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Gwasanaeth Democraidd  
Democratic Service  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

Cyfarfod / Meeting

**PWYLLGOR SAFONAU  
STANDARDS COMMITTEE**

Dyddiad ac Amser / Date and Time

**\*11.00am, DYDD LLUN, 27 IONAWR, 2014**

**\*11.00am, MONDAY, 27 JANUARY, 2014**

**\*D.S. Rhagflaenir gan sesiwn hyfforddiant i'r aelodau am 10.00am /**  
**\*N.B. To be preceded by a training session for members at 10.00am**

Lleoliad / Location

**\*\*Siambr Hywel Dda,  
Swyddfa'r Cyngor / Council Offices,  
Stryd y Jêl / Shirehall Street,  
Caernarfon**

*\*\*nodwch y lleoliad ogydd / please note venue*

Pwynt Cyswllt / Contact Point

**Eirian Roberts**

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*Dosbarthwyd/Distributed 17/01/14*

**PWYLLGOR SAFONAU  
STANDARDS COMMITTEE**

**Aelodaeth/Membership**

**Aelodau Etholedig / Elected Members (3)**

Y Cynghorwyr/Councillors  
Charles Wyn Jones  
Eryl Jones-Williams  
Michael Sol Owen

**Aelodau Annibynnol (hefo pleidlais) / Independent Members (with a vote)  
(5)**

Ms Linda Byrne  
Mr Gwilym Ellis Evans  
Miss Margaret E Jones  
Mr Sam W Soysa  
Dr Einir Young

**Aelod Pwyllgor Cymuned (hefo pleidlais) / Community Committee  
Member (with a vote) (1)**

Y Cynghorydd / Councillor David Clay

**Ar wahoddiad y Cadeirydd / Invited by the Chairman**

Y Cynghorydd / Councillor Lesley Day (Cadeirydd y Pwyllgor Gwasanaethau  
Democrataidd / Chairman of the Democratic Services Committee)  
eitem / item 12.

## **RHAGLEN**

### **1. YMDDIHEURIADAU**

Derbyn unrhyw ymddiheuriadau am absenoldeb.

### **2. DATGAN BUDDIANT PERSONOL**

Derbyn unrhyw ddatganiad o fuddiant personol.

### **3. MATERION BRYD**

Nodi unrhyw eitemau sy'n fater bryd ym marn y Cadeirydd fel y gellir eu hystyried.

### **4. COFNODION**

Bydd y Cadeirydd yn cynnig y dylid llofnodi cofnodion y cyfarfod diwethaf o'r pwyllgor hwn a gynhaliwyd ar 30 Medi, 2013 fel rhai cywir (copi ynghlwm).

### **5. ADRODDIAD BLYNYDDOL PANEL DYFARNU CYMRU 2012-2013**

Ystyried adroddiad y Swyddog Monitro (copi ynghlwm).

### **6. COFRESTR RHODDION A LLETYGARWCH**

Ystyried adroddiad y Swyddog Monitro (copi ynghlwm).

### **7. Y GOFRESTR FUDDIANNAU**

Ystyried adroddiad y Swyddog Monitro (copi ynghlwm).

### **8. SAFON GWYNEDD A'R DREFN DDATRYD LEOL**

Ystyried adroddiad y Swyddog Monitro (copi ynghlwm).

### **9. HONIADAU YN ERBYN AELODAU**

Ystyried adroddiad y Swyddog Monitro (copi ynghlwm).

### **10. FFORWM PWYLLGORAU SAFONAU GOGLEDD CYMRU**

Cyflwyno cofnodion y Fforwm a gynhaliwyd ar 21 Hydref, 2013 (copi Saesneg ynghlwm).

### **11. PROTOCOL CYSWLLT AELOD/SWYDDOG**

Ystyried adroddiad y Swyddog Monitro (copi ynghlwm).

## **12. PROTOCOL CYFRYNGAU CYMDEITHASOL I GYNGHORWYR**

Ystyried adroddiad yr Uwch Reolwr Comisiynu Corfforaethol (copi ynghlwm).

## **AGENDA**

### **1. APOLOGIES**

To receive any apologies for absence.

### **2. DECLARATION OF PERSONAL INTEREST**

To receive any declaration of personal interest.

### **3. URGENT ITEMS**

To note any items that are a matter of urgency in the view of the Chairman for consideration.

### **4. MINUTES**

The Chairman shall propose that the minutes of the last meeting of this committee held on 30 September, 2013 be signed as a true record (copy attached).

### **5. ADJUDICATION PANEL FOR WALES - ANNUAL REPORT 2012-2013**

To consider the report of the Monitoring Officer (copy attached).

### **6. GIFTS AND HOSPITALITY REGISTER**

To consider the report of the Monitoring Officer (copy attached).

### **7. THE REGISTER OF INTERESTS**

To consider the report of the Monitoring Officer (copy attached).

### **8. THE GWYNEDD STANDARD AND THE LOCAL RESOLUTION PROCEDURE**

To consider the report of the Monitoring Officer (copy attached).

### **9. ALLEGATIONS AGAINST MEMBERS**

To consider the report of the Monitoring Officer (copy attached).

### **10. NORTH WALES STANDARDS COMMITTEE FORUM**

To submit the minutes of the Forum held on 21 October, 2013 (English copy attached).

### **11. THE PROTOCOL FOR MEMBER / OFFICER RELATIONS**

To consider the report of the Monitoring Officer (copy attached).

**12. SOCIAL MEDIA PROTOCOL FOR MEMBERS**

To consider the report of the Senior Manager – Corporate Commissioning (copy attached).

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## STANDARDS COMMITTEE, 30.09.13

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**Present:-**

**Elected Members:-** Councillors Charles Wyn Jones, Eryl Jones-Williams and Michael Sol Owen.

**Independent Members:-** Mr Gwilym Ellis Evans (Chairman), Miss Linda Byrne, Miss Margaret E. Jones, Mr Sam W. Soysa and Dr Einir Young.

**Community Committee Member:-** Mr David Clay.

**Also Present:** Dilys Phillips (Monitoring Officer), Siôn Huws (Compliance and Language Manager), Iwan Evans (Legal and Cabinet Services Manager) and Eirian Roberts (Member Support and Scrutiny Officer).

**Others invited to the meeting:** Leaders / representatives of the political groups.

### 1. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

### 2. MINUTES

The Chairman signed the minutes of the previous meeting of this committee held on 1 July, 2013, as a true record.

### 3. LEADERS OF THE COUNCIL'S POLITICAL GROUPS

The Chairman extended a warm welcome to the leaders / representatives of the political groups who were present to discuss the work which could be undertaken in relation to maintaining standards of conduct.

Present to discuss the matter with members of the Committee were Councillors Gareth Roberts (representing the Leader), Roy Owen, Owain Williams and Stephen Churchman.

The Chairman explained the role and purpose of the committee and sought the opinion of the leaders / representatives on the five following questions:-

- 1) What else could the committee do to promote the high standards of the Council?
- 2) What is the role of political groups in maintaining standards?
- 3) What are the main conduct matters the committee should discuss?
- 4) How could members be encouraged to attend training on the Code of Conduct?
- 5) What is your opinion on resolving complaints informally? (i.e. within the groups, with the Monitoring Officer and the Chief Executive or at the Standards Committee, without going to the Ombudsman).

During the discussion on the matter, the following observations were submitted:-



- It was a matter for the individual to respect the Code of Conduct and that Leaders could do no more than provide guidance to members of their group by trying to raise their awareness of the code.
- It would be beneficial to enclose a straightforward summary of the Code of Conduct with the Council's meeting agendas. It would also be possible to install an 'App' on the I-pad that reminded members regularly of the main requirements of the Code of Conduct.
- Undertaking training was part of a councillor's role, but that training had to be presented in an interesting and coherent manner.
- Training on the Code of Conduct was more important than anything else and it should be mandatory. It should also be more than just a box-ticking exercise and perhaps there was a need for more than one course a year.
- It would be beneficial to provide training for councillors on what was expected of them as members of the various committees. On the contrary, it was noted that it would not be practical to provide training on everything and that an element of common sense came into this.
- It would be beneficial to receive much more prior notice regarding training courses. Perhaps an icon could be included on the 'Desktop' of the I-pad that linked to the training programme.
- There was a need to raise the profile of the Standards Committee in general, as well as among county councillors and town and community councillors.
- It was too easy for people to submit an official complaint to the Ombudsman and there was a need to tighten arrangements in some way.
- The procedure of resolving complaints on an informal / local basis was to be approved. It would be an idea to give a presentation to members at the meeting of the full Council to remind them of the procedure to be followed in terms of resolving a complaint locally and the fact that the Monitoring Officer's door was always open. It was also suggested that the Standards Committee could do more to spread the message among the public, such as holding roadshows. In addition, if the informal in-house arrangements appeared to be working, perhaps they should be extended so that complaints from the public could also be resolved on a more informal level.
- Providing services for the public across the whole county was the important element. There was a need to be transparent and there was a responsibility on councillors to behave in a fair, democratic, open and rightful manner.

The Monitoring Officer noted that it would be beneficial to hear the observations of the leaders and he asked for the committee's opinion on the matters raised by the groups.

The following was noted:-

- That they supported the leaders' observations in relation to (i) including a summary of the main requirements of the Code of Conduct with Council agendas / on the I-pads, (ii) seeking to educate the public that it was possible to resolve complaints informally without approaching the Ombudsman, (iii) raising the committee's profile amongst the public and amongst councillors and (iv) introducing training on the Code more often and the idea of making it mandatory.
- That 'Newyddion Gwynedd' could be used to raise awareness of the Standards Committee and the protocols and codes that were relevant to its work.
- That it would be a good idea to spread the message at the full Council that all members should undertake training on the Code of Conduct.
- That training on the Code of Conduct could be provided to the members in the Area Forums with the inclusion of examples in order to bring the matter alive to members.

It was asked whether the resources to achieve all of this were available. The Monitoring Officer responded that the work would have to be tailored according to the available resources. She intended to hold a discussion with the Information Technology Unit following this meeting, but she supposed that some of the recommended steps would not take up much time or resources.

It was noted that it would be beneficial to know the costs that would be saved by resolving more complaints locally rather than going directly to the Ombudsman.

**RESOLVED to adopt the suggestions of the leaders and proceed to implement them.**

#### **4. ALLEGATIONS AGAINST MEMBERS**

Submitted for information – the report of the Monitoring Officer notifying the committee members of the developments, since her last report, in terms of allegations against members.

During the ensuing discussion on the matter, the following main matters were noted:-

- Referring to section 3 of the report, it was asked whether this matter had been resolved by now given that a year had passed since the Standards Committee held a hearing in relation to the complaint against Councillor A.M. Jones. The Monitoring Officer responded that she had been given to understand by the officer responsible for administering the appeal that a discussion had been held with the councillor; however, no date had been set for the hearing. She added that the office of the Adjudication Panel for Wales had acknowledged that 12 months was too lengthy a period to arrange a panel, whatever the circumstances, and they would seek to get a decision on the date. She was increasing the pressure on the office in order to bring the matter to a close, however, to date, she had not received a date or any information regarding what would take place.
- It was enquired whether or not the Ombudsman now took less time to investigate complaints. The Monitoring Officer responded that there was no evidence of this, but that he did make quicker decisions on whether or not an investigation should be held.

#### **RESOLVED**

- (a) That this committee sends a letter to the Adjudication Panel for Wales to press on them to proceed with Councillor A.M. Jones's appeal case, as failure to resolve the matter undermines the entire procedure.**
- (b) The letter should also note that this committee wishes for it to be mandatory for people to attend appeal hearings in future, and that this committee should also bear this in mind, if and when another hearing is held for a complaint against a member in future.**
- (c) To ask the North Wales Standards Committee Forum to discuss, and send observations as appropriate, the time it takes for the Ombudsman to investigate complaints.**

#### **5. SOCIAL MEDIA**

Submitted – the report of the Monitoring Officer presenting the Welsh Local Government Association's guidelines on social media to councillors, requesting that the committee

considered amending them specifically for Gwynedd's use and / or producing a specific protocol on the use of social media by councillors.

The Monitoring Officer referred to the decision of the Democratic Services Committee at its meeting on 10 September to recommend that Gwynedd should adopt their own guidelines on the use of social media and establish a sub-group jointly with the Standards Committee to collaborate on drawing up guidelines on social media for councillors in Gwynedd (with the exact process for achieving this to be agreed between the Chairs of both committees).

It was suggested that the town and community councils could be asked to consider adopting the same guidelines in due course. The Monitoring Officer noted that she would submit this idea to the Sub-group and asked the members to send any other observations they wished for the Sub-group to consider to her attention.

#### **RESOLVED**

- (a) To recommend that Gwynedd should adopt its own guidelines on the use of social media.**
- (b) To recommend establishing a sub-group jointly with the Democratic Services Committee to collaborate on drawing up guidelines on social media for councillors in Gwynedd (with the exact process for achieving this to be agreed between the Chairs of both committees).**
- (c) To nominate the Chairman and Vice-chair of this committee and Linda Byrne (along with David Clay as a substitute for them) to serve on the sub-group.**

#### **6. TRAINING**

Submitted – the report of the Monitoring Officer on the training given on the Code of Conduct and on the training arrangements for the coming year.

Referring to section 3(c) of the report, the Monitoring Officer noted that she had arranged two sessions for the town and community council clerks jointly with the Society of Local Council Clerks – one in Caernarfon on 3 October and the other in Dolgellau on 7 October. To date, of the 55 clerks in Gwynedd, nine had put their names down for Caernarfon and six for Dolgellau.

Concern was expressed that so few clerks would attend the training sessions. It was asked whether the town and community council members were aware of these sessions as the invitations had been sent to the clerks, rather than the councils themselves.

#### **RESOLVED**

- (a) To accept the report on the training provided and on the training plans for the coming year.**
- (b) When training is arranged for town and community council clerks in future, that the invitations are sent to the councils themselves, rather than the clerks.**
- (c) To ask the clerks attending the training in October to note on their feedback forms whether or not they received their council's seal of approval to attend.**
- (ch) To hold an hour's session of specific training for members of the Standards Committee at the beginning of the next meeting in January, to include revising dispensations and arranging and holding hearings.**

The meeting commenced at 11.00am and concluded at 12.45pm.

<b>Committee :</b>	<b>Standards Committee</b>
<b>Date :</b>	<b>27 January 2014</b>
<b>Title :</b>	<b>Adjudication Panel for Wales – Annual Report 2012 - 2013</b>
<b>Author :</b>	<b>Monitoring Officer</b>
<b>Action :</b>	<b>Note for information</b>

### **Background**

1. Members will be aware that the Adjudication Panel for Wales' role is to form case tribunals to consider allegations that members have breached the Code of Conduct. The Panel will receive such allegations in one of two ways – either directly from the Ombudsman or in the form of Appeals against decisions made by Standards Committees.

2. Attached to this report is a copy of the Panel's Annual Report for 2012 - 2013.

### **Recommendation**

3. The Committee is asked to note this report for information.

# Adjudication Panel for Wales

## Annual Report



2012 – 2013



# Foreword

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This report reviews the work of the Adjudication Panel for Wales during the financial year 2012-13.

During 2012-13, the Panel received 5 new referrals from the Public Services Ombudsman for Wales and 4 appeals against the decisions of local authority standards committees. A further 4 cases were carried over from 2011-12. A summary of the cases that were determined can be found in Section 3.

Although the numbers of new cases are still relatively low, the new members appointed in 2010 have now had an opportunity to sit on tribunal hearings. I believe that training and development of Panel Members is of prime importance and once again this has been an important part of the Panel's activities over the past year. In October the Adjudication Panel for Wales held its training seminar which, as well as providing useful updates and training on current issues, also gave the new members an opportunity to discuss their experiences with the original members.

The Welsh Government continues to progress the recommendations of the report of the Welsh Committee of the Administrative Justice and Tribunals Council following its *'Review of Tribunals Operating in Wales.'* The Panel's administration transferred to the Administrative Justice and Tribunals Unit within the Welsh Government on 1 April 2013. As part of the transfer I welcome Leon Mills as the new Registrar to the Panel replacing Stephen Phipps, who provided support over the transition period.

I take this opportunity to express my thanks to Stephen Phipps for the hard work and commitment he has shown the panel over his time with the Adjudication Panel. I also express my thanks to John Davies and Jason Plange for their time within the Support Unit and also to Carol Webber, whom left the Support Unit during the reporting period, for all the assistance they provided to the Adjudication Panel.



Finally, I hope you will find this report and the case summaries contained within it of interest. Once again, the report is being published via the Panel's website in order to save on printing costs.

A handwritten signature in black ink that reads "J Peter Davies". The signature is fluid and cursive, with a large initial 'J' and a stylized 'P'.

J PETER DAVIES  
President of the Panel





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# 1. Background

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## 1.1 Local Government Act 2000

Part III of the Local Government Act 2000 (“the 2000 Act”) established a new framework to promote observance of consistent standards of conduct by local government members in England and Wales. In essence, the framework comprises:

- a set of ten general principles of conduct (derived from the “Seven Principles of Public Life”);
- separate statutory codes of conduct for members and officers;
- local standards committees to advise members and relevant authorities on standards of conduct;
- the investigation of alleged misconduct by members in Wales by the Public Services Ombudsman for Wales or local authority monitoring officers; and
- the adjudication of such investigations by local standards committees or, generally in more serious cases, the Adjudication Panel for Wales (“the Adjudication Panel”).

“Relevant authorities” under Part III of the 2000 Act in relation to Wales are county, county borough councils, community councils, fire and rescue authorities and national park authorities.

Police authorities in Wales were subject to separate principles and code of conduct prescribed by the UK Government. However, police authorities were abolished in November 2012 and have now been replaced by 4 Police and Crime Commissioners (PCCs) that cover Wales. The PCCs are overseen by the Police and Crime Panels which are formed to scrutinise the Commissioners decisions.



## 1.2 Principles of Conduct/Code of Conduct

Following commencement of the Government of Wales Act 2006, the Welsh Ministers are empowered under the 2000 Act to specify general principles of conduct and to make a model code of conduct for elected members and co-opted members with voting rights. The principles draw on the 'Seven Principles of Public Life' which were set out in Lord Nolan's report 'Standards of Conduct in Local Government in England, Scotland and Wales.'

The general principles are encapsulated in the current model code of conduct prescribed by the Welsh Government in 2008. All local government bodies in Wales – i.e. county and county borough councils, town and community councils, national park authorities and fire and rescue authorities – are required to adopt a code of conduct encompassing the provisions of the model code. All elected and co-opted members (with voting rights) must give a written undertaking to observe their authority's adopted code of conduct.

## 1.3 Role of the Public Services Ombudsman for Wales/ Standards Committees

Under the 2000 Act, any person may make a written allegation to the Public Services Ombudsman for Wales ("the Ombudsman") that an elected or co-opted member of a relevant authority in Wales has failed or may have failed, to comply with their authority's code of conduct.

Where the Ombudsman considers that an allegation warrants investigation the Ombudsman may arrange for the investigation to be undertaken by his/her office. Alternatively, the Ombudsman may refer the matter to the relevant monitoring officer for investigation and report to the local standards committee.

The Ombudsman may conclude upon investigation that there was no breach of the code or that no further action needs to be taken. However, where there is prima facie evidence of a breach of the code, the Ombudsman will produce a report on the completed investigation and send it either to the monitoring officer of the relevant authority concerned or to the President of the Adjudication Panel for Wales for final determination.



## 1.4 Role of the Adjudication Panel for Wales

The Adjudication Panel has two statutory functions:

- To form case or interim case tribunals to consider reports from the Ombudsman following the investigation of allegations that a member has failed to comply with their authority's code of conduct; and
- To consider appeals from members against the decisions of local authority standards committees that they have breached the code of conduct.

### Case and Interim Case Tribunals

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Where the Ombudsman sends a report to the President of the Adjudication Panel, a "case tribunal" formed from the Panel will be convened to consider the report, to receive evidence and to determine whether there has been a breach of the code of conduct.

If the tribunal determines that a failure to comply with an authority's code of conduct has occurred, it has powers to suspend, or partially suspend, a member for up to one year; or it can disqualify a member for up to five years.

Where a case tribunal decides that a person has failed to comply with an authority's code of conduct, that person may seek the permission of the High Court to appeal that decision, or any decision of the tribunal as regards the sanction imposed.

Where the Ombudsman considers it necessary in the public interest, the Ombudsman may make an interim report to the President of the Adjudication Panel recommending that a member be suspended while an investigation is ongoing. An interim case tribunal will decide whether the member should be suspended or partially suspended for up to six months.



## Appeal Tribunals

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Where the Ombudsman has referred the matter to a monitoring officer and the standards committee has determined that there has been a failure to comply with the code of conduct, the member concerned has a right of appeal to the Adjudication Panel. This right must be exercised within 21 days of the member's receipt of notification of the standards committee's determination. Where an appeal tribunal agrees that there has been a breach of the code, it may endorse the penalty set by the standards committee, or refer the matter back to the committee with a recommendation that a different penalty be imposed. An appeal tribunal can also overturn the determination of a standards committee that a member has breached the code of conduct.



## 2. Members of the Adjudication Panel for Wales

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The current members of the Adjudication Panel are shown below. Between them, the members have a wide range of relevant knowledge and experience which they bring to the work of the Panel and its tribunals. They are located around Wales which facilitates the appointment of tribunals on a geographical basis.

The President, four legal members and one of the lay members are Welsh speakers.

### President and Legal Members



2002-  
2015

The President of the Adjudication Panel, **Mr J Peter Davies** runs his own legal practice in Cardiff specialising in civil and commercial litigation and, in particular, regulatory matters. He is a Deputy District Judge and chair of the Solicitors Disciplinary Tribunal.



2010-  
2015

**Ms Kate Berry** is the former Solicitor and Monitoring Officer with the City and County of Cardiff. She has a background in private and public sector law and is a former town councillor in Nailsworth.



2010-  
2015

**Mrs Emma Boothroyd** is currently an adjudicator with the Solicitors Regulation Authority. She has a background in private law.



2002-  
2015

**Mrs Helen Cole** is a senior partner in a general practice in West Wales specialising in non-contentious private client work.



2010-  
2015

**Mr Gwyn Davies** is a solicitor with experience in a range of legal jurisdictions in the private and public sectors. He is a former Chair of Neath, Port Talbot County Borough Council's Standards Committee.



2002-  
2015

**Mr Hywel James** is a District Judge.

## Lay Members



2010-  
2015

**Mr Andrew Bellamy** is a non-executive Director with Estyn and peer reviewer with the Health Inspectorate Wales. He has a National Health Service background.



2002-  
2015

**Mr Ian Blair** was County Surveyor with Powys County Council and has been an invited lecturer for the University of Wales, Aberystwyth. He was a former member of the Courts Board for Mid and West Wales.



2002-  
2015

**Cllr Colin Evans** is a Labour councillor with Carmarthenshire County Council.





2010-  
2015

**Miss Susan Hurds** is a lay member of the Employment Tribunals for England and Wales. She has a background in the National Health Service, latterly with the Ceredigion Local Health Board. She is also a Panel Chair of the Nursing and Midwifery Council.



2002-  
2015

**Mrs Christine Jones** is a former member of Conwy County Borough Council. She is also a Board member with Cartrefi Conwy Housing Association.



2002-  
2015

**Ms Juliet Morris** runs an organic farm business in Carmarthenshire. Previously, she worked in social and public sector policy for organisations including the Local Government Information Unit, the Wales Consumer Council and independent advice sector in Wales.





# 3. Allegations of Misconduct

## 3.1 Overview

In the period October 2002 to 31 March 2013, the Adjudication Panel made determinations on 44 references from the Ombudsman and 11 appeals against the decisions of a standards committee. Figures 1 to 3 give a breakdown of the outcomes of those determinations. A summary of the sanctions imposed is in the Annex to this report.

Figure 1: Case Tribunal decisions – October 2002 to March 2013

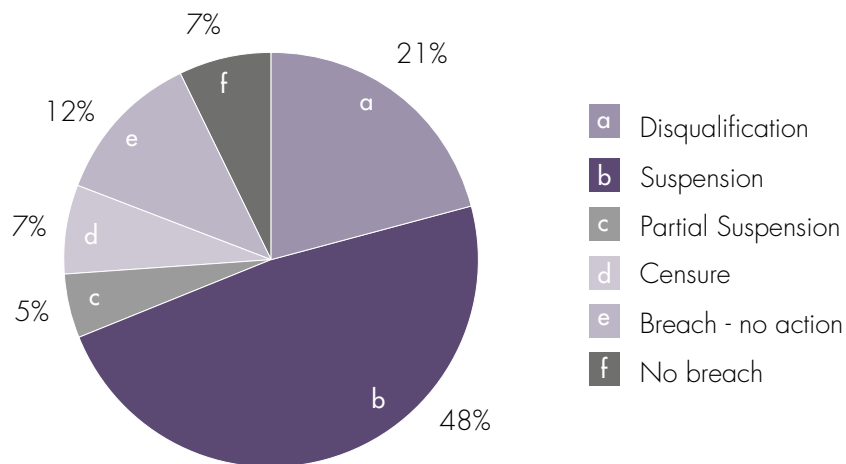


Figure 2: Appeal Tribunal decisions – October 2002 to March 2013

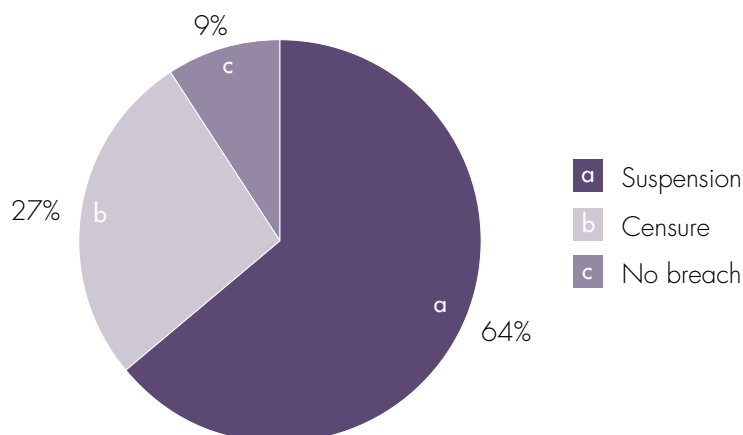
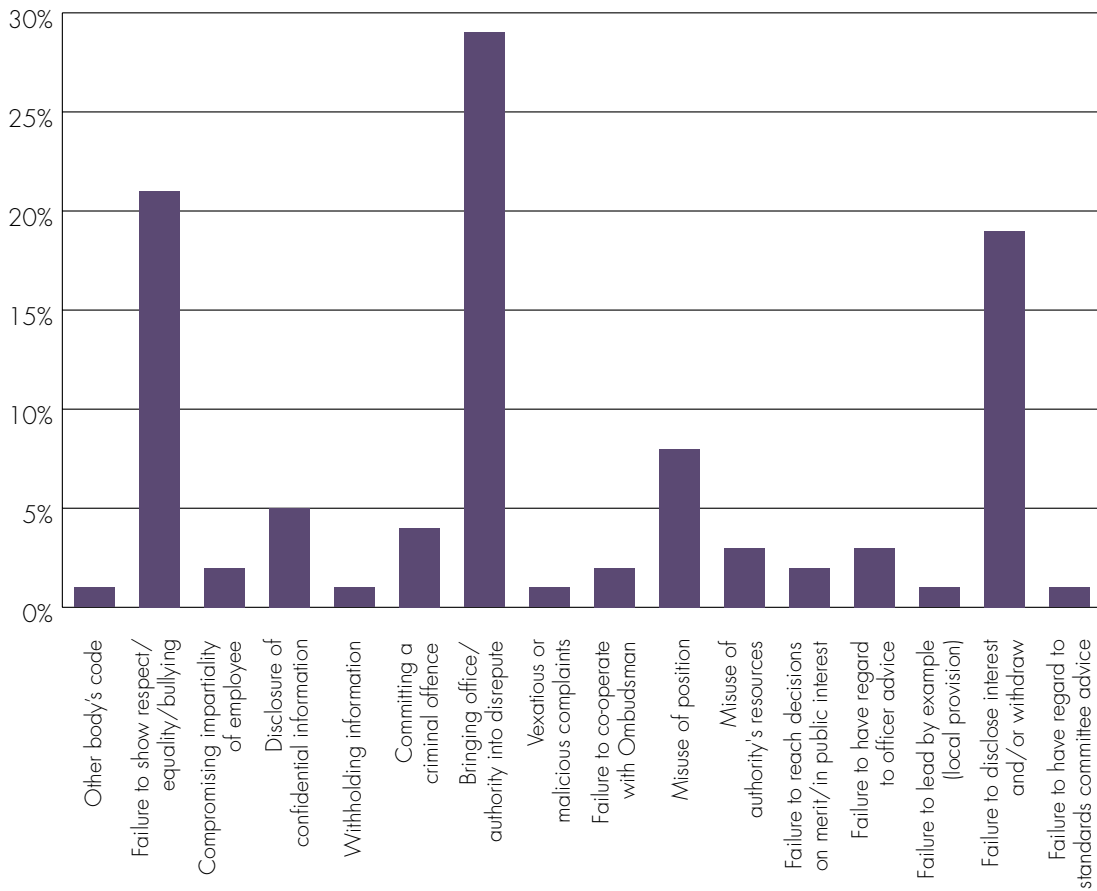


Figure 3: Breaches by type October 2002 to March 2013



### 3.2 Summary of Case Tribunals 2012 – 2013

The Public Services Ombudsman for Wales referred 5 cases to the Panel during 2012-13 and 4 cases were carried over from the previous year. Summaries of the 7 cases determined by the Panel during the year are below.

#### APW/002/2011-012/CT – Isle of Anglesey County Council

The referral concerned allegations that the councillor had breached the Council's code of conduct by making repeated personal attacks of an offensive nature against the then Director of Legal and Democratic Services and Monitoring Officer and the former Interim Managing Director and by making numerous requests for information thereby placing excessive demands and significant burden upon the Council's Corporate Information Officer.

Matters commented upon by the councillor were that when making the comments at the heart of the complaint made against him, the councillor was acting as a member of the council in bringing to light activities which he perceived as improper. He was discharging the duties placed upon him as an elected representative of the Isle of Anglesey County Council. By exposing the seemingly questionable practices of others he was actively contributing to the good governance of the area, effectively representing the interests of the electoral division concerned and was trying to ensure that the highest standard of conduct and ethics were maintained.

The tribunal found that the councillor, by his actions towards the then Director of Legal and Democratic Services, in particular the language used, failed to show respect and consideration and that his actions also amounted to bullying and harassment.

The tribunal found that as a more senior officer, the actions of the councillor did not amount to bullying or harassment of the Interim Managing Director. The tribunal did however find that making unfounded allegations in the public media that the Interim Director was dishonest and corrupt did fail to show respect and consideration in breach of paragraph 4(b) of the Code.

The tribunal found no breach in relation to his conduct towards the Information Officer. The Tribunal was satisfied that the councillor had made his requests perfectly properly and his letters to the Information Officer were appropriate in content and tone.

The tribunal also found that the councillor's actions amounted to a breach of 6(1)(a) of the code, in that the repeated unfounded allegations of a serious nature against senior officers of the council in public was bound to undermine the Authority and bring it into disrepute. In addition the language used by the councillor and the fact that the tribunal found his motives were not genuine further brought the office into disrepute.

The tribunal concluded by unanimous decision that the councillor should be suspended from acting as a member of the council for a period of 12 months.



## APW/003/2011-012/CT, APW/005/2012-013/CT & APW/007/2012-013/CT – Coedpoeth Community Council

There were 3 separate referrals from the Ombudsman which were considered by a single tribunal.

The allegations were that the former councillor had breached the above Community Council's code of conduct by his behaviour and consequent arrest for a breach of the peace during a demonstration, failure to show respect and consideration to the Clerk of the Community Council, his behaviour, arrest, subsequent imprisonment and non-cooperation with the relevant authorities arising from a protest at a County Court and his lack of cooperation with the Ombudsman's investigation of these allegations.

In the absence of any proper or meaningful response by the former councillor the tribunal concluded by unanimous decision that the former councillor had, by his actions in breaching the code of conduct and in his unacceptable attitude to the investigation and general disregard to the code, demonstrated that he was unfit to hold public office and was unlikely to become fit over the next 5 years.

Accordingly the tribunal decided that the councillor be disqualified for 5 years from being or become a member of the community council or any other relevant authority.

## APW/001/2012-013/CT – Llantrisant Community Council

The allegations were that the councillor had breached Llantrisant Community Council's code of conduct by posting unsubstantiated and highly offensive comments about a former neighbour on Facebook.

The councillor submitted that it was a private family matter and was never intended to be in the public domain. The councillor explained that she had acted on the spur of the moment and had posted the comments to defend her son. The councillor submitted that she never intended to cause anyone harm or distress and was acting as a mother not as a councillor.

The tribunal found that the councillor made 3 postings through her Facebook account and noted that the councillor's profile page makes reference to her position as a community councillor. The tribunal was satisfied that making such public postings without appropriate corroborative evidence was conduct which fell short of



that expected of an elected member. The tribunal considered that making offensive comments on a social networking site and the councillor's failure to take immediate steps to remove those comments was conduct which the tribunal considered brought the office of community councillor into disrepute.

The tribunal considered all the facts of the case and in particular the fact that this was an isolated incident which arose out of what should be a private family matter. The tribunal noted the excellent references received in support of the councillor and the work that she does in the community. The tribunal noted the effect that these proceedings had had on the councillor and the upset caused to the whole family. Nevertheless the tribunal were concerned that the councillor did not fully appreciate the seriousness of her actions. The tribunal took into account her refusal to apologise to the complainant and the fact she had not taken any positive steps to remove the comments. The tribunal took into account that the councillor believed her comments to have been true but nevertheless considered that her actions were inappropriate in the circumstances. The tribunal considered that the conviction in the Courts of a breach of Section 4 of the Public Order Act 1986 was a serious matter for a community councillor.

In all the circumstances the tribunal concluded by unanimous decision that the councillor should be suspended from acting as a member of Llantrisant Community Council for a period of 6 months or, if shorter, the remainder of her term of office. The tribunal considered that this sanction was necessary to reflect the serious nature of the misconduct and to uphold standards in public life. The tribunal considered that a period of suspension was appropriate in the circumstances of this case to give the councillor an opportunity to reflect on her actions. The tribunal considered that a 6 month period of suspension was proportionate in these circumstances.

## **APW/002/2012-013/CT – Merthyr Tydfil County Borough Council**

The allegations were that the former councillor had breached Merthyr Tydfil County Borough Council's code of conduct by sending an email to all members of the Council in which he misrepresented the outcome of a previous tribunal hearing; by co-operating with the Merthyr Express to produce a story about his suspension; misrepresenting the decision of the tribunal when he wrote to the Merthyr Express; publishing a confidential letter and other similar material on his blog for which he had already been suspended by the Adjudication Panel; participating in a live



radio programme phone-in during which he misrepresented Council policies and failed to state that he was, at the time, suspended from the Council.

The tribunal found that the councillor had persistently and deliberately misrepresented his position as a councillor following his suspension by a previous tribunal, in emails, blogs letters and articles to the press and a radio phone-in in a 3 month period following the tribunal finding; deliberately and persistently misrepresented the findings of the previous tribunal; misrepresented the Council and its policies; and, despite the finding of the previous tribunal, had knowingly published confidential information and failed to seek advice from the appropriate authorities.

The tribunal concluded by unanimous decision that the former councillor should be disqualified for 3 years from being or becoming a member of Merthyr Tydfil County Borough Council or any other relevant authority within the meaning of the Local Government Act 2000, with immediate effect.

## APW/004/2011-012/CT – Denbighshire County Council

The allegations were that the councillor had breached paragraphs 4(a), 4(b) and 6(1)(a) by on 2 separate occasions making inappropriate comments relating to Muslims, gypsies and travellers at meetings of the Corporate Equalities Group.

The tribunal found by unanimous decision with regard to both allegations that the former councillor had failed to comply with paragraph 4(b) of the council's code of conduct. The tribunal further found that the councillor did not breach paragraphs 4(a) and 6(1)(b).

The tribunal concluded that the former councillor's conduct merited a censure as it was not acceptable for any councillor to use language and express opinions in a way that would be inappropriate or offensive to others.



### 3.3 Summary of Appeal Tribunals 2012 – 2013

There was 1 appeal tribunal hearing during the reporting year.

#### APW/003/2012-013/A – Anglesey County Council

An appeal was received against the decision of Anglesey County Council's standards committee that the councillor had breached the Council's code of conduct and should be suspended for a period of 6 months.

The allegations were that the councillor had breached paragraph 6(1)(a) of the Council's code of conduct as a consequence of receiving a criminal conviction for failing to declare his full income when applying for Incapacity Benefit, thereby bringing his office or authority into disrepute.

The tribunal found that it was clear that the councillor showed an unwillingness to be frank and showed a reluctance to provide full and accurate disclosure of information to those investigating the allegation unless and until pressed to do so.

The tribunal found that it was significant that the councillor appeared to have been unwilling or unable to learn any lessons from the fact that he was prosecuted in the Magistrates Court on criminal charges because of a failure to make full disclosure of his circumstances when making a claim for benefits. If the councillor had learned from that experience he should have realised that, in cooperating with the subsequent investigation by the Ombudsman and his appearance before the standards committee, it was the councillor's duty to provide full, carefully checked and accurate information so that there could be no possibility of misunderstanding and any doubts about his integrity could be assuaged.

It was also incumbent on him to act in a way that members of the public and fellow councillors would consider to be exemplary, notwithstanding his criminal conviction. Instead his conduct had engendered doubts about his sincerity and the level of his contrition.

It was also clear from the evidence that inaccurate or misleading information was provided by the councillor to the Ombudsman and to the standards committee. That standards committee was of the view that there was a perceived pattern of behaviour relating to a failure or unwillingness to provide full information.



The tribunal was satisfied that the standards committee gave the councillor every opportunity to substantiate his mitigation during the standards committee hearing. The tribunal was satisfied that appropriate credit was given by the standards committee for the mitigation put forward by the councillor, but that the mitigation was outweighed by other factors of the case including the councillor's credibility. The tribunal was satisfied that the standards committee applied due proportionality having regard to all the facts in deciding on the sanction that should be applied to the councillor.

The tribunal accordingly decided by unanimous decision to endorse the decision of the Isle of Anglesey County Council's standards committee, that the councillor should be suspended for 6 months.

### 3.4 Ongoing Cases

At September 2013, the Adjudication Panel had determined 2 cases in the current financial year and a further 3 were on going. These cover a range of potential breaches, such as failing to show respect, attempting to misuse their position as a member, intimidating and bullying behaviour towards council employees, making unsubstantiated public allegations about officers.

Further information on completed cases can be found in tribunal decision reports which are published on the Panel's website: [www.adjudicationpanelwales.org.uk](http://www.adjudicationpanelwales.org.uk)





## 4. Overview of Procedures

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The work of the Adjudication Panel for Wales is governed by Part III of the Local Government Act 2000 and subordinate legislation made by the National Assembly for Wales/Welsh Ministers and the UK Government (the latter in relation to police authorities).

The overriding aim of the Adjudication Panel is to ensure that all parties are able to have their cases presented and to have them considered as fully and fairly as possible.

Tribunals will normally comprise a legally qualified chairperson, plus two others. This may be varied at the President of the Adjudication Panel's discretion.

Tribunal hearings will normally be held in public except where the tribunal considers that publicity would prejudice the interests of justice, or where the respondent or appellant agrees that the allegations may be dealt with by way of written representatives. There may be other reasons from time to time for not holding a hearing, or part of a hearing, in public.

Hearings will usually take place in the relevant authority's area where suitable accommodation is available. Hearing arrangements take account of any special requirements of those attending, such as wheelchair access, interpreter, hearing assistance etc.

A simultaneous translation service is provided for those who wish a tribunal hearing to be conducted in Welsh.

The person who is the subject of the allegations is entitled to give evidence, to call witnesses, to question any witnesses and to address the tribunal on matters pertinent to allegations under consideration.

Details of tribunal hearings and their outcome are published on the Panel's web-site and in the local press as appropriate.



There is a right to seek the permission of the High Court to appeal the decision of interim case tribunals and case tribunals established by the Adjudication Panel. There is no right of appeal against the decisions of appeal tribunals, but, as a public body, the Adjudication Panel and its tribunals are subject to judicial review where appropriate.

Further information on tribunal procedures can be found on the Adjudication Panel's web-site.



## 5. Support Unit

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The Adjudication Panel is supported by:

Leon Mills, Registrar to the Panel

The Panel's address is:

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# Annex

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## Summary of Sanctions Imposed by Case Tribunals and Appeal Tribunals in the Period October 2002 to March 2013

Sanction	Period	No of decisions
<b>Case and Appeal Tribunals</b>		
Disqualification	5 years	1
	3 years	2
	2 years 6 months	1
	2 years	1
	1 year 6 months	1
	1 year	3
	Suspension	12 months
9 months		3
6 months		7
4 months		1
3 months		2
2 months		4
1 month		3
Partial Suspension	3 months	1
	7 weeks	1
Censure	-	6
Breach – no action	-	5
No breach	-	4
Withdrawn	-	2

Appeals	
Breach of code upheld/dismissed	10 (91%)/1 (9%)
Sanction endorsed	8
Different sanction recommended	1 increase/1 decrease
Not accepted <ul style="list-style-type: none"> <li>• Out of time</li> <li>• Not in jurisdiction</li> </ul>	1 1



<b>MEETING OF</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE</b>	<b>27 JANUARY 2014</b>
<b>SUBJECT</b>	<b>GIFTS AND HOSPITALITY REGISTER</b>
<b>PURPOSE</b>	<b>TO SUBMIT AN ANNUAL REPORT ON THE GIFTS AND HOSPITALITY REGISTER FOR MEMBERS</b>
<b>AUTHOR</b>	<b>DILYS PHILLIPS, MONITORING OFFICER</b>

1. At its meeting on 28 January 2013, the Standards Committee proposed amendments to the Gifts and Hospitality Protocol for members. The amended Protocol was submitted to the Full Council on 2 May and it was approved.
2. Relatively recently, a copy of the Protocol was sent to every Community Council. This was done at the request of the Standards Committee and as an illustrative document for them to adopt should they wish.
3. The Protocol offers guidance to assist members to adhere to the Code of Conduct which states in paragraph 17... "You must within 28 days of being offered any gift, hospitality, material benefit or advantage above the value of £25 provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage. You must register any such offer whether you accept it or not."
4. This annual report is submitted in order to report to the Committee on the declarations that have been registered in accordance with the Code of Conduct during the period between May 2012 and December 2013. An analysis of the declarations can be found in the Appendix.
5. In addition to analysing the declarations made by members of the County Council, a questionnaire was sent to all Community Councils. Of the 65 Community Councils in Gwynedd, a response was received from 29 of them and an analysis of their responses can be seen in the Appendix.
6. When discussing the Gifts and Hospitality Protocol in January 2013, the Committee was of the opinion that it was inappropriate to place the register on the Council's website although it is a document that would be available should a member of the public submit a freedom of information request.

7. By now, the legislation makes it a requirement for the register of benefits to be placed on the web, although that part of the act is yet to come into force. However, the same compulsion does not extend to the Gifts and Hospitality Register.

## **RECOMMENDATION**

8. The Committee is asked to:
  - (i) note and accept the contents of the report;
  - (ii) make any observations on the report;
  - (iii) provide further guidance regarding publishing the register on the Council's website.

**APPENDIX.**

**REGISTER OF GIFTS AND HOSPITALITY GWYNEDD COUNCIL MEMBERS  
2012 -2017.**

<b>Date on the form/e-mail</b>	<b>Gift/Hospitality declared</b>	<b>Accepted/ Refused</b>	<b>Value.</b>
14.11.12	Supper invitation to the Celt Hotel from Wales Arts Council.	Accepted	Over £25.
14.11.12	Invitation, ticket and refreshment for the Rugby 6 Nations Game at Cardiff 17.3.12 from S4C	Refused	Over £25
02.05.13	Dinner invitation at Port Meirion Hotel 23 <sup>rd</sup> April, 2013 from German Industry U.K.	Accepted	Over £25
23.09.13	Saffron, curry and rice, cushion cover and lighter from a member of the public	Accepted	Under £25.

**REGISTER OF GIFTS AND HOSPITALITY COMMUNITY COUNCIL  
MEMBERS 2012 -2017.**

Number of councils which replied to the questionnaire	29
Number of councils that keep a register of gifts and hospitality.	10
Number of declarations made since May 2012	0.



<b>MEETING</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE</b>	<b>27 JANUARY 2014</b>
<b>SUBJECT</b>	<b>THE REGISTER OF INTERESTS</b>
<b>PURPOSE</b>	<b>TO SUBMIT AN ANNUAL REPORT ON THE REGISTER OF INTERESTS AND DECLARATIONS MADE DURING THE YEAR BY MEMBERS.</b>
<b>AUTHOR</b>	<b>DILYS PHILLIPS, MONITORING OFFICER</b>

1. One of the matters included in the Committee's Work Programme is to receive an annual report on the elected members' Register of Interests and the declarations made during the year. As this is the first report, it covers the period from May 2012 to December 2013.
2. The Members' Code of Conduct states that Councillors must disclose orally before any meeting in which they are present, the existence and nature of any personal interest they have in business being considered at the meeting. Furthermore, it states that a written notice must be provided including the details of the interest, the details of the business and signature.
3. In addition, the Code of Conduct also states that within 28 days of being elected, members must register their financial interests and personal interests by providing a written notice to the Monitoring Officer, and also states that there is a need to provide a notice of any change to those interests.
4. To assist members to adhere to the requirements of the Code of Conduct, the Council has provided two forms; one which is suitable for registering beforehand and the other for registering declarations made at meetings. The declarations made by both forms are included in the register of interests that is kept.
5. The register of interests is a public document and recent legislation, that is yet to come into force, states that it should be published on the Council's website. As the register is currently made up of a collection of forms, there is a need to consider in which format it should be published.

6. An audit of the register, in terms of the forms for registering beforehand and the forms for declaring in meetings, was undertaken and the results can be seen in the appendix. A further audit was undertaken on a sample of forms for declaring in meetings to see whether or not they corresponded with the declarations in the minutes and an audit was undertaken on a sample of the minutes of meetings to see whether or not declaration forms had been registered for the interests declared orally. The results can be seen in the appendix.
7. At the request of the Standards Committee, this report also includes a survey of the register of interests of community councils. A questionnaire was sent to all community councils. Of the 65 councils, a response was received from 29 and an analysis of the responses can be seen in the appendix.
8. Relatively recently, following a training session for community council clerks, copies of the registration of interests documents of the County Council were forwarded to them for their use. It should be noted in relation to community councils that they are not required under the Code of Conduct to keep the register of declarations made beforehand although it can be seen that a number choose to do so voluntarily.

## RECOMMENDATION

9. The Committee is asked to:
  - (a) accept and note the contents of the report;
  - (b) make any suggestions regarding steps to take in relation to registering interests;
  - (c) make observations on the best format for publishing the register on the web.

**APPENDIX.**

**GWYNEDD COUNCIL'S REGISTER OF INTERESTS.**

Number of declaration of interests made in meetings between May 2012 and December 2013.	185
Number of interests which were prejudiced	37
Number of declarations claiming that a deispensaton has been granted by the Standards Committee. (Note - there has been no dispensations granted for any of these).	6
Sample and investigation	20
Number received which were completed correctly.	20

**COMMUNITY COUNCILS REGISTER OF INTERESTS.**

Number of council which replied to the questionnaire.	29
Number which keeps a register of interests.	24
Number which keeps a record of interests on commencement of term with the Council.	3.
Number which record interests during meetings.	25.

<b>MEETING</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE</b>	<b>27 JANUARY 2014</b>
<b>SUBJECT</b>	<b>THE GWYNEDD STANDARD AND THE LOCAL RESOLUTION PROCEDURE</b>
<b>PURPOSE</b>	<b>TO RECEIVE A REPORT ON THE IMPLEMENTATION OF THE GWYNEDD STANDARD AND TO REVIEW THE LOCAL RESOLUTION PROCEDURE</b>
<b>AUTHOR</b>	<b>DILYS PHILLIPS, MONITORING OFFICER</b>

1. The Gwynedd Standard (see attached as Appendix 1), was adopted by the Full Council on 21 October 2010 following the recommendation of the Standards Committee. Its purpose was to establish an acceptable standard of conduct between members and assist the Council to resolve minor complaints of misconduct, namely those complaints that were not serious enough to be referred to the Ombudsman as matters in breach of the Code of Conduct.
2. Alongside the Gwynedd Standard, a Local Resolution Procedure was adopted (see attached as Appendix 2). This managed any allegations that a member had breached the Member/Officer Protocol and it was amended so that it was relevant to complaints made under the Gwynedd Standard also.
3. By now, under the strong encouragement of the Public Services Ombudsman for Wales, along with the Welsh Government, the majority of councils, if not all, have adopted some form of a Local Resolution Procedure. It is timely for the Committee to readdress the procedure to see whether or not it remains suitable.
4. During the period between May 2012 and December 2013, 19 complaints were received against members of the County Council. Of these, four of them were suitable for consideration under the Local Resolution Procedure as they were complaints by a member about the conduct of another member that was in breach of the Gwynedd Standard.
5. One complaint remains open and is the subject of an investigation by myself under the Gwynedd Standard. One other complaint was transferred to the Ombudsman at the request of the complainant and the Ombudsman decided not to conduct an investigation. As a result, the complainant has decided that he/she does not wish to see any further action taken. I investigated a third complaint under the Gwynedd Standard and I concluded that there were no grounds to the complaint. I explained that to the complainant and although he/she was dissatisfied, the matter has not progressed any further.

6. In relation to the fourth complaint, I held a meeting where the complainant and the person who was the subject of the complaint were both present and they had an opportunity to discuss the dispute. Although no agreement was reached on the facts of the complaint, some agreement was obtained on the way forward and the complainant decided that he/she did not wish to see any further action taken.
7. Of the four complaints, it can be seen that none of them have progressed to Step 3 of the Procedure, namely a hearing before the Standards Committee. The Monitoring Officer is the officer who has dealt with the complaints by advising members, conducting investigations and/or holding reconciliation meetings. It was also seen that an element of research was required in order to establish whether or not there were any grounds to the complaint before progressing to hold a meeting, or even a hearing before the Standards Committee.
8. In light of this experience, it is suggested that the Committee revisits the Local Resolution Procedure in order to offer slightly more flexibility to the various steps, and to the following matters in particular:
  - Which officer provides advice on the complaint and/or investigates it.
  - The need to conduct an investigation to establish whether or not there are grounds to the complaint before progressing to the next step.
  - The individuals who should be present at a reconciliation meeting.

## **RECOMMENDATION**

9. The Committee is asked to:
  - (a) note and accept the report;
  - (b) propose amendments to the Local Resolution Procedure as noted in paragraph 8 above.

## THE GWYNEDD STANDARD

This document explains the standard of conduct expected from Gwynedd Council's councillors in dealing with each other. It should be read in conjunction with the Members Code of Conduct and the Protocol Member-Officer Relations. It adds to those documents and not detract from them.

Gwynedd Council members are expected to :-

### Public behaviour:

- Show respect to each other
- Not to make personal abusive comments about each other.
- Not to publish anything insulting about each other.
- Not to make malicious allegations against each other.
- Not to publish or spread any false information about each other.
- Show respect to diversity and equality.

### Behaviour in committees:

- Behave with dignity in the Chamber.
- Show respect to the Chairman and obey his decisions.
- Not to use indecent language nor make racial remarks or remarks which prejudice any section of society.

### Confidentiality:

- Keep the confidentiality of exempt papers and any other documents which are not public.
- Not to release confidential information to the press or the public.
- Return confidential papers.
- Not to use confidential information for purposes other than intended.

### Local members

- Work with members of adjoining wards for the benefit of the locality.
- If dealing with any matter relating to another ward
  - Explain to anyone seeking assistance that he/she is not the local member
  - Inform the local member, unless it would lead to a breach of confidentiality

**GWYNEDD COUNCIL LOCAL RESOLUTION PROCEDURE**

**A PROCEDURE FOR DEALING WITH ALLEGATIONS THAT A MEMBER HAS BREACHED THE MEMBER-OFFICER RELATIONS PROTOCOL OR THE GWYNEDD STANDARD**

**INTRODUCTION**

1. The Protocol for Member-Officer Relations is an important tool to promote good co-operation between members and officers within the Council and thereby allow the council to fulfil its duties effectively and professionally. In the same vein the Council has adopted the Gwynedd Standard in order to promote and maintain high standards of conduct amongst members. It is therefore important that any allegations against a member that he/she has breached the protocol or the Standard can be dealt with quickly and effectively. The purpose of this procedure is to introduce a simple and easy to understand method of dealing with such allegations.

**STAGE 1 OF THE PROCEDURE**

2. Anyone who wishes to submit an allegation under this procedure should send the complaint (in the case of an officer following consultation with the Head of Department) to the Monitoring Officer. Following receipt of the complaint the Monitoring Officer will act as follows:-
3. In the first place the allegation will be referred either the Deputy Monitoring Officer or the Propriety Officer to provide the complainant with general advice. At this stage it will be possible to advise whether the allegation falls within this procedure or whether it should be referred to the Ombudsman as an allegation of breach of the Members Code of Conduct. The Monitoring Officer will not deal with the allegation at this stage in order to preserve their ability to advise the Standards Committee later in the process.
4. If following the first stage the complainant wishes to proceed with the allegation under this procedure the matter may be referred either to a conciliation meeting under Stage 2 or to a hearing by the Standards Committee under Stage 3.

**STAGE 2 OF THE PROCEDURE.**

5. At Stage 2 a meeting will be held between the person making the complaint, the member against whom the complaint is made, the Leader of the relevant Political Group and the Chief Executive and/or Monitoring Officer. It is possible for an officer to have a colleague or senior officer from the department with him/her. It is also possible for the matter to be dealt with in the officer's absence in exceptional cases. The purpose of this meeting will be to try and resolve the matter without it going further. If deemed necessary the Chief Executive can call on the Monitoring Officer, the Deputy Monitoring or the Propriety Officer for advice and assistance.

### **STAGE 3 OF THE PROCEDURE.**

6. The third Stage is a hearing before the Standard Committee. The person making the complaint will be asked to submit the substance of the complaint in writing and the member concerned will be asked for a written response. These papers, together with any additional written evidence that is submitted by either side will be distributed to the member of the Standards Committee.
7. Both the person making the complaint and the member who is the subject of the complaint have the right to appear before the Standards Committee and to submit evidence from witnesses. Written witness evidence alone will not be accepted without the consent of the other side. Both sides will have the right to representation or to have a colleague present. The Council will not meet the costs of representations.
8. If either side wishes not to be present or fails to attend the hearing may be held in their absence.
9. After the evidence has been heard, both sides and their representatives will be asked to leave the chamber and the Standards Committee will come to a conclusion on the allegation. The Monitoring Officer will be available to advise the Committee.
10. The Committee can come to one of three conclusions, namely :-
  - a) That there is basis to the complaint
  - b) That there is a basis to the complaint but that no further action is required
  - c) That there is a basis to the complaint and that the member should be censured.

In addition the Committee can make recommendations to the Council regarding changing any procedures or taking any further action.

### **SUPPLEMENTARY MATTERS.**

11. Publicity will not be given to the names of the parties unless it is decided to uphold the complaint. The hearing before the Standards Committee will be exempt.
12. Stages 2 and 3 do not have to be following sequentially. Although it is possible for a complainant who remains dissatisfied after the conciliation meeting to ask for the matter to be referred to a hearing before the Standards Committee, it is also possible for a matter to proceed directly to the Standards Committee without going first to a conciliation meeting. The member may offer an apology at any time up to the hearing but if a hearing has been arranged and the complainant decides that he/she does not wish to proceed with the complaint the consent of the Chair of the Standards Committee is required to cancel the hearing.
13. The aim of this procedure is to try and resolve complaints regarding members quickly and effectively. Nothing in this procedure prevents anyone from submitting a complaint to the Public Services Ombudsman for Wales that a member has breached the Members Code of Conduct. The Ombudsman could, if he is of the opinion that there is a case to answer, refer the matter to the Standards Committee or the Adjudication Panel for Wales which has the power to disqualify members for up to 5 years.



<b>Committee :</b>	<b>STANDARDS COMMITTEE</b>
<b>Date:</b>	<b>27 January 2014</b>
<b>Title</b>	<b>Allegations against members</b>
<b>Author:</b>	<b>Monitoring Officer</b>
<b>Action:</b>	<b>For Information</b>

## **1. Background**

The purpose of this report is to present information to the Committee regarding formal complaints made against members. The report is based on information received from the Ombudsman and the case references are his.

## **2. Complaints**

### **2.1 Case No.201300346**

#### **Complaint**

That a county councillor had secretly filmed and recorded a conversation and then put it on his Facebook page.

#### **Decision**

Investigation continuing.

### **2.2 Case No.3982/201301430**

#### **Complaint**

That a county councillor had allowed offensive and libellous comments posted on his Facebook page.

#### **Decision**

Considering whether to investigate.

### **2.3 Case No.201301307**

#### **Complaint**

That a county councillor had behaved in a threatening manner towards the complainant.

#### **Decision**

Investigation continuing.

### **2.4 Case No. 201301629**

#### **Complaint**

That a town councillor had failed to declare an interest at a meeting of the council.

#### **Decision**

Investigation continuing.

### **2.5 Case No. 4414/201301916**

#### **Complaint**

The Ombudsman has decided to investigate matters that came to his attention as part of the investigation into another complaint against the councillor (para 2.1 above):

- Bringing his office as councillor or the authority into disrepute
- Conflict between the councillor's business interests and his role as councillor and misuse of his position as councillor
- Attending a meeting where a conflict of interests could arise ,contrary to the Monitoring Officer's advice

#### **Decision**

Investigation continuing.

## **2.6 Case No. 201303060**

### **Complaint**

Complaint against a town councillor, by a member of the public living next door to him:

- That he had caused the complainant stress and upset by causing arguments over trivial matters
- That he had made unfounded allegations about him to the Environmental Health department
- That he said he would use his influence as a councillor to have a white line in front of the complainant's property removed

### **Decision**

No investigation. It appeared that what the complainant was describing was a neighbour dispute and that the councillor was acting as a private individual. Furthermore no evidence had been provided to substantiate the allegation that he had threatened to use his influence as a councillor.

## **2.7 Case No. 201302762**

### **Complaint**

That the member had breached the code of conduct by relaying a financial offer on behalf of a company, whilst aware that it was higher than an offer made by another company. He had also made a statement that was untrue. The complainant was unhappy at the way the member had interfered in the matter.

### **Decision**

No investigation. Lack of direct evidence. Whilst the member had relayed the offer referred to, there was no direct evidence that he was aware of the other offer, or that the statement was an intentional falsehood.

## **3. Cases heard by the Standards Committee.**

The Committee held a hearing in respect of the complaint against Councillor A. M. Jones, Gwynedd Council on 26<sup>th</sup> September, 2012. The Councillor has lodged an appeal with the Adjudication Panel for Wales. The Panel will be considering the appeal on 17 January 2014 on the basis of the submitted papers only, i.e. without a hearing.

## **4. Recommendation**

The Committee is asked to note the information.

**MINUTES OF A MEETING OF THE  
NORTH WALES STANDARDS COMMITTEES FORUM  
HELD AT THE GUILDHALL, WREXHAM  
ON MONDAY, 21 OCTOBER 2013**

**PRESENT:**

Isle of Anglesey	Michael Wilson - Chair Islwyn Jones – Vice Chair Lynn Ball – Monitoring Officer
Flintshire	Patricia Jones - Chair
Gwynedd	Gwilym Ellis Evans - Chair Sam Soysa – Vice Chair
Wrexham	Rob Dawson - Chair Councillor Paul Pemberton Community Councillor Geoff Edwards Trevor Coxon – Monitoring Officer Sioned Wyn Davies – Deputy Monitoring Officer Jane Johnson – Senior Committee Officer

**1 APOLOGIES**

Apologies for absence were submitted on behalf of Howie Roberts and Samuel Adams (Conwy), Ian Trigger and Rev. Wayne Roberts (Denbighshire), Gareth Owens (Flintshire), Ceri Nash (Wrexham) and Jane Eyton-Jones (Fire and Rescue Authority)

**2 WELCOME**

Mr Rob Dawson, Chair of Wrexham County Borough Council Standards Committee, welcomed those present to the first of the new style North Wales Standards Committees Forum.

**3 MINUTES**

The Minutes of the meeting of the North Wales Standards Committees Forum held on 20 May 2013 were submitted for approval.

Corrections

Page 1 – Appointment of Vice-Chair

That the references to 'Councillor Gwilym Ellis Evans' be amended to read 'Mr Gwilym Ellis Evans'

Page 6 – Indemnities for Members and Local Resolution

It was proposed that the words 'Members were advised' be deleted from the beginning of the second sentence of the first paragraph at the top of page six and that they be replaced with 'There was a view expressed .....'

**RESOLVED – That, subject to the above corrections, the Minutes of the meeting of the North Wales Standards Committees Forum held on 20 May 2013 be received and confirmed as a correct record.**

#### **4 TRAINING SESSION**

Mr Trevor Coxon, Monitoring Officer Wrexham gave a presentation on the Code of Conduct Training which he provided for Wrexham County Borough Councillors and Clerks and Town and Community Councillors in Wrexham, explaining why the training was provided, how the training was delivered with examples of materials used, the outcomes of the training which had resulted in the following benefits and drawbacks:

- Fewer complaints about Town and Community Councils
- Any complaints made fewer were upheld
- Clerks better informed and more confident
- Fewer issues for the Monitoring Officer
- Town and Community Councils more pro-active in seeking advice
- Less “fear” of the Code
- Town and Community Council Members and Clerks can view the Monitoring Officer as a cheap source of general legal advice
- Individual Town and Community Councils can make demands for personal training
- Potential conflict with advisory role to Standards Committee

During the discussion session reference was made to the following:

- Role of Standards Committee members. Committee members were invited to attend the training sessions, however, training still went ahead if none of the Committee members were able to attend as the principle of the training was to educate rather than police – prevention was better than cure.
- Problems being experienced regarding poor attendance at training events and whether the Minister should be encouraged to include a condition in the Code to make training enforceable. Mr Coxon said in Wrexham feedback received from the training events had been very positive indicating that attendees had found the events enjoyable and useful. Attendees had then informed others about how useful they had found the training. The County Borough Council had also identified Core Training which all County Borough Councillors were required to attend, one element was Code of Conduct Training, any Core Training attended by individual Members was recorded on their web page. Mr Coxon said that e-learning modules had been considered but interaction at training events was more beneficial. Training was also undertaken as soon as possible after elections as part of the induction process with refresher training being undertaken on an annual basis. The invitation letter to training could perhaps contain a reminder that the first questions asked by the Ombudsman was when the Councillor had signed up to the Code and when they had last attended training.
- Social media issues. Mr Coxon explained that Wrexham County Borough Council had adopted a protocol. This matter had not been discussed by the Standards Committee nor any work undertaken with Community Councils.

## **5 OPEN SESSION FOR ITEMS OF CURRENT INTEREST**

### **(i) Promotion of Local Democracy and Public Engagement**

Anglesey County Council's Standards Committee had requested that the Forum discuss the following paragraph, contained in a letter from Carl Sargeant AM, Minister for Housing and Regeneration, dated 28 January 2013.

'In a similar vein, principal councils are best placed to work with their community and town councils to enable the public to have access to information concerning the business of their local council and how to contact them. You will be aware that provisions to bring this in to place are included in the Local Government (Democracy) (Wales) Bill currently under consideration by the Assembly. I would like principal councils to work with their community councils to help take this forward.'

Although the issue of providing support to Town and Community Councils, with regard to their web presence was outside the remit of Standards Committees, Anglesey County Council's Standards Committee saw this development as an opportunity to enhance the awareness of Town and Community Council Members, as well as informing the public, by encouraging Town and Community Councils to include information about the Code of Conduct (which applied to their Members), how and with whom to lodge complaints and the role of local Standards Committees.

Gwynedd County Council agreed that Town and Community Councils websites should provide this additional information particularly in relation to the work of the Standards Committee and it was suggested that the public could be directed to approach Standards Committee Members if they had a complaint against a Community Councillor. Concern was raised that this may 'muddy the waters' if the complaint did go further and eventually ended up being referred to the Standards Committee by the Ombudsman.

It was also suggested that such complaints could in the first instance be referred to the Monitoring Officer to be settled under the Local Resolution Protocol/Procedure without any need for reference to the Ombudsman. The Monitoring Officer for Wrexham expressed concerns suggesting that it would be unwise for Monitoring Officers to become involved in all processes for Town and Community Councils as this could heavily dominate their time.

As many Town and Community Councils were being asked to take on additional services it was suggested that a toolkit similar to the one which had been developed for English authorities would be useful and whether One Voice Wales could develop a link to a similar toolkit on their website.

**RESOLVED – That One Voice Wales and the WLGA be encouraged to develop a similar resource along the lines of the toolkit provided for English authorities.**

### **(ii) Ombudsman Investigation Time**

Gwynedd County Council had requested that this item be placed on the agenda to enable the Forum to discuss concerns they had in relation to the time it was taking the Ombudsman to complete an investigation and that, if felt appropriate, for the Forum to make representations to the Ombudsman.

Given that there would shortly be a new Ombudsman, Anglesey County Council felt it would be more appropriate to have early discussions with the new Ombudsman, when appointed, and possibly invite the new Ombudsman to a future meeting of the Forum.

Wrexham County Borough Council had not experienced any such delays.

**RESOLVED - That these issues be raised with the new Ombudsman once appointed, rather than make representations at the current time.**

(iii) Webcasting of Standards Committees

The Forum discussed whether it would be appropriate to webcast Standards Committee meetings and there was a general consensus against this.

(iv) Delegation of Dispensations

Wrexham County Borough Council queried the process for the granting of dispensations in other authorities and whether there was any scope for this to be delegated to an Officer or representatives of the Standards Committee.

It was noted that the Guidance specifically stated dispensations could only be given by the Standards Committee.

It was reported that in Anglesey the Standards Committee had a Sub-Committee which dealt with dispensations and in Gwynedd the Standards Committee had adopted a protocol/guidelines for the granting of dispensations, which they would be happy to share with other authorities.

## **6 FEEDBACK**

There was general consensus that the new format for the Forum worked well but those present expressed their disappointment at the poor attendance.

## **7 DATE AND VENUE OF NEXT MEETING**

**RESOLVED – That the next meeting be held in January 2014, venue to be confirmed.**

(The meeting ended at 3.56pm)

<b>MEETING OF</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE</b>	<b>27 JANUARY 2014</b>
<b>SUBJECT</b>	<b>THE PROTOCOL FOR MEMBER/OFFICER RELATIONS</b>
<b>PURPOSE</b>	<b>TO CONSIDER AMENDMENTS TO THE PROTOCOL</b>
<b>AUTHOR</b>	<b>DILYS PHILLIPS, MONITORING OFFICER</b>

1. At its annual meeting in May 2014 the Council will consider adopting a new Constitution. This Constitution will be drawn up based on the Standard Modular Constitution that has been prepared for all Welsh Councils.
2. One of the documents that make up the Council's Constitution is the Protocol for Member/Officer Relations.
3. The Standards Committee considered this Protocol on 23 June 2009 recommending some amendments to the Protocol that existed at the time. The Council adopted those amendments at its meeting in July 2009.
4. The purpose of the Protocol is to control the contact and the relationship between the Council's members and officers. It includes matters relating to conduct, but also the various roles of members and officers and guidelines for advising and transferring information to members whilst respecting the political impartiality of officers.
5. Since adopting the Protocol in 2009, some changes have taken place; specifically the Council has changed to a governance procedure of a Leader and Cabinet and there have also been developments in the legislation relating to local authorities in Wales, such as establishing a Democratic Services Committee and the post of Head of Democratic Services.
6. In light of this and the fact that the Council is reviewing the Constitution in its entirety, it is timely to revisit the Protocol. I have considered the standard Protocol that is included in the Modular Constitution alongside the Council's existing protocol. The contents of both are relatively similar, whilst their wording is very different.
7. I recommend to the Standards Committee that it approves the Standard Protocol in the new Modular Constitution for adoption by the Council, but with some amendments in order to include in it those matters in the Council's existing protocol that are of most importance to the Committee.



The advantage of doing so is that the Protocol will have been updated to be fit for the purposes of the existing Council and it will also be in a format that is standard to all other Welsh Councils.

8. The new standard Protocol can be seen in Appendix 1. The parts that have been highlighted grey in the document are the amendments that I have added in order to include the matters deemed important from the existing Protocol. The existing Protocol can be seen in Appendix 2 for comparison.

## **RECOMMENDATION**

9. The Committee is requested to consider the two Protocols and then recommend the new form of the Protocol for the Council to adopt with any further amendments that the Committee wishes to include.

**SECTION 21**

**1. PROTOCOL ON MEMBER / OFFICER RELATIONS**

**1.1 Introduction**

The purpose of this Protocol is to guide Members and Employees of the Council in their relations with one another.

1.2 Mutual respect between Members and Employees is essential to good local government. However, close personal familiarity between individual Members and Employees can damage this relationship and prove embarrassing to other Members and Employees.

1.3 The relationship has to function without compromising the ultimate responsibilities of Employees to the Council as a whole, and with due regard to such technical, financial, professional and legal advice that Employees can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and Employees.

1.4 Members and Employees are subject to their respective Codes of Conduct which are available in this Constitution. This Protocol provides guidance on work relations between Members and Employees. It is essential that both are familiar with the detailed obligations in their individual Codes of Conduct which will be the overriding factor should there be any conflict between the Codes and this Protocol.

**1.5 Roles of Members**

Members undertake many different roles. Broadly these are:

1.5.1 Members express political values and support the policies of the party or group to which they belong (if any).

1.5.2 Members represent their electoral division and are advocates for the citizens who live in the area.

1.5.3 Members are involved in active partnerships with other organisations as community leaders.

1.5.4 Members contribute to the decisions taken in Full Council and in its various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.

1.5.5 Members help develop and review policy and strategy.

1.5.6 Members monitor and review policy implementation and service quality.

1.5.7 Members are involved in quasi-judicial work through their Membership of regulatory committees.

Member conduct is controlled by the Code of Conduct for Members which states:

*"You must -*

- (a) undertake your duties and responsibilities by giving due attention to the principle that everyone shall have an equal opportunity regardless of their gender, race, disability, sexual orientation, age or religion;*
- (b) show respect to others and be mindful of them;*
- (c) not behave in a bullying or harassing manner towards any person; and*
- (ch) not do anything which compromises or which is likely to compromise the impartiality of those who work for the council or on its behalf."*

## 1.6 **Roles of Employees**

Briefly, Employees have the following main roles:

- 1.6.1 Managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services.
- 1.6.2 Providing advice to the Council and its various bodies and to individual Members in respect of the services provided.
- 1.6.3 Initiating policy proposals.
- 1.6.4 Implementing agreed policy.
- 1.6.5 Ensuring that the Council always acts in a lawful manner.

Employee conduct is controlled by the Code of Conduct for Employees which states:

*"Contact with members, the public and other employees.*

*4. Joint respect between qualified employees and members is essential for good local government, and work relationships should remain on a professional level.*

*5. The competent employees of the relevant authorities should deal with the public, members and other employees in a sympathetic, efficient and impartial manner."*

## 1.7 **Respect and Courtesy**

- 1.7.1 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Employees. This plays a very important part in the Council's reputation and how it is seen in public. It is very important that both Members and Employees remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Members, or other Employees, in public places.

### 1.7.2 Undue Pressure

- (a) It is important in any dealings between Members and Employees that neither should seek to take unfair advantage of their position.
- (b) In their dealings with Employees (especially junior Employees) Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior official and/or political office.
- (c) A member should not place officers under inappropriate pressure to act in accordance with the member's wishes and an officer shall retain the right to offer a professional opinion that is contrary to the views of the member.
- (d) A Member should not apply undue pressure on an Employee either to do anything that he is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.
- (e) Similarly, an Employee must neither seek to use undue influence on an individual Member to make a decision in his favour, nor raise personal matters to do with their job, nor make claims or allegations about other Employees. *(The Council has formal procedures for consultation, grievance and discipline, and Employees have the right to report possible wrongdoing under the Council's Confidential Reporting Code.)*

### 1.7.3 Bullying or harrassment

It is unacceptable for a member to bully or harrass an officer. Any act against an officer is deemed to be bullying or harrassment if it was intended to have an inappropriate or unfair influence on his/her views or actions. There is no room for disparaging personal remarks during discussions between members and officers and it is not considered appropriate for either party to voice a complaint against the other publically in a committee or in the press, without first referring to the Council's internal procedure in an attempt to resolve that complaint.

### 1.7.4 Familiarity

- (a) Close personal familiarity between individual Members and Employees can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.
- (b) Such familiarity could also cause embarrassment to other Members and/or other Employees and even give rise to suspicions of favouritism.
- (c) For these reasons close personal familiarity must be avoided.

### 1.7.5 Breach of Protocol

- (a) If a Member considers that he has not been treated with proper respect or courtesy he may raise the issue with the Employee's line manager. If

direct discussion with the manager does not resolve the complaint it should be referred to the Head of Service or Director responsible for the employee concerned. Breach of the Protocol may give rise to disciplinary proceedings against an Employee if the circumstances warrant it.

- (b) If an employee considers that a Member has contravened the protocol he should consult his line manager who will if necessary involve the Head of Service or Director. In certain circumstances breach of the Protocol may also constitute a breach of the Members' Code of Conduct. If the breach is sufficiently serious this may warrant a formal reference to the Monitoring Officer as a complaint to be considered for potential investigation by the Standards Committee. Many complaints will be capable of informal resolution. The Monitoring Officer or the Chief Executive will assist in this process if necessary.

## **1.8 Provision of Advice and Information to Members**

- 1.8.1 Members are free to approach Employees of the Council to provide them with such information and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.
- 1.8.2 Employees should always endeavour to respond to requests for information promptly and should in any event inform the Member if there is likely to be any appreciable delay in dealing with an enquiry. As a minimum the timescale for responding to correspondence should be observed ie either a full response or, if this is not possible, an acknowledgement that fully explains what is happening within [five] working days of the receipt of the enquiry.
- 1.8.3 The legal rights of Members to inspect Council documents are covered partly by statute and partly by common law.
- 1.8.4 The Access to Information Procedure Rules of this Constitution explain the position with regard to access to papers relating to the business of a Council body.
- 1.8.5 The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know". In this respect a Member has no right to "a roving commission" to examine any documents of the Council. Mere curiosity is not sufficient.
- 1.8.6 The information sought by a Member should only be provided by the respective Service as long as it is within the limits of the Service's resources. For their part, Members should seek to act reasonably in the number and content of the requests they make.
- 1.8.7 It is important for Services and their staff to keep Members informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the area that he represents. Local Members should be informed about proposals that affect their electoral division and should also be invited to attend Council initiated events within their electoral division. (Further details are contained in the Local Member Consultative Charter, which is annexed to this Protocol).

- 1.8.8 If a Member asks for specific information relating to the work of a particular Service, and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate [Cabinet] [Executive] Member or Committee Chair concerned should be advised about the information provided.
- 1.8.9 Officers have to advise Members from time to time that a certain course of action cannot be carried out. Members sometimes assume that this is a case of Officers deliberately obstructing the wishes of politicians. In fact this is hardly ever the case. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective Officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Members might achieve some or all of their objectives in other ways. Such Officers are invaluable to any Council.
- 1.8.10 Members may be entitled under the Freedom of Information Act 2000 to receive information which falls outside their common law rights based on the “need to know”. Employees are encouraged to supply documents to Members without the need for a formal FOI request if it is apparent from the Member’s enquiry that any individual would be entitled to receive such documentation. The Council’s [*insert title*] will be able to advise in consultation if necessary with the Monitoring Officer on whether any request would fall within the Freedom of Information Act.
- 1.8.11 It is important to have a close working relationship between the Council Leader, Cabinet Member and the director, heads of service and the senior officers of any department that deals with the relevant portfolio. Nevertheless, these relationships should never be allowed to develop to be too close, or to appear that way, so that it throws doubt on the officer’s ability to deal impartially with other members and other political groups.

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- 1.8.12 It must be borne in mind that officers are accountable to their head of service and although officers should always seek to assist the chair, portfolio leader (or indeed any member), in doing so they must not venture beyond the limits of whichever authority they have been granted by their chief officer.

## 1.9 **Confidentiality**

- 1.9.1 In accordance with the Code of Conduct for Members, a Member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes, or ought reasonably to be aware, is of a confidential nature, except where:
- (a) he/she has the consent of a person authorised to give it;
  - (b) he/she is required by law to do so;
  - (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (d) the disclosure is:

- (i) reasonable and in the public interest; and
- (ii) made in good faith and in compliance with the reasonable requirements of the authority.

1.9.2 Confidential Committee papers (pink papers) are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the Committee. Other information may be confidential because to disclose it would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained.

1.9.3 Information and correspondence about an individual's private or business affairs will normally be confidential.

1.9.4 Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant Officer, but treat the information as confidential in the meantime.

1.9.5 Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.

1.9.6 If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that Officer.

#### 1.10 **Provision of Support Services to Members**

1.10.1 The only basis on which the Council can lawfully provide support services (eg stationery, word processing, printing, photocopying, transport, etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

##### 1.10.2 **Correspondence**

Official letters on behalf of the Council should be sent in the name of the appropriate Employee, rather than over the name of a Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

1.10.3 Usually, an officer should not send a copy of correspondence between an individual member and that officer to any other member. When there is a specific case where a copy of correspondence needs to be sent to another member, this should be explained clearly to the original member. In other words, a system of “blind carbon copies” should not be used.

#### 1.10.4 Media

Communication with the media can be an important part of a Member's workload. In general, Members provide comment and views while Employees provide factual information. If a Member is unsure about the circumstances of a particular issue he should contact the appropriate Director or Head of Service concerned or ask the Press Office to do so.

### 1.11 The Council's Role as Employer

In their dealings with Officers, Members should recognise and have regard to the Council's role as employer. Members should be aware that Officers could rely on inappropriate behaviour of a Member in an employment case against the Council.

### 1.12 Political Activity

1.12.1 There are a number of constraints that apply to an employee who occupies a post that is designated as “politically restricted” under the terms of the Local Government and Housing Act 1989.

1.12.2 In summary, such employees are prevented from:

- (a) being a Member of Parliament, European Parliament or local authority;
- (b) acting as an election agent or sub-agent for a candidate for election as a Member of any the bodies referred to in (a);
- (c) being an Officer of a political party or any branch of a political party or a Member of any committee or sub-committee of such a party or branch, if his duties would be likely to require him to:
  - (i) participate in the general management of the party or branch; or
  - (ii) act on behalf of the party or branch in dealings with persons other than Members of the party;
- (d) canvassing on behalf of a political party or a candidate for election to any the bodies referred to in (a);
- (e) speaking to the public with the apparent intent of affecting public support for a political party; and
- (f) publishing any written or artistic work of which he is the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection - if the work appears to be intended to affect public support for a political party.



1.12.3 Officers will provide advice to committees, member forums etc., rather than to political groups. Nevertheless, from time to time it may be unavoidably necessary to advise a political group. In such circumstances, it is appropriate for political groups to call on Employees to assist and contribute to their considerations provided that they maintain a stance that is politically impartial. Employees are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and their respective Directors/Heads of Service, and not to individual Members of the Council whatever office they might hold.

1.12.4 Both Members and Employees are subject to their own Codes of Conduct which can be found in the Constitution. This Protocol provides guidance on working relationships between Members and Employees. It is essential that both are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol. You should always register with the Monitoring Officer each occasion when an officer (except for the political assistant) attends a meeting of a political group.

### 1.13 **Sanctions**

1.13.1 Complaints about any breach of this Protocol by a Member may be referred to the Monitoring Officer. It should be noted that certain breaches may also amount to breaches of the Code of Conduct for Members.

1.13.2 Complaints about any breach of this protocol by an Officer may be referred to the relevant Chief Officer, the Chief Executive or the [Head of Legal and Democratic Services].

### 1.14 **Conclusion**

It is hoped that, by following good practice and securing sensible and practical working relationships between Members and Employees, we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and Employees.

## **PROTOCOL FOR MEMBER/OFFICER RELATIONS**

### **1. Introduction**

- 1.1 The purpose of this protocol is to guide members and officers of the Council in their relations with one another.
- 1.2 This protocol seeks to offer guidance on some of the issues which most commonly arise. It is hoped however that the approach which it adopts to these issues will serve as a guide to dealing with other issues.
- 1.3 This protocol seeks to promote greater clarity and certainty. If it is followed it should ensure that members receive objective and impartial advice and that officers are protected from accusations of bias and undue influence.
- 1.4 This protocol is based on the following principles:-
- An understanding by both members and officers of the requirements of each other's functions.
  - Respect for each other's time and priorities.
  - Courtesy and sensitivity at all times.

It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to members and officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and therefore they demand very high standards of personal conduct.

- 1.5 The Council's Code of Conduct for members states at paragraph 4:-

“You must-

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person, and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.”

The statutory Code of Conduct for officers, which is incorporated in their conditions of employment, states at paragraphs 4 and 5 of the Schedule:-

“Relations with members, the public and other employees.

4. Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis.
  5. Qualifying employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently, and without bias.”
- 1.6 In line with the principle of “mutual respect”, it is important that any dealings between members and officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position. The use of threats, intimidation or verbal abuse will be regarded as serious breaches of this protocol.
  - 1.7 Members should not put officers under inappropriate pressure to act in accordance with the members’ wishes and officer are free at all times to offer a professional opinion which is contrary to the opinion of the member.
  - 1.8 It is not acceptable for a member to bully or harass an officer. Any action against an officer would be considered as bullying or harassing if the intention was to improperly or unfairly influence his opinion or his activity. There is no room for personal abuse in a discussion between member and officer and it is not considered appropriate for one to voice a complaint against the other publicly in a committee or in the press, or publicly by any other means (e.g. e-mail or internet), without first using the internal arrangements within the Council to try and solve the complaint. In discussing Council business publicly a member should not name a specific officer.

## 2. **Officer advice to Members.**

- 2.1 Local authority 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.
- 2.2 There is now statutory recognition for political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Directors or chief officers may properly be called upon to advise the chairs or spokespersons of political groups, but they should only attend group meetings in exceptional circumstances and in such a case the other political groups should be informed of the advice given and be given the opportunity to receive the same presentation. All instances of an officer (other than a political assistant) attending a meeting of a political group should be registered with the Monitoring Officer
- 2.3 Certain points must however be clearly understood by all those participating in this type of process, members and officers alike. In particular:-
  - (a) officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of political group business;
  - (b) political group meetings, whilst they form part of the preliminaries to Council decision-making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

(c) similarly, 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 act as a substitute for providing all necessary information and advice to the relevant committee or sub-committee when the matter in question is considered.

2.4 Any particular cases of difficulty or uncertainty in this area of officer advice to political groups should be raised with the Chief Executive who will discuss them with the relevant group leaders.

2.5 Provisions relating specifically to planning applications are to be found in the Planning Code of Conduct in Part 5 of this constitution.

### **3. Support services to members and political groups.**

3.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photo-copying, transport, information technology, etc.) to members is to assist them in discharging their role as members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

### **4. Members' access to information and to officers.**

4.1 Members are free to approach any council service to request that they be provided with such information, explanation and advice (about the services functions) as they may reasonably need in order to assist them in discharging their role as members of the Council. This can range from a request for general information about some aspect of a department's activities to a request for specific information on behalf of a constituent. Bearing in mind the requirements of the data protection legislation any request for personal information relating to a constituent should be supported by a written authorisation by that constituent. Such approaches should normally be directed to the chief officer or another senior officer of the services concerned.

4.2 Scrutiny committees have the right to require that certain officers appear before them. Details of this procedure can be found in the Scrutiny and Overview Procedure Rules in Part 4 of this constitution.

4.3 A member's ability to contact officers is essential to his/her work.

4.4 However it will not always be possible for a member to contact an officer at a time when it is convenient for him/her. These guidelines aim to make the best use of both members' and officers' time.

4.5 As a matter of principle a member should always contact an officer he/she may wish to see beforehand. This will ensure that the officer is available and will enable that officer to prepare to answer the member's questions in order to make the most effective use of the meeting.

4.6 A member should always call at reception wherever practicable and ask for the officer. This is a matter of personal safety as it is essential in case of fire that the name of everyone in the building is known.

- 4.7 Officers should always ensure, bearing in mind the reasonable calls of their other duties, that they can respond to a reasonable request for information relevant to a member's work or a request for a meeting.
- 4.8 Members can always contact the Democratic Services Manager or one of the committee officers who act as the primary point of contact for members in relation to any need for information and to accept enquiries and forward them to the appropriate officers.
5. **Members rights to inspect Council documents.**
- 5.1 As regards the legal rights of members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 5.2 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, committee or sub-committee meeting. This right applies irrespective of whether the member is a member of the committee or sub-committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This statutory right does not extend to information falling within paragraphs 12 - 18 of Part 4 of Schedule 12A of the Local Government Act 1972. However, the common law right (see below) would 'a fortiori' override this restriction.
- 5.3 The common law right of members is much broader and is based on the principle that any member has a prima facie right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the member properly to perform his/her duties as a member of the Council. This principle is commonly referred to as the "need to know" principle.
- 5.4 The exercise of this common law right depends therefore upon the member's ability to demonstrate that he/she has the necessary "need to know". In this respect a member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. If a member's motive for seeing documents is indirect, improper or ulterior access may be refused. The crucial question is the determination of the "need to know". This question must initially be determined by the head of service or strategic director who holds the document in question (with advice from the Monitoring Officer). In the event of a dispute, the question falls to be determined by the Monitoring Officer. There is a subsequent right of appeal to the Board of the Council.
- 5.5 In some circumstances (e.g. a committee member wishing to inspect documents relating to the functions of that committee) a member's "need to know" will normally be presumed. In other circumstances (e.g. a member wishing to inspect documents which contain personal information about third parties) a member will normally be expected to justify the request in writing, in specific terms and in the light of the data protection legislation.
- 5.6 Further and more detailed advice regarding members' rights to inspect Council documents may be obtained from the Monitoring Officer.
- 5.7.1 Finally, any Council information provided to a member must only be used by the member for the purpose for which it was provided, i.e. in connection with the proper performance of the member's duties as a member of the Council. The Council's Code of Conduct for members states at paragraph 5:-

“You must not:

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of person authorised to give such consent, or unless require by law to do so.”

5.8 Further information on the right to information may be found in the Access to Committee Information Procedure Rules in Part 4 of this Constitution and in the Code of Practice on Members' Rights to have Access to Information, contained in Part 5 of the Constitution.

## 6. **Officer/Chair/Portfolio Leader Relationships.**

6.1 It is clearly important that there should be a close working relationship between the chair of the Board, a committee or sub-committee, or portfolio leader and the director, head of services and other senior officers of any directorate which reports to that committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other members and other political groups.

6.2 Whilst the chair of the Board, a committee or sub-committee or a portfolio leader will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations a director or head of service will be under a duty to submit a report on a particular matter. Similarly, a director or head of service will always be fully responsible for the contents of any report submitted in his/her name. Any issues arising between a chair and a chief officer in this area should be referred to the Chief Executive for resolution in conjunction with the Chair of the Council.

6.3 If a report is to be presented to a meeting of the Board by a portfolio leader, then the author of that report should discuss its contents with the relevant portfolio leader beforehand.

6.4 In exercising their delegated powers, portfolio leaders must consult with or inform the chief executive, monitoring officer and chief financial officer (and the local member if appropriate) in accordance with the provisions more fully described in the Delegation Scheme for Portfolio Leaders in Part 3 of this constitution.

6.5 Finally, it must be remembered that officers are accountable to their head of service and that whilst officers should always seek to assist a chair, portfolio leader (or indeed any member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their chief officer.

## 7. **Correspondence.**

7.1 Correspondence between an individual member and an officer should not normally be copied by the officer to any other member. 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.

7.2 Official letters on behalf of the Council should normally be sent out over the name of the appropriate officer, rather than over the name of a member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear over the name of a member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out over the name of a member.

## **8. Involvement of Ward Councillors.**

- 8.1 All officers should always consider local members during their work as a matter of course. Local members should be kept informed of anything which may affect their work so that their views may be taken into account as the work progresses. Care should be taken that the local member does not first find out about something which is happening in his/her ward from his/her constituents or in the press!
- 8.2 Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the ward or wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the ward members should be notified at the outset of the exercise.

## **9. Breaches of the Protocol.**

- 9.1 Breaches of this protocol may lead to disciplinary action in the case of officers or, in the case of members, an allegation to the Ombudsman that they have breached the code of conduct, or reference to the Council's Standards Committee.
- 9.2 If a member should be dissatisfied with the conduct of an officer, he/she should in the first place discuss the matter with the relevant head of service in order to try to resolve the matter. The Council's disciplinary procedures will not necessarily be relevant and/or appropriate in all circumstances but the relevant head will resort to these procedures in appropriate cases. When dealing with a matter the head could, depending on the circumstances, consult with the Chief Executive, the Monitoring Officer, the Chairman of the Council or the leader of the relevant political group.
- 9.3 Should a member be dissatisfied with an officer's response to a request for information or service he/she should in the first instance refer this to the relevant head. Should he/she continue to be dissatisfied with the head's response he/she can then refer the matter to the relevant portfolio leader. The portfolio leader will investigate the application and the response to it and then come to a decision on the matter.
- 9.4 Similarly, if an officer is dissatisfied with the conduct of a member he/she should also raise the matter with his/her head of service in order to try to resolve the matter with the member without the need to resort to the formal procedures that could lead to the Standards Committee.
- 9.5 Should the officer continue to be dissatisfied, he/she can refer his complaint to the procedure adopted by the Council for dealing with instances of breaching the protocol by members and this ultimately could lead to reprimand by the Standards Committee. However, this does not supersede the officer's right, as any other individual, to make an official complaint that a member has breached the code of conduct to the Public Services Ombudsman for Wales.

<b>MEETING OF</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE</b>	<b>27 JANUARY 2014</b>
<b>SUBJECT</b>	<b>PROTOCOL ON THE USE OF SOCIAL MEDIA BY COUNCILLORS</b>
<b>PURPOSE</b>	<b>TO APPROVE A DRAFT PROTOCOL FOR CONSULTATION</b>
<b>AUTHOR</b>	<b>ARWEL E JONES, SENIOR MANAGER – CORPORATE COMMISSIONING</b>

1. Both the Standards Committee and the Democratic Services Committee have agreed in the past on the need to have a protocol on the use of Social Media by councillors and agreed to set up a Joint Task Group with three members from both committees to draft such a protocol.

2. The Task Group has met on two occasions. In addition, the Democratic Services Committee has held an initial discussion on the content and has submitted observations that were considered by the Task Group. The latest draft is appended to this report for consideration by the Committee.

3. On distribution of this draft to the committee, members of the Democratic Services Committee will also receive a draft and they will be invited to submit observations for consideration by the Standards Committee.

4. After the approval of any changes at this meeting, the next step would be for the next version of the draft, as amended, to be shared with all councillors so that the proposed protocol can be presented to the full Council at its meeting on 6th March, 2014.

5. I recommend that any observations received in response to that be considered by myself and the Monitoring Officer and any changes be agreed with the chairmen of the two committees to enable prompt submission to the full Council at its next meeting.



**APPENDIX.**

**REGISTER OF GIFTS AND HOSPITALITY GWYNEDD COUNCIL MEMBERS  
2012 -2017.**

<b>Date on the form/e-mail</b>	<b>Gift/Hospitality declared</b>	<b>Accepted/ Refused</b>	<b>Value.</b>
14.11.12	Supper invitation to the Celt Hotel from Wales Arts Council.	Accepted	Over £25.
14.11.12	Invitation, ticket and refreshment for the Rugby 6 Nations Game at Cardiff 17.3.12 from S4C	Refused	Over £25
02.05.13	Dinner invitation at Port Meirion Hotel 23 <sup>rd</sup> April, 2013 from German Industry U.K.	Accepted	Over £25
23.09.13	Saffron, curry and rice, cushion cover and lighter from a member of the public	Accepted	Under £25.

**REGISTER OF GIFTS AND HOSPITALITY COMMUNITY COUNCIL  
MEMBERS 2012 -2017.**

Number of councils which replied to the questionnaire	29
Number of councils that keep a register of gifts and hospitality.	10
Number of declarations made since May 2012	0.

## **GWYNEDD COUNCIL**

### **PROTOCOL ON THE USE OF SOCIAL MEDIA BY COUNCILLORS**

#### **INTRODUCTION**

1. Social Media is an important means of communication in society today and is changing the way in which people communicate and network. This change offers a new platform for engagement, communication and listening. As a result, it is natural that this change affects the way in which the Council contacts the county's citizens and also the way in which councillors operate.
2. The Council welcomes members' increasing use of social media and wishes to facilitate this by giving proper advice and support. The Council's Democratic Services and Standards Committees have recognised the need for guidance on what is and is not acceptable. This protocol is intended to provide such guidance and complements the general rules under the Code of Conduct for Elected Members. Obviously, the basic position is that the same standards of conduct apply whether a member is on-line or not.

#### **THE OPPORTUNITIES AND RISKS**

3. The development of Social Media offers opportunities for sharing information with and seeking responses from residents. The various means (Facebook, Twitter, Blogs etc) offer a quick, cheap and effective way of doing so. Social Media puts users at the leading edge of breaking news. They also are a means to enable contact with those who would, perhaps, have had no previous link with democratic processes.
4. As a result, they provide a media that can prove very useful to the Council corporately and also to local councillors. By proper use of Social Media, councillors can benefit greatly and the Council encourages appropriate use by councillors. However, it is important to be aware of the dangers and risks associated with their use. Misuse of these media can lead to significant legal difficulties and the Attorney General has issued guidance seeking to avoid that. (see <https://www.gov.uk/government/news/attorney-general-to-warn-facebook-and-twitter-users-about-contempt-of-court>)

#### **FUNDAMENTAL PRINCIPLES**

5. The fundamental principle is that "The Gwynedd Standard" (see Appendix 1) and the Code of Conduct for Councillors (see Appendix 2) are relevant to all activities, including the use of Social Media. Consequently, the conduct of members when using social media must adhere to the same standards of conduct as they would observe at a committee, a public meeting or in correspondence.

6. Therefore, in addition to the general legal duties, the following principles should be borne in mind:-
- Showing respect to others
  - Not revealing exempt or confidential information
  - No bullying, harassment, victimisation or threatening of fellow councillors officers or members of the public
  - Not seeking personal benefit
  - Remembering the principles of equality
  - Being careful not to decide matters in advance
  - Being careful not be seen as a party to incitement or a vendetta against others

### **THE RESPONSIBILITY FOR “CONTENT”**

7. One big difference between the social media and other media is that the owner of the “site” is responsible not only for their own statements but also the statements made by others on that site. Consequently, if inappropriate statements are made, the owner of the “site” is responsible for withdrawing those statements.
8. In addition, once something is posted on a social media site, it is in the public domain. The Council will, as required, ask members to remove any content in violation of this protocol and failure to do so will be in contravention of the protocol. However, members must be aware that, once in the public domain, it is difficult to withdraw an entry, whether that be of fact or opinion, and that could lead, in the end, to legal action.

### **“POLITICAL” DISCUSSIONS**

9. Local “political” discussions can be robust and challenging. Whilst the Public Services Ombudsman has accepted that members must have a “thicker skin” since criticism of ideas and opinion is part of democratic debate, the “Gwynedd Standard” does make it clear that no-one should be offensive or abusive even in those “political” discussions. This protocol confirms that those standards are relevant to members in their use of social media.

### **THE COUNCILLOR AS AN INDIVIDUAL**

10. A councillor can establish a site in their own name or as “Councillor \*\*\*\*”. Members should be aware that this protocol is relevant to either scenario. Since it is clear that the fact that an individual is an elected member is out in the public domain, a member should be equally careful in any social media scenario. The extent to which this protocol is applied depends on the subject matter but the standards of conduct are the same.

## **THE USE OF COUNCIL EQUIPMENT**

11. The councillor may use the Council's equipment for publishing information on social media but members should be even more wary of the content.

## **USE AT MEETINGS**

12. Social media may be used at the meetings of the Council and its committees. However, it must be borne in mind that:-

- A member's main focus should be on the discussion in hand and the decision to be made
- Exempt and confidential information should not be tweeted
- The details of meetings should not be tweeted

## **WEB-CASTING**

13. The Council will be moving in due course to broadcast some of its meetings (full Council and some committees) over the Web. As a part of that development, we will be encouraging the use of social media for members of the public to respond to discussions. However, that will take place through the Council's official "sites". The individual use of media by elected members falls under paragraph 12 of this protocol.

## **TRAINING**

14. Training on this protocol will be provided for members in order to empower them to make responsible and appropriate use of the media. There is a clear expectation that members will take advantage of such training. However, it is clear that the responsibility for conformance with the protocol rests with the individual member.

## **DISCIPLINE AND DEALING WITH COMPLAINTS**

15. Any complaints relating to the protocol should be sent to the Propriety Officer. The Standards Committee will deal with any issue of discipline arising from any reported transgression of this protocol according to its normal arrangements on member conduct submitting recommendations to the Council as required.

## **APPENDIX 1 – THE GWYNEDD STANDARD**

## **APPENDIX 2 – CODE OF CONDUCT**

## **APPENDIX 3 – WELSH LOCAL GOVERNMENT ASSOCIATION GUIDELINES**

## THE GWYNEDD STANDARD

This document explains the standard of conduct expected from Gwynedd Council's councillors in dealing with each other. It should be read in conjunction with the Members Code of Conduct and the Protocol Member-Officer Relations. It adds to those documents and not detract from them.

Gwynedd Council members are expected to :-

### Public behaviour:

- Show respect to each other
- Not to make personal abusive comments about each other.
- Not to publish anything insulting about each other.
- Not to make malicious allegations against each other.
- Not to publish or spread any false information about each other.
- Show respect to diversity and equality.

### Behaviour in committees:

- Behave with dignity in the Chamber.
- Show respect to the Chairman and obey his decisions.
- Not to use indecent language nor make racial remarks or remarks which prejudice any section of society.

### Confidentiality:

- Keep the confidentiality of exempt papers and any other documents which are not public.
- Not to release confidential information to the press or the public.
- Return confidential papers.
- Not to use confidential information for purposes other than intended.

### Local members

- Work with members of adjoining wards for the benefit of the locality.
- If dealing with any matter relating to another ward
  - Explain to anyone seeking assistance that he/she is not the local member
  - Inform the local member, unless it would lead to a breach of confidentiality



# **Social Media: A Guide for Councillors**

August 2013

# Contact

## Welsh Local Government Association

The WLGA's primary purposes are to promote a better local government, its reputation and to support authorities in the development of policies and priorities which will improve public service and democracy.

It represents the 22 local authorities in Wales with the 3 fire and rescue authorities and 3 national park authorities as associate members.

### Welsh Local Government Association

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*We are indebted to the officers and members who have contributed to this guide, particularly the members participating in the WLGA training for members in social media, the member support officer network, LLG and monitoring officers and SOCITIM. Also to Kevin O'Keefe from EXCELA INTERIM MANAGEMENT & CONSULTANCY LTD [www.excela.co.uk](http://www.excela.co.uk) who has contributed to the guide and delivered the training programme.*

*Due to the rapid developments in this area this guide will be regularly updated. Suggestions for inclusion are welcomed and further training for members is available from the WLGA. Contact Sarah Titcombe Organisational and Personal development Adviser - 029 2046 8638 [sarah.titcombe@wlga.gov.uk](mailto:sarah.titcombe@wlga.gov.uk)*

## Foreword

I'm delighted to present this useful guidance on social media which gives councillors a clear idea about what these tools are and how we can use them. There are some great ideas to help us think about how we make the most of these effective and cheap forms of communication.

Social media has changed the way we work in Monmouthshire. All of our employees and members have permission to use social media at any time so that they can make the most of what channels like Twitter and Facebook offer.  
<http://acedigitalcomms.wordpress.com/2013/05/29/unrestricted-staff-access-to-social-media-access-a-roundup/>

In short, they're an easy way to talk and to listen to our residents, local businesses and other partner organisations. Without access to these tools we would be a weaker organisation as we would not hear what people in our communities care about, what they want to get involved with and what they think of their council.

Social media has given us a chance to be creative and try new things. Our foster carers in Monmouthshire use Yammer to stay connected and learn from each other.

<http://monmouthshirecc.wordpress.com/2012/03/12/rewind-story-fostering-communication-using-yammer/>

We use YouTube for our budget consultations.

<http://digitalmon.wordpress.com/2013/01/13/youtubing-a-budget-consultation-and-how-a-great-blogger-helped-us-get-better/>

We even recruited our current head of children's services using YouTube, Twitter and LinkedIn.

<http://acedigitalcomms.wordpress.com/2011/07/11/social-care-recruiting-using-social-media-how-monmouthshire-council-is-recruiting-a-head-of-childrens-services-using-youtube/>

I use Twitter and my blog to connect with residents, other councillors and farmers and people who share my interests. I really see the value of this form of communicating – social media is now a legitimate business tool.

<http://digitalmon.wordpress.com/2013/01/12/councillor-peter-fox-leader-of-the-council-talking-about-social-media/>

I hope you enjoy this very informative guide.



### **Councillor Peter Fox**

Leader Monmouthshire County Council  
WLGA Spokesperson for ICT and Digital Inclusion



## Introduction

A revolution is taking place in how we communicate. The world is experiencing the biggest ever change in how information is created and owned, as well as the speed in which it can be shared. This is changing the way we live, work and even how we speak and think.

This guide is for Councillors who would like to use social media as a tool to share information, open new dialogues with the people in their community and beyond, and engage their electorate in productive two-way conversation.

We live in an open, accessible and dynamic communications world. The use of social media will help ensure your voice is heard.

### 1. What is social media?

Social media is a blanket term applied to a range of online multimedia tools that are used for creating content and two-way communication. They can be accessed via your smartphone, PC, laptop, tablet or smart TV. All social media accounts are free of charge and can be set up quickly and easily from an Internet page. Although this guide will focus on Facebook and Twitter, some useful examples of social media include:

**Blogs** which are like an online diary journal where you can share information. Examples are Wordpress, Blogger, SimpleSite. Here is an example of a

typical member's blog -

<http://hughevans.wordpress.com/>

#### Top tip:

Share your thoughts and activities, and comment on the issues that mean the most to you. Maintaining a regular blog could make compiling your annual report all the easier.

**Micro blogs** allow users to share shorter pieces of information. **Twitter** is an example of a micro-blog. Short messages which you post on Twitter are called "Tweets" – they are each limited to 140 characters (letters, numbers and spaces). Tweets are not a private means of communication and can be seen by anyone who is "following" you. Twitter also has a message facility where you can send messages directly to other Twitter users. However, all such personally directed messages can also be viewed by all of your other followers. You can even forward other Twitter users' Tweets to your own followers, by using the Re-Tweet function.

Tweeting is a good way of promoting local events, live tweeting @council meetings and to give links to longer posts. #Jaynecowan

#### Top tip:

Follow and be followed. Twitter is a great tool for finding out what is happening, what people think of local and global issues. Listen first and then simply join in the conversation.

**Social Networks** such as *Facebook* are like having your own small website which can include pictures and text and can provide information and photos. Typically these sites allow you to update people on what you are doing or thinking through a 'status' update and allow you to talk about who you are, what's important to you, what you have done and your plans. You can invite people to be your 'friends' and also set different levels of access to your account, so some people can see all the information about you or you can make less detail available to others. You can also use Facebook to communicate with groups or individuals. People who find your page, comments or proposals of interest can "like" you, which encourages further use, and is a useful way of taking a straw poll of your ideas.

**Linked-IN** is a professional equivalent of Facebook. You can provide information about your career history and skills, and people with whom you are "linked" can endorse you for particular skills. This is a handy site for finding expertise and keeping up-to-date with business developments in your ward or area.

**Flickr, Vimeo, Instagram** and **You Tube** are examples of platforms for sharing videos and photographs. Don't forget to seek permission before taking photos to upload to, or copying images from these sites. **Snapchat** is a photo messaging application for photo, video, drawing and text.

**Communities of Practice** are a way of like minded people joining a community where they can share knowledge and discuss issues relevant to the Community for example the LGA Knowledge Hub.

## 2. Why Should You Use Social Media?

Social media will allow you to open new conversations with the people you represent, and the potential for councillors using social media is huge. Your Council will already have official accounts on Twitter and many also have Facebook accounts. Scrutiny Committees may also be using social media to undertake service reviews.

### So what are the benefits to councillors of using social media?

- Increasing numbers of people are using Twitter and Facebook, as their preferred method of communication. If you have a presence on these platforms you have the potential to establish two- way communication with all of them.
- It's a useful way of finding out what people are talking about locally, their concerns and interests.
- It's useful for finding out about breaking news, the latest research or publication or the latest policy announcements from political parties.
- It's a good way of making the electorate more aware of the work you do personally.

- It's an effective way of coordinating campaigns for example, allowing campaign workers access to your Facebook account.
- Social media allows you to have a conversation with a range of people that you would never be able to physically meet and who do not traditionally seek out their local representatives.
- Social media allows for immediate communication. You can pass on information and receive opinions in minutes. You can forward information from other people equally quickly. "Going Viral" is not necessarily a bad thing, and refers to a mass spreading of a piece of information around the world.
- The local and sometimes national press will follow councillors' on Twitter or Facebook. This means that they know what you are talking about the minute you talk about it.
- Social media is mobile. You can take it around your community, on the train, to a coffee shop or coffee morning or even in bed.
- You can upload pictures and videos, showing for example your role in local events, pictures of potential sites for development, new buildings, local eyesores - a picture tells a thousand words.
- It's free, accounts cost nothing, you probably already have the equipment you need. All you need is time.
- You can receive immediate feedback on your ideas and manifesto to allow

you to modify your proposals in line with local thinking.

- Above all, it can be a lot of fun!

### 3. How to Use Social Media effectively

Choose your medium and sign up. This is very straightforward and will take you less than five minutes!

Facebook and Twitter are good places to start. You might want to begin with a trial personal account (rather than calling yourself "Councillor Jones") and experiment with family and friends. Make sure that you understand how people find you and who can access your material.

Remember:

- On Facebook you can control who has access to different parts of your account. You can manage what the world sees and what your "friends" see.
- On Twitter the whole world can see everything you Tweet. Even the messages that you Tweet directly to other people can be viewed by anyone unless you have locked down your account to followers.
- When you are ready to set up your final account, consider the identity you use. The name you give yourself online is important as it allows people to find you. Prefacing your Twitter account with Cllr lets people know exactly who you are and indicates that the Code of Conduct will apply.

- You might want to consider setting up a separate personal and “professional” account - you can talk about the amazing food in the restaurant around the corner to your friends and followers in your informal account, and the plans for the new bypass to your friends and followers on your professional account. However, many councillors think that some of their personal comments about food, places they've visited, football matches or TV helps break down perceptions of councillors and proves that they are normal like everyone else!

*I use Twitter to speak with residents and engage more broadly. Also to twitter on about books, music, trains and ale, Almost human!*

@LukeOHolland (Cardiff Councillor)

- Make it easy for people to find you online. Many people will start their search for the area that you represent, so make sure you mention your location frequently as that this will then be picked up by search engines. You will also want to make sure that your social media account details are on your business cards, posters and flyers.
- On Twitter, sign up to Tweety Hall and other sites where councillors can be found by their electorate.
- Increase your web presence by linking to other people and sites, leave comments on others' posts

and encourage others to link with you. The more you are mentioned, the more people will find you.

- Choose your friends on Facebook and who you would like to follow on Twitter. Bear in mind that people know who follows them and will often follow you in return. Find people on Twitter with links to your community, county or region by searching using the 'hashtag' (#) symbol to prefix your search-term for example #Reynoldston, #Gower, #Swansea, #South West Wales, #Wales.
- Be disciplined about making time available to write new content and answer your “friends” and “followers”; a regular time each week to update your Facebook status and throughout the day to check Twitter.
- Decide on what you are going to talk about and how. This could be
  - Weekly updates of your own activities as a councillor - don't forget your pictures! This works better on Facebook as you can include more detail. Remember Twitter is only 140 characters and tends to be more instant and timely.
  - Regular updates on council policies and actions of interest to your community.
  - Links and re-tweets of other relevant national activities.
  - Issues on which you would like feedback.

- Notice of events and public meetings.

**Remember** using social media is all about two-way communication, it's good for providing information to your community or flagging up press statements, but it's better as a tool to get useful feedback. You **will** get feedback and you should expect some people to challenge your ideas or enter into a debate with you online. This is part and parcel of social media.

#### 4. Etiquette and style

- Keep your communications clear, positive, polite and professional. Plain language helps. Many people use abbreviations on Twitter – you'll pick these up as you go along!
- Avoid being ironic or sarcastic, it can be misinterpreted.
- On Facebook, you will need to monitor and, if necessary, censor the contributions that other people make to your site; delete them if they do not match your required standards of behaviour or language. Defamatory and offensive language will be attributed to the publisher as well as the original author and could incur financial liability. It is up to you to decide if you want to remove posts that disagree with your political position, however if you do remove them you may be accused or censoring contributions on political grounds.

- On Twitter, you can block people who are habitually offensive or vexatious. Remember however, blocking them only stops them engaging directly with you, their tweets will continue to be public to all of their followers.
- Bear in mind that constituents may find party political point scoring tedious and prefer to hear information about what you are achieving.
- If you don't have anything to say...don't say anything. Even though it's tempting to let your followers know how busy you are they will soon become bored with constant updates on your day without some relevant or interesting information.

#### 5. Support from the Council

Councillors are generally provided with the ICT equipment that they need to do their job. The Independent Remuneration Panel expects that this will include ICT equipment, support and training.

It is also reasonable to expect that you should also have access to social media sites to enable you to carry out your councillor role more effectively. You do not need the council to set you up with a personal social media account but you should take advantage of any training or guidance provided to help you use it properly.

Most councils have a social media policy. You will need to abide by this and any social media protocols that may have

been agreed when using your “councillor” account.

It’s worth remembering that the council is responsible for any information provided on its website and is subject to legal responsibilities. **You** are personally responsible for the material that you broadcast via your own social media accounts or websites – but more of this later.

Advice will be available to you from a number of council officers. The Monitoring Officer, Head of Democratic Services, the Communications Team and the ICT Manager are likely to have useful advice.

## 6. Social Media and Council Meetings

Recently, especially with the advent of webcasting there has been an increase in interest in the use of Twitter in council meetings. Clearly you will need to be guided by your council’s constitution. Other than what your constitution or social media policy says, there is no legal reason why you shouldn’t use social media from meetings. However, some common sense does need to apply.

- Tweeting on meeting progress and receiving comments from the community can be helpful for transparency and engagement BUT excessive use of Twitter may give people the impression that you are not concentrating on the business in

hand or are even relying on guidance from outside the meeting. For that reason, it is probably sensible not to use Twitter during a planning or licensing debate. Committee chairs may want to decide how to address this in their meetings and you should abide by the rules set out in your constitution.

- Remember, you may not need to tweet about the detail of a meeting - some councils are introducing new arrangements for webcasting meetings and many also have “official” twitter feeds for live on-line conversations to run alongside the meetings.
- If your council webcasts your meetings, this provides a useful way of the public viewing what is happening at first hand and ensures that any video recordings are accurate. Filming meetings informally, whether this is done by councillors or the public may cause difficulties and is usually covered by the Constitution. It may provide a distraction to the proceedings and, if an edited version of events appears on You Tube it might create a false impression.
- Remember that you should not tweet or communicate in any way the content of exempt or confidential business dealt with by local authorities in closed session such as when making formal appointments.

## 7. The Welsh Language

You can use social media in the language of your choice; you do not have to translate your personal Tweets or Facebook accounts.

Councils' social media streams might however be available either separately in Welsh and English or bilingually. The Welsh Language Commissioner feels that there is no need for social media streams to be bilingual as the two separate streams will be accessed by, and sufficient for different communities.<sup>1</sup>

Make sure that you are aware of your Council's rules on the use of the Welsh language set out in your Welsh Language Scheme.

## 8. Golden rules

Think before you tweet or post on Facebook. Do not say anything, post views or opinions that you would not be prepared to:

- Discuss face to face with the person you are speaking about.
- Write on a placard and carry down your high street and discuss and defend with anyone who sees it.
- Be prepared to have minuted in a public meeting – remember, Twitter or Facebook effectively publicly

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<sup>1</sup> <http://www.participationcymru.org.uk/home/all-wales-public-service-organisations-internet-and-social-media-survey>

minutes everything for you as you go along!

Remember that once you have said something it may be seen by millions - friends, supporters, political opponents and the press and could be re-tweeted around the world in minutes.

Keep your messages professional, polite and positive.

Remember to try to keep tweets and texts separate – many people tweet comments that they would previously have texted someone privately; this may be about meeting up later (do you want all your followers knowing your plans and gatecrashing your lunch!?) through to 'in' jokes that could be misinterpreted. Don't follow an individual unless you know them or have a good reason for doing so. Some people, such as constituents or council employees, might find it a bit uncomfortable to have their local councillor hanging on their every word.

If you make a mistake admit it. Mistakes happen so don't try to cover it up as there will always be a record of what you've said.

Don't enter into unhelpful online arguments; remember all of your followers or friends will be witnessing this online. Ignore people or block them if they persist in vexatious comments.

Don't tweet or post on Facebook when you are "tired" it's probably sensible to

turn off your phone at any time when you think your judgement may be impaired. Bear in mind that it is possible for your followers and friends to be seen. If you follow or are Facebook “friends” with council employees, contractors who have been procured to provide services to the council, a company or member of the public making a planning application or pressure groups, this *might* be construed as having a close personal association with them and therefore a personal interest.

As with your own leaflets or newsletters, always ask permission before taking a picture that you intend to use. NEVER take photos of children without the express permission of their parents based on an understanding of what you intend to use the picture for. Your council will have a policy on taking pictures of children, take advice on this before taking or using pictures.

Do not allow anyone else access to your social media accounts, protect your passwords, especially if you use a public computer.

Just like email, you can get spam in social media! Be wary about direct messages via Twitter, even from people you know, with messages such as ‘Hi, have you seen this photo of you on Twitter?’ Delete these before opening, as the spam could then be sent to all of the people you are following...

## 9. Possible Pitfalls and How to Avoid Them

### Time and Commitment

Maintaining your social media accounts can take time. Many people start enthusiastically and then allow their accounts to lie fallow. This is risky as friends and followers may think that you are inactive or, worse, unresponsive.

To avoid this:

- Only set up accounts that you can manage, choose either Twitter or Facebook if necessary. It is possible to set up links between the two which will save you duplicating information.
- Set time aside regularly for updates and get used to communicating ‘on the hoof’.

### The Law

Councillors new to social media tend to be concerned about the legal implications. It is an important consideration, and some councillors and other politicians have fallen foul of the law, but with careful use and following some ground-rules you will be fine!

The style of communication employed in the social media environment tends to be fast and informal. Messages can appear lightweight and transitory.

Whenever you post something on social media, it becomes a publication, you have effectively made a broadcast. As it is now in the public domain, it is subject



to both the **Code of Conduct** and to various **Laws**.

### **Code of Conduct**

If you conduct yourself on twitter or Facebook as you would in person on the street or in your leaflets, then you will be fine.

Remember that according to guidance from the Ombudsman, the Code of Conduct applies to you whenever you are "Conducting the business of your authority, acting, claiming to act or give the impression you are acting in your official capacity as a member or representative of your authority" Also the Code applies if you "Conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute"<sup>2</sup> If you can be identified as a councillor when you are using social media, either by your account name or how you describe yourself or by what you comment upon and how you comment, the requirements of the Code of Conduct apply. Also if you say something that could be regarded as bringing your office or authority into disrepute the Code applies even if you are not apparently acting in your official capacity or do not identify yourself as a member. Remember that the Ombudsman's guidance states that "Making unfair or inaccurate criticism of your authority in a public arena might

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<sup>2</sup> <http://www.ombudsman-wales.org.uk/en/publications/Guidance-policies.aspx>

well be regarded as bringing your authority into disrepute"

In the same way that you are required to act in council meetings or in your communities you should:

- **Show respect for others** - do not use social media to be rude or disrespectful
- **Not disclose confidential information about people or the council**
- **Not bully or intimidate others** - repeated negative comments about or to individuals could be interpreted as bullying or intimidation
- **Not try to secure a benefit for yourself or a disadvantage for others**
- **Abide by the laws of equality** - do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti faith. Even as a joke or "tongue in cheek"

### **Predetermination**

As a councillor, you are aware that when you act in a quasi-judicial capacity, for example on a planning or licensing committee, you should not make up your mind about an issue that is to be formally decided upon before you had heard all the relevant information. You are allowed to be predisposed to a particular view but not to have gone so far as to have predetermined your position. It is important to remember therefore that

anything relevant you might have said about particular issues on social media could be used as evidence of your having made up your mind in advance of hearing all the relevant information.

### **Criminal Offences**

Don't panic! These generally apply to you already in your conduct as a councillor, but it is worth considering them as they apply to social media:

**Harassment** - It is a criminal offence to repeatedly pursue a campaign against someone where this is likely to cause alarm, harassment nuisance or distress.

**Data Protection** - It is illegal to publish personal data about individuals unless they have given you their permission. This might apply to your constituents or service users. As a councillor you are a data controller in your own right and therefore personally responsible for what you publish.

**Incitement** - It is a criminal offence to incite any criminal act.

### **Discrimination and Racially Aggravated Offences (or any other protected**

**Characteristic)** - It is a criminal offence to make a discriminatory remark about anyone based on a "Protected Characteristic" as defined in The Equality Act ( such as their race, religion, sexual orientation etc).

### **Malicious & Obscene**

**Communications** - It is a criminal offence to send malicious or obscene communications.

### **Civil Law**

This is where things get more risky for anyone who uses Twitter or Facebook, whether they are councillors, members of the public or celebrities...

**Defamation** - It is against the law to make a false statement about someone which damages their personal or professional reputation. Crucially - even if you simply retweet or pass on information originally posted by others, you may still be held equally as responsible as the original commentator. This can also apply to publishing images. If found liable to another person, you could be ordered to pay large sums of money as damages.

**"High Court: Sally Bercow's Lord McAlpine tweet was libel"**  
<http://www.bbc.co.uk/news/world-22652083>

**Copyright** - The legal ownership of the contents of documents, photos, videos and music belong to the person who created them. You could be in breach of copyright if you reproduce such material without the owner's permission. Always ask for written

consent before you use someone else's material.

**Political Comment and Electioneering** - Remember that although it is acceptable to make political points or canvass votes via your own social media accounts this will not be permissible if you are using this via council supplied computer equipment, certainly in the run-up to elections. The Electoral Commission has further information about the return on expenditure that candidates need to provide on advertising or campaign literature.

## 10. Further Information, Interesting Sites and Sources of Help

Bear in mind that information, sites and terminology change quickly. Facebook is already reporting a drop in users. However, the next big social media platform will soon be on its way. Here are some current examples of information and useful sites but bear in mind that they may be quickly out of date.

Sign on to **Twitter** here  
<https://twitter.com/>

Sign up to **Facebook** here  
<https://en-gb.facebook.com/>

**Tweety Hall.** A platform that gathers all the Councillors that have Twitter accounts in the UK

together so that all their posts can be read in one place and the public can easily find their local councillor. All you have to do to join them is send them a Tweet.  
<http://tweetyhall.co.uk/>

### **Twenty-first century councillors**

<http://socialmedia.21st.cc/>  
Useful guidance for members using social media.

<http://kindofdigital.com/>

An online innovation agency helping organisations engage online with citizens, communities and stakeholders. Has useful examples of social media guidance.

**LGA's Knowledge Hub** is an example of a community of practice. This one was set up specifically for people working in and with local government and has online fora, libraries full of materials and details of events.

<https://knowledgehub.local.gov.uk/>

**Social Media and Online Collaboration Community.** Join this Community of the Knowledge Hub to talk to other councillors and officers working with Social Media.

## 11. Glossary

### **Blog**

Term derived from Weblog i.e an internet log or diary

### **Blogosphere**

All the Blogs on the Internet

### **Community of Practice**

Group of people who are members of an online 'club' because they have a role or an interest in an area of work

### **Direct Message**

A message sent via Twitter to someone who follows you or who you follow.

### **Facebook**

An example of social networking

### **Flickr**

Photo sharing site

### **Follower**

Someone who has chosen to follow you on Twitter

### **Friend**

Someone who you have allowed to access your Facebook page. Not necessarily a real friend.

### **Forum**

A virtual discussion area

### **#Hashtag**

A hashtag or # is a way of denoting a keyword which can be used as a search term on Twitter.

### **Instagram**

A platform for sharing photos and videos

### **Instant Messaging**

A conversation with one other person via for example *Microsoft Live Messenger* or *Yahoo Messenger*. A conversation which, if you indicate that you are available for a chat is more immediate than e mail and easier to type than a text

### **Microblog**

Short blog e.g. Twitter using a maximum of 140 characters

### **Pinterest**

A virtual pinboard for creating and sharing images

### **RebelMouse**

A free service that connects to your accounts at services such as Facebook, Twitter and/or Instagram. It integrates all your SM Tweets, postings and blogs automatically into one page, boosting your SM presence without you doing anything extra as it 'runs in the background'. It will save you having to tweet your blogs etc. to get more prominence on search engines.

### **Retweet**

To forward a Tweet received on Twitter

### **RSS feeds or Really Simple Syndication feeds**

Messages from websites informing you that new information is available so that you don't have to keep checking the website for updates

### **Social Bookmarking**

A way of saving and sharing all your favourite sites on the web, for example

*Delicious*

### **Social networking**

Facebook etc

### ***Snapchat***

A photo messaging application for photos, videos, drawings and text

### **Spam**

Electronic junk mail

### **Trending**

Current popular people or conversations as in *trending on Twitter now...*

### **Troll**

Someone who disrupts online communities or discussions through unhelpful or irrelevant posts

### **Tweet**

A message sent on Twitter

### ***Tweety Hall***

A virtual gathering place for councillors with Twitter accounts

### ***Twitter***

An example of microblogging

### ***Vimeo***

A platform for sharing videos and photographs

### **Wiki**

A tool which enables anyone to add or edit content on a website

### ***Wikipedia***

Online Encyclopedia which works using this method and is therefore not always accurate

### ***You Tube***

A platform for sharing videos and photographs

## **PART 5 – MEMBERS CODE OF CONDUCT.**

### **INTRODUCTION.**

The Conduct of Members (Principles) (Wales) Order 2001 sets out the principles which are to govern the conduct of members of a relevant authority in Wales. They are:

#### ***Selflessness***

1. 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.

#### ***Honesty***

2. 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.

#### ***Integrity and Propriety***

3. 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.

#### ***Duty to Uphold the Law***

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

#### ***Stewardship***

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

#### ***Objectivity in Decision-making***

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

#### ***Equality and Respect***

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

#### ***Openness***

8. 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.

#### ***Accountability***

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

#### ***Leadership***

10. 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.

## PART 1

### INTERPRETATION

1.(1) In this code —

“co-opted member” (“*aelod cyfetholedig*”), in relation to a relevant authority, means a person who is not a member of the authority but who —

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

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

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

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations (1990<sup>(1)</sup>),

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

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

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

- (a) a county council,
- (b) a county borough council,
- (d) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004<sup>(2)</sup> or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995<sup>(3)</sup>;

“you” (“*chi*”) means you as a member or co-opted member of a relevant authority; and

“your authority” (“*eich awdurdod*”) means the relevant authority of which you are a member or co-opted member.

In relation to a community council, references to an authority’s monitoring officer and an authority’s standards committee are to be read, respectively, as references to the monitoring officer and the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(2) of the Local Government Act 2000.

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<sup>(1)</sup> S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.  
<sup>(2)</sup> 2004 c.21.  
<sup>(3)</sup> 1995 c.25.

## PART 2

### GENERAL PROVISION.

2. (1) Save where paragraph 3(a) applies, you must observe this code of conduct –
  - (a) whenever you conduct the business, or are present at a meeting, of your authority;
  - (b) whenever you act, claim or give the impression you are acting in the role of member to which you were elected or appointed;
  - (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
  - (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.
- (2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.
3. Where you are elected, appointed or nominated by your authority to serve –
  - (a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
  - (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
4. You must -
  - (a) carry out duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
  - (b) show respect and consideration for others;
  - (c) not use bullying behaviour or harass any person; and
  - (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.
5. You must not –
  - (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
  - (b) prevent any person from gaining access to information to which that person is entitled by law.



6. (1) You must–
- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
  - (b) report, whether through your authority’s confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty).
  - (c) report to the Public Services Ombudsman for Wales and to your authority’s monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
  - (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.
- (2) You must comply with any request of your authority’s monitoring officer, or the Public Services Ombudsman in Wales, in connection with an investigation conducted in accordance with their respective statutory powers.
7. You must not –
- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
  - (b) use, or authorise others to use, the resources of your authority –
    - (i) imprudently;
    - (ii) in breach of your authority’s requirements;
    - (iii) unlawfully;
    - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
    - (v) improperly for political purposes; or
    - (vi) improperly for private purposes.
8. You must -
- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority’s officers, in particular by –
    - (i) the authority’s head of paid service;
    - (ii) the authority’s chief finance officer
    - (iii) the authority’s monitoring officer
    - (iv) the authority’s chief legal officer (who should be consulted when there is any doubt as to the authority’s power to act, as to whether the action proposed lie within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions)
  - (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must –

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by our authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

**PART 3**

**INTERESTS**

*Personal Interests.*

10. (1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if -

(a) it relates to, or is likely to affect -

- (i) any employment or business carried on by you;
- (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
- (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member.
- (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body.
- (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
- (vi) any land in which you have a beneficial interest and which is in the area of your authority.
- (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above.
- (viii) any body to which you have been elected, appointed or nominated by your authority;

- (ix) any
    - (aa) public authority or body exercising functions of a public nature;
    - (bb) company industrial and provident society, charity, or body directed to charitable purposes;
    - (cc) body whose principal purposes include the influence of public opinion or policy;
    - (dd) trade union or professional association; or
    - (ee) private club, society or association operating within your authority's area;
      - in which you have membership or hold a position of general control or management;
  - (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;
- (b) 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; or
- (c) a decision upon it might reasonably be regarded as affecting -
- (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
  - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
  - (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
  - (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
  - (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,
- to a greater extent than the majority of –
- (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
  - (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area

### *Disclosure of Personal Interests.*

- 11.** (1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority and you make -
- (a) 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; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph (14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed before or immediately after the close of a meeting whether the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer from time to time but, as a minimum containing –

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared interest in accordance with this code.

### *Prejudicial Interests*

12. (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business -

(a) relates to -

(i) another relevant authority of which you are also a member;

- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
  - (iii) a body to which you have been elected, appointed or nominated by your authority;
  - (iv) your role as a school governor (where not appointed or nominated by your authority), unless it relates particularly to the school of which you are a governor;
  - (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;
- (b) relates to –
- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months; and provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
  - (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority.
  - (iv) the functions of your authority in respect of an allowance or payment made under section 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989, or an allowance or payment under section 100 of the Local Government Act 2000.
- (c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.
- (3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

### *Overview and Scrutiny Committees*

- 13.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where –
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority’s executive, board or another of your authority’s committees, sub-committees, joint committees or joint sub-committees; and

- (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

***Participation in Relation to Disclosed Interests.***

- 14.** (1) Subject to sub-paragraphs (2), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee -
- (a) withdraw from the room, chamber or place where a meeting considering the business is being held -
    - (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
    - (ii) in any other case, whenever it becomes apparent that that business is being considered at the meeting;
  - (b) not exercise executive or board functions in relation to that business;
  - (c) not seek to influence a decision about that business;
  - (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
  - (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.
- (2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if -
- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
  - (b) you have the benefit of a dispensation provided that you –
    - (i) state at the meeting that you are relying on the dispensation; and
    - (ii) before or immediately after the close of the meeting give written notification to your authority containing –

- (aa) details of the prejudicial interest;
- (bb) details of the business to which the prejudicial interest relates;
- (cc) details of, and the date on which, the dispensation was granted; and
- (dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

## **PART 4**

### **REGISTER OF MEMBERS' INTERESTS**

#### ***Registration of Financial and Other Interests and Memberships and Management Positions.***

- 15** (1) Subject to sub-paragraph (3), you must within 28 days of -
- (a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
  - (b) your election or appointment to office (if that is later), register your financial interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your authority's monitoring officer.
- (2) You must, within 28 days of becoming aware of any new personal interest or change to personal interest registered under sub-paragraph (1), register that new personal interest or any change by providing written notification to your authority's monitoring officer.
- (3) Sub-paragraphs (1) and (2) do not apply to sensitive information determined in accordance with paragraph 16(1).
- (4) Sub-paragraph (1) will not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

#### ***Sensitive information.***

- 16** (1) Where you consider that the information relating to any of your personal interests is sensitive information and your authority's monitoring officer agrees you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this code “sensitive information” (“*gwybodaeth sensitif*”) means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

***Registration of Gifts and Hospitality.***

- 17** You must, within 28 days of being offered any gift, hospitality, material benefit or advantage above the value of £25, provide written notification to your authority’s monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage. You must register any such offer whether you accept it or not.