisation that seeks to give local government a strong voice at a national level. We represent the interests of local government and promote local democracy in Wales.

The 22 councils in Wales are our members and the 3 fire and rescue authorities and 3 national park authorities are associate members.

We believe that the ideas that change people's lives, happen locally.

Communities are at their best when they feel connected to their council through local democracy. By championing, facilitating, and achieving these connections, we can build a vibrant local democracy that allows communities to thrive.

Our ultimate goal is to promote, protect, support and develop democratic local government and the interests of councils in Wales.

We'll achieve our vision by

- Promoting the role and prominence of councillors and council leaders
- Ensuring maximum local discretion in legislation or statutory guidance
- Championing and securing long-term and sustainable funding for councils
- Promoting sector-led improvement
- Encouraging a vibrant local democracy, promoting greater diversity
- Supporting councils to effectively manage their workforce

To be delivered by Monitoring officers with - if possible - a senior experienced member. To be used in conjunction with the video of the Ombudsman’s contribution supplied on a memory stick. Members should also be provided with the copies of the Authority’s Code of Conduct and Ombudsman’s guidance.

Duration 1.5 Hours not including break

Workshop Objectives: The purpose of this session is:-

To provide members with an overview of the ethical framework and Code of Conduct

At the end of this session, members should:-

- Understand the importance of the ethical framework and the requirement upon them to work within it according to the Code of Conduct
- Understand how to act within the code particularly in relation to declaring interests.
- Understand what will happen if the code is breached
- Know where to go for advice and information

Programme:

Slides 1 – 4	Introductions and Importance	10 mins
Slides 5 – 18	Ethical Framework, Code of Conduct and Interests	30 mins
Slides 19 – 23	Exercise and Case Study	20 mins
Slides 24 – 29	Predetermination, Predisposition, Bias and Ombudsman video	15 mins
Exercise	(Optional)	15 mins

Notes to Accompany Power Point Slides

Slide 2: Learning Objectives

In Local Government there are principles and standards that underpin the way members and officers interact with each other and the public. These ensure that everything that you do will reflect well on you and your authority. This workshop will help you understand those standards and how you should apply them and what can happen to you if you don't.

Slide 3: Ethical Governance

As a member, how your behaviour is perceived by the public and the media impacts upon your ability to represent local government and the communities you serve. The public needs to feel confident that you are living up to the high standards that they have a right to expect from you.

Slide 4 - Why is it important? We want to avoid...

A quick google reveals there are numerous cases across Britain where Councillors are investigated and suspended as a result of their conduct. This maybe comments made in meetings, images shared on social media or using the station of an elected member for personal gain.

We want to help you avoid this, to avoid investigation, and to meet the standards expected by the people who have voted for you as their representative.

From the images you will note that a number of these cases relate to posts or activities on social media. It is recognised that the likes of Twitter, Instagram and Facebook are an increasingly important part of an Elected Members role – to help with its use the WLGA has produced guidance on its use. (Circulate link following the session and note it is part of induction materials).

[Social Media and Online Abuse - WLGA](#)

In Wales, some cases may be referred to, and investigated by the Public Ombudsman for Wales. While many cases do not result in further action, they are taken seriously, can damage reputation and consume time from serving and representing your community.

I'll provide two recent examples (full details given below for information):

Pembrey & Burry Port Town Council -

The Ombudsman received a complaint that a Member had breached the Code of Conduct. It was alleged that the Member did not show respect and consideration for others, used bullying behaviour, and behaved in a manner which could reasonably be regarded as bringing the Council into disrepute.

The Member said that he believed his actions to have been justified and offered an apology if his assertiveness had been perceived differently by the Complainant

The Ombudsman considered the Member's response and his offer of an apology to be sufficient to resolve the complaint.

[CoC-casebook-Full-year-ENG.pdf \(ombudsman.wales\)](#)

Sully and Lavernock Community Council

The Ombudsman received a complaint that a member failed to observe the Code of Conduct for elected members. It was alleged that the Member made a series of public posts, on the social media platform Facebook, which could have the potential to damage the reputation of the Council.

The Ombudsman found that 3 public posts, dated between 10 January and 11 March 2019, which made reference to high profile female politicians, were gratuitously offensive and could reasonably be regarded as bringing the Councillor's Office or Authority into disrepute. The Ombudsman referred his investigation report to the Adjudication Panel for Wales for its consideration

Tribunal Decision: disqualified for 15 months from being or becoming a member of Sully and Lavernock Community Council or of any other relevant authority

<https://adjudicationpanel.gov.wales/sites/adjudicationpanel/files/2021-01/APW-Decision-Report-Baguley.pdf>

Slide 5: The Ethical Framework

Originated in the Nolan Committee 1997 Report on *Standards in Public Life* which set out the earliest version of these standards. On the slide are the most recent versions as set out in The Conduct of Members (Wales) Order 2001, which added three additional requirements for Councillors in Wales (in bold)

Refer to answers in Appendix 2 to expand on each definition

Slide 6: Your Responsibilities Are enshrined in this legislation. The Local Government Act of 2000 established a new ethical framework, the Model Code of Conduct (Wales) Order in 2008 said that all authorities would have a mandatory code of conduct based on a national model.

Paragraph 6.1(c) of the Code which previously required a member to report to the PSOW and the Monitoring Officer ("the MO") any conduct by another member which they reasonably believe breaches the code has been removed. Duty is now to report to MO only but a Member is still entitled to report a breach to the PSOW if considers it is serious.

10(2)(b) of the code which previously provided that there is a personal interest if "a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division" has been removed.

Slide 7: The Code of Conduct

Is underpinned by the ethical framework.

Remind members of the content of your Code of Conduct – hand out copies if necessary

The Local Government Act 2000 states that:

A person who is a member or co-opted member of a relevant authority at a time when the authority adopt a code of conduct under section 51 for the first time—

(a) must, before the end of the period of two months beginning with the date on which the code of conduct is adopted, give to the authority a written undertaking that [F1 in performing his functions] he will observe the authority's code of conduct for the time being under section 51, and

(b) if he fails to do so, is to cease to be a member or co-opted member at the end of that period.

If you follow the Code of Conduct you should not go wrong, but if you don't understand it - ask the monitoring officer. One common misunderstanding is that the code only applies to you when you are on official business. THIS IS NOT THE CASE.

Slide 8: The Code applies to you whenever you are ...

Slide 9: And Also...

When not 'doing your job' as a member

Remind Members that this is an answer to Question 6 of the questionnaire

Slide 10-11: General rules you need to follow under the code

Provide Members with a copy of the Ombudsman's guidance to expand the definitions

Give the **answers to question 2, 4 and 6 of the questionnaire** explaining which elements of the code have been breached.

Slide 12: Interests

Slide 13-14: Personal Interests

Refer members to the Ombudsman's guidance,

Give the **answers to Question 3, of the questionnaire**

Outline the procedure of registering interests in your authority

Slide 15: Who is a 'close personal associate'

Refer members to the Ombudsman's guidance

Slide 16: What do you do if you have a Personal Interest?

Slide 17: Prejudicial Interests

Ask members of further examples of prejudicial interests

Slide 18: What do you do if you have a Prejudicial interest?

Slide 19: Interests exercise Appendix 3

Distribute the scenarios and ask members to work in small groups or pairs to consider if there is an interest, the nature of that interest and the action the member should take. Suggested answers are in **Appendix 4**.

Slide 20 – 23: Case Study Declarations of interest

This case study was taken from the PSOW Code of Conduct Casebook. See **Appendix 5** for full details and link to case study source.

Slide 24: Predetermination and Predisposition

Definitions from the Standards Board for England Website

It is not a problem for councillors to be predisposed to a particular view. That predisposition can be strong and can be publicly voiced. They may even have been elected specifically because of their views on this particular issue. It might be in favour of or against a particular point of view, for example an application for planning permission.

However, the councillor must be open to the possibility that, however unlikely, they will hear arguments during the debate about the issue that will change their mind about how they intend to vote. As long as they are willing to keep an open mind about the issue they are entitled to take part in any vote on it.

What is predetermination or bias?

Predetermination is where a councillor's mind is closed to the merits of any arguments which differ from their own about a particular issue on which they are making a decision, such as an application for planning permission. The councillor makes a decision on the issue without taking them all into account.

If councillors are involved in making a decision they should avoid giving the appearance that they have conclusively decided how they will vote at the meeting, such that nothing will change their mind. This impression can be created in a number of different ways such as quotes given in the press, and what they have said at meetings or written in correspondence.

Rarely will membership of an organisation on its own, such as a national charity, amount to apparent bias. This is unless the organisation has a particular vested interest in the outcome of a specific decision that a councillor is involved in making, or the decision is quasi-judicial in nature.

Slide 25 - Bias:-

Kelton v Wiltshire [2015] EWHC 2853 (Admin);

The developers had identified a local housing association as a prospective partner to provide the affordable housing segment of the proposed development. One of the

councillors (M) involved in the subsequent planning committee meeting was a director of the association. He declared that he was a member of its board but, because it was only a prospective partner rather than the applicant for permission, he decided to vote on the planning application, which was passed by one vote. Had he withdrawn from the debate and not voted, the application would have been refused. The association subsequently became the developers' preferred bidder for the affordable housing.

M's participation in the planning meeting gave rise to an appearance of potential bias. It was plainly in the association's interests, and those of M as director, for the planning application to be approved. The association had committed time, resources and expertise in working with the developers on the affordable housing. It was highly unlikely that it would have done so unless it believed that it would be awarded a contract once permission was granted. Apparent bias could arise even in a case where a councillor had not voted, *Darker Enterprises v Dacorum BC [1992] C.O.D. 465* considered. M's private interests were engaged by the vote and it had been wrong for him to have participated in the meeting. The decision to grant planning permission was, accordingly, quashed.

Making the decision

There is an important difference between those councillors who are involved in making a decision and those councillors who are seeking to influence it. This is because councillors who are not involved with making a decision are generally free to speak about how they want that decision to go.

When considering whether there is an appearance of predetermination or bias, councillors who are responsible for making the decision should apply the following test: would a fair-minded and informed observer, having considered the facts, decide there is a real possibility that the councillor had predetermined the issue or was biased?

However, when applying this test, they should remember that it is legitimate for a councillor to be predisposed towards a particular outcome as long as they are prepared to consider all the arguments and points made about the specific issue under consideration.

Also the importance of appearances is generally more limited when the context of the decision-making is not judicial or similar to judicial. Planning decisions are not similar to judicial decisions, they are administrative. Therefore councillors can appear strongly predisposed for or against a particular planning decision.

Slide 26: How the Code is Policed

This is the answer to question 8

Use the answer in **Appendix 2** to explain the roles of the different bodies

Slide 27 and 28: What happens if you breach the Code?

This is the procedure if there is a breach of the code

[What we do when we get your complaint about a local authority member's conduct \(ombudsman.wales\)](http://ombudsman.wales)

If a referral is made to standards committee, a complaint would be considered by the committee for local resolution. This is typically used for low level complaints. It is worth noting that a standards committee has a duty to report to Council each year and any complaints, evidence of consistent poor behaviour or failure of leaders to control their group, may be discussed and debated in a public forum.

Slide 29 - You may wish to show the following video instead of / or as well as covering slides 27 and 28

[Nick Bennett Public Services Ombudsman for Wales. - YouTube](#)

Slide 30: Exercise (see appendix 1)

If there is time complete this in groups – if not, give as an activity to take away. You may also wish to complete this during the training to test prior knowledge.

Members undertake the exercise in groups using copies of **appendix 1**. Allow each group to discuss the issue then give their answer. **Do not give out the answers (appendix 2)** they will be provided in the commentary to the PowerPoint. As each answer emerges, flag this up against the original questions. Give out **appendix 2** at the end of the session so that members have something to refer to in the future.

Slide 31: A further exhortation to ask the Monitoring Officer if members are in any doubt about ethical behaviour!

Appendix 1

Questionnaire

Answers are not provided immediately but through a PowerPoint presentation which also gives greater detail and background and which can be kept by members for reference.

Question 1

Can you set out the ten principles of conduct for Members which underpin the Code of Conduct?

Question 2

The Council is involved in negotiations with a private contractor to develop a regeneration scheme involving the building of a leisure, residential and retail development in two Council wards. The contractor's Managing Director has invited members of Regeneration Scrutiny Committee (some of whom are also members of the Planning Committee) and officers from the Regeneration Department to a presentation of its company's proposals in a corporate box at a premiership football ground. There will be a champagne reception followed by a premiership football match. Should they accept the offer?

Question 3

A Councillor is an active member of Greenpeace and a member of the Council's Planning Committee. The Council is supportive of the local nuclear power plant and is engaged in discussions to develop a site to process nuclear waste from other parts of the Country. What kind of interest, if any, does the Member have in those discussions?

Question 4

A man wishes to move his family to a Council house closer to their elderly family members and want to move as soon as possible. He approaches a Councillor, who the man knows through their mutual membership of the local football team, and who is also the chair of the Housing Scrutiny Committee. The Councillor promises to take the matter forward. Processing particular housing applications are dealt with by housing allocations officers and not by Councillors. The Councillor tells a Housing Officer of the Council to elevate the application to the top of the waiting list. The area that the family wish to move to is based in the Councillor's Ward.

Is the Councillor breaching the Code of Conduct?

Question 5

A member of the public has written a letter of complaint about a Member. She said that last Saturday she was working at an evening function at a cricket club and bar when a man swore at her and called her an offensive name. On leaving the function the man kicked the door

cracking some glass in the door panel. Another person who witnessed the incident told her the man was a local Councillor.

Do you believe the Code of Conduct has been breached and what might an appropriate response be to the alleged misconduct?

Question 6.

A Councillor built dog-kennels to accommodate 20 dogs in the basement of her home without first obtaining planning permission. She placed an advert in the local paper that stated that in March, the Kennels would be ready to open, and that they were fully licenced. She had not obtained a licence when she placed the advert. She then submitted a Planning Application in July. She did not state in her application that she had an interest as a councillor.

In September, before the meeting of the Council's planning committee she emailed a member of that committee about the application, requesting that they should support it. She attended the Planning Committee meeting and spoke before her application was debated but then remained in the meeting throughout the debate on her application.

Has the Councillor breached the Code of Conduct?

Question 7

Can you set out the Council's processes for: -

1. Declaring and registering Members' interests.
2. Accepting offers of gifts or hospitality by members

Question 8

Can you explain the roles of the following:-

1. The Monitoring Officer
2. The Ethics & Standards Committee
3. The Public Services Ombudsman for Wales
4. The Adjudication Panel for Wales

Appendix 2

Questionnaire Answers

Question 1

Can you set out the ten principles of conduct for Members which underpin the Code of Conduct?

Answer

The starting point for much of the work was the 1997 Committee on Standards in Public Life (known as The Nolan committee). As a result of the Nolan Committee's recommendations, local government adopted a new ethical framework. The latest version of this in Wales is set out in "The Conduct of Members (Principles) (Wales) Order 2001.

The ten general principles of conduct for Members:-

1. Selflessness

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

2. Honesty

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

3. Integrity and Propriety

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

4. Duty to Uphold the Law

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

5. Stewardship

In discharging their duties and responsibilities, Members must ensure that their authority's resources are used both lawfully and prudently.

6. Objectivity In Decision Making

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

7. Equality and Respect

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

8. Openness

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

9. Accountability

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

10. Leadership

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

Question 2

The Council is involved in negotiations with a private contractor to develop a regeneration scheme involving the building of the leisure, residential and retail development into Council wards. The contractor's Managing Director has invited members of Regeneration Scrutiny Committee (some of whom are also members of the Planning Committee) and officers from the Regeneration Department to a presentation of its company's proposals in a corporate box at a premier football ground. There will be a champagne reception followed by a premier football match. Should they accept the offer?

Answer

The Members (and indeed the officers) should decline the offer as acceptance could potentially breach paragraph 6 of the Code i.e. you must not conduct yourself in a manner

which could reasonably be regarded as bringing your office or authority into disrepute. The perception of members of the public will be that by providing the hospitality, the contractor is attempting to influence the Council's decision about awarding the regeneration contract. Members of the public may also consider that at a future date, members of the Planning Committee when they consider the development, will not make a decision on the planning issues but instead be influenced by the generous hospitality offered.

In addition, Members should ensure that the fact that the offer had been made and the fact that it had been declined, is notified to the Monitoring Officer in case the issue became contentious at a later date.

If a Member had accepted such hospitality contrary to any advice, then a prejudicial interest would be incurred in respect of that contractor and any potential decisions relating to the contract or the planning development etc.

The hospitality would have a value of over your authority's limit and would have to be notified to the Monitoring Officer for inclusion in the register of gifts and hospitality. The duty is on the member to be aware of this limit

Question 3

A Councillor is an active member of Greenpeace and a member of the Council's Planning Committee. The Council is supportive of the local nuclear power plant and is engaged in discussions to develop a site to process nuclear waste from other parts of the Country. What kind of interest, if any, does the Member have in those discussions?

Answer:

This Member is likely to have a personal interest under paragraph 10 (2)(viii)(cc) by virtue of the membership of Greenpeace (a body whose principal purposes include the influence of public opinion or policy). The Member should refer to that interest in any written or oral representations referring to the matter under paragraph 11 (2)(a) and (b). It is probably unlikely that the interest becomes prejudicial. It would have to be considered when the Planning Committee determined any application on the plant. Greenpeace would not be the applicant; its financial position would not be affected and presumably neither would the wellbeing of the Member concerned. Greenpeace tends to have views on waste disposal nationally rather than specifically so that the interest declared at the planning meeting is likely to be personal, but not prejudicial. However it needs careful consideration.

In addition, notification of the Councillor's membership of Greenpeace should properly have been sent to the Monitoring Officer for inclusion in the public Register of Members Interests because it is a body whose principal purposes include the influence of public opinion or policy.

Question 4

A man wishes to move his family to a Council house closer to their elderly family members and wants to move as soon as possible. He approaches a Councillor, who the man knows

through their mutual membership of the local football team, and who is also the chair of the Housing Scrutiny Committee. The Councillor promises to take the matter forward. Processing particular housing applications are dealt with by housing allocations officers and not by Councillors. The Councillor tells a Housing Officer of the Council to elevate the application to the top of the waiting list. The area that the family wish to move to is based in the Councillor's Ward.

Is the Councillor breaching the Code of Conduct?

Answer:

There are three possible breaches of the Code.

1. 4(d) You must not do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of your authority.
2. 6(1)(a) You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
3. 7 (a) In your official capacity or otherwise you must not use or attempt to use your position improperly to confer on or secure for yourself or any other person an advantage or create or avoid for yourself or any other person, a disadvantage.

In addition, the Councillor may have failed to declare a personal interest which is likely to be prejudicial in that he knows the man involved. This may fall into the category of close personal associate and would have to be carefully considered by the councillor.

It is not acceptable for any Member to seek preferential treatment for a constituent by telling the Housing Officer they must prioritise a particular application. Whilst it is appropriate for Members to pass on constituents' concerns to the relevant officer and to ensure that the relevant processes are being undertaken in a timely fashion etc, it is not acceptable to interfere with that process as this undermines priorities agreed by the Council and established in other Council procedures and puts the Member concerned in breach of the Code of Conduct. A Member needs to also remember that when contacting an officer on a matter they must disclose any personal interest in the matter they are contacting them about.

Question 5

A member of the public has written a letter of complaint about a Member. She said that last Saturday she was working at an evening function at cricket club and bar, when a man swore at her and called her a rude name. On leaving the function the man kicked the door cracking some glass in the door panel. Another person who witnessed the incident told her the man was a local Councillor.

Do you believe the Code of Conduct has been breached and what might an appropriate response be to the alleged misconduct?

Answer

Mostly, the Code of Conduct applies to a Councillor whenever he or she is conducting the business or is present at a meeting of the authority or acting or claim to act or give the impression he or she is acting in the role of an elected Member or representative of the authority.

However, the Code of Conduct affects Members at all times and in any capacity in respect of paragraph 6 (1)(a) not conducting yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute and 7 (a) or (b) relating to using your position improperly to confer an advantage on yourself or another person or create a disadvantage to another person or using the resources of your authority improperly etc.

Here, the behaviour is clearly bringing the office and authority into disrepute and is a breach of paragraph 6.

It might be that the complainant would wish for an informal resolution by the Monitoring Officer. However, both parties would have to agree to the same and would not result in the sanction of the Member concerned. It is usually only suitable where an apology would be an acceptable solution or perhaps an agreement by the Member concerned to undergo further training regarding suitable behaviour under the Code.

However, there has been criminal damage in that the glass in the cricket club door was broken. It may be that there would be criminal proceedings in that regard and the complainant would not wish for an informal resolution and would wish to make a complaint directly to the Ombudsman.

Question 6

A Councillor built dog-kennels to accommodate 20 dogs in the basement of her home without first obtaining planning permission. She placed an advert in the local paper that stated that in March, the Kennels would be ready to open, and that they were fully licenced. She had not obtained a licence when she placed the advert. She then submitted a Planning Application in July.

In September, before the meeting of the Council's planning committee, where the Councillor's application was to be considered she emailed a member of that committee about the application, requesting that they should support it. She attended the Planning Committee meeting and spoke for 3 minutes before the application was debated and remained in the meeting throughout the debate on her application.

Has the Councillor breached the Code of Conduct?

Answer

(1) Contrary to Paragraph 6(1)(a) of the code (You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute) the Councillor carried out building works at her home without first applying for planning permission.

(2) Contrary to Paragraphs 10(1) of the code the Councillor (you must in all matters consider if you have a personal interest) failed to consider whether she had a personal interest in the Planning Application and whether she was required to disclose that interest when she e-mailed a member of the planning committee concerning the said Planning Application

(3) Contrary to Paragraphs 11(2)(a) (Where you have a personal interest in any business of your authority and you make written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication) of the Code of Conduct, the Councillor failed to include details of her personal interest in the planning application or in her written representations contained in her e-mail

(4) Contrary to Paragraph 14(1)(c) (not to influence that business) and / or Paragraph 14(1)(d) of the Code of Conduct (not to make written representations about that business), the Councillor sought to influence a decision about her Planning Application by her e-mail to the Councillor who considered the Councillor's Planning Application as a Member of the Planning Committee (despite having a personal interest in the said Planning Application and a prejudicial interest by virtue of Paragraph 12(1) of the Code of Conduct

(5) Contrary to Paragraph 6(1)(a) of the Code of Conduct, the Councillor advertised the Kennels at as licensed albeit they were not licensed and therefore misrepresented the position.

(6) The councillor may have had the right to speak at the planning committee meeting and to make written representations to that meeting if a member of the public had a right to make representations, but not to write to members of the committee without declaring that interest. She should also have declared her interest to the meeting before she spoke and then left the meeting after she had spoken.

Question 7

Can you set out the Council's processes for:

3. Declaring and registering Member's interests.
4. Accepting offers of gifts or hospitality.

Answer

The law and the Council's Code of Conduct require Members to declare personal interests. Some personal interests have to be recorded in the statutory public register within 28 days of a Member's election or appointment to office. They must be updated by the Member within 28 days of any change.

There is an exemption from having to declare “sensitive information” upon which you can seek advice of the Monitoring Officer. The Monitoring Officer sends the Members information about the relevant form and reminds them to make updates regularly.

Members of the public are allowed to inspect the entries in the public register.

Separately, in oral and written communications as well as at meetings of the Council, Members are obliged to declare personal and prejudicial interests that are relevant to the matter being discussed in written or oral communications or as part of decisions made at committee and other meetings. Those interests are either noted by the officers or Members concerned and in relation to meetings are contained within the minutes.

The Monitoring Officer also maintains a public register of gifts and hospitality accepted by Members. Currently, the level at which any gifts and hospitality accepted must be registered is [the level is set by each individual authority]. [In certain authorities it may be that the Ethics and Standards Committee has also indicated it would be good practice for Members to notify the Monitoring Officer of offers of gifts or hospitality that have been declined in case there may be contentious at a future date].

Question 8

Can you explain the roles of the following:-

1. The Monitoring Officer
2. The Ethics & Standards Committee
3. The Public Services Ombudsman for Wales
4. The Adjudication Panel for Wales

Answer

1. Every principal authority in Wales (County Councils and County Borough Councils) must appoint a Monitoring Officer. The Monitoring Officer is responsible for maintaining ethical standards and advising and training Members on the Code of Conduct. The Monitoring Officer supports the work of the Council’s Standards Committee. The Monitoring Officer is also responsible for advising and training Community Council Members on the Code of Conduct. In effect, the Monitoring Officer, in partnership with the Ethics and Standards Committee is the primary source of advice and guidance for both Members and Officers on ethical and standards issues and the operation of the Code of Conduct.
2. The Ethics & Standards Committee. Legislation sets out the requirements that every local authority must have an Ethics & Standards Committee. Regulations govern their composition, their powers and procedures. There are [again each committee will vary in size in each authority] members on the Committee which must be chaired by an independent Member and there must be a majority of independent members to

establish a quorum. In this authority there are [] independent members, [] elected members and [] Community Council representatives. Tell members how often your committee meets and what its remit is as set out in the constitution. The committee has powers to determine matters relating to alleged breaches of the Code of Conduct reported to them by the Public Services Ombudsman for Wales. They also grant dispensations by enabling participation in business for Members which would otherwise be prohibited by the Code. Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 – provides for the Monitoring Officer to refer a matter to another authority's Standards Committee with the written consent of the Chair. Provides for joint standards committees to be established.

3. The Public Services Ombudsman for Wales investigates complaints made by members of the public about the way they have been treated by a public body and promotes good administration and high standards of conduct. He also investigates complaints alleging a Councillor has breached the Code of Conduct. Legislation sets out how he is able to decide whether to investigate complaints and how his report is then presented either to a Council's Ethics & Standards Committee or the Adjudication Panel for Wales.
4. The Adjudication Panel for Wales is an independent body established under Part 3 of the Local Government Act 2000. Its role is to form tribunals to consider whether elected Members or co-opted Members of County Borough Councils, Police, Fire and Rescue and National Park Authorities in Wales have breached their authority's statutory Code of Conduct. The Panel will also hear appeals by Members against decisions of their authority's Standards Committee. A Member wishing to appeal against the decision of a Standards Committee will have to first request permission to appeal from the Adjudication Panel for Wales. Usually three Members sit on a Tribunal, Chaired by one of the Legal members of the Panel. In cases referred direct by the Ombudsman, there is a range of sanctions available to the Tribunal including suspension or partial suspension of a Member from office for up to one year or disqualification for up to five years.

Appendix 3 Interests exercise

1. Councillor Arkwright

Councillor Arkwright is the owner of the one of the largest convenience stores in a seaside town. He is a member of the Planning Committee and Licensing Committee. The following applications are on the agenda for the next meeting:

- (a) an application by a local petrol station to build an extension to include a larger shop with a better selection of convenience goods for their customers in the same town;
- (b) an application by the owner of a convenience store in another seaside town, 10 miles away, to build a car park on a piece of land behind the convenience store;
- (c) an application by the owner of a news agents on the outskirts of the town for a licence to sell alcohol. Councillors Arkwright is also involved in a legal dispute with the same person over the ownership of a piece of land.

2. Councillor Speed

- Councillor Stokes works voluntarily with a local youth cricket team. The team hold their training sessions on a field owned by the Council.
- The Council is considering selling the field to a local developer who wishes to build a block of flats. The final decision will be made by the Area Committee on the basis of a report by the Head of the Property Service. Councillor Stokes is the local member.
- Councillor Stokes will not be attending the meeting as he will be on holiday. However, he intends sending an e-mail to the Head of Property before going away, emphasising the importance of the cricket team to the local youth. He has also asked for a meeting with the estates officer dealing with the matter.

3. Councillor Jones.

Councillor Jones is a member of the Planning Committee. At its next meeting, the Committee will be considering the two following applications:

- (a) An application by a company to build a small office block in a conservation area. One of the senior managers of the company is married to Councillor Jones' cousin.
- (b) An application to build a new classroom for a local primary school. The Councillor is one of the school's governors.

Appendix 4 Interests exercise suggested answers

1. Councillor Arkwright

Does he have a personal interest?

- ⤴ In all matters, a member must consider whether or not he/she has a personal interest whether that interest must be disclosed. [10. (1)]
- ⤴ He would have a personal interest if it relates to, or is likely to affect any employment or business carried out by him. [10 (2)(a) (i)]
- ⤴ Would a decision on the application affect Cllr. Arkwright's business?
- ⤴ He will have an interest if it is reasonable to consider that a decision on that matter would affect the wellbeing or financial position of the member or anyone with whom he has a close personal association, to a greater extent than the majority of other inhabitants in the electoral division or ward. [10 (2) (c) (i)]
- ⤴ *“Close personal associates can include someone with whom you have been in dispute, and where you may be regarded as having an interest in disadvantaging.” (Ombudsman's guidelines).*

Is it a prejudicial interest?

- ⤴ Is there an exemption under the code? [paragraph 12(2) & (3)]
- ⤴ Would it be reasonable for a member of the public with knowledge of the relevant facts to regard the interest as being so significant that it is likely to prejudice the member's judgement of the public interest? [12(1)]
- ⤴ *“Where there has been a dispute between you and an individual where that individual could be disadvantaged by a decision, an informed reasonable member of the public might conclude that you would be inclined to vote accordingly, whether this is the case or not.”* The Code of Conduct for members of local authorities in Wales, Guidance from the Public Services Ombudsman for Wales.

What should he do?

- ⤴ If it is a prejudicial interest then a member must (unless he/she has obtained a dispensation from the Standards Committee) :
 - withdraw from the room or place where a meeting considering the business is being held. [14(1)] unless a member of the public has a right to make representations to the meeting and he can then exercise the same right to

speak as long as he withdraws from the room before the matter is debated, or he can make written representations to the meeting. He should still declare his interest and the nature of that interest.

2. Councillor Stokes

- ⤴ In all matters, a member must consider whether or not he/she has a personal interest whether that interest must be disclosed. [10. (1)]
- ⤴ He will have an interest if it relates to, or is likely to affect a private club, society or association operating within the authority's area in which he has membership or holds a position of general control or management [10 (2) (a) (ix)]
- ⤴ Further information is required as to the exact nature of the councillor's relationship with the Club. What if he were a member of the managing committee of the Club?

Is it a prejudicial interest?

- ⤴ Is there an exemption under the Code? [paragraph 12(2) & (3)]
- ⤴ Would it be reasonable for a member of the public with knowledge of the relevant facts to regard the interest as being so significant that it is likely to prejudice the member's judgement of the public interest? [12(1)]

What should he do?

- ⤴ If it is a personal interest only, that interest must be disclosed at any meeting where the matter is discussed, and in any letter, e-mail, etc. to a member or an officer of the authority. [para 11]
- ⤴ If it is a prejudicial interest, then the member must (unless he has obtained a dispensation from the Standards Committee):
 - not to seek to influence decision about that business;
 - not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business. [14(1) (c) & (d)]

"...you must not seek to influence a decision in which you have a prejudicial interest. This rule is similar to your general obligation not to use your position as a member improperly to your or someone else's advantage or disadvantage."

- Is there anybody else who can discuss the matter with the Council on behalf of the club?
- The interest (i.e. the involvement with the youth club) should be registered on the Council's Register of Interests.

3. Councillor Jones.

(a) The Member should consider whether he/she has a personal and prejudicial interest in the Planning Application. The Member will have a personal interest under 10 (2) (c) (i) if her wellbeing or financial position, or that of a person with whom she lives, or any person with whom she has a close personal association is affected by the decision.

It is not clear on the facts given of the nature of the relationship between the Member and the senior manager. The Public Services Ombudsman for Wales has issued guidance to help clarify this definition:

“Close personal associates include people such as close friends, colleagues with whom you have particularly strong connections, business associates and close relatives. It does not include casual acquaintances, distant relatives or people you simply come in contact with through your role as Member or you work in a local community.”

(b) She has a personal interest by virtue of a fact that the governing body of the school is a body to which she has been elected, appointed or nominated by her authority [10(2)(a)(viii)]

Such a body is also one of the exemptions under the Code which will usually means that it is not a prejudicial interest. [12(2) (a) (iii)]

However, because the matter under consideration relates to the determination of an approval, consent, licence, permission or registration, this exemption does not apply. The usual test must therefore be considered to decide whether or not the interest is a prejudicial one. [10(3)]

Appendix 5

This case study was taken from the Public Services Ombudsman for Wales Code of Conduct Casebook. A link to the casebook can be found here: [Code-of-Conduct-Casebook-Jan-March-2021.pdf \(ombudsman.wales\)](#)

Caerphilly County Borough Council – Disclosure and registration of interest
Case Number: 201903571 – Report issued in February 2021

The Ombudsman received a self-referred complaint that a Member (“the Member”) of Caerphilly County Borough Council (“the Council”) had breached the Code of Conduct. The Member represented the Council as a member of the Cardiff Capital Region (“CCR”) City Deal’s Regional Cabinet. It was alleged that the Member had purchased shares in a company (“the Company”) that had been leased premises by CCR City Deal, to manufacture compound semiconductors and develop applications and that he had subsequently failed to declare an interest in the Company during CCR City Deal’s Joint Committee Meetings.

The complaint was investigated on the basis that there may have been a failure to comply with the following provisions of the Code of Conduct:

- 6(1)(a) – members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.
- 7(a) – members must not, in their official capacity or otherwise, use or attempt to use their position to confer on or secure for themselves an advantage.
- 10(2)(viii) – members must regard themselves as having a personal interest in any business of their authority if it relates to, or is likely to affect...any body to which they have been elected, appointed or nominated by their authority.
- 11(1) – Where a member has a personal interest in any business of his authority and attends a meeting at which that business is considered, he must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration or when the interest becomes apparent.
- 14(1)(a) – Where a member has a prejudicial interest in any business of his authority, unless he has obtained dispensation from his authority’s Standards Committee, he must withdraw from the room, chamber or place where a meeting considering the business is being held.

The investigation found that the Member had access to confidential information by virtue of his position on the CCR City Deal’s Regional Cabinet, which enabled him to purchase shares in the Company at a low price with a reasonable expectation that he could later sell those shares at a higher value. The Ombudsman considered that his actions were not in

the spirit of the Principles which underpin the Code of Conduct, in particular the principle of integrity, which expects members not to act or take decision to gain financial benefits for themselves. The Ombudsman also considered that the Member's behaviour was suggestive of a breach of paragraph 7(a) and 6(1)(a) of the Code of Conduct.

In respect of the allegation that the Member had failed to declare an interest in the Company during CCR Regional Cabinet meetings, the investigation found that the Member failed to declare an interest in the Company during a CCR Regional Cabinet meeting on 18 February 2019 and that, whilst no decisions were made about the Company during this meeting, the Member's failure to declare a personal and prejudicial interest and withdraw from the meeting was suggestive of breaches of paragraphs 11(1) and 14(1)(a) of the Code of Conduct.

The investigation concluded that the Ombudsman's report on the investigation should be referred to the President of the Adjudication Panel for Wales, for consideration of a possible breach of paragraphs 6(1)(a), 7(a), 11(1) and 14(1)(a) of the Code of Conduct.

Member/Officer Protocol

Gary Williams
Monitoring Officer

What is the Member/Officer Protocol?

- The purpose of the protocol is to guide Members and Officers in their relations with one another and to promote the high standards in public office which are essential for successful local government.
 - The protocol seeks to offer guidance on some of the issues which most commonly arise.
-

Underlying Principles

- An understanding by both Members and Officers of the requirements of each other's roles
 - Mutual respect for each other's time and priorities.
 - Courtesy and sensitivity at all times.
 - Honesty and integrity in all dealings to foster co-operation and trust.
 - Professional and cordial relationships avoiding over familiarity
-

Interface with Member Code of Conduct

- Must have regard to equality of opportunity for all people,
- Must show respect and consideration for others
- Must not bully or harass any person
- Must not compromise the impartiality of officers

Roles and responsibilities - Officers

- Officers are employed by and are responsible to the Council as a whole.
- They owe a duty to each and every Member and not to a political group, even if it is in a majority.
- They also have a wider duty to the public as a whole.
- Some officers have personal statutory responsibilities

Roles and responsibilities - Members

- Scrutinising decisions and holding decision makers to account
- Representing their electoral division as advocates for the citizens who live in the area.
- Members contribute to the decisions taken in Full Council and in its various bodies on which they serve including regional partnership bodies

What can members expect from officers?

- Full, impartial advice and information.
- Accurate, concise, well written advice in and easily understood formats and language
- For the above to be provided in the Member's preferred language of communication.
- Respect for their person
- Respect for the confidential nature of information and views.

What can officers expect from members?

- Respect for officer neutrality
 - Respect for their person
 - An understanding of their roles and workloads when making requests for assistance
 - Reasonable standards of courtesy
 - Respect for confidential advice and guidance.
-

The Relationship

- Mutual respect is essential to good local government.
- Officers and Members should have good working relationships, whilst being aware that close personal relationships can damage this and prove embarrassing for other Officers and Members

Inappropriate conduct

- Members should not inappropriately pressure officers to act in accordance with the Member's wishes.
 - Officers must at all times feel free to offer professional opinion and advice which may be contrary to the opinion of the Member
 - Acting with the intention of improperly or unfairly influencing an Officer's opinion or actions can amount to bullying and harassment
-

Raising issues of conduct and capability - members

- It is not appropriate for Members to raise matters relating to conduct and capability of any Officer publicly in a meeting, the press, or by other means e.g. e-mail or internet.
 - Members should use the Council's internal procedures to resolve such issues.
 - 'Publicly' - includes in this context e-mailing large groups of people on the Council's internal e-mail system e.g. all Councillors.
-

Raising issues of conduct and capability - officers

- Officers should not raise matters publicly relating to the conduct or capability of any Member either at a meeting, in the press or by other means e.g. e-mail, internet or social media.
- Unless as part of a statutory process for dealing with issues of conduct.

Relationships with Chairs and Cabinet members

- There should be a close working relationship between Cabinet Members and senior officers of those services which fall under a Cabinet Member's portfolio
- This should never be allowed become, or appear to be, so close, as to bring into question the Officer's ability to deal impartially with other Members or political groups.

Relationships with Chairs and Cabinet members

- Duty of officers to assist the Cabinet in the delivery of its responsibilities but the Leader and Cabinet must observe the independence of the management function of the authority from the decision making function.
- Chairs of committee or Lead Members will routinely be consulted on agendas for forthcoming meetings, however, it must be recognised that in certain circumstances senior officers will have a duty to submit a report on a particular matter.
- Officers writing reports on behalf of Lead Members will always consult the Lead Member on their content.

Officer advice to political groups

- Directors or Heads of Service may properly be called upon to advise the chairs or spokespersons of political groups.
- They should attend group meetings only in exceptional circumstances and in such a case the other political groups should be informed of the advice given.
- Officer support in must not extend beyond providing information and advice in relation to Council business. Officers must not be involved in advising on political group business;

Advice to Political Groups

- Political group meetings are not empowered to make decisions on behalf of the Council.
- Conclusions reached at such meetings do not rank as Council decisions and it is essential that they are not interpreted or acted upon as such.
- Where Officers provide information and advice to the chair or spokesperson of a political group in relation to a matter of Council business, this cannot be a substitute for providing all necessary information and advice to Members when the matter in question is before a decision making body.

Officer attendance at meetings not organised by the Council

- Officers will advise formal meetings of the Council, informal meetings of Members of the Council, and other meetings organised by the Council.
- Officers must not attend public meetings of a political nature organised by politicians external to the Council in order to represent the political view or programme of the Council.
- Such invitations should be referred to Cabinet Support Staff who will liaise with the Leader
- The Leader will determine whether the Council should be represented, and if so by which member of the Cabinet

Support services to members and political groups.

- Support can only lawfully be provided in respect of matters of Council business.
- Support cannot be provided for party political business, campaigning, or for private purposes.

Members in their Ward Role and Officers

- Members need to be aware of significant developments within their electoral divisions if they are to be effective in their roles.
- Senior Officers as well as Lead members are expected to notify local Members of significant matters that are not the subject of a report to Council, Cabinet or Committee, but which relate specifically to the local Member's electoral division or which may have a material impact in their area
- 'Significant matters' include matters or items that are of concern to the general public and local member

Members in their Ward Role and Officers

- Local Member(s) should, where appropriate, be invited to relevant meetings.
- If local Members do not attend such meeting 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.
- Local Members will also be informed of significant matters raised by the Town or Community Council within their area.
- Protocol for Liaison with Members

Members in their Ward Role and Officers

- When the Council conducts any form of consultation exercise on a local issue, the Ward Members should be notified at the outset of the exercise.
- Officers exercising delegated powers shall consider whether their decision is likely to have a significant impact upon the Council's profile or significant financial implications, if it is there will be a presumption in favour of referring the matter to Members.
- When exercising delegated powers Officers will, ensure that they consult with/inform the local Member in advance.

Members' access to information and buildings

- Members can approach any department to request any information, explanation and advice as they may reasonably need to assist them in discharging their role as Members.
- A request for information may be made on behalf of a constituent, but any request for personal information should be authorised in writing by that constituent.
- Requests should normally be directed to the Head of Service or another Senior Officer of the service.

Members' access to information and buildings

- A Member should always contact beforehand any Officer that he/she wishes to see, to ensure that the Officer is available and prepared to answer the Member's questions
- A Member should always call at reception and ask for the Officer
- Officers should always ensure that, bearing in mind the reasonable calls of their other duties, they respond to a reasonable request for information relevant to a member's work or a request for a meeting.

Members' access to information and buildings

- Contact between Members and Officers should only take place at agreed office or other locations. Members and Officers should not arrange meetings at their respective homes.
- Telephone contact between Members and Officers should be restricted to normal office hours. Out of hours contact should be in exceptional circumstances only and restricted to Directors and Heads of Service.
- Members are entitled to have access to the Council Chamber, Committee rooms and all other public areas of the Council's buildings. Members should enter 'staff only' areas only with authorisation of the relevant Head of Service.

Members' rights to inspect Council documents.

- Same rights as public under Freedom of Information Act
- In addition, Members have a statutory right to inspect any Council document relating to any business to be transacted at a Council, committee or sub-committee meeting.
- This does not extend to 'exempt information' but Members have a common law right to information based upon the 'need to know' principle. Mere curiosity is insufficient
- At DCC all Members are provided with all papers, including exempt information going to a Committee whether they are a member of it or not.
- Information should only be used for the purposes for which it was provided

Correspondence between Members and Officers, including e-mail

- Correspondence between an individual Member and an Officer should not normally be copied by the Officer to any other Member.
- This restriction will not normally apply to Cabinet matters where the Cabinet as a whole will need to be informed of matters which will be of concern to all or several Cabinet Members.
- Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of 'silent copies' should not be employed.

Correspondence between Members and Officers, including e-mail

- E-mail should not be used by Officers or Members in such a way that it may be regarded as intimidating or exerting undue influence e.g. critical e-mail copied to all members
 - Official letters on behalf of the Council should be sent out either in the name of the appropriate portfolio holder or in the name of the appropriate Officer.
 - Lead Members will be advised by their Senior Officers as to when a response from themselves rather than an Officer is the most appropriate.
 - Letters which create obligations or give instructions on behalf of the Council should never be sent in the name of a Member.
-

Breaches of the protocol

- Breaches of this protocol by officers may lead to disciplinary action
 - Breaches of the protocol by members may lead to an allegation being made to the Ombudsman of a breach of the code of conduct
 - A member who wishes to complain about an officer breach should do so to the relevant Head of Service
 - An officer who wishes to complain about a member breach should do so to their Head of Service
 - The Head of Service will seek if possible to resolve the issue informally
-

Conclusion

- This relationship is very important
- Good member/officer relationships is one of the 5 principles underlying how the Council will operate.
- Effective relationships between members and officers are key to an effective Council
- This must not prevent robust challenge between officers and members
- The framework enables such challenge to be made in an open and respectful way

Any questions?

Report to	Standards Committee
Date of meeting	22 nd July 2022
Lead Member / Officer	Gary Williams, Monitoring Officer
Report author	Gary Williams, Monitoring Officer
Title	Welsh Government Guidance – Duty of Group Leaders to Promote Ethical Behaviour

1. What is the report about?

1.1. The draft statutory guidance produced by Welsh Government in respect of the new duty placed upon political group leaders to promote ethical behaviour.

2. What is the reason for making this report?

2.1. To inform members of the Committee about the draft guidance and to seek their views on proposals to support group leaders in the discharge of this duty.

3. What are the Recommendations?

3.1. That the Committee considers the draft guidance and discusses the practical arrangements to be made to comply with it.

4. Report details

4.1. Section 62 of the Local Government and Elections (Wales) Act 2021 ('the Act') provides a new duty on the leaders of political groups to take steps to promote and maintain high standards of conduct of their members.

4.2. The Act also provides new duties on the Standards Committee to monitor group leaders' compliance with this duty and to advise and provide training for group leaders on the discharge of the duty.

4.3. The Welsh Government produced draft statutory guidance for group leaders and standards committees prior to the election and sought views upon it. The draft guidance can be viewed here: <https://gov.wales/consultation-local-government-and-elections-wales-act-2021-standards-conduct-statutory-guidance> Unfortunately, the consultation period did not coincide with the committee's cycle of meetings. The final version of the guidance is awaited.

4.4. The draft guidance includes examples of how Group Leaders might perform their duty such as:

- demonstrating personal commitment to and attending relevant development or training around equalities and standards;
- encouraging group members to attend relevant development or training around equalities and standards;
- ensuring nominees to a Committee have received the recommended training for that Committee;
- promoting civility and respect within group communications and meetings and in formal Council meetings;
- promoting informal resolution procedures in the Council, and working with the standards Committee and monitoring officers to achieve local resolution;
- promoting a culture within the group which supports high standards of conduct and integrity;
- attend a meeting of the Council's Standards Committee if requested to discuss Code of Conduct issues;
- work to implement any recommendations from the Standards Committee about improving standards;
- work together with other Group Leaders, within reason, to collectively support high standards of conduct within the Council.

4.5. The draft guidance makes clear that the Committee should arrange to train the Group Leaders on the duty within 6 months of the elections and annually thereafter. It suggests meeting periodically with Group Leaders to review

behaviour. Group Leaders and this Committee will be asked to consider proposals for a vehicle for such meetings in the form of an Ethical Liaison Group.

4.6. The draft guidance also refers to the need for group leaders to make reports to the Standards Committee on their progress in fulfilling their duty. The Standards Committee will be able to discuss these reports with group leaders and use them as a basis for the Committee's annual report to Council on the way in which group leaders are discharging this duty.

4.7. The Committee is invited to discuss its preferred approach to the monitoring of group leaders' duty and the support to be provided to them.

5. How does the decision contribute to the Corporate Priorities?

5.1. The report has no direct impact upon the Corporate Priorities, however, high standards of conduct are a key component of effective local government.

6. What will it cost and how will it affect other services?

6.1. There are no direct costs associated with this report.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1. An assessment is not required for this report.

8. What consultations have been carried out with Scrutiny and others?

8.1. The Committee is being consulted by this report. Discussions will take place with group leaders to consult them on the training required to discharge this duty and the arrangements to be put in place to support and monitor the discharge of the duty.

9. Chief Finance Officer Statement

9.1. As stated in 6.1, there is no direct financial impact to this report.

10. What risks are there and is there anything we can do to reduce them?

10.1. The introduction of this duty and the enhanced role of the Committee in supporting the discharge of it, will mitigate against the risk of behaviour occurring which falls short of the expected standards of conduct.

11. Power to make the decision

11.1. s54 Local Government 2000

Report to	Standards Committee
Date of meeting	22 nd July 2022
Lead Member / Officer	Gary Williams, Monitoring Officer
Report author	Gary Williams, Monitoring Officer
Title	National Standards Forum

1. What is the report about?

1.1. A proposal to create a National Standards Forum.

2. What is the reason for making this report?

2.1. To inform the Committee of the progress being made for the creation of a National Standards Forum for Wales.

3. What are the Recommendations?

3.1. That the Committee confirms its support for the creation of a National Standards Forum and notes the progress made thus far.

4. Report details

4.1. One of the recommendations made as part of the Penn Review of the Ethical Regime in Wales is that the current forum for Independent Members of Standards Committees, the Mid and North Wales Standards Forum, should be extended to cover the whole of Wales. This would be achieved by creating a National Forum for Standards Committees.

4.2. The Mid and North Wales Standards Forum was created as an opportunity for independent Chairs of Standards Committees to:

- Exchange ideas and best practice

- Establish a support network
- Debate issues and topics of common relevance
- Receive training

4.3. The body was originally created by the Monitoring Officers in North Wales. In 2019 the forum agreed to include 2 Councils from Mid Wales.

4.4. Support for the forum has, until now, been provided by the monitoring officers themselves on a rotation basis. Each council takes a turn “hosting” the meeting and the Monitoring Officer for that Council would prepare the agenda, advise the forum and draft the minutes. By convention other Monitoring Officers would not attend in order to save time and duplication of effort. Meetings of the forum notionally took place twice a year but that was subject to resource pressures in the Council next due to act as host.

4.5. Following the publication of the Penn report all the monitoring officers in Wales were asked whether their authority would support the expansion of the current forum to the whole of Wales. All authorities have responded positively and the WLGA may be willing to help support the expanded forum.

4.6. Previously meetings were peripatetic, moving from Council to Council. Given the wider geographical spread required for a national forum it would make sense for meetings to be hosted remotely. Any meetings taking place physically would need to be held at a central location accessible to all parts of Wales. This would result in an increase in the time commitment, cost and carbon footprint to attend.

4.7. If the WLGA is willing to provide the secretariat for the forum then this would represent a small reduction in the burden on this Council and provide a single, consistent point of contact for the administration of the forum.

5. How does the decision contribute to the Corporate Priorities?

5.1. There is no direct impact on corporate priorities

6. What will it cost and how will it affect other services?

6.1. There is likely to be a small reduction in administrative burden of the forum is supported by the WLGA. There would be a small increase in travel costs if the forum were to meet in person.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1. An assessment is not required.

8. What consultations have been carried out with Scrutiny and others?

8.1. There have been no formal internal consultations with Scrutiny. Monitoring Officers across Wales have been asked to indicate whether their authority would be supportive of a national forum.

9. Chief Finance Officer Statement

9.1. As stated in 6.1, there will be no substantial change to the net cost requirement for this service and will be met from existing budget allocations. There are therefore no direct financial implications

10. What risks are there and is there anything we can do to reduce them?

10.1. There are no particular risks associated with this report.

11. Power to make the decision

11.1. s111 Local Government Act 1972

This page is intentionally left blank

By virtue of paragraph(s) 12, 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 12, 13 of Part 4 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank