

Public Document Pack



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Mr Richard Parry Jones, BA, MA.
Prif Weithredwr – Chief Executive

CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfeydd y Cyngor - Council Offices
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RHYBUDD O GYFARFOD	NOTICE OF MEETING	
PWYLLGOR SAFONAU	STANDARDS COMMITTEE	
DYDD MERCHER, 13 MAWRTH, 2013 am 2.00 o'r gloch	WEDNESDAY, 13 MARCH 2013 at 2.00 pm	
YSTAFELL BWYLLGOR 1, SWYDDFEYDD Y CYNGOR, LLANGFNI	COMMITTEE ROOM 1, COUNCIL OFFICES, LLANGFNI	
Swyddog Pwyllgor	Mrs. Mairwen Hughes (01248) 752515	Committee Officer

Aelodau Annibynnol / Independent Members

Denise Harris Edwards
Islwyn Jones
Leslie Lord
Dilys Shaw
Michael Wilson

Yn cynrychioli'r Cyngor Sir / Representing the County Council

Councillor Trefor Lloyd Hughes
Councillor Ieuan Williams

Yn cynrychioli'r Cynghorau Tref/Cymuned / Representing the Town/Community Councils

William Raymond Evans
John Roberts

A G E N D A

1 DECLARATION OF INTEREST

To receive any declaration of interest from any Member or Officer in respect of any item of business.

2 MINUTES OF MEETING (Pages 1 - 6)

To confirm the Minutes of the meeting held on 11th December, 2012.

3 ON-LINE PUBLICATION OF STATUTORY REGISTERS (Pages 7 - 8)

Update report by the Corporate Web and Information Manager regarding progress, implementation and proposed induction training for new and returning Members.

4 MEMBER DEVELOPMENT PLAN AND PERSONAL DEVELOPMENT REVIEWS

To receive a verbal update from the Senior Development Officer on the above.

5 COMPLAINTS MANAGEMENT PROJECT (Pages 9 - 26)

Update Report by the Customer Care Officer on the Complaints Management Project for information.

6 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES - 6(A) (Pages 27 - 30)

6a A report by the Customer Care Officer in the form of an up-dated matrix for County Councillors is provided for the Committee's attention. For information and questions.

6b A report by the Customer Care Officer in the form of an up-dated matrix for Town and Community Councillors is provided for the Committee's attention. For information and questions.

7 SUMMARY OF ADJUDICATION PANEL DECISIONS (Pages 31 - 32)

Report by the Customer Care Officer.

8 NATIONAL STANDARDS COMMITTEE CONFERENCE (Pages 33 - 36)

The Minutes and Nominee List are provided for the information of the Committee.

9 CHANGES TO THE CONSTITUTION AS RESOLVED BY FULL COUNCIL ON 5 MARCH, 2013 - 9(A) (Pages 37 - 84)

9(a) A report on the changes to the Constitution is provided for the information of the Committee.

9(b) A report on the revision to the Indemnities Policy is provided for the information of the Committee.

10 PROPOSED CHANGES TO THE CONSTITUTION - 10(A) (Pages 85 - 114)

10(a) A report on the 'General Principles for a Revised Protocol for Local Resolution' for comment and consultation.

10(b) A report in the 'Planning Procedure Rules' for comment and consultation.

11 **DRAFT PROTOCOL ON THE USE OF SOCIAL MEDIA IN MEETINGS** (Pages 115 - 122)

A report by the Corporate Information Officer on the above Protocol for comments and consultation.

12 **WORK PROGRAMME 2012/13** (Pages 123 - 126)

Copy attached.

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PAPUR / ENCLOSURE
A

STANDARDS COMMITTEE

Minutes of the meeting held on 11 December, 2012

PRESENT: **Independent Members**

Mr. Michael Wilson – Chair
Mr. Islwyn Jones – Vice-Chair

Ms. Denise Harris Edwards
Mr. Leslie Lord
Mrs. Dilys Shaw

Representing Town and Community Councils

Councillor Raymond Evans
Councillor John Roberts

IN ATTENDANCE: Head of Function (Legal and Administration)/Monitoring Officer,
Solicitor to the Monitoring Officer (RMJ) (In attendance from Item 5 onwards),
Customer Care Officer (BJ) (In respect of Items 5(a)(b) and 6),
Senior Development Officer (MW) (In respect of Items 8(a)(b)),
Committee Services Manager (In attendance for Items 1 to 4),
Committee Officer (MEH) (In attendance from Item 5 onwards).

APOLOGIES: Councillors T.LI. Hughes, Ieuan Williams.

ALSO PRESENT: None

The Chair stated that Mr. Meirion Jones, Solicitor to the Monitoring Officer, will be retiring at the end of this month. Members of the Standards Committee wished to thank Mr. Jones for his work for the Standards Committee over the years. Best wishes were extended to Mr. Jones for a healthy and happy retirement.

1 DECLARATION OF INTEREST

Councillor John Roberts declared an interest in respect of Item 4 and left the meeting during consideration thereof.

2 MINUTES

The minutes of the following meetings were confirmed :-

- Minutes of the meeting held on 31st October, 2012.
- Minutes of the Dispensation Hearing held on 31st October, 2012, subject to the amendment of the spelling mistake of the word 'speak' under Item 3, third paragraph.

3 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED to adopt the following :-

“Under Section 100(1)(4) of the Local Government Act 1972, to exclude the press and public from the meeting for the following item on the grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 1, Part 1 of Schedule 12A of the said Act.”

4 COMPLAINT AGAINST A COMMUNITY COUNCILLOR

Submitted – a report by the Monitoring Officer in relation to the above.

The Monitoring Officer reported that the Public Services Ombudsman for Wales (PSOW) has investigated a complaint that a Community Councillor may have failed to observe the Code of Conduct for Members. Accordingly, the PSOW has found evidence of a failure by the Councillor to comply with his Code of Conduct and the Standards Committee must therefore determine in accordance with paragraph 2.1.b.

RESOLVED to accept the report.

ACTION : A local hearing is arranged at which the Community Councillor will be given the opportunity to make representations in respect of the findings of the investigation and the allegations that he has failed to comply with his Code of Conduct.

The meeting returned to public session.

5 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

5.1 Submitted, for information – a report by the Customer Care Officer in the form of an updated matrix for County Councillors. It was reported that no live cases at present.

RESOLVED to note the report for information.

ACTION : An update on any further developments from the Customer Care Officer at the next Standards Committee on 13th March, 2013.

5.2 Submitted, for information – a report by the Customer Care Officer in the form of an updated matrix for Town and Community Councils.

RESOLVED to note the report for information.

ACTION : An update on any further developments from the Customer Care Officer at the next Standards Committee on 13th March, 2013.

6 ADJUDICATION PANEL DECISIONS

Submitted and noted – a report by the Customer Care Officer in relation to the above.

RESOLVED to note the report.

ACTION : An update on any further developments from the Customer Care Officer at the next Standards Committee on 13th March, 2013.

7 DECISION OF THE ADJUDICATION PANEL REGARDING THE APPEAL OF COUNCILLOR HEFIN THOMAS

The Chair of the Standards Committee gave a verbal report on his reflections on the decision of the Adjudication Panel and his proposed meeting with the Group Leaders.

RESOLVED to note the report.

ACTION : That a meeting be arranged with the Chair of the Standards Committee and the Group Leaders to discuss the findings of the Adjudication Panel.

8 (A) STATUS OF MEMBER DEVELOPMENT PLAN

(B) INTRODUCTION OF PERSONAL DEVELOPMENT REVIEWS FOR MEMBERS

Submitted – an update report by the Senior Development Officer on matters arising from Member Development Plan and the Members Development Working Group together with Personal Development Reviews for Members.

Concerns were expressed as to the lack of attendance by Members at Training Sessions and the need to address this issue. It was suggested that the Chair of the Standards Committee should meet with the Chair of the Democratic Services Committee and thereafter meet informally with the Group Leaders.

Questions were raised in respect of training for the Members of the Audit Committee and to ascertain if training could be mandatory. The Monitoring Officer responded that she would make enquiries and report back to the Standards Committee

RESOLVED to note the report.

ACTION : That arrangements be made for the Chair of the Standards Committee to meet with the Democratic Services Committee to discuss matters raised in respect of lack of attendance of Members at Training Sessions.

9 NORTH WALES STANDARDS COMMITTEE'S FORUM

Submitted – draft agenda for the National Conference to be held at Venue Cymru, Llandudno on 19 April, 2013.

The Vice-Chair raised that following the critical Corporate Governance Report 2009 by the Isle of Anglesey County Council and the suggestions within that report that the Standards Committee should be proactive and suggested that a representative from the Wales Audit Office or the Local Government and Communities be invited to the Forum to explain what they expect from local authorities in terms of the activities of Standards Committees.

RESOLVED that an item be placed on the Agenda of the Forum to invite a representative from the Wales Audit Office or the Local Government & Communities Department be invited to explain what they consider is expected by local authorities in respect of the activities of Standards Committees.

ACTION :

- (1) That an item be placed on the Agenda of the Forum as noted above.**
- (2) That nominations to attend the North Wales Standards Committee's Forum to be held on 19 April, 2013 be discussed at the next Standards Committee to be held on 13th March, 2013.**

10 PROPOSED CHANGES TO THE CONSTITUTION

(A) PROTOCOL FOR MEMBERS AND OFFICERS AND MULTI-MEMBER WARDS

Submitted – report by the Panel of 3 Members with proposal regarding 'The Relationship between Members and Officer : Multi Member Wards', contained in Section 5.3.6 of the Relationship Protocol for Members and Officers.

A copy of the 'New Draft regarding Relationship Protocol for Members and Officers' was circulated at the meeting which included :-

Addition to 5.3.17 to follow on from wording already there so that the full 17.5 reads as follows :-

*'A serious breach of this Protocol by an Officer may lead to an investigation under the Council's **disciplinary procedure, which is available on the Council's website.** If the matter cannot be resolved at first instance as described in 17.3 and 17.4 above with the Officer concerned or the Officer's Manager or relevant Head of Service, and if the Member wishes to continue to make a complaint against any Officer any such complaint would be rejected unless it is put in writing, signed, and supported by evidence. Any Member, who is also a Member of a Group, would also be expected to have a complaint endorsed in writing by their Group Leader.'*

The Vice-Chair has slight concern with the wording of the above protocol and Members of the Committee agreed that he meet with the Officers to seek an appropriate wording in this respect.

RESOLVED to note the report and to authorise the Vice-Chair to meeting with the relevant Officers to seek appropriate wording in respect of 17.5 above.

ACTION : As noted within the resolution and to report back to the Standards Committee at its meeting to be held don 13th March, 2013.

11 PLANNING MATTERS PROCEDURE RULES (PART 4.6 OF THE CONSTITUTION), TO MAKE CHANGES PERMANENT

Submitted, for information – a report to the Executive Committee and the full Council by the Head of Service (Planning and Public Protection) and the Legal Services Manager regarding making permanent changes to the Constitution, Section 4.6 Planning Matters Rules, following the end of a 12 month trial period. A copy of the decision of the Executive held on 3 December, 2012 and the decision of the full Council held on 6 December, 2012 was attached for information to the Standards Committee and it was noted that a further 12 month trial period will commence.

RESOLVED to note the report.

ACTION : None.

**MR. MICHAEL WILSON
CHAIR**

DRAFT

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PAPUR / ENCLOSURE
B

CYNGOR SIR YNYS MON/ISLE OF ANGLESEY COUNTY COUNCIL

MEETING:	Standards Committee
DATE:	13 March 2013
TITLE OF REPORT:	Reporting on the online publishing of Statutory Registers.
REPORT BY:	Online Services Team Leader
PURPOSE OF REPORT:	To report back to the Committee

1. Standard Register of Interests and Register of Gifts and Hospitality

The Register of Gifts and Hospitality will be available online from the 1st of March 2013. All items added to the written Register will be added to the Modern.Gov system and will be available for the public to view.

The Standard Register of Interests has been available online via the new Modern.Gov e-democracy system since the beginning of January, 2013. From May - June 2013, all newly elected members will be given training on how to update the online version. The translation (either English or Welsh) will be inputted by the Administrative Assistant, Committee Services.

2. Register of Interests Declared in Meetings

The agenda and committee papers aspect of the new Modern.Gov system has been operational and published to the internet since the beginning of January. The Register of Interests declared in Meetings is published via the new Modern.Gov system as it is at present i.e. a note is added to the minutes stating that a declaration of interest has been made and recorded.

In addition, all interests declared in meetings are being added separately to the Modern.Gov system thereby allowing the public to search for any individual member's declaration of interests in any committee, on any date. The information will be inputted by the Committee Officers, Committee Services.

3. Member Training

The Human Resource Service will work in cooperation with the ICT Service to provide training, dependent on available resources, for all elected Members after the May 2013 local government election as part of their 2012/13 training schedule.

PAPUR / ENCLOSURE
C

Cyngor Sir Ynys Môn / Isle of Anglesey

Committee	Standards Committee
Date of Meeting	13 March 2013
Title of Report	Complaints Management Project
Report By	Customer Care Officer
Purpose of Report	To update the Committee on the current status of the Complaints Management Project

1. The Concerns and Complaints Policy was presented to the Executive on 19.11.12. The Executive resolved to adopt the Policy and the Unacceptable Actions by Complainant Policy and endorsed the implementation date of 1st April 2013.
2. A report is being presented to the County Council on 5th March 2013 requesting that both Policies are formally approved and adopted. Report is attached for information. (Appendix 1)
3. Work to address the following issues has been completed or is ongoing to ensure that everything is in place for the implementation date:-
 - Relevant staff have been identified and training sessions arranged.
 - The IT service is working on a common recording system for the whole Council.
4. The adoption of a "Signposting Policy" also forms the final part of the Project Plan and this will facilitate access to information for Members in time for the new Council in May 2013.
5. The All Wales Corporate Complaints Officers working Group has also held its first meeting and it proved to be a useful and interesting meeting with representatives from 13 of the 22 Welsh Local Authorities present. The Minutes of that meeting are attached for information. (Appendix 2)
6. A report on the implementation of the new policy will be presented to the next meeting of the Standards Committee.

ATODIAD / APPENDIX 1

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to	THE EXECUTIVE AND THE COUNTY COUNCIL
Date	19th NOVEMBER 2012 AND 5 MARCH 2013
Subject	Concerns and Complaints Policy
Portfolio Holder	Councillor John Chorlton
Lead Officer	Lynn Ball – Head of Function (Legal and Administration – Monitoring Officer)
Contact Officer	Beryl Jones, Customer Care Officer (Tel. 01248 752588)
Nature and reason for reporting:	
The Council is requested to endorse the recommendation by the Executive on 19.11.12 that the Concerns and Complaints Policy and the Unacceptable Actions by Complainants Policy be adopted with an implementation date of 1 st April, 2013.	

A – Introduction / Background / Issues
<p>Report to the Executive 19.11.12 (Attached)</p> <p>The new Policy was reported to the Executive on 19th November 2012 and the Executive resolved as follows:-</p> <p>“To recommend to the County Council:-</p> <ul style="list-style-type: none"> • That it adopts the new Concerns and Complaints Policy, together with the Unacceptable Actions by Complainants Policy; • That the implementation date of 1st April, 2013 be endorsed. <p>Reason for the Decision</p> <p>To comply with the Welsh Government proposal to develop a common complaints handling system for public service providers in Wales”</p>

B – Considerations		
Please see attached report		
C – Implications and Impacts		
1	Finance / Section 151	
2	Legal / Monitoring Officer	The corporate administration of the Policy rests within this Section
3	Human Resources	Discussions underway regarding training programme for relevant officers
4	Property Services	
5	Information and Communications Technology (ICT)	Discussions underway regarding common recording system.
6	Equality	Undertaken by the Welsh Government
7	Anti-poverty and Social	
8	Communication	The new Policy will be widely advertised at implementation
9	Consultation	Internal consultation on the two draft policies has taken place and amendments incorporated in the attached documents
10	Economic	
11	Environmental	
12	Crime and Disorder	
13	Outcome Agreements	

CH - Summary
The Welsh Government strongly recommend that all public service providers in Wales adopt the Concerns and Complaints Policy in order to standardise the public's experience of complaints handling.

D – Recommendation

That the County Council adopts new Concerns and Complaints Policy, together with the Unacceptable Actions by Complainants Policy, with a start date of 1st April, 2013.

Name of author of report: Beryl Jones

Job Title: Customer Care Officer

Date: 11.02.13

Appendices:

Appendix 1 – Concerns and Complaints Policy

Appendix 2 - Unacceptable Actions By Complainants Policy

Background papers

None

ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	The Executive
DATE:	19 November 2012
TITLE OF REPORT:	Concerns and Complaints Policy
REPORT BY:	Beryl Jones Corporate Complaints Officer
PURPOSE OF REPORT:	To Endorse a new Corporate Complaints Policy

1. Introduction and Background.

- 1.1 In 2009, the Welsh Government (WG) established the Complaints Wales Working Group, chaired by the Public Services Ombudsman. The Group was asked to develop a proposal for a common complaints handling system for public service providers in Wales.

A letter was received from the WG in August 2010 stating that a Policy had been devised and was endorsed by the Welsh Ministers and commended to all public service providers, urging them to consider its use as the basis for a complaints procedure: “open and accessible to service users; designed to deal with complaints in the most efficient and effective way; and uses the outcomes of, and learning from, complaints resolution to inform the delivery of high-quality, citizen-centred public services”.

2. The New Policy

2.1 In light of this strong recommendation, the Council is now asked to adopt a new Policy, based on the suggested model. The significant differences between the Council's current Policy, and the proposed new Policy, are:-

- Emphasis on customer care
- Systematic recording of ALL concerns (not just complaints)
- Early resolution, including redress (compensation)
- Standard Information Leaflet and Complaint Form for the public
- Assess and prioritise complaints
- New investigation requirements
- High level reporting to the Executive and SLT
- Demonstrating lessons learnt and improvements implemented
- No internal appeal process/ no operational role for Members
- The requirement for the Council to adopt an "Unacceptable Actions by Complainants" Policy

3. Internal Consultation

3.1 The draft "Concerns and Complaints" Policy and the draft "Unacceptable Actions by Complainants" Policy were sent out to Corporate Directors and Heads of Service for consultation on 26.9.12 and the responses received have been incorporated into the documents at Appendix 1 and Appendix 2 to this Report.

4. The New Policy

4.1 **The new Policy is in 2 parts:-**

- **Part 1** to be issued to the public, and should be standardised across Wales, other than reflecting the nature of the service provider.
- **Part 2** is guidance and each public service provider may tailor their Policy according to the size and operational requirements of the organisation provided this does not impact on the public's experience of complaints

handing – “elements such as the form, the timescales and the number of stages should be consistent for all”.

4.2 The New Approach

Stage 1 - Informal Resolution

- This stage offers the opportunity for informal engagement at the point of service delivery to try and resolve complaints, either at the time the concern arises, or very shortly thereafter. This stage should be part of front line service delivery and not viewed as a separate stage. This step will normally be an explanation, or other appropriate remedial action, by frontline staff.
- The informal resolution stage should be done as quickly as possible and certainly take no longer than 10 working days. If it is not possible to resolve the concern within that timescale, then the matter should be escalated to the formal investigation stage.

Stage 2 Formal Internal Investigation

- “Investigate once, investigate well” is the principle for this stage of the process. Emphasis is placed on one investigation to deal thoroughly with the concerns raised, rather than multiple investigations, at different levels of the organisation, which can result in protracted and, sometimes, open ended investigations.
- However, the Stage 2 element of the process is intended to be flexible and to respond appropriately to the complaint. “Investigating well” also means conducting an investigation in a manner that is proportionate to the nature and degree of seriousness of the complaint. Proportionate means that for less serious complaints, the investigation may not need to be so detailed/comprehensive.

5. The Unacceptable Actions by Complainants Policy

This Policy addressed those complainants whose behaviour is unacceptable. The Council currently has no equivalent policy. This new policy defines the types

of behaviour that are deemed unacceptable and provides advice and guidance on how these behaviours will be managed.

6. The Way Forward

In order for the new Policy to be introduced effectively the following actions need to be completed by all Services:-

1. Identify frontline staff who will need to receive training on the new Policy
2. Identify those staff who will be trained as investigators
3. Liaise with the Training and Development Officer to arrange training
4. Liaise with the ICT Service in order to ensure there is an adequate system in place to enable the recording of all concerns
5. Ensure signposting arrangement is in place so that Members know who to contact in order to receive assistance with queries from electors
6. Publicise the new Policy (corporately)

7. Implementation

To allow time to complete steps 1 to 6 it is suggested that the implementation date is 1st April, 2013.

Recommendations:-

1. That the Executive recommend and the Council adopt the Concerns and Complaints Policy, together with the Unacceptable Actions by Complainants Policy

- 2 That the implementation date of 1st April, 2013 be approved.

ATODIAD / APPENDIX 2

All Wales Corporate Complaints Officers Working Group

Minutes of meeting held on 19 November 2012

(Held at MRC, Llandrindod Wells)

Item	Action	By
<p>1. Welcome and Introductions</p>	<p>13 Local Authorities attended, represented by 16 officers, as set out below:</p> <p>Anglesey – Beryl Jones Ceredigion – Carys Hughes Conwy – Jan Manley Monmouthshire – Annette Evans Neath Port Talbot – Karen Jackson and Catherine Gadd Newport – Kit Wilson Pembrokeshire – Emily Sheen Powys – Julie Nicholas-Humphreys Rhondda Cynon Taff – Sarah Jones and Chris Macey Swansea – Andrew Taylor and Huw Evans Torfaen – Caron Davies Vale of Glamorgan – Eira Carroll Wrexham – Ian Downward</p> <p>As it was the first meeting of the Working Group everyone introduced themselves.</p>	
<p>2. Apologies for absence</p>	<p>Apologies:</p> <p>Blaenau Gwent – Angela O’Leary and Audra Williams Bridgend – Charlotte Branford Caerphilly – Karen Williams and Gail Williams Cardiff – Clare Taggart Carmarthenshire - Catherine Evans Conwy – David Smith Denbighshire – John LI Williams and Steve Goodrum Flintshire – Jenni Griffiths Gwynedd – Sion Huws Merthyr – Bernadette Jenkins Pembrokeshire – John Roberts Vale of Glamorgan – Tony Curliss Wrexham – Lisa Vaughan</p>	
<p>3. Appointment of Chair and Vice-Chair until April 2013</p>	<p>The Working Group agreed to the following appointments until April 2013:</p> <p>Eira Carroll (Vale of Glamorgan) – Chair Julie Nicholas-Humphreys (Powys) – Vice Chair</p>	

<p>4. Background – Customer Focus Wales and setting up of this Sub Group</p>	<p>EC (Chair/VOG) tabled the Terms of Reference for the Customer Focus Wales Group (CFWG), as some members of the Working Group had not heard of CFWG, and questioned its remit.</p> <p>CFWG decided to set up this Working Group as one of its sub groups as Corporate Complaints was falling under the remit of some (not all) Customer Services areas and it was identified as part of the work programme in March 2012.</p> <p>KW (Newport) and JNH (Vice Chair/Powys) were also members of the CFWG and they spoke briefly about the remit of the CFWG, which met on a quarterly basis. Two Sub Groups, in addition to this Working Group, had already been established and they were Web Group Wales and an Operations Group. SJ (RCT) also attended the CFWG.</p> <p>JNH said that she would arrange for a list of representatives on the CFWG to be circulated.</p> <p>It was noted that other Working Groups existed which had complaints/maladministration within their remit, eg Monitoring Officers Group and Social Care Complaints Group. It was agreed it would be helpful to make contact with the Chairs of these Groups to advise them of the work that this Working Group would be doing.</p>	<p>JNH to provide a list of LA representatives on CFWG to all members</p> <p>EC to make contact with Chairs</p>
<p>5. Draft Terms of Reference – for approval</p>	<p>EC (Chair/VOG) submitted the draft Terms of Reference for this Working Group. A detailed discussion was held suggesting amendments. The revised document is attached at Appendix 1 to these Minutes.</p> <p>It was noted that a North Wales Complaints Officers Group already existed.</p> <p>AT and HE (Swansea); KW (Newport) and JNH (Vice Chair/Powys) said that they supported the setting up of a South Wales Corporate Complaints Officers' Working Group. EC mentioned that a number of South Wales Local Authorities were not present – however she would make contact with them to see if they would like to join.</p> <p>It was agreed that it would be useful to share certain documents (eg Letter Templates; Staff Guidance; Policies) between members of the Working Group. JNH (Vice Chair/Powys) said she could establish a shared site on the Knowledge Hub, where members of the Working Group could have access.</p>	<p>EC to update TOR and circulate to members for final approval</p> <p>EC to make contact with South Wales LA contacts regarding a South Wales Group</p> <p>JNH to look into establishing a shared site on the Knowledge Hub for this Working Group</p>
<p>6. Model Concerns and Complaints Policy and Guidance for</p>	<p>EC (Chair/VOG) tabled a sheet which summarised which Local Authorities had adopted the Model Concerns and Complaints Policy and Guidance. Members who were present gave an update as to when they were due to adopt the Model Policy. A revised sheet is attached at Appendix 2 to these Minutes.</p>	<p>EC to update sheet and circulate with Minutes</p>

	<p>JNH (Vice Chair/Powys) asked whether actions had been taken under the Vexatious Complaints Policy. It was also raised in respect of FOI requests.</p> <p>From discussions it appeared that there was inconsistency in legal advice. Some had said it was OK to implement the Vexatious Policy against people who submitted excessive FOI requests – others had said no – it should not be implemented.</p> <p>AT (Swansea) said that his authority had been found guilty by the ICO concerning an FOI request.</p> <p>It was agreed that representatives from the Information Commissioner’s Office and the Public Services Ombudsman for Wales should be invited to a future meeting of the Working Group to discuss Vexatious Policies and FOI requests.</p> <p>A discussion was held on the categories/subjects of complaints referred to in the Model Concerns and Complaints Policy and Guidance. One person said it was difficult to comply with it given their in-house database which used their internal categorisation – another said it used the Local Government Service list and that was replicated on their website. One person said they used both – her own Local Authority categorisation and the All Wales Model categories.</p> <p>It was agreed that the categories/subjects of complaints referred to in the Model Concerns and Complaints Policy and Guidance should be discussed at a future meeting and that more information should be obtained as to the timescale for reporting on the categories.</p>	<p>on Working Group</p> <p>EC to make contact with the PSOW and ICO to invite them to a future meeting to discuss Vexatious complaints</p> <p>EC to make contact with a representative at the Welsh Government and to include as an agenda item at a future meeting</p>
<p>7. Learning from Complaints and Quarterly Casebook from Public Services Ombudsman for Wales</p>	<p>EC (Chair/VOG) tabled (for information) the report that Tony Curliss, Vale of Glamorgan Council (VOG), had drafted for that Council’s Customer Relations Project Board. The report included the Dashboard; the Executive Summary; Statistical Commentary; What was learnt from complaints; How the service has changed and an Action Plan.</p> <p>The issue of auditing when Lessons Learnt reports were produced was discussed. AT (Swansea) said that they were looking at including actions in Internal Audit Plans so that they could be monitored through this process. KW (Newport) said that Service</p>	

	<p>Plans included information on complaints.</p> <p>EC referred to the Quarterly Casebook which was produced by the Public Services Ombudsman for Wales' Office. As she was the VOG contact officer for the Ombudsman's Office she was sent a link to this document. She then circulated it to Heads of Service and Operational Managers at the VOG. The Casebook included complaints about specific service areas – however more general things such as complaints handling had been included in the most recent Casebook (Issue 10).</p>	
<p>8. Survey of Complainants and collection of information eg Protected Characteristics</p>	<p>EC (Chair/VOG) asked whether any local authorities surveyed complainants.</p> <p>Those present said that they did not currently. However AT and HE (Swansea) said that they had previously but had stopped because people found it difficult to distinguish between the outcome and the way their complaint had been dealt with. EC said that this had been found in VOG when surveys had been sent out in the past.</p> <p>CD (Torfaen) said that Social Care in her local authority did not survey complainants anymore as there was no value in it.</p> <p>It was reported that the North Wales Complaints Officers Group had considered at their last meeting whether to survey complainants and to do the exercise jointly. However when it was looked in to they had decided not to do so as the benefit did not outweigh the cost. However JM (Conwy) said that their Local Authority was looking to Customer Service Excellence as a whole rather than concentrating solely on complainants.</p> <p>EC asked whether members obtained Equality information on Protected Characteristics, ie Age, Disability, Gender Reassignment, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation in respect of complainants:-</p> <p>JNH (Vice Chair/Powys) said that Powys included Equality Monitoring Information as part of their Customer Satisfaction Survey of people who telephoned or had face to face contact. (However information on Protected Characteristics was not asked.) 150 people per month were contacted by post.</p> <p>ID (Wrexham) said that a questionnaire requesting details of Protected Characteristics was sent out to complainants at the beginning of the Stage 1 process by letter. (It was sent with the acknowledgment letter.) In addition the letter also asked them to identify any specific needs.</p> <p>KJ and CG (Neath Port Talbot) said that Equality Monitoring forms were sent out by complaints officers at Stage 2. It was available in hard copy and a return envelope was provided. The return rate was approximately 15%.</p>	
<p>9. Remedies and Compensation</p>	<p>EC (Chair/VOG) asked whether any local authorities paid complainants money or offered gifts for "time and trouble".</p> <p>HE (Swansea) recalled a letter from the Public Services Ombudsman</p>	

	<p>for Wales which referred to payment of £50 per month of delay. He also mentioned flowers being given. In Swansea it was the Head of Service who decided whether the payment should be made – this was based on clear rationale; detriment was also considered.</p> <p>ES (Pembrokeshire) said that a payment of £150 for goodwill had been made.</p> <p>EC referred to payment of £300 for time and trouble and upset to a complainant recently.</p> <p>(It was noted that Compensation is different from goodwill.)</p> <p>HE suggested that Remedies and Compensation be discussed at the next meeting of the Working Group in April 2013. It was agreed that everyone should bring examples of when payment was made for time and trouble. In addition examples when compensation was paid. The Ombudsman’s representative could be asked to attend to give a view and guidance.</p> <p>EC said that she would check whether the Ombudsman published any guidance on the payment of remedies.</p> <p>It was noted that the Public Services Ombudsman for Wales published a document “Principles for Remedy” but it did not include monetary amounts.</p>	<p>EC to include item on next agenda on Remedies and Compensation</p> <p>All to bring examples</p> <p>EC to invite a representative of the PSOW to attend to discuss</p> <p>EC to check whether guidance published</p>
<p>10. Benchmarking and Best Practice</p>	<p>EC (Chair/VOG) asked for suggestions on what information could be used for Benchmarking.</p> <p>JM (Conwy) said that the North Wales Complaints Officers Group already collated benchmarking information. However some Local Authorities were not able to provide information on all of them, due to for example, the way complaints were recorded.</p> <p>JM reported that in 2011/12 Conwy had received 575 complaints; Flintshire 617 and Anglesey 72. (These figures excluded Social Services Complaints.)</p> <p>JM agreed to circulate the Benchmarking form which was used by the North Wales Complaints Officers to members of the Working Group.</p> <p>It was agreed that Benchmarking information should be considered at the next meeting in April 2013.</p>	<p>JM to circulate Benchmarking information</p> <p>EC to add item to agenda for meeting in April 2013</p>

11. Roles and Responsibilities of Corporate Complaints Officers	<p>EC (Chair/VOG) asked whether those present would be willing to share information on the roles and responsibilities of Corporate Complaints Officers. This could include salaries and grades. This would be for information purposes only.</p> <p>HE (Swansea) said that it would be helpful to exchange information on Job Descriptions and Person Specifications. Management Structures would also be helpful. He was not sure that salaries and grades would be as useful.</p> <p>It was agreed that information would be exchanged on Job Descriptions and Person Specifications. If people wanted to include grades/salaries – this was voluntary.</p>	All to share Job Descriptions and Person Specifications
12. Meeting Review	<p>EC (Chair/VOG) asked for feedback on the meeting and whether it had been useful and worthwhile in attending.</p> <p>Overall those present thought that the meeting had been worthwhile and that it would be useful to have a more consistent approach to Corporate Complaints in Wales. It was also important to share best practice and establish benchmarking, provide support and have a forum at which to network</p>	
13. Any other Business	None were raised.	
14. Date of next Meetings	<p>April 2013 and September 2013</p> <p>Venue to be MRC – Llandrindod Wells</p>	<p>EC to book – on a Tuesday or Wednesday if possible</p> <p>EC to confirm dates once booked</p>

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**CWYNION I AC YMHOIADAU GAN YR OMBWDSMON – "O" -YNGLŶN Â CHYNGHORWYR CYNGOR SIR YNYS MÔN – MAI 2008
YMLAEN**

**COMPLAINTS TO AND INVESTIGATIONS BY THE OMBUDSMAN – "O" -REGARDING ISLE OF ANGLESEY COUNTY COUNCILLORS –
MAY 2008 ONWARDS**

**DIWEDDARIAD / UPDATED – 22 Chwefror 2013 /22 February 2013
(diweddariad diwethaf / last update 30.11.12)**

Pwyllgor Safonau – 13.03.13 – Standards Committee

Enw'r Cyngorydd Name of Councillor	Enw'r Achwynydd Name of Complainant	Cyfeirnod y Ffeil File Reference (i) Un ni/Ours (ii) "O"	Dyddiad y Gŵyn - "O" Complaint date - "O"	Disgrifiad Byr o'r Gŵyn Short Description of Complaint	Adranau'r Côd Sections of the Code	Canlyniad Ymholiad "O" a'r dyddiad neu'r sefyllfa Result of "O" Investigation and date or the current situation	Datblygiad Pellach Further Development
1. Cyngorydd Sir / County Councillor Newydd/New	Cyngor Tref / Town Council	(i) 016628 (ii) 201203508	19.12.12	Trafod cais cynllunio gyda cwmni ac yn mynychu cyfarfod o'r pwyllgor cynllunio / Discussing a planning application and being present in the planning committee meeting	Ni adnabuwyd unrhyw adran o'r cod / no section of the code identified	28.01.13 – ddim yn ymchwilio/ not investigating	Wedi cau / Closed
2. Cyngorydd Sir / County Councillor Newydd/New	Aelod o'r cyhoedd/ Member of the public	(i) 016671 (ii) 4020/201203920	15.01.13	Camarwain, anwybyddu barn a theimladau'r etholaeth / misleading, ignoring the feelings and opinions of constituents	1.3 o'r Cyfansoddiad / 1.3 of the Constitution	12.02.13 – ddim yn ymchwilio/ not investigating	Wedi cau / Closed
3. Cyngorydd Sir / County Councillor Newydd/New	Aelod o'r cyhoedd/ Member of the public	(i) 016752 (ii) 201204406	13.02.13	Peidio dangos parch ar eraill ac ymddwyn mewn ffordd sy'n dwyn anfri ar y swydd neu'r awdurdod / Failing to show respect for other and conduct likely to bring office or authority into disrepute	Rhan / section 4(b),6(1a)	21.02.13 – yr "O" am ymchwilio/ the "O" to investigate	

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CWYNIION I AC YMHOIADAU GAN YR OMBUDSMON – "O" -YNGLŶN Â CHYNGHORWYR CYMUNEDOL A THREF

COMPLAINTS TO AND INVESTIGATIONS BY THE OMBUDSMAN – "O" -REGARDING TOWN AND COMMUNITY COUNCILLORS
Diweddariad – Chwefror 2013 / Update February 2013

Pwyllgor Safonau- 13.3.13.- Standards Committee

Enw'r Cynghorydd Name of Councillor	Enw'r Achwynnydd Name of Complainant	Cyfeirnod y Ffeil File Reference (i) Un ni/Ours (ii) "O"	Dyddiad y Gŵyn - "O" Complaint date - "O"	Disgrifiad Byr o'r Gŵyn Short Description of Complaint	Canlyniad Ymholiad "O" a'r gyfredol Result of "O" Investigation and date or the current situation	Datblygiad Pellach Further Development
Cynghorydd Cymunedol / Community Councillor Penrynnydd & Star	Aelodau o'r Cyhoedd x 5 / Members of the Public x 5	015776- RMJ 201102856 015775 - RMJ 201102868 015777-RMJ 201102860 201103060 201103282	29.12.11 29.12.11 30.12.11 09.01.12 26.01.12	Methiant i ddatgan diddordeb mewn cais cynllunio ac wedi cymryd rhan yn y drafodaeth. Failure to declare an interest in a planning application and actively took part in the discussion	Cyfarfod arbennig o'r Pwllgor Safonau 7.3.13 Special meeting of the Standards Committee 7.3.13	
Cynghorydd Cymunedol / Community Councillor Llanfaelog	Aelod o'r Cyngor Cymunedol x 5 / Member of the Community Council x 5	016435 - BJ 201201908 016436 - BJ 201201909 014647 - BJ 201201910 016438 - BJ 201201911 016439 - BJ 201201913	18.09.12	Defnyddio iaith ddifrifol ac ymddygiad ymosodol mewn cyfarfod o'r cyngor Abusive language and aggressive behaviour in a council meeting	11.10.12 - llythyr gan yr "O" - ym mynd I ymchwilio. 11.10.12 - letter from the "O" - going to investigate	Parhaus / Ongoing

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Cyngor Sir Ynys Môn / Isle of Anglesey

Committee	Standards Committee
Date of Meeting	13 March 2013
Title of Report	Findings of the Adjudication Panel for Wales 1st April 2011 to 21st February 2013.
Report By	Customer Care Officer
Purpose of Report	To provide information on the issues dealt with by the Adjudication Panel for Wales

1.0 Introduction & Background

The Adjudication Panel for Wales came into being as a result of the Local Government Act 2000 and 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

This report covers decisions made by the Adjudication Panel between the 1st of April 2011 and the 21st February, 2013 and is intended as a factual summary of the issues that come before the Adjudication Panel. It will not replace the report that is presented to the Committee when a complaint relating to Anglesey County Council has been before the Adjudication Panel.

2.0 Decisions made between 1.4.11 and the date of this report

No new cases have been reported on the website and therefore nothing to add to the report presented to the December 2012 meeting.

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STANDARDS CONFERENCE WALES 2013

Balancing Rights and Responsibilities

Conference Programme
VENUE CYMRU LLANDUDNO – 19 APRIL 2013

10.00 – 10.30	Registration & Tea/Coffee
10.30 – 10.45	Welcome and introduction – Dilys Phillips, Chair of ACSeS
10.45 – 11.30	Plenary session 1 – Peter Tyndall, Public Services Ombudsman for Wales
11.30 – 11.45	Tea/Coffee
11.45 – 12.45	Workshop session 1: 1A. Promoting standards proactively - Gwynedd 1B. Conducting hearings and sanctions – Denbighshire and Conwy 1C. Register of Interests and Dispensations – Isle of Anglesey and Flintshire
12.45 – 13.45	Lunch
13.45 – 14.30	Plenary session 2 – Local Resolution Procedures Daniel Hurford, WLGA Dilys Phillips, Gwynedd Rod Jones, Swansea
14.30 – 14.45	Tea/Coffee
14.45 – 15.45	Workshop session 2: 2A. Promoting standards proactively - Gwynedd 2B. Conducting hearings and sanctions – Denbighshire and Conwy 2C. Standards issues for town and community councils and single purpose authorities – Wrexham and Snowdonia National Park
15.45 – 16.00	Closing remarks – Howie Roberts Chair of the North Wales Forum of Chairs and Vice-chairs of Standards Committees

Cynhadledd Safonau Cymru 2013 / Standards Conference Wales 2013

19/4/2013

Rhestr Enwebedig / Nominee List

Cyngor Sir Ynys Môn / Isle of Anglesey County Council

Lynn Ball, Pennaeth Adnoddau Cyfreithiol a Gweinyddol/Swyddog Monitro / *Head of Function Legal and Administration/Monitoring Officer*

Mike Wilson, Cadeirydd Pwyllgor Safonau / *Chair of the Standards Committee*

Islwyn Jones, Is-gadeirydd Pwyllgor Safonau / *Vice Chair of the Standards Committee*

Leslie Lord, Aelod Lleyg y Pwyllgor Safonau / *Independent Member Standards Committee*

Cynghorydd Cymuned / *Community Councillor* John Roberts

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AGENDA ITEM NO.

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to	THE EXECUTIVE AND THE COUNTY COUNCIL
Date	18th FEBRUARY 2013 and 5th MARCH 2013
Subject	CONSTITUTIONAL CHANGES
Portfolio Holder(s)	COUNCILLOR JOHN CHORLTON
Lead Officer(s)	MONITORING OFFICER
Contact Officer	MONITORING OFFICER
Nature and reason for reporting	
Constitutional changes require executive consideration and Council approval	

A – Introduction / Background / Issues
Seven proposed Constitutional changes to take effect immediately after the election.

B - Considerations
<p>A combination of :-</p> <ul style="list-style-type: none"> - Amendments 1, 6 and 7 to support corporate governance and - Amendments 2 to 5 to assist Members in managing workloads after the election

C – Implications and Impacts	
1	Finance / Section 151
2	Legal / Monitoring Officer
3	Human Resources
4	Property Services (see notes – separate document)
5	Information and Communications Technology (ICT)
6	Equality (see notes – separate document)
7	Anti-poverty and Social

C – Implications and Impacts		
	(see notes – separate document)	
8	Communication (see notes – separate document)	
9	Consultation (see notes – separate document)	<p>Consultation with relevant Officers and all Members on amendments 6 and 7 – New Relationship Protocol for Members and Officers and Protocol for Multi Member Wards and consultation with relevant Officers in Scrutiny, Planning, Licensing, Audit and Finance in relation to amendments 2, 3 and 4 respectively.</p> <p>Consultation with the Leader and Chief Executive.</p>
10	Economic	
11	Environmental (see notes – separate document)	
12	Crime and Disorder (see notes – separate document)	
13	Outcome Agreements	

CH - Summary
<p>Post-election May 2013 to :-</p> <ol style="list-style-type: none"> 1. Make Member training on the Code of Conduct mandatory 2. Reduce Scrutiny Committees from 5 to 2 3. Reduce numbers on the Planning and Orders Committee (and Licensing) from 14 to 11 4. Reduce County Council Membership on the Audit Committee from 10 to 8 5. Reduce number on the Executive from 10 to 7 (to include the Leader and Deputy Leader) 6. To adopt revised Relationship Protocol for Members and Officers. 7. To adopt protocol for Multi Member Wards

D - Recommendation

To support the 7 suggested changes

Name of author of report Lynn Ball

Job Title Head of Function Legal and Administration/Monitoring Officer

Date

Appendices:

Enclosure 1 – Committee Structure

Enclosure 2 – Draft Relationship Protocol for Members and Officers

Enclosure 3 – Draft Protocol for Multi Member Wards

Background papers

ISLE OF ANGLESEY COUNTY COUNCIL	
REPORT TO :	THE EXECUTIVE AND THE COUNTY COUNCIL
DATE:	18th FEBRUARY 2013 and 5th MARCH 2013
TITLE OF REPORT:	CONSTITUTIONAL CHANGES
PORT FOLIO HOLDER :	COUNCILLOR JOHN CHORLTON
LEAD OFFICER:	MONITORING OFFICER
NATURE AND REASON FOR REPORTING:	TO ENHANCE THE WORKING OF THE NEW COUNCIL AFTER 2ND MAY 2013

INTRODUCTION

Constitutional changes require Executive consideration and Council approval.

Seven changes are suggested. These are, broadly, to enhance the working of the new Council after 2nd May 2013, but especially to take into account the corporate workload on a reduced number of Members.

The suggested changes are:-

AMENDMENT 1 - MEMBER TRAINING

On the 31st October 2012 the Standards Committee decided to recommend to the Council that the Code of Conduct be amended to make training on the Code mandatory in the following ways:-

- Those Members elected to the County Council for the first time would be required to undertake a minimum of one training session on the Code within the first six months of taking office;
- Any returning Member who was not a County Councillor immediately prior to the election (i.e. without continuity of office) would be required to attend a minimum of one training session on the Code within the first six months of taking office;
- Any returning Member, who was a County Councillor immediately prior to the election, would be required to undertake at least one training session on the Code during their term of office.

If (and there are no indications that this is under consideration) the statutory Code of Conduct is materially revised then all Members would be required to undertake at least one training session on the new Code during the remainder of their term of office.

RECOMMENDATION

In the interests of good corporate governance, to equip Members to exercise their responsibilities as required by the Code of Conduct, and to assist Members in dealing with any complaints arising under the Code of Conduct, it is recommended that the Council approve the recommendations of the Standards Committee.

AMENDMENT 2 – SCRUTINY COMMITTEES

Attached at “Enclosure 1” is the Committee Structure currently in place. This will give Members an indication of their current corporate workload. Additionally, Members will have a leading role within their own enlarged wards, as well as responsibilities to outside bodies.

In recognition of this workload it is suggested that, after the election, the current five Scrutiny Committees shall be reduced to two.

RECOMMENDATION

- Following the election on 2nd May 2013, the number of Scrutiny Committees be reduced from five to two.
- The two new Scrutiny Committees shall be called the “Corporate Scrutiny Committee” and the “Partnership Scrutiny Committee”.
- The current call-in powers shall remain in place except that those powers shall be shared between the two new Scrutiny Committees, rather than being exercised by the Corporate Scrutiny Committee alone.
- In the event of uncertainty regarding which Scrutiny Committee is the more appropriate to call-in a particular matter, the final decision shall be made by the Chief Executive following advice from relevant Officers.
- The Council authorises Officers to devise terms of reference for the new Scrutiny Committees. This shall be done in consultation with the Chairs of the current Scrutiny Committees, and the Group Leaders, as well as relevant Officers. The emphasis will be permissive rather than prescriptive, and generic rather than specific; in other words, as flexible as possible.

AMENDMENT 3 – PLANNING AND ORDERS COMMITTEE

The membership of the Planning and Orders Committee (and therefore by default the Licensing Committee too) currently stands at fourteen Members. It is suggested that, after the election, this shall be reduced to eleven Members.

RECOMMENDATION

- That following the election on 2nd May 2013 the number of Members on the Planning and Orders Committee shall reduce from fourteen to eleven.
- While acknowledging that the rules of political balance must always have primacy, the Group Leaders (and equivalent for allocation of seats to specific unaffiliated Members) shall use their best endeavours to nominate one Member from each of the new eleven multi member wards.

AMENDMENT 4 – AUDIT COMMITTEE

The membership of the Audit Committee currently stands at ten County Councillors and two lay Members. It is suggested that, after the election, this shall be reduced to eight County Council Members and two lay Members.

RECOMMENDATION

That after May 2013 the number of County Council Members on the Audit Committee shall be reduced from ten to eight.

AMENDMENT 5 – THE EXECUTIVE

The Council may have an Executive of no more than ten Members; to include the Leader and Deputy Leader.

However, bearing in mind the need for a reduced number of Members to still undertake other corporate roles, it is suggested that the number of Members on the Executive be reduced to seven; to include the Leader and Deputy Leader.

RECOMMENDATION

In response to local circumstances, and given the statutory discretion permitted, the number of Executive Members shall be reduced from ten to seven. This number shall include the Leader and Deputy Leader.

AMENDMENT 6 – RELATIONSHIP PROTOCOL FOR MEMBERS AND OFFICERS

The existing Protocol is in Part 5 of the Constitution.

The Standards Committee has redrafted the Protocol to make it shorter and more user friendly for Members and Officers. There are no material changes to the principles in the original document. The new draft Protocol was sent out to Members and Officers for consultation between 11 October 2012 and 27 November 2012. The Constitution did not result in any material changes to the draft.

“Enclosure 2” to this Report contains the final version and Members are asked to approve the revised Protocol for inclusion in the Constitution, by May 2013.

RECOMMENDATION

To endorse the recommendation of the Standards Committee and replace the current Protocol with the revised Protocol at Enclosure 2 of this Report.

AMENDMENT 7 –PROTOCOL FOR MULTI MEMBER WARDS

In view of the change to multi member wards, the Standards Committee prepared a draft Multi Member Ward Protocol which is attached at “Enclosure 3” to this Report.

This document went out to consultation with Members and Officers between 17 December 2012 and 31 January 2013. The consultation did not result in any material changes to the draft.

The Protocol has been created to assist Members and Officers in dealing with the new challenges of multi member wards but was also devised to be sufficiently broad to allow Members to develop their own working model as local circumstances dictate.

RECOMMENDATION

- Members adopt the Protocol devised by the Standards Committee, with effect from May 2013.
- The Council decides whether or not the Multi Member Ward Protocol shall sit as an independent freestanding document in Part 5 of the Constitution, or whether it should be rolled into the Relationship Protocol for Members and Officers, to create a single document. The Standards Committee wished to see a single document, but Members are asked to select their own preference.

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ISLE OF ANGLESEY COUNTY COUNCIL

RELATIONSHIP PROTOCOL FOR MEMBERS AND OFFICERS

INDEX

1. Introduction
2. Principles
3. The Role of Members
4. The Role of Officers
5. The Relationship between Members and Officers: General
6. The Council as Employer
7. Chairperson and Officers
8. Executive Members and Officers
9. Scrutiny Members and Officers
10. Members of other Committees or Sub-Committees and Officers
11. Political Groups and Officers
12. Local Members and Officers
13. Media Relations
14. Correspondence
15. Use of Council Resources
16. Breach of this Protocol

1. **INTRODUCTION**

- 1.1 The Council subscribes to the view that no local authority can function effectively without a good professional relationship between its Members and Officers.
- 1.2 The purpose of this Protocol is to guide Members and Officers of the Council in their relationships with one another; aiming to promote the high standards in public office which are required for successful local government.
- 1.3 This Protocol seeks to promote greater clarity and certainty and to offer general advice and guidance.
- 1.4 A breach of this Protocol may constitute a breach of the Council's Code of Conduct for Members or the Code of Conduct for Officers.
- 1.5 This Protocol also tries to reflect the principles which underlie the respective Codes of Conduct, for Members and Officers. The shared objective of these Codes is to enhance and maintain the integrity of local government, thereby demanding very high standards of personal conduct.

2. PRINCIPLES

- 2.1 Members and Officers must, at all times during their dealings with one another, observe this Protocol.
- 2.2 Members and Officers must always respect each other's roles and responsibilities. They must show respect in all their dealings, by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their respective positions.
- 2.3 Whilst Members and Officers are indispensable to one another, their responsibilities are separate and distinct. Members are accountable to the electorate, serving only for as long as their term of office lasts. Officers are accountable to the Council as a whole and their job includes giving advice to Members (both individually and collectively) and to carry out the Council's work under the direction of the Council and in accordance with their line management accountabilities.
- 2.4 The Council has adopted Codes of Conduct for both Members and Officers. Both represent best practice. The Members' Code follows the national code, which is based on the general principles governing Members' conduct. These are:-
- Selflessness – serving only the public interest.
 - Honesty and integrity – taking all reasonable steps to avoid these being called into question, not behaving improperly.
 - Objectivity – taking decisions on merit.
 - Accountability – to the public; being open to scrutiny.
 - Openness – giving explanations and reasons for decisions.
 - Personal judgment – reaching one's own conclusions and acting accordingly.
 - Respect for others – promoting equality; avoiding discrimination, respecting others (Member/Member, as well as Member/Officer).
 - Duty to uphold the law – not acting unlawfully.
 - Stewardship – ensuring the prudent use of the Council's resources.
 - Leadership – acting in a way which instils public confidence.
- 2.5 Officers are bound by the Council's Code of Conduct for Officers and, in some cases, by their own professional Codes of Conduct as well.
- 2.6 A breach of this Protocol by a Member may result in a complaint to the Public Services Ombudsman for Wales (PSOW) if it appears that a breach of the Protocol also constitutes a breach of the Members' Code of Conduct. Other breaches of the Protocol, falling outside the PSOW's jurisdiction, may

be dealt with under any local Self Regulation Protocol. Breaches by an Officer may lead to disciplinary action.

3. THE ROLE OF MEMBERS

- 3.1 Members have a number of roles and responsibilities and need to be alert to the potential for conflict, which may arise between their roles. In those situations, it is recommended that Members seek the advice of their senior colleagues, relevant Officers and/or the Monitoring Officer.
- 3.2 Collectively, Members are the Council's ultimate policy makers; determining the strategic plans which constitute the policy framework and setting the Council's annual budget.
- 3.3 Members also represent the wider community of the Isle of Anglesey, acting as community leaders to promote the social, economic and environmental wellbeing of the area; often in partnership with other agencies or as representatives on outside bodies.
- 3.4 Every Member represents the interests of, and is an advocate for, their electoral ward and individual electors. Members represent the Council in their ward, responding to local issues and concerns, meeting with partner agencies, and often serving on local bodies.
- 3.5 Some Members have roles relating to their position as Members of the Executive, Scrutiny Committees, Regulatory Committees or Sub-Committees and Panels of the Council.
- 3.6 Members of the Executive may also have individual delegated powers, either generically, or on an ad-hoc basis.
- 3.7 Members of the Executive may determine matters within their portfolio of responsibilities but implementation of their decisions will be the responsibility of Officers.
- 3.8 Members who serve on Committees or Sub-Committees have collective responsibilities, for example deciding regulatory/quasi-judicial matters (i.e. decisions which have an immediate and significant impact upon individual applicants/objectors etc.) and which by law are excluded from the remit of the Executive.
- 3.9 As politicians, Members may express the values and aspirations of the political party or group to which they belong, but also recognising that in their role as Members they have a duty to always act in the public interest.
- 3.10 In their numerous roles, described in paragraphs 3.2 to 3.9, the conduct of Members sets the tone and the core values of the Council
- 3.11 Through performance appraisal, target setting, and day to day management, Officers receive their instructions from their line managers. Members are not authorised to instruct Officers, other than:

- through the formal decision making process;
 - to request the provision of consumable resources provided by the Council for the use of Members;
 - where staff have been specifically allocated to give support to a Member or a group of Members.
- 3.12 Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.
- 3.13 Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration (i.e. contrary to policy or procedure) Members have an obligation under their Code of Conduct to have due regard, when reaching decisions, to any advice provided by the lead Officer and particularly the Chief Executive, the Section 151 Officer and the Monitoring Officer.
- 3.14 Members must respect the impartiality of the Officers and do nothing to compromise it, e.g. by insisting that an Officer change his/her professional advice.
- 3.15 Members have a duty to abide by the requirements described in their Code of Conduct.

4. **THE ROLE OF OFFICERS**

- 4.1 Officers are responsible for giving advice to Members to enable them to fulfil their roles. In doing so, Officers will take into account all available relevant factors.
- 4.2 Under the direction and control of the Council (including, as appropriate, the Executive, Committees and Sub-Committees), Officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 4.3 Officers have a duty to implement decisions of the Council, the Executive, Committees and Sub-Committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.
- 4.4 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgment and advice to be influenced by their own personal views.
- 4.5 Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the Council as expressed in the Council's formal decisions.
- 4.6 Officers must be alert to issues which are, or are likely to be contentious, or

politically sensitive, and be aware of the implications for Members, the media or other sections of the public.

- 4.7 Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on Officers' involvement in political activities. Acting in contravention of the statutory limitation may result in disciplinary action.

5. **THE RELATIONSHIP BETWEEN MEMBERS AND OFFICERS: GENERAL**

- 5.1 The conduct of Members and Officers should be such as to instil mutual confidence and trust.
- 5.2 The key elements are recognition of, and a respect for, each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 5.3 Informal and collaborative contact between Members and Officers is encouraged, but personal familiarity may damage the relationship, as might a family or business connection.
- 5.4 Members and Officers should inform the Monitoring Officer, or the relevant Corporate Director, of any relationship which might be perceived as unduly influencing their work in their respective roles. Personal relationship can also include someone with whom you have been in dispute, or whom you may be regarded as having an interest in disadvantaging, (i.e. similar to the Ombudsman's definition of 'A Close Personal Associate' in his Guidance Document on the Code of Conduct).
- 5.5 As well as avoiding actual impropriety, Members and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict might be reasonably perceived. Specifically, a Member must not sit on any body, or participate in any decision, which directly affects the Officer on a personal basis. Such circumstances are, in any event, likely to also constitute a prejudicial interest under the Members' Code of Conduct.
- 5.6 Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
- 5.7 Officers work to the instructions of their line managers, not individual Members. It follows that, whilst such Officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is to seek factual information, which the Member is entitled to receive, Members should usually direct any requests and concerns to a Head of Service/Corporate Director, in the first instance.

- 5.8 Officers will do their best to give timely responses to Members' enquiries. However, Officers should not have unreasonable requests placed on them. Their work priorities are set and managed by their managers. Members should avoid disrupting Officers' work by attempting to impose their own priorities. Officers should report any such concerns to their line manager.
- 5.9 Members will endeavour to give timely responses to enquiries from Officers.
- 5.10 Staff are entitled to raise issues with their local Member, as citizens of the County. They must not, however, lobby Members on personal employment matters. This is to ensure that Members, as both employers and policy makers, receive balanced, unified advice within an orderly framework. Members must refuse to respond to inappropriate lobbying from staff and must inform the relevant Head of Service/Corporate Director.
- 5.11 Members and Officers should respect each other's free (i.e. non Council) time.

6. THE COUNCIL AS EMPLOYER

- 6.1 Officers are employed by the Council as a whole.
- 6.2 Members' roles are limited to:
- the appointment of specified senior posts;
 - determining human resources policies and conditions of employment; and
 - hearing and determining relevant appeals.
- 6.3 Members shall not act outside these roles.
- 6.4 If participating in the appointment of Officers, Members should:
- remember that there is a statutory duty to appoint on merit alone;
 - never canvass support for a particular candidate;
 - not participate, or seek to influence the outcome, if one of the candidates is a close personal associate;
 - not be influenced by preferences other than ones of merit and suitability for the job; and
 - not favour a particular candidate by giving them information not available to the other candidates;
 - abide by the requirements in the Members' Code of Conduct.
- 6.5 A Member should not sit on an appeal hearing if the appellant is a friend, a relative, or an Officer with whom the Member has, or has had, a close

working relationship.

7. **CHAIRPERSON AND OFFICERS**

Officers will respect the position of the Council's Chairperson and provide appropriate support.

8. **EXECUTIVE MEMBERS AND OFFICERS**

- 8.1 Executive Members will take decisions in accordance with the constitution and will not otherwise direct staff. Corporate Directors/Heads of Service will be responsible for ensuring staff implement the Executive's decisions.
- 8.2 Corporate Directors/Heads of Service (as well as the statutory officers) have the right to submit papers to the Executive as a whole or, where relevant, to individual Executive Members for consideration prior to any decision being made.
- 8.3 Corporate Directors/Heads of Service and Executive Members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Executive will seek appropriate professional advice including, without exception, the Monitoring Officer and Section 151 Officer, and will not direct Officers in the framing of recommendations.
- 8.4 Before any formal decisions with a financial implication are taken by the Executive, the Section 151 Officer and the Corporate Directors/Heads of Service for the Service(s) concerned must be consulted. This is to ensure that those Officers who are budget holders:
- are aware of the proposed decision;
 - have the opportunity to offer advice; and
 - are subsequently able properly to authorise the financial transactions needed to implement decisions.
- 8.5 An individual Executive Member who is minded to write or commission a report, or to make a decision about a matter within his/her portfolio, must ensure that those other Members and Officers who need to know of the matter are so informed. There is a particular requirement to involve other Executive Members on cross cutting issues.
- 8.6 When making decisions, Executive Members (whether collectively or individually) must state the reasons for their decisions. The written record of the decisions must include the reasons.
- 8.7 Officers taking decisions under their own delegated powers must consider the advisability of informing the relevant Executive Member(s) of their intentions, in advance, when the matter to which the decision relates is likely to be sensitive or contentious, or has wider policy implications.

9. **SCRUTINY MEMBERS AND OFFICERS**

- 9.1 Chairs and Vice Chairs of Scrutiny Committees shall maintain regular contact with the Scrutiny Officers who provide the principal support to the scrutiny function. In consultation with the Chairs, it shall be the responsibility of those Officers to ensure that those who need to know of matters being considered, or likely to be the subject of future consideration, are so informed.
- 9.2 A Scrutiny Committee, or its Chair acting on behalf of the Committee, may require Officers to attend Scrutiny meetings. Members should not normally expect Junior Officers to do so, though, and all requests for the attendance of any Officer should be made to the relevant Head of Service/Corporate Director.
- 9.3 When making requests for Officer attendance, Scrutiny Members shall have regard to the workload of Officers.
- 9.4 When attending at Scrutiny Committee (or Scrutiny Outcome Panels) Officers should be prepared to justify any advice they have already given on the issue under consideration, even if the advice was not accepted. Officers may also be required to justify decisions that they have taken under their own delegated powers, or in circumstances where they have been properly authorised to take Executive decisions.
- 9.5 In giving information to Scrutiny Committees, or Outcome Panels, Officers must not be asked, and should not offer, political views.
- 9.6 When questioning Officers at Scrutiny, Members should address Officers with dignity and respect, and must treat their responses with courtesy. They should not ask about matters of a disciplinary nature.
- 9.7 Officers should respect Members in the way in which they respond to Members' questions.
- 9.8 Scrutiny must focus on reviewing policies and the performance of the Council, and its Services. Discussion of personal matters, such as the performance of individual Officers is not to be discussed in these forums, under any circumstances. In this context Members are referred to Section 16 of this Protocol.
- 9.9 If it is a relevant factor, before calling-in a decision of the Executive, Scrutiny Members should seek early advice from the Section 151 Officer, if they consider that the relevant decision is contrary to the Council's Budgetary Framework, and from the Monitoring Officer, if they consider that the decision is contrary to the Council's Policy Framework.

10. **MEMBERS OF OTHER COMMITTEES OR SUB-COMMITTEES AND OFFICERS**

- 10.1 The Officer with lead responsibility will arrange regular informal meetings with the Chairs and Vice-Chairs of Committees and Sub-Committees.
- 10.2 Corporate Directors/Heads of Service (including the statutory officers) have the right to present reports and give advice to Committees and Sub-Committees.
- 10.3 Members of a Committee or Sub-Committee shall take decisions within the remit of that Committee or Sub-Committee, and will not otherwise instruct Officers to act.
- 10.4 At some Committee or Sub-Committee meetings, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the Chair. In these circumstances it is the Officer, not the Chair, who takes the action and is responsible for it. A Chair has no legal power to take decisions on behalf of a Committee or Sub-Committee, neither should he/she apply inappropriate pressure on the Officer.

11. **POLITICAL GROUPS AND OFFICERS**

- 11.1 Corporate Directors/Heads of Service may properly be asked to contribute to deliberations of matters concerning Council business by political groups. Officers have the right to refuse such requests, and will normally not attend a meeting of a political group where some of those attending are not Members of the Council.
- 11.2 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of group business, and therefore should not be expected to be present at meetings, or parts of meetings, when such matters are to be discussed.
- 11.3 Political group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so. Where Officers provide factual information and advice to a political group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by a relevant body of the Council.
- 11.4 It must not be assumed that an Officer is supportive of a particular policy or point of view considered at a political group meeting simply because the Officer has attended or provided information to the meeting.
- 11.5 Officers will respect the confidentiality of any political group discussions at which they are present and, unless expressly requested to do so by that

political group, will not relay the content of such discussions to another political group, or to any other Member or Members. This shall not prevent an Officer providing feedback to other Officers on a “need to know” basis.

- 11.6 In their dealings with political groups, Officers must treat each group in a fair and even-handed manner.
- 11.7 Members must not do anything which comprises, or is likely to compromise, an Officers’ impartiality.
- 11.8 The duration of an Officer’s attendance at a political group meeting will be at the discretion of the group, but an Officer may leave at any time if the Officer feels it is no longer appropriate to remain.
- 11.9 An Officer accepting an invitation to the meeting of one political group shall not decline an invitation to advise another group about the same matter. The Officer must give substantially the same advice to each.
- 11.10 An Officer below the level of Head of Service shall not be invited to attend a political group meeting, but the Officer so invited may nominate another Officer to attend on their behalf.
- 11.11 An Officer should be given the opportunity of verifying comments and advice attributed to them in any written record of a political group meeting.
- 11.12 No Member will refer in public, or at meetings of the Council, to advice or information given by Officers to a political group meeting.
- 11.13 At political group meetings, where some of those present are not Members of the Council, care must be taken not to divulge confidential information relating to Council business. Those who are not Members are not bound by the Members’ Code of Conduct. They do not have the same rights to access Council information as Members.
- 11.14 Any particular cases of difficulty or uncertainty, in relation to this part of the Protocol, should be raised as soon as possible with the Chief Executive and the relevant political group leader.

12. **LOCAL MEMBERS AND OFFICERS**

- 12.1 To enable them to carry out their ward role effectively, Members need to be fully informed about matters affecting their ward. Corporate Directors/Heads of Service must ensure that all relevant staff are aware of the requirement to keep local Members informed, thus allowing those Members to contribute to the decision making process and to develop their representative role.
- 12.2 This requirement is particularly important:
 - during the formative stages of policy development, where practicable;

- in relation to significant or sensitive operational matters;
 - whenever any form of public consultation exercise is undertaken; and
 - during a Scrutiny investigation.
- 12.3 All local Members affected will need to be kept equally well informed. This includes multi Member wards and where issues affect more than one ward.
- 12.4 Whenever a public meeting is organised by the Council, to consider a local issue, all of the Members representing the ward/s affected shall be invited to attend the meeting as a matter of course.
- 12.5 If a local Member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, then the local Member should inform the relevant Corporate Directors/Heads of Service. Provided the meeting has not been arranged on a party political basis:
- an Officer may attend, but is not obliged to do so, and
 - subject to the necessary arrangements, the meeting may be held in Council owned premises.
- 12.6 No such meetings should be arranged or held in the immediate run up to Council elections.
- 12.7 Whilst support for Members' ward work is legitimate, care should be taken if Officers are asked to accompany Members to ward surgeries. In such circumstances:
- the surgeries must be open to the general public, and
 - Officers should not be requested to accompany Members to surgeries held in the offices or premises of political groups or parties.
- 12.8 Officers must never be asked to attend ward or constituency political party meetings.
- 12.9 It is acknowledged that some Council staff (e.g. those providing dedicated support to Executive Members) may receive and handle messages for Members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
- 12.10 In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by Members in the requested timescale, and may need to seek instructions from their managers.

13. **MEDIA RELATIONS**

- 13.1 All formal relations with the media must be conducted in accordance with the **Media Protocol included as part of the Council's Communications Strategy (which is available on the Council's website)**; and the law on local authority publicity.
- 13.2 In their dealings with the media, Members are reminded of their confidentiality obligations under the Code of Conduct.
- 13.3 Officers will keep relevant Members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 13.4 Officers approached by the media should redirect enquiries to the Communications Unit.
- 13.5 Likewise, Officers will inform the Council's Communications Unit of issues likely to be of media interest, since that unit is often the media's first point of contact.
- 13.6 If a Member is contacted by, or contacts, the media on an issue, he/she should:
- indicate in what capacity he/she is speaking (e.g. as ward Member, in a personal capacity, as an Executive Member, on behalf of the Council, or on behalf of a political group);
 - be sure of what he/she wants to say or not to say;
 - if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's Communications Unit and/or relevant Corporate Directors/Heads of Service, except in relation to a statement which is party political in nature;
 - consider the likely consequences for the Council of his/her statement;
 - never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
 - consider whether to consult other relevant Members;
 - take particular care in what he/she says in the run up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist;
 - all references in this section to the media includes print media,

broadcast media and electronic/social media.

14. **CORRESPONDENCE**

- 14.1 Correspondence between an individual Member and an Officer should not be copied to another Member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no “blind” copies.
- 14.2 Official letters written on behalf of the Council should normally be in the name of the relevant Officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of an Executive Member or the Chair of a Scrutiny Committee.
- 14.3 The Chairperson may initiate correspondence in his/her own name.
- 14.4 Letters which create legally enforceable obligations, or which give instructions on behalf of the Council, should never be sent in the name of a Member.
- 14.5 When writing in an individual capacity, as a ward Member, a Member must make clear that fact.

15. **USE OF COUNCIL RESOURCES**

- 15.1 The Council provides Members with services such as typing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as Members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.
- 15.2 Members should ensure they understand and comply with the Council’s requirements about the use of such resources, particularly:
- where facilities are provided in Members’ homes at the Council’s expense;
 - in relation to any locally agreed arrangements e.g. payment for private photocopying; and
 - regarding ICT security.
- 15.3 Members should not put pressure on staff to provide resources or support, which Officers are not permitted to give. Examples are:
- business which is solely to do with a political party;

- work in connection with a ward or constituency party political meeting;
- electioneering;
- work associated with an event attended by a Member in a capacity other than as a Member of the Council;
- private personal correspondence;
- work in connection with another body or organisation where a Member's involvement is other than as a Member of the Council; and
- support to a Member in his/her capacity as a Councillor of another local authority

16. **BREACH OF THIS PROTOCOL**

16.1 This part of the Protocol should be read in conjunction with the Council's **"whistle blowing" policy; which is available on the Council's website.**

16.2 Members or Officers with questions about the implementation or interpretation of any part of this Protocol should seek the guidance of the Monitoring Officer.

16.3 A Member who is unhappy about the actions taken by, or conduct of, an Officer should:

- avoid personal attacks on, or abuse of, the Officer at all times;
- ensure that any criticism is well founded and constructive;
- never make a criticism in public; and
- take up the concern with the Officer privately.

16.4 If direct discussion with the Officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Member should raise the issue with the Officer's manager or the relevant Head of Service.

16.5 A serious breach of this Protocol by an Officer may lead to an investigation under the Council's **disciplinary procedure, which is available on the Council's website.**

16.6 An Officer who believes that a Member may have acted in contravention of this Protocol should raise his/her concern with the relevant Head of Service who may seek the advice of the Monitoring Officer as to the most appropriate and proportionate way to address the concern so raised.

PAPUR / ENCLOSURE

3

1. The Relationship between Members and Officers: Multi Member Wards

1.1 Principles

- Each Member has been democratically elected to represent the whole of the multi-member ward and each has equal status within the ward.
- Members should agree amongst themselves whether and how they wish to work together.
- It is not the role of Officers to influence whether or how Members work together.
- The role of Officers is to manage and support those relationships and the information and workloads which flow from them.

1.2. Provision of information on ward members to the public

Factual information about ward Members needs to be provided to constituents and organisations seeking contact with a local Member.

(a) When members of the public contact the Council requesting information about their ward Members, contact details of all Members are provided in alphabetical order along with their political affiliation.

(b) Where someone has not identified a particular Member to deal with their concerns the Officer handling the contact should telephone or email the constituent to clarify which Member they would like to deal with their query.

(c) When it is not possible to get clarification over which Member is to be approached, the last resort should be to copy the query to all of the ward Members. In this circumstance the member of the public should be advised that the query will be copied to each of the ward Members and the Members should be advised.

1.3. Council activity or policy affecting the ward

Sharing information with Members about Council activities and policies affecting their ward is a key component of equal treatment.

(a) All Members in a multi-member ward should be kept informed of, and have an input into, matters of Council business which affect their ward.

(b) Whenever a public meeting is arranged by the Council or by a Member to consider an issue local to a ward, or one or more wards in a part of the Council, all the ward Members should normally be invited to attend the meeting.

(c) Whenever the Council undertakes a consultative exercise on an issue local to one or more wards, the appropriate Officers should notify the ward Members of the consultation and request their views on the issue.

(ch) All Members in a multi-member ward should be kept informed of official engagements of Senior Councillors including the Leader, Members of the Executive, Chairs of Committees and Chairperson of the Council and Vice-Chairperson of the Council and officially organised visits to the ward by other elected representatives and VIPs. It is the responsibility of the Senior Councillors to ensure that other Members are informed of their official engagements and in normal circumstances at least 3 days notice of an official engagement should be provided.

(d) In the case of a visit by an MP, AM, MEP, Ministerial representatives or other dignitary, the responsibility for informing local Members rests with the Officer who is organising arrangements for the visit.

1.4. Officer communication to, and meetings with local residents

(a) When Officers write to residents regarding matters of general concern in an area, all ward Members should be sent copies. Examples would include traffic calming measures, bin collection cycles, etc.

(b) When Officers write to or meet with residents regarding issues affecting one household the local Members are not informed, except:

(i) Where a Member has been involved in a private matter affecting that household, then the relevant Officer(s) should keep the Member informed of developments until the matter is concluded, or

(ii) Where a Member has been involved in a non-personal matter affecting more than one household then the relevant Officer(s) should keep both the Member and all other local Members informed of developments until the issue is finalised.

1.5. Members arranging meetings with Council Officers

There is no requirement for Officers to automatically invite other ward Members to, or notify them about, meetings organised by an individual Member with that Officer unless the Member requests otherwise.

1.6. Member engagement with local representative groups

This can include, for example, community councils, tenants and resident's groups, local forums. Members are not obliged to attend these meetings and it is likely that involvement and participation will vary. In some Wards, Members may opt to share this workload based on a Party or geographic basis. Issues arising from these meetings will generate work for Officers, and confusion / duplication may arise if different Members take up issues through separate channels which waste Council resources. The confusion will be heightened if the local representative group also pursues the same issue. It is therefore recommended that Members working with local representative groups should co-ordinate with one another their dealings with such matters to ensure effective use of Council resources.

1.7. Correspondence with Members

(a) Where a Member has written (or e-mailed) an Officer seeking information from the Council, the Officer will respond to that Member within 15 working days unless the enquiry is particularly complex, when an acknowledgement will be sent within 5 working days, explaining which Officer is dealing with the query and when a full reply will be provided. The Officer will not disclose correspondence to other Members in the ward. However, where a Member raises issues of general concern or interest to the ward, the Officer shall ensure that other Members within the ward are also kept informed and advised of any actions to be taken by the Council.

(b) If Members seek the same or similar information on any issue then Officers shall treat the requests equally and provide each Members with a similar response.

1.8. Data Protection and Confidentiality

Officers and Members must be alert to data protection issues. Personal data can only be provided to a Member when pursuing an individual case on behalf of the constituent when that constituent has provided clear consent, which should be in writing. Such personal data cannot be provided to other Members within the ward unless consent has been received from the constituent.

1.9. Member – Member relations

Where there is a high level of trust between Members in a multi-member ward they may wish to enter into non binding agreements to take advantage of their respective interests and expertise and reduce duplication. The establishment of such agreements is not a matter for Officers but, where any such agreements are established, it would be helpful to communicate these more widely to assist the development of good practice in all multi-member wards.

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PAPUR / ENCLOSURE
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ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	COUNCIL
DATE:	5 th MARCH 2013
TITLE OF REPORT:	AMENDMENT TO THE INDEMNITIES POLICY
REPORT BY:	HEAD OF FUNCTION LEGAL AND ADMINISTRATION / MONITORING OFFICER
PURPOSE OF REPORT:	TO COMPLY WITH A RECOMMENDATION FROM THE WELSH GOVERNMENT DATED 15 TH JANUARY 2013

1. CONTEXT

- 1.1 On the 9th June 2011 the Council exercised its discretion to adopt an Indemnities Policy. The Policy includes indemnity for Members to defend proceedings brought by the Public Services Ombudsman for Wales (PSOW) in connection with alleged breaches of the Code of Conduct.
- 1.2 Applications for indemnity are decided by the Indemnities Sub-Committee; which is a Sub-Committee of the Council, with full powers to act.
- 1.3 Since June 2011 the Indemnities Sub-Committee has granted three indemnities and, while the Policy does not include a financial cap, the Sub-Committee has thus far imposed a cap of ten thousand pounds in every case.
- 1.4 However, this approach is not always been mirrored in other Councils, resulting in concerns expressed by the Welsh Government in a letter to the Leader dated the 15th January 2013. A copy is attached at **Enclosure 1**. The relevant sections are highlighted.
- 1.5 The Welsh Government's request has been canvassed with our Group Leaders; who favour amending the current Policy to introduce a cap of twenty thousand pounds in those cases which relate to the defence of PSOW complaints.
- 1.6 At **Enclosure 2** is a copy of the Council's Resolution of the 9th June 2011, with suggested changes highlighted.
- 1.7 At **Enclosure 3** is a copy of the Policy adopted by this Council on the 9th June 2011, with suggested changes highlighted.

2. **RECOMMENDATION**

- 2.1 The Council amend its Indemnities Policy to impose a maximum indemnity of twenty thousand pounds to defend proceedings brought by the PSOW under the Code of Conduct.
- 2.2 The maximum indemnity be imposed by means of the suggested changes highlighted at **Enclosures 2 and 3**.

PAPUR / ENCLOSURE

1

Carl Sargeant AC / AM
Y Gweinidog Llywodraeth Leol a Chymunedau
Minister for Local Government and Communities



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref SF/CS/0102/13

To:
Leaders, County and County
Borough Councils

Chairs, Fire and Rescue
Authorities

Chairs, National Park Authorities

15th January 2013

LOCAL GOVERNMENT ETHICAL FRAMEWORK

I am writing to follow up aspects of last year's 'Promoting Local Democracy' White Paper covering matters relating to the operation of the ethical framework established under the Local Government 2000 ("the 2000 Act").

The 'Programme for Government', published in September 2011, included a commitment to review the process for making a complaint under the local government member code of conduct to ensure that it is used only for the purpose for which it was intended.

Last year's White Paper conveyed our view that the current framework in Wales, founded upon a common set of guiding principles and a statutory model code of conduct, provides an appropriate balance between guiding members on standards of conduct and giving reassurance to the public that misconduct will be dealt with consistently and appropriately. However, I believe that there is scope for a more local approach to the resolution of low-level complaints, without immediate resort to the full and potentially costly investigatory role of the Public Services Ombudsman for Wales, in some circumstances.

With this in mind, the White Paper welcomed discussions that had already taken place on the voluntary adoption by local authorities of a common, national approach to informal local processes for dealing with member-on-member and officer-on-member complaints. The White Paper indicated that the Welsh Government wished to see such processes

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implemented by all county and county borough councils, national park authorities and fire and rescue authorities as soon as practicable following last year's local elections.

The White Paper also welcomed discussions that have taken place on the introduction of a voluntary cap of £20,000 on the level of indemnity offered by authorities to members subject to misconduct proceedings under the 2000 Act. Authorities powers to provide indemnities are derived from the 'Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006'. These powers would enable them to set such a limit and, again, the White Paper indicated that the Welsh Government wished to see this implemented soon after last year's elections.

I understand that some authorities have responded positively to these proposals. However, I am concerned that perhaps not all authorities have made progress and, through this letter, I want to impress upon those who have yet to do so the importance that I place on taking this forward.

In order that I have a complete picture of the current position across Wales, I ask that you report back to me on what steps your authority has taken, or plans to take (with timescales), to introduce a local resolution process and to adopt the voluntary cap on indemnities for member code of conduct proceedings. This information should be sent by email by the end of February to: CorrespondenceMail-CS@Wales.GSI.Gov.UK.

To facilitate the introduction of local resolution processes, I intend to remove the obligation on members contained in paragraph 6(1)(c) of the model code of conduct to report potential breaches of the code to the Ombudsman. The Ombudsman has issued guidance on how he will deal with low-level alleged breaches made to his office and this obligation need not, therefore, give cause for delay in the introduction of local resolution processes where this has yet to be done.

In addition to removing the obligation to report breaches to the Ombudsman, I intend to address concerns arising from the interpretation of paragraph 10(2)(b) by removing this from the model code. Members taking decisions, whether acting collectively or individually, would still be required by paragraph 8 of the code to act objectively and in the public interest when doing so. I consider, therefore, that paragraph 10(2)(b) can be removed without detriment to the code.

Also in relation to the code, you will no doubt be aware of the High Court ruling last year – *'R (Calver) v the Adjudication Panel for Wales'* - in relation to the requirement in paragraph 4(b) of the code for members to show respect and consideration for others. The Ombudsman has revised his guidance to take account of the ruling, but I have also asked my officials to consider whether any modification of the code is necessary.

Whilst writing, I note with concern that the Ombudsman has again found it necessary to make reference in his latest annual report to the number of member on member complaints which might be regarded as vexatious. Paragraph 6(1)(d) of the code could not be clearer in stipulating that members must not make vexatious, malicious or frivolous complaints against other members or anyone who works for their authority. If unchecked, such actions have potential to clog up the system and divert resources from more important matters. I would ask that this issue is given some prominence when refresher training on the code is arranged for members.

Also, you will not have failed to have seen recent reporting in the media of unfortunate events arising from the inappropriate use of social media. The Ombudsman's guidance on the code makes clear the circumstances in which use of electronic and social media is covered by the code. This is a continually evolving area and again it is timely, I believe, to

encourage members to avail themselves of the training which authorities provide on the use of social media and the potential pitfalls to be avoided.

Any observations or comments that you may wish to make in relation to these or other aspects of the code when responding as requested above would be most welcome.

Finally, I would like to take this opportunity to mention an issue that has been raised with me recently regarding the publication of registers of members' interests maintained under section 81 of the 2000 Act. At present, registers must be available at an office of the authority for inspection by members of the public at all reasonable hours. However, citizens increasingly expect to be able to access information about councils and their elected members via the internet. Consequently, I have sympathy with the view expressed to me that authorities should be required to additionally publish these registers on their websites to facilitate access and to improve transparency. I am, therefore, minded to bring forward an amendment to the Local Government (Democracy) (Wales) Bill to give effect to this. There is a brief window of opportunity for bringing forward such an amendment but, before doing so, I would welcome any views that you may have on this.

A handwritten signature in blue ink, appearing to be 'CS', written in a cursive style.

Carl Sargeant AC / AM

Y Gweinidog Llywodraeth Leol a Chymunedau
Minister for Local Government and Communities

PAPUR / ENCLOSURE
2

3. INDEMNITIES FOR MEMBERS AND OFFICERS

(a) Reported - That the County Council at its meeting on 12th May, 2011, had resolved *“to agree in principle at this stage that the Council wishes to adopt the power to grant indemnities as provided for by the Order, and that a further report on the matter be submitted to Council in due course.”*

(b) Reported by the Legal Services Manager – That it was necessary to adopt a policy and procedure for the making and determining of applications for indemnities under the Order. This report set out a proposed policy, procedure and general form of wording for an indemnity which were set out in the Appendix to this report.

As indicated in the previous report to Council on 12th May, 2011, an Equalities Impact Assessment had been carried out on the proposed policy which concluded that it had, overall, a positive impact.

The Legal Services Manager stated that the report referred to establishing a Sub-Committee of at least 3 members of the Council to determine applications for indemnity. However, having looked further at the figures, there were further choices available to members in this respect, namely a Sub-Committee of four members consisting of a representative from each Political Group or a Sub-Committee of 5 members to include, in addition, one unaffiliated member.

It was proposed and seconded that the recommendations within the report be accepted and that the Sub-Committee should consist of 5 members and that the Chair and Vice-Chair of the Council be exempted as members of the Sub-Committee.

An amendment was proposed and seconded that the Sub-Committee should consist of 10 members and be politically balanced.

The Legal Services Manager pointed out that a Sub-Committee of 10 members might have an effect on the overall political balance of Committees across the Council and would be administratively more burdensome.

A member stated that a complaint had been made against a member of Flintshire County Council and that the member in question did not have the means to fight the case since it would cost in the region of £250k. The member received the payment but without that money he would not have been able to win that case. However, the Councillor accepted the principle being put forward and supported the recommendations within the report.

Mr. Alex Aldridge, Commissioner, was afforded the opportunity of addressing the Council. With regard to the comment made, he wished to clarify that Flintshire County Council did not pay an individual the sum mentioned. The indemnity as it stood was to do with a case that went before the Ombudsman. The individual at Flintshire was currently facing adjudication by the Ombudsman. The Council with the advice of the Monitoring Officer, indemnified that individual to bring a lawyer to represent him through the process, on the clear understanding that if the case was lost they would have to repay in full the costs to the Council. They also set a very strict limit of spend. The case was still ongoing. At Flintshire it was the full Council that made the determination based on the advice given by the Monitoring Officer.

Following the above statement, the mover and seconder withdrew their original amendment of a Sub-Committee of 10 members and they proposed and seconded an amendment that this Council should follow the example of Flintshire Council in this respect.

The Legal Services Manager advised that it appeared from contributions by some members that the report had either not been read or understood by some members. In those circumstances, those members must be advised to refrain from voting on the matter.

The amendment was lost by 20 votes to 7 and it was resolved to accept the recommendations contained within the report subject to the establishment of a Sub-Committee of 5 members as referred to above.

Councillor Raymond Jones wished it to be minuted that he had abstained from voting on this matter.

RESOLVED

● **That where the Council's existing insurance policy potentially covers a matter which can be indemnified under the terms of the Order then an indemnity for that matter will be offered by way of insurance only and upon such terms, conditions, policy limits and deductibles as may be required by the Council's insurers;**

● **That where the Council's existing insurance policy does not cover a matter which can be indemnified under the terms of the Order, then an indemnity for that matter will potentially be offered by way of a financial payment but subject to such terms and conditions as may be determined in accordance with the Policy as set out in the Appendix to this report;**

● **To establish a Sub-Committee to determine applications for indemnities as shall fall within paragraph 4.1.2 above. The Sub-Committee shall consist of at least three members, be politically balanced and appoint a Chairman from amongst their number. The Sub-Committee shall be delegated all rights to make decisions in respect of applications and be granted the power to allocate money in accordance with any decisions made on applications *save that the Sub-Committee shall not be able to grant an indemnity in excess of £20,000 to a member defending any complaint under the Code of Conduct*. The Head of Function Legal and Administration and the Head of Function Resources shall advise the Sub-Committee during their deliberations as necessary.**

● **To adopt the proposed form of wording for an indemnity, the policy and the procedure for dealing with Applications for indemnities as set out in the Appendix to this report.**

PAPUR / ENCLOSURE

3

INDEMNITIES POLICY FOR MEMBERS AND OFFICERS

Matters Relating to Applications for and the Determining of Indemnities Pursuant to the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006

A. Procedure

- 1.1.1 This procedure shall apply where the Isle of Anglesey County Council (“the Council”) receives an application (“the Application”) by a Member or Officer of the Council (“the Applicant”) for an indemnity pursuant to the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006 (“the Order”) the powers of which Order the Council adopted by a resolution dated 12 May 2011.
- 1.2 Where an indemnity is given it shall accord with the requirements and restrictions of the Order authorizing the right to give an indemnity.

2 The Application

- 2.1 The Application for an indemnity may set out such matters as the Applicant wishes but it must comply with the following minimum requirements (where relevant to the Application):
- 2.1.1 be in writing and addressed to the Council’s Head of Function Legal and Administration
 - 2.1.2 be signed by or on behalf of the Applicant,
 - 2.1.3 identify the sum for which an indemnity is sought,
 - 2.1.4 identify the name and address of the solicitors retained by the Applicant in the matter for which an indemnity is sought (“the Matter”). The name of the individual solicitor having conduct of the Matter must be given together with that of any other fee earner who will deal with the Matter together with their hourly charging rates or agreed fee and a summary of their experience in the field of work within which the Matter falls,
 - 2.1.5 identify any barrister retained by the Applicant in the Matter together with the hourly rates agreed or the agreed brief fee for their retention. In addition details shall be given of the experience of the barrister in the field of work within which the Matter falls,
 - 2.1.6 identify any expert witness or any other witness the costs of which the Applicant will incur in dealing with the Matter together with details of those costs by way of hourly rates, agreed fee or estimated costs as the case may be,
 - 2.1.7 give an indication of the likely total costs to be incurred by the Applicant in dealing with the Matter,

- 2.1.8 provide such details of the case both for and against the Applicant as will allow a reasonable assessment to be made upon the merits of the Matter before the Application is determined.
- 2.1.9 address those matters in the Order which prevent, restrict or limit the giving of an indemnity and to do so with sufficient detail so as to enable the Council to be satisfied that the granting of an indemnity falls within the powers granted by the Order.
- 2.2 Notwithstanding the above, the Council (initially acting by its Head of Function Legal and Administration) may request further information of the Matter from the Applicant where it believes that it has insufficient information to properly determine the Application in accordance with the provisions of the Order.
- 2.3 No indemnity shall be granted in respect of any costs incurred by the Applicant prior to the submission to the Council of an Application which must comply with the requirements of this section 2.
- 2.4 Any decision on an Application does not prevent the Applicant from taking such action as he thinks fit in the conduct of the matter subject to any terms upon which an indemnity may be given.

3 Determining the Application

- 3.1 Determining the Application shall be the responsibility of the Sub-Committee established by full Council for that purpose.
- 3.2 A meeting of the Sub-Committee (“the Meeting”) shall be convened as soon as is practicable to determine the Application after receipt of an Application that complies with the requirements of paragraph 2 above. Where necessary the Meeting shall be in private with the press and public excluded.
- 3.3 At the Meeting there shall be tabled a written report from the Head of Function Legal and Administration together with a copy of the Application.
- 3.4 It is possible that where the Applicant is a Member he (or she) shall have a prejudicial interest which shall preclude him (or her) from attending the Meeting. The Applicant may consider and can request that the Application be dealt with as follows by the Sub-Committee:
 - 3.4.1 as a paper Application only with no representations on behalf of the Applicant,
 - 3.4.2 by way of a brief presentation of the Application on behalf of the Applicant (such as by their solicitor), or
 - 3.4.3 by way of a brief presentation by the Applicant provided that where the Applicant has a prejudicial interest in the Matter they have first obtained a dispensation from the Council’s Standards allowing them

to attend the meeting and to make their representations in accordance with the terms of any such dispensation .

- 3.5 Where the Applicant requests the right to make a presentation (either by themselves or their representative) at the Meeting the following procedure shall be followed:
- 3.5.1 The written report shall be presented to the Meeting,
 - 3.5.2 The Applicant or his (or her) representative shall be allowed to make a short presentation in support of the Application,
 - 3.5.3 Members (or officer) may ask questions of the Applicant or the representative which may be answered,
 - 3.5.4 The Applicant or representative may make a brief closing submission,
 - 3.5.5 Members shall debate the Application in the absence of the Applicant and the representative,
 - 3.5.6 Members shall determine the application (subject to the provisions of paragraph 3.7 below) having regard to any issue, restriction or condition arising from the Order or this Policy and which may be relevant to the circumstances of the Application,
 - 3.5.7 The Applicant or his representative shall receive written notice of the decision made as soon as is reasonably practicable.
- 3.6 Provided that the Sub-Committee are satisfied that there is sufficient information to make a determination on the Application then it shall determine the Application. Any decision made shall be supported by reasons which shall be recorded.
- 3.7 Where the Sub-Committee believes that further information is required before it can determine the Application, it shall endeavor to obtain that information from the Applicant or his representative at the Meeting. Where that information is not available at the Meeting, the Sub-Committee shall adjourn the Meeting having first identified and recorded the required information. The Meeting shall be reconvened as soon as practicable after receipt of the information requested.

B. Conditions and Restrictions on the Terms of any Indemnity Given

- 4.1 The Sub-Committee shall have complete discretion as to the terms, nature, duration and / or limits placed on any indemnity given to the Applicant except that any indemnity ~~granted to a Member in defending allegations of a breach or breaches of the Code of Conduct shall be~~ subject to a cap of £20,000 (twenty thousand pounds). Any indemnity granted shall be subject to such terms or restrictions as the Sub-Committee shall see fit having regard to the circumstances of each individual Matter and any advice given by Head of Function Legal and Administration at the Meeting.

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Deleted: to defend proceedings brought against him for misconduct shall be

- 4.2 Without prejudice to the generality of paragraph 4.1 above, an indemnity may be granted to an Applicant subject to one or more of the following restrictions:
- 4.2.1 A cap on the monetary sum to be indemnified and that the sum paid shall be a VAT inclusive sum,
 - 4.2.2 A restriction on the hourly rates of solicitors, barristers or any other person whose costs form part of the Application,
 - 4.2.3 That sums indemnified shall only be paid to the Applicant in specified monetary tranches according to criteria or conditions laid down by the Sub-Committee as part of its decision on the Matter,
 - 4.2.4 That only certain identified costs shall be indemnified,
 - 4.2.5 That payment of any indemnity (or part of an indemnity) shall only be made following submission to the Council of receipted invoices for costs identified in the Application,
 - 4.2.6 That the prior consent or advice of a specified person (such as the Head of Function Legal and Administration or an independent counsel) must be obtained or that any specified step is taken by the Applicant in relation to the Matter before payment is made of either the whole or any part or tranche of the indemnity,

C. General Terms of the Indemnity

1. Subject to the above and to any terms, conditions or limitations determined or imposed in any particular case by the Sub-Committee, the Isle of Anglesey County Council indemnifies each member and officer of the Council against any claim liability or loss and/or damage in relation to any action or failure to act by any member or officer and:-

(a) is authorised by the Council; or

(b) forms part of or arises from any powers conferred, or duties placed upon that member or officer as a consequence of any function being exercised by that member or officer (whether or not in exercising that function the member or officer does so in the capacity of member or officer of the Council)

(i) at the request of or with the express approval of the Council; or

(ii) for the purposes of the Council

Except that the costs of defending such claim expended before an Application for an indemnity is successful shall not be paid.

Without prejudice to the generality of this indemnity (above) the indemnity extends to action :-

- (a) taken under delegated powers;
- (b) taken personally under any specific statutory provision such as Head of Paid Service, Chief Finance Officer, Monitoring Officer, Local Government (Contracts) Act 1997.
- (c) Taken at Partnerships, informal joint working arrangements, charitable organisations, companies (however constituted) when the member or officer is serving as the Council's representative on these bodies.

(For the purpose of this indemnity "member" includes independent and co-opted persons who sit on the Council's Standards Committee).

2. Conditions and Limitations applying to the Indemnity

A. Good faith

A member or officer relying on the indemnity :-

- (i) must believe that the action, or failure to act, in question was within the powers of the Council
or
- (ii) where that action or failure to act comprises the issuing or authorising of any document containing any statement as to the powers of the relevant Council, or any statement that certain steps had been taken or requirements fulfilled, believed that the contents of that statement were true;
and
in either case that it was reasonable for that member or officer to hold that belief at the time when that member or officer acted or failed to act.

The Council will provide the indemnity in relation to an act or failure to act which is subsequently found to be beyond the power of that member or officer in question, but only to the extent that the member or officer reasonably believed that the act or failure to act in question was within that member or officer's powers at the time at which that member or officer failed to act.

B. Repayment of cost

Where any indemnity is given to a member or officer in relation to the defence of criminal proceedings or proceedings alleging a breach of the code of conduct, then :-

- (i) in relation to criminal proceedings if the member or officer is convicted of a criminal offence then the sums expended by the Council or its insurers in relation to those proceedings must be reimbursed to the Council or to the insurers;

- (ii) where the proceedings relate to an allegation against a member of a breach of the code of conduct :-
- (a) if a finding is made that finds that the member has failed to comply with the code of conduct (or the member has admitted that failure) and as a consequence the member is suspended, partially suspended or disqualified, then the sums expended by the Council or its insurer must be reimbursed to the Council or its insurers
 - (b) in the case of an allegation of a breach of the code of conduct and there is a finding that the member has failed to comply with the code of conduct (or the member has admitted that failure) and as a result the member is censured or has some penalty imposed other than suspension, partial suspension or disqualification then if the Council's Standards Committee deems it appropriate the sums expended by the Council or its insurers must be reimbursed to the Council or its insurers.

Where repayment is required this will include any VAT paid as part of the sum indemnified.

C. Defamation

This indemnity does not extend to the **making** by a member or officer of any claim in relation to an alleged defamation of that member or officer.

D. Returning Officer

The work and functions of the Returning Officer are not covered by this indemnity.

E. General Principles

- (i) The Council will provide the member or officer with reasonable and proportionate access to Council employees and Council resources and facilities to enable the individual officer or individual member to properly respond to allegations of personal liability being advanced;
- (ii) The Council will allow legal representation for a member or officer separately from the Council's own legal advisers (and/or the Council's insurer's legal advisers) where the interests of the Council and the individual officer may conflict or in such other circumstances where it is agreed between the Council and the individual officer or individual member that separate legal representation is appropriate.
- (iii) The Council will not seek to recover from an individual member or officer any losses incurred by the Council as a result of an action or failure to act by the member or officer concerned except :-
 - (a) Where the member or officer involved did not reasonably believe that the act or omission in question was within his power at the time when that act or omission took place, or

(b) Where the action or failure to act constituted a criminal offence.

PAPUR / ENCLOSURE
G

Medwen Jones

From: Medwen Jones
Sent: 26 February 2013 10:11
To: RPJED@anglesey.gov.uk; Bethan Jones; Gwynne Jones; Arthur Owen; Gwen Carrington; Mike Barton; Anwen Davies; Carys Edwards; Carys Emyr Edwards; John Fidoe; Anwen M. Hughes; 'J Huw. Jones (JHJCE@anglesey.gov.uk)'; 'J Huw. Jones (JHJCE@anglesey.gov.uk)'; Gwyn Parry (GXPED@anglesey.gov.uk); Einir W. Thomas; John Rees. Thomas; Dewi R. Williams; Dylan Williams; Shan Lloyd. Williams; Jim Woodcock; Gill Lewis; Lynn Ball; Clare J. Williams; John Chorlton; Eufryn Davies; Lewis Davies; Jim Evans; Richard Dew; Cliff Everett; Fflur Hughes; Kenneth Hughes; Robert Ll Hughes; Trefor Lloyd Hughes; R Vaughan Hughes; William I Hughes; Aled M. Jones; Dylan Jones; Eric Jones; Gwilym Jones; Hywel Eifion Jones; O Glyn Jones; Raymon Jones; Robert Llewelyn Jones; Thomas H Jones; Clive McGregor; Rhian Medi; Bryan Owen; John Victor Owen; Richard Owen; Bob Parry; Goronwy Parry; ARWEL ROBERTS; Eric Roberts; Gareth Winston Roberts; Peter Rogers; Elwyn Schofield; Ieuan Williams; Selwyn Williams; Alun W. Mummery; Vaughan Hughes
Cc: Michael Wilson; Islwyn Jones; Leslie Lord; Denise-Harris Edwards; Dilys Shaw; williamevansandsonsltd@hotmail.co.uk; drharrisedwards@yahoo.co.uk; John Roberts; 'hsb1@btinternet.com'; 'shw127@hotmail.co.uk'
Subject: PROTOCOL HUNAN REOLEIDDIO / SELF REGULATION PROTOCOL
Attachments: 165338 - PDF COPY CYM - Revised Protocol for Self Regulation - Suggested Principles.pdf; 165337 - PDF COPY ENG - Revised Protocol for Self Regulation - Suggested Principles.pdf

Fel yr ydych yn gwybod, mae'r Cyngor Sir wedi mabwysiadu Protocol Hunan Reoleiddio i ddatrys anghydfodau bychan sy'n ymwneud ag Aelodau, gyda golwg ar osgoi iddynt gael eu cyfeirio i'r Ombwdsmon.

Fel rhan o'i Raglen Waith ar gyfer 2012/13 mae'r Pwyllgor Safonau wedi adolygu'r Protocol cyfredol, ac wedi rhoi argymhellion ymlaen ar gyfer newid.

Mae'r newidiadau a awgrymir wedi eu hymgorffori mewn cyfres o egwyddorion cyffredinol, ac y mae copi ohonynt ynghlwm.

Mae'r rhain wedi derbyn cytundeb yr Arweinyddion Grwpiau ond cyn i'r Pwyllgor Safonau ddechrau drafftio protocol newydd, byddent yn falch o dderbyn eich barn a'ch sylwadau, yn cynnwys unrhyw gynigion eraill.

Os bydd gennych unrhyw sylwadau, byddwn yn ddiolchgar o'u derbyn, yn ysgrifenedig, erbyn diwedd mis Mawrth.

Llawer o ddiolch,

As you know, the County Council adopted a Self Regulation Protocol to resolve minor disputes involving Members, with a view to avoiding escalation of complaints to the Ombudsman.

As part of its Work Programme for 2012/13 the Standards Committee has reviewed the current Protocol, and put forward recommendations for change.

The suggested changes are embodied in a set of general principles, a copy of which is attached.

These have the agreement of the Group Leaders but, before the Standards Committee embarks on drafting a revised Protocol, they would be grateful for your comments and observations, including any alternative proposals.

If you have any comments, I would be glad to receive them, in writing, by the end of March.

Many thanks

Lynn

Pennaeth Adnoddau Cyfreithiol a Gweinyddol/Swyddog Monitro

Head of Function Legal and Administration/Monitoring Officer

Cyngor Sir Ynys Môn / The Isle of Anglesey County Council

Ffôn / Phone: 01248 752586

E-bost / E-mail: LBXCS@anglesey.gov.uk

Document: CC-016592-LB/165334

Isle of Anglesey County Council's Revised Protocol for Self Regulation

Suggested Principles :

1. Change the name to Local Resolution Protocol
2. Limit the Protocol to dealing with paragraphs (4)(b) and (6)(1) (d) of the Code i.e. alleged failure to show respect and consideration for others and not to make vexatious, malicious or frivolous complaints against Members or Officers (copy extracts attached).
3. Purpose is swift mediation and reconciliation and not punishment.
4. Complaints may be made by any Member against any other Member or by any Officer against any Member.
5. A Member or Officer wishing to use the Protocol will put their complaint in writing to the Monitoring Officer, on a short, standard form.
6. Any complaint must be lodged within 7 working days from the date of the event, or 7 working days from the date when the event came to the knowledge of the complainant.
7. The Monitoring Officer will send a copy of the complaint to the Member who is the subject of the complaint.
8. The Member who is the subject of the complaint will have 7 working days within which to send a reply to the Monitoring Officer.
9. Upon receipt of any reply, or when the 7 working days for reply has elapsed, the Monitoring Officer will arrange an informal Panel of the Standards Committee, to consider the complaint, on the first convenient date available.
10. The Panel will consist of two Members of the Standards Committee (on a rotational basis, and will not include Community Councillors).
11. The Panel meeting will take place in private and any paperwork it receives, or generates, will remain confidential (subject to any legal duty to disclose eg to the Ombudsman; if the matter escalates).
12. The parties concerned will be invited to attend the Panel, and may bring any witnesses upon whom they intend to rely.
13. Group Leaders will be invited and may attend if they wish.
14. The Monitoring Officer, or her representative, will attend to advise the Panel.
15. After hearing from the parties, and any witnesses, the Panel will express a view and make recommendations for resolution. Such recommendations may include a request that action be taken by Group Leaders, including, in relation to unaffiliated Members.
16. The outcome of all Panels will be reported, in anonymised format, to quarterly meetings of the Standards Committee.

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.

Part 2 - General Provisions

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 to act 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 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.

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 for 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;



Local Resolution Protocol Complaint Form

To: The Chief Executive

From:

Date:

I/We confirm that all direct efforts to resolve the below mentioned complaint have failed.

What is the complaint	
------------------------------	--

When and where did this occur	
Are there any other parties involved	

What do you see as the desired outcome	
---	--

Signature: _____

Date: _____

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PAPUR / ENCLOSURE
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AGENDA ITEM NO.

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to	Standards Committee, The Executive & Full Council
Date	Standards Committee 13.03.13 Executive 18.03.13 Full Council --.04.13
Subject	To Make Changes to the Planning Procedure Rules (Section 4.6 of the Constitution) Ahead of Multi-Member Wards following the 2103 Elections
Portfolio Holder(s)	Councillor Robert Lloyd Hughes
Lead Officer(s)	Head of Service (Planning and Public Protection) Legal Services Manager
Contact Officer	Robyn Jones (x2134)
Nature and reason for reporting	
<p>1.1 To make changes to the Constitution, section 4.6: Planning Procedure Rules, to take into account multi-member wards after the 2013 County Council elections.</p> <p>1.2 The Executive is asked to make a recommendation to the full Council in respect of the proposed changes and the full Council is asked to take a decision to make those changes as shown in the Appendix to this report. The Standards Committee is consulted on the proposal.</p>	

A – Introduction / Background / Issues
<p>2.1 The 2013 County Council elections will bring into being 11 multi-member wards.</p> <p>2.2 The move to multi-member wards affects the Planning Procedure Rules ('the Rules') at section 4.6 of the Council's Constitution</p> <p>2.3 The Rules have been reviewed to take into account the move to multi-member wards and the proposed changes are set out and tracked in the Appendix to this report.</p>

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B - Considerations
<p>3.1 The changes are intended to be as permissive as possible. They will allow any 'local member' for a new ward to call-in a planning application the site of which is located in that ward to the Planning and Orders Committee and they will allow any local member for that ward to speak at Committee on that called-in application as a local member.</p> <p>3.2 A number of consequential and other minor changes are made as shown on the attached Appendix.</p>

C – Implications and Impacts		
1	Finance / Section 151	No comments received
2	Legal / Monitoring Officer	The Committee's legal adviser is a co-author of the report and the legal view is expressed in it
3	Human Resources	Not applicable
4	Property Services (see notes – separate document)	Not applicable
5	Information and Communications Technology (ICT)	Not applicable
6	Equality (see notes – separate document)	These changes will not have a differential impact on any of the groups protected under the Equality Act 2010.
7	Anti-poverty and Social (see notes – separate document)	Not applicable
8	Communication (see notes – separate document)	No comments

C – Implications and Impacts		
9	Consultation (see notes – separate document)	The matter has been brought to the attention of elected members through correspondence and the report and Appendix were presented to the Standards Committee. Comments received will be reported verbally.
10	Economic	Not applicable
11	Environmental (see notes – separate document)	Not applicable
12	Crime and Disorder (see notes – separate document)	Not applicable
13	Outcome Agreements	Not applicable

CH - Summary
<p>4.1 The Appendix sets out changes to the Planning Procedure Rules (section 4.6 of the Council's Constitution) to take into account a move to multi-member wards after the 2013 County Council elections.</p>

D - Recommendation
<p>5.1 The recommendations are as follows:</p> <p>To the Executive:</p> <p>5.2 To recommend to the full Council that the changes to the Rules in the Council's Constitution as detailed in the the Appendix to this report are made.</p> <p>To the Full Council:</p> <p>5.3 To make the changes to the Rules in the Council's Constitution as detailed in the the Appendix to this report, and</p>

5.4 To delegate to the Head of Function (Legal and Administration) the power to make the necessary changes to the Constitution to implement the Council's decision.

Name of author of report: Robyn W. Jones
Job Title: Legal Services Manager
Date: 19 February 2013

Appendices:

Copy of the Rules showing the proposed amendments.

Background papers

None.

4.6 Planning ~~Matters~~ Procedure Rules

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4.6.1 Introduction

4.6.1.1 Determining planning applications is an important duty undertaken by the County Council. These rules set out how the Council as local planning authority will deal with planning applications. The rules apply to councilors and officers as the context requires.

4.6.1.2 Most applications will be determined by planning officers acting on behalf of the local planning authority and the Planning and Orders Committee (the Committee) will determine all other applications. The rules as to whether officers or the Committee will determine applications are contained in Part 3 of this Constitution ~~at paragraph ...~~. Of those instances where the decision may be made by the Committee, the potentially most significant is where the local councilor (that is any one of the councilors in whose ward the proposed development site is located) may require that the application (which would otherwise be decided by officers) should be submitted to the Committee for determination. In these cases, the local councilor must 'call-in' such application in writing addressed to the Chief Planning Officer within 21 days of the date of the letter notifying him / her of the application. In the case of those applications classified as 'fast-track' economic ones, the period within which to refer it to the Committee will be only 14 days. The local ~~councilor~~ councillor(s) who called-in the application may withdraw their call-in at any time before the Committee Agenda is published by notifying to the case officer and confirming the withdrawal in writing.

4.6.1.3 Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. It is also highly contentious because the decisions affect the lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking a decision) and the legal nature of development plans and decision notices. It is important, therefore, that the process is characterised by open and transparent decision making.

4.6.1.4 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, the financial value of landholdings and the quality of the environment. It is important, therefore, that local planning authorities should make planning decisions affecting these interests, openly, impartially, with sound judgement and for justifiable reasons. The process should leave no justifiable grounds for suggesting that a decision has been partial, biased or not well-founded.

4.6.2 Decision Making on Planning Applications

4.6.2.1 Decisions on planning applications are sometimes referred to as regulatory or quasi-judicial decisions and this means that those making such decisions must

4.6.2.1.1 take into account all relevant planning considerations

4.6.2.1.2 ignore irrelevant or non planning considerations

4.6.2.1.3 act impartially, fairly and not take into account any political considerations

4.6.2.2 Planning law requires local planning authorities to determine planning applications

in accordance with the Statutory Development Plan unless material planning considerations indicate otherwise. The emphasis in determining applications is upon a 'plan-led' system.

4.6.2.3 The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process and opposing views are often strongly held by those involved.

4.6.2.4 Those persons determining planning applications have a duty to take into account representations made to the local planning authority as a result of consultation with interested bodies or as a result of public notice or neighbour notification. In doing so it is necessary to decide which representations are material to the decision to be made, and, if so, what weight to attach to them. This conclusion should not be reached by the Committee until all the facts have been presented in the officer's report to the Committee.

4.6.2.5 Councillors must not give a commitment in relation to any planning matter prior to its consideration at Committee. It is recognised, however, that councillors will from time to time be approached individually by applicants, agents and objectors in relation to planning proposals. These rules are intended to assist councillors in dealing with these approaches and is designed to ensure that the integrity of the decision making process is preserved.

4.6.2.6 Failure to follow these rules without good reason could be taken into account in investigations into possible maladministration and any investigation regarding the conduct of councillors and / or officers.

4.6.3 Pre-determination Discussions by Officers with Applicants

4.6.3.1 In any discussions on planning issues, it will always be made clear at the outset, that such discussion:

- will not bind the local planning authority to make a particular decision, and
- that any views expressed are based on the officers' provisional professional judgement but do not commit the local planning authority to any particular decision.

4.6.3.2 Any advice given will:

- be consistent and based upon the Development Plan and other material considerations,,
- be impartial and the best that the officer can give in the circumstances, and
- try to highlight any apparent problems.

4.6.3.3 No Council|or shall take part in the officers' discussions with applicants at any stage prior to determination of the application. Where this does occur, a complaint may be made against the councilor to the Council's Monitoring Officer.

4.6.4 Lobbying of and by Councilors

4.6.4.1 Council|ors who are Members of the Committee

4.6.4.1.1 Council|ors who are members of the Committee are likely to be approached by applicants, objectors and others interested in the outcome of planning applications.

Because of the quasi-judicial or regulatory nature of planning decisions, council|ors on the Committee should not allow themselves to be lobbied by anyone - whether for or against an application. If approached they should inform the person seeking to lobby them that if they discuss the application with that person, this may disqualify them from taking part in the decision on the application. Instead potential lobbyists should be advised to contact either their local council|or (see 4.6.4.3 below) or an appropriate officer within the Planning Department.

4.6.4.1.2 Council|ors who are on the Committee should not organise local support or opposition to a planning proposal if they later wish to take part in the discussion on the application.

4.6.4.1.3 In taking into account the need to make decisions impartially, council|ors on the Committee should not favour or appear to favour any person, company, group or locality and should not declare which way they intend to vote in advance of the meeting. To do so without all relevant information and views would be unfair and prejudicial. If the council|or feels that the public would believe he/she had come to a conclusive view on the planning matter or application before the meeting, or that he/she has been lobbied by an interested person then he/she should not take part in the debate, nor vote on the issue - this is without prejudice to his/her right to address the committee as provided for in section 4.6.5.2 of these rules.

4.6.4.1.4 Where the Monitoring Officer or his/her representative believes that a councillor has prejudiced his/her position by expressing a conclusive view on an application before its determination by the Committee, the Monitoring Officer or his/her representative will advise the councillor that it would be inappropriate for him/her to take part in the debate, or vote on the application. The final decision, however, rests with the councillor - subject to any external scrutiny.

4.6.4.2 Councillors who are not members of the Committee

Councillors who are not members of the Committee should not be lobbied, whether by applicants, objectors or anyone else interested in the outcome of a planning application. If approached such councillors should inform the person seeking to lobby them that they should either contact one of their local councillors (see 4.6.4.3 below) or an appropriate officer in the Planning Department. If such a councillor is lobbied he/she should not lobby councillors who are members of the Committee and he/she will not be entitled to speak at meetings of the Committee.

4.6.4.3 Local Councillors

4.6.4.3.1 There are differences to the rules set out in 4.6.4.1.1 and 4.6.4.2 in relation to the 'local councillor' i.e. any of the councillors in whose ward the proposed development is located.

4.6.4.3.2 If the local councillor is not a member of the Committee then he/she can legitimately be lobbied by an applicant, objector or anyone else interested in the outcome of a planning application. If such councillor is lobbied then, provided that he/she does not have an interest to declare in accordance with the Council's Code of Conduct for Councillors, he/she will be entitled to make representations to and address the Committee. However he/she must not themselves lobby, whether directly or indirectly, councillors who are on the Committee.

4.6.4.3.3 If ~~at~~ the local councillor is a member of the Committee then, the provision of rule 4.6.4.3.2 above will also apply to them and he/she may address the Committee but will **not** have the right either to propose or second any recommendation or to vote on the application. But he/she may should they so wish, refer the person seeking to lobby them to another councillor ~~who represents an adjoining ward and~~ who is not on the Committee and, for the purpose of these rules, such a councillor will be regarded as a local councillor.

4.6.4.3.4 Local councillors may not become involved in making any representations at meetings of the Committee or participating in decision making on planning applications if they have an interest to declare in accordance with the Council's Code of Conduct for Councillors. This is so regardless as to whether or not they are on the Committee. If a local councillor is in this position he / she should refer any potential lobbyists to another councillor ~~who represents an adjoining ward and~~ who is not on the Committee and, for the purpose of these rules, such a councillor will be regarded as a local councillor.

4.6.4.4 Where letters of 'neighbour notification' of a planning application are sent to properties not in the same ward as the application site, then the councillors who represents those properties may also speak as ~~a~~ local councillors at the Committee. This rule only gives the right to speak at the Committee and confers no other rights on that

councillor as a local councillor.

4.6.5 Seating and Speaking Arrangements at Meetings of the Committees

4.6.5.1.1 When attending meetings of the Committee, councillors who are not members of the Committee should sit quite separately from councillors who are on the Committee - whether or not they intend addressing the Committee. They should not communicate with those councillors who are on the Committee and who will be making decisions. The objective of this rule is to emphasise the quasi-judicial nature of the Committee's proceedings when considering planning applications.

4.6.5.1.2 Other than speaking as local councillor, members of the Committee may only participate on an application where they have been present at all previous substantive considerations of that application by the Committee. Substantive consideration means where there has been a presentation by the officer on the application, any discussion by the Committee on the merits of the application or an official site visit of the application site.

4.6.5.2 The right to address the Committee shall apply to any member of the Planning and Orders Committee (including ~~at~~ local councillor) who:

- has been lobbied, or
- who may have already expressed a conclusive view on an application, or
- who has spoken on the application at Town or Community Council level or the local councillor, or
- is ~~at~~ councillor who represents an ~~other-adjointing~~ ward as referred to in 4.6.4.3.3(iii).

However if this right is exercised, the councillor on the Committee should comply with paragraph 4.6.5.1 above when consideration is given to the particular matter and may not participate in the decision making and should declare at the meeting why he/she is not participating in the decision.

4.6.5.3 The Committee Chairperson will conduct business at the meeting in accordance with the attached Appendix.

4.6.6 Public Meetings Relating to Development Proposals

4.6.6.1 Officers involved in the processing or determination of planning matters should not attend public meetings in connection with development proposals or submitted planning applications, unless those meetings have been arranged by or with the express agreement of the Authority. To do so could lead to allegations of bias or prejudice in relation to a particular point of view. If put in such a position of attending meetings arranged by, or with the consent of, the Authority, or by accident, then officers should take great care to maintain impartiality, concentrate on providing factual information, listen to comments and avoid giving views on the merits or otherwise of the proposal.

4.6.6.2 Similarly, councillors involved in the determination of planning applications should take great care to maintain impartiality when attending public meetings in relation to planning matters. At such meetings no view on the merits or otherwise of a proposal should be given.

4.6.7 Councillors who are Members of the Committee and who are also Town or Community Councillors

These councillors should make a choice in relation to every planning application which may be considered by a Town or Community Council (or a committee or subcommittee of the same). The choices are either:

4.6.7.1 Participate in the discussion at Town or Community Council level and then, if they wish, speak at the Committee as provided for in ~~Section 5.4~~ of these Rules but not otherwise take part in the deliberations of the Committee or vote on the application, or

4.6.7.2 Take no part in discussions at Town or Community Council level (and preferably not be in the room when the matter is discussed) and then participate fully at the Committee.

4.6.7.3 **NB:** those councillors who sit on the Committee but who are **not** members of the Town or Community Council have, like any other member of the public, the right to attend public meetings of that Council. In these cases those councillors should only observe proceedings at the Town or Community Council and not take part in them.

4.6.8 Correspondence Received by Councilors

Should councilors receive directly any correspondence from persons interested in the outcome of a planning application they shall ensure that a copy is forwarded to the Development Control Section. The Section will then:

4.6.8.1 if time permits, send a copy to the applicant or his/her agent so as to allow him/her an opportunity to respond,

4.6.8.2 place a copy of all representations on the Planning file,

4.6.8.3 if time permits ensure that the report to Committee refers to the correspondence received.

4.6.9 Registration and Declaration of Interests

The Law and the Council's Code of Conduct for both councilors and officers in relation to these matters is of particular relevance to those dealing with planning applications and must be followed at all times.

4.6.10 Development Proposals Submitted by Councilors and Officers

4.6.10.1 Proposals by serving councilors (whether or not they are councilors on the Committee), certain categories of officers and their close friends and relatives can easily give rise to suspicions of impropriety. It is vital that they are handled in a way which gives no grounds for accusations of favouritism. In these rules "relatives" encompass spouse or partner, parent, grandparent, child, grandchild, brother or sister.

4.6.10.2 Planning applications falling within the following categories will be reported to the Committee for consideration and not dealt with by officers under 'delegated powers':

- those where the applicant is a serving councilor or the relative of a serving councilor,
- those where a serving councilor acts as agent or has prepared any part of the application or plans,
- those where the applicant is a relevant officer or their relative. In this rule "relevant officer" means the Managing Director, all Corporate Directors, all Heads of Service, all officers working in the Planning Department and all other officers whose work is directly linked to the development control process (such as officers in Highways and Environmental Health who are consultees or lawyers who advise and represent the Planning Department in development control matters),
- those where the applicant is a close friend of a serving councilor or relevant officer.

In this rule "planning application" shall mean all applications required by statute to be made and which (apart from this rule) would fall to be determined under the Council's Constitution by the Head of Planning Service. These would include applications for outline consent, reserved matters approval, listed building consent, conservation area consent, consent under Tree Preservation Orders and so forth.

4.6.10.3 Planning officers shall endeavour to identify and highlight such applications and shall accordingly inform the Head of the Planning Service and the Authority's Monitoring Officer. Serving councilors who make applications, who act as agents or who prepare plans or whose relatives make applications, should play no part in the decision-making

process for that proposal.

4.6.10.4. The Monitoring Officer should confirm in the Committee report that such application has been processed normally and must, therefore, be given the opportunity to review the file.

4.6.10.5 Officers involved in the development control process must not prepare plans or act as agent for any person or body (including their relatives) pursuing a planning matter with the Council. If they submit a proposal on their own behalf, they should take no part in the processing of that application.

4.6.11 Officers' Report to the Committee

4.6.11.1 All planning applications reported to the Committee will have a full written report including a reasoned assessment of the proposal and a justified recommendation.

4.6.11.2 Any new matters which have arisen between the preparation of the report and the date of the Committee will be reported orally and references to this will be included in the minutes.

4.6.11.3 Every planning application file will contain an accurate account of events throughout its life, particularly the outcome of meetings or significant telephone conversations.

4.6.11.4 The same principles of good record keeping will also be observed in relation to enforcement matters. Monitoring of record keeping will be undertaken on a continuous basis by managers within the Development Control Section.

4.6.12 Decisions Contrary to Officer Recommendation

4.6.12.1 Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution.

4.6.12.2 The officer's further report shall detail the reasons put forward by the members, indicate whether such reasons are, in their view, genuine and material planning reasons and discuss the land use planning issues raised.

4.6.12.3 In the case where councillors wish to add or amend conditions which are recommended by officers, the officers should be invited to draft such a condition and bring this back for approval at the subsequent meeting unless the drafting is straightforward and can be agreed at the initial meeting.

4.6.12.4 Where planning officers are unable to defend such decisions on appeal (due to requirements of the professional conduct rules of the Royal Town Planning Institute - RTPI) they shall make this point known to the Committee before the final vote is taken. In such cases the Committee shall nominate (at least) two of its members who voted contrary to the recommendation to appear at any appeal and explain the Committee's decisions and the reasons for them. These should, normally, be the proposer and seconder of the proposal which was contrary to the officer's recommendation.

4.6.13 Appeals Against Council Decisions

4.6.13.1 Officers will organize and generally appear as witnesses at planning appeals and other proceedings on behalf of the Council. In some circumstances it may be necessary to appoint consultants to appear for the Council.

4.6.13.2 In giving evidence, officers will present the best possible case on behalf of the Council whilst complying with the RTPI Code of Professional Conduct.

4.6.13.3 Where a decision contrary to officer recommendation is subject to an appeal and officers have previously made known to the Committee that they are unable to defend such decisions, officers shall report the appeal to the next Committee meeting. Councillors will then be responsible for presenting the Council's case at the appeal.

4.6.14 Conduct of Officers

4.6.14.1 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute Code of Professional Conduct. All officers whether members of the Institute or not shall abide by the same principles namely they -

4.6.14.1.1 Shall act with competence, honesty and integrity;

4.6.14.1.2 Shall fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;

4.6.14.1.3 Shall discharge their duty to their employers, clients, colleagues and others with due care and diligence in accordance with the provisions of this Code;

4.6.14.1.4 Shall not bring the profession or the Royal Town Planning Institute into disrepute;

4.6.14.1.5 Officers shall not disclose or use to the advantage of themselves or the Authority information acquired in confidence in the course of their work;

4.6.14.1.6 Officers shall decline any discounts, gifts or commissions offered by any third parties in connection with their work as professional planners.

4.6.15 Councilor / Officer relationship

4.6.15.1 In order to engender a committed professional relationship between both officers and councilors, each shall have respect and regard for the roles both play within the decision making process.

4.6.15.2 Councilors shall respect the advice given by officers at Committee or when dealing with delegated applications and shall not place pressure on officers for a particular recommendation or decision. Any officer who considers that this has happened should deal with the matter as set-out under section 5.3.4 of this Constitution (Bullying, Intimidation and Harassment).

4.6.16 Site Visits by the Planning and Orders Committee

4.6.16.1 The protocol on site visits is attached as an Appendix to these Rules.

4.6.17 Gifts and Hospitality

4.6.17.1 Advice to councilors on registration of gifts and hospitality is contained within the Council's Code of Conduct for Members and shall be accordingly observed.

4.6.17.2 Officers during the course of carrying out their duties may be offered hospitality from people with an interest in a planning proposal. Officers should refuse offers of hospitality of any kind. If the receipt of hospitality is unavoidable officers must ensure that the absolute minimum level is accepted and declare its receipt as soon as possible to the Monitoring Officer.

4.6.18 Training

4.6.18.1 No member may sit on the Planning and Orders Committee unless and until they have attended Induction Training. The contents of the Induction Training shall from time to time be determined by the Head of Service (Planning and Public Protection). Updating training thereafter will be provided at least twice a year to include changes in legislation or procedure.

4.6.18.2 Councilors shall ensure that they attend a minimum 3 training events over a two year period in order to keep abreast of planning matters and thus provide a positive input into the decision making process. Attendance records will be monitored and reported to the Council. Any member of the Planning and Orders Committee who fails to attend the stated minimum number of training sessions shall be removed or suspended from the Committee by vote of the full Council at such time as when the attendance records are reported.

Appendix

4.6.19 Protocol Regarding Site Visits by the Planning and Orders Committee

4.6.19.1 Criteria for Site Visits

4.6.19.1.1 It is important that criteria should be set out for deciding when a site visit is justified and consider the procedure for such visits. In this respect account should be taken of the following points:-

(i) site visits can:

- cause delay to the decision making process,
- possibly lead to an appeal to The Planning Inspectorate on the basis of 'non-determination',
- affect the Service's performance in respect of its 8 week target, and
- lead to additional costs both to the Service and possibly to the applicant(s).

(ii) there needs to be consistency both in the way that it is decided that a site visit should take place and in the conduct of such visits. Otherwise it may leave the Authority open to the accusation that site visits are arbitrary or possibly a lobbying device.

(iii) site visits should be carefully organised and well-attended to ensure that the purpose, format and conduct are clearly established at the beginning and subsequently adhered to.

(iv) site visits should be used only where the expected benefits are substantial. The 'substantial benefit' test should apply in every case. Site visits should only be necessary if the impact of the proposed development is difficult to visualise and comprehend, i.e. where lack of clarity with the application makes visual assessment necessary

(v) site visits may be appropriate to consider large, more complex applications.

(vi) if the Committee are of a view that the site needs to be visited and seen before the application can be determined, then only those members who attended the official site visit may participate in and vote on the application when it is further considered by the Committee.

Recommendation of site visits by officers shall be referred to within the report to Committee.

4.6.19.1.2 Site visits should **not** apply in the following cases:

(i) to solely consider boundary or neighbour disputes,

(ii) to consider objections issued on competition grounds,

(iii) to consider objections raised on the ground of loss of property values,

(iv) to consider any other issues which are not material planning considerations,

(v) where councillors have already visited the site within the last 12 months, except in exceptional circumstances

4.6.19.2 Requests for Site Visits

In order to adopt a structured approach to site visits the following format should be adhered to:-

4.6.19.2.1 All requests for site visits must be made in writing to the Chief Planning Officer~~Head of Development Control~~/ Planning Control Manager by 1.00pm on the final working day prior to the Committee meeting. Any verbal request received prior to the Committee meeting must be followed up in writing before the Planning Committee commences. The reason for the 'site visit' shall be clearly stated and accordingly reported to the Planning Committee.

4.6.19.2.2 If a request is made for a 'site visit' during the Planning and Orders Committee Meeting once again the reasons for the visit shall be recorded in the minutes.

4.6.19.3 Procedures at the Site Visit

4.6.19.3.1 The applicant shall be informed that a site visit will take place but will not be allowed to be present during the visit to make any representations.

4.6.19.3.2 The primary purpose of the site visit will be for the planning officers to explain the planning issues relating to the case and for councillors to view the site.

4.6.19.3.3 There shall be no discussions at the site visit as regards the merits of the application. The site visit shall not be used as a forum for debate.

4.6.19.3.4 The Chairperson or Vice-Chairperson shall conduct and lead the site visit. If either the Chairperson or the Vice-Chairperson is absent, councillors shall vote for one of their number to act as Chairperson.

4.6.19.3.5 The Chairperson shall formally open the meeting and set out the reasons for the visit.

4.6.19.3.6 The planning officer shall be requested to outline the proposal and the main issues.

4.6.19.3.7 The councillors shall view the site, relevant buildings and surroundings as necessary.

4.6.19.3.8 Councillors shall be offered the opportunity to raise questions or seek clarification of points of fact with the planning officer and/or local councilors.

4.6.19.3.9 ~~All The~~ local councillors in whose Ward the application site is located (if present) shall be offered the opportunity to comment on the proposal.

4.6.19.3.10 Notes shall be made of the site meeting and these shall be accordingly minuted at the following Planning Committee Meeting when the application is discussed.

4.6.19.4 Regular Review of Decisions

4.6.19.4.1 The Audit Commission's Report 'Building Quality' recommends that councillors should visit a sample of implemented planning permission to assess the quality of the decision. Such a review should improve the quality and consistency of decision-making, thereby strengthening public confidence, and assist with reviews of planning policy.

4.6.19.4.2 The review should be undertaken annually. It should include examples from a range of categories of development including applications which officers have determined under delegated powers.

4.6.20 Role of the Committee Chairperson and Conduct of Business at the Committee

4.6.20.1 Election of the Chairperson / Vice-Chairperson

4.6.20.1.1 The Chairperson shall be elected to his/her post by the councillors on the Committee at its first meeting following the annual Council meeting. The councillors shall at the same time elect a Vice-Chairperson for the same period of office or until such time as either or both of them step down.

4.6.20.1.2 In the absence of the Chairperson for the whole or part of the Committee meeting, the Vice-Chairperson shall be the Chairperson. If the Vice-Chairperson shall be absent, the Committee shall choose one of their number present to be Chairperson for that meeting or part of it until the Chairperson (or Vice-Chairperson) returns.

4.6.20.2 Responsibility of the Chairperson

The Chairperson shall have the following responsibilities:

4.6.20.2.1 to preside over meetings so that Committee business can be carried out efficiently and with regards to the rights of councillors, officers and the interest of the community as a whole.

4.6.20.2.2 to ensure that the Committee meeting is properly conducted as a forum for debate on planning matters and statutory orders only.

4.6.20.2.3 to ensure that the business of the meeting is carried out in accordance with the relevant provisions contained within the Council's Constitution.

4.6.20.2.4 to support the planning officers and the Monitoring Officer's representative in reminding members about their duty to adhere to genuine and material planning discussions in their decision making process.

4.6.20.3 The Role of Officers at Committee Meetings

4.6.20.3.1 Officers shall provide professional advice to the Chairperson in order to ensure that he/she is able to discharge the duties of the post.

4.6.20.3.2 Officers shall provide advice as follows:

(i) at pre-Committee meetings so that the Chairperson is fully briefed on issues that may arise at meetings

(ii) at any post-Committee meetings (if relevant)

(iii) during Committee meetings where questions are directed towards the Chairperson for response

(iv) during any meetings which may be convened by officers in order to discuss issues relevant to 'planning' or 'orders' issues

4.6.20.4 Conduct of Committee Meetings

4.6.20.4.1 Each agenda item for discussion or for information shall be introduced by the Chairperson.

4.6.20.4.2 Once introduced the Chairperson shall ensure that the officer is allowed to report on the item. Where the public speaking procedure applies to a particular application, this shall occur before the officer reports on the item.

4.6.20.4.3 The Chairperson shall allow the local councillors to speak first after the officer's report. This is whether the local councillors wishes to speak for or against the item and whether or not they are on the Committee.

4.6.20.4.4 The Chairperson shall then allow the councillors to participate in the discussion in the order in which he/she acknowledges their wish to speak.

4.6.20.4.5 The Chairperson will ensure that all councillors shall abide by the provisions of the Council's Constitution and by the relevant provisions of these Procedure Rules.

4.6.20.4.6 All those councillors wishing to speak shall be allowed an opportunity to do so. Councillors shall refrain from making speeches and shall address the Committee on 'planning' (i.e. material planning considerations) and 'orders' matters only. The Chairperson may intervene and curtail councillors who are making repetitions or irrelevant statements.

4.6.20.4.7 Where officers need to respond to comments or questions from councillors then the Chairperson shall ensure that officers are given that opportunity.

4.6.20.4.8 If the Chairperson wishes to speak as a local councillor on an item then the provision of the Constitution shall apply equally to him/her as they apply to all councillors.

4.6.20.4.9

(i) At the conclusion of the discussion the Chairperson shall request councillors on the Committee to vote on the matter under discussion. Unless councillors disagree with the officers' recommendation they shall indicate their voting intention through the showing of hands.

(ii) Should an amendment be proposed and seconded to the officer's recommendation that amendment will be voted on first.

4.6.20.4.10 All councillors and officers shall respect the position of Chairperson. The ruling of the Chairperson on all questions of procedure at the Committee shall be final and not open to discussion. The Chairperson shall ensure that at all times regard is had by all councillors (including himself/herself) and officers to the protocol on Member/Officer relationship and that respect is shown to the advice given by officers at the Committee.

4.6.21 Public Speaking

Eligibility to Speak

4.6.21.1 The planning application concerned must be on the agenda of the Planning and Orders Committee meeting in question. In the event of an application being deferred, public speaking will not be allowed if an opportunity has already been given at a previous Committee meeting when the application has been fully considered.

4.6.21.2 Both applicants (or their agents) and objectors (or their agents) can speak and there are no other qualifying criteria other than compliance with the Council's procedure.

4.6.21.3 Normally only one person can speak for and one person against an application. Very exceptionally the Chair of the Committee may exercise his/her discretion to allow one additional speaker per 'side'. This discretion will usually only be exercised for major applications where there are significant differences of view within one 'side' (e.g. two people speaking against an application for a large supermarket where one represents the views of retailers and the other the views of nearby residents). In such cases the 'other side' will be allowed 2 speakers or twice the normal time, if they wish to use it.

4.6.21.4 Anyone requesting to speak must allow the Council to give their name and contact number to other people (of the same view) wishing to speak so that they can agree on a spokesperson, the issue to raise etc. If they cannot agree, the first person who notified the Council of his/her intention to speak will normally be chosen to speak.

4.6.21.5 Requests to speak must be made to the Administrative Officer in the Planning Department before the deadline referred to in the notification letters sent to applicants and neighbours.

Time allowed to Speak

4.6.21.6 The spokesperson will be allowed up to 3 minutes to address the Committee.

Visual Aids

4.6.21.7 The spokesperson may not circulate or display written material in the Committee meeting. Any written representations should have been submitted to the Council during the statutory publicity period and will be summarised in the Officer's report.

Procedure

4.6.21.8 The procedure for public speaking at Committee is described in the appropriate documents.

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ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE
DATE:	13 March 2013
TITLE OF REPORT:	Draft Social Media Protocol
PURPOSE OF THE REPORT:	To seek the comments of the Standards Committee and that the Committee recommends it to the Council
REPORT BY:	Huw Pierce Pritchard, Corporate Information Officer
CONTACT OFFICER:	Huw Pierce Pritchard

1. Introduction

This report introduces a draft Social Media Protocol for Members, which is intended to regulate the use of social media by Elected Members in their official and private capacities. The protocol also relates to the use of social media in meetings by the public. The draft Social Media Protocol is attached to this report at Appendix 1.

2. Scope

The protocol is intended to set out clearly how Elected Members ought to interact with social media, both as County Councillors and private individuals. The protocol also relates to the use made of social media by members of the public who attend meetings of the Council, Executive and other committee meetings. The protocol also refers to the rights of the Media to use social media in Council meetings.

3. Background

Social media can play an important part in the operation of a democratic society by offering positive opportunities for the Council and its Elected Members to engage with the citizens of Anglesey. Elected Members can also effectively use social media to interact with constituents and support local democracy. Social media presents the Council with opportunities and challenges.

It is recognised that the absence of a definitive position statement on the use of social media by Elected Members and the public during meetings has resulted in a degree of uncertainty on what constitutes an acceptable response to issues such as the filming of meetings by the public.

The issue of permitting the use of social media during council meetings by journalists and the public in Wales is part of an ongoing discussion. Recently a campaign to raise awareness of the issue was organized by the Daily Post.

A long term supporter of the use of social media in connection with Council meetings, the Welsh Minister for Local Government and Communities has recently written to Welsh local authorities to express his support for improving transparency of proceedings by promoting online access.

4. Social Media Protocol

Inappropriate use of social media by Elected Members could result in breaches of the Code of Conduct. Therefore, it is important that Elected Members recognise the risks associated with social media and ensure that they do not use social media in a way which breaches the Code of Conduct.

In this regard, it is intended that the Council's Standards Committee will have regard to the Protocol when determining allegations of breach of the Code of Conduct involving the use of social media.

5. Recommendations

The Standards Committee is requested to provide comments on the protocol and to recommend its adoption by the Council.

1. Introduction

1.1 Definition of social media

1.1.1 Social media is a collective term used to describe online media which offer easy ways to publish content online and also to facilitate and participate in online conversations, which may invite the posting of comments or contributions or otherwise invite discussion.

1.1.2 Social media can involve social networks (eg. *Facebook*); professional networks (eg. *LinkedIn*); content communities sites (eg *Flickr* and *Youtube*); blogs (eg. via sites such as *Wordpress* and *Blogger*); micro-blogging sites (eg. *Twitter*). Social media can be accessed by a variety of digital equipment, such as laptops, smart-phones and tablets, which can also be used to capture audio-visual information.

1.2 Scope

1.2.1 This protocol is intended to set out clearly how Elected Members ought to interact with social media, both as County Councillors and private individuals. The protocol also relates to the use made of social media by members of the public whom attend meetings of the Council, Executive and other committee meetings. It is recognised that the absence of a definitive position statement on the use of social media by Elected Members and the public during meetings has resulted in a degree of uncertainty on the part of Chairs concerning an acceptable response to issues such as the filming of meetings by the public. It is therefore intended that the Protocol provides guidance concerning the permissible use of social media for Chairpersons during meetings.

1.2.2 The Protocol does not relate to Officers of the Council who are covered by separate ICT policies.

1.2.3 The use of social media by Elected Members is covered by part 2.1 of the Protocol. The use of social media by Elected Members during meetings is discussed in 2.1.5.

1.2.4 The use of social media by members of the public during meetings is covered by part 2.2 of the Protocol.

1.3 Background

1.3.1 Social media can play an important part in the operation of a democratic society by offering positive opportunities for the Council and its Elected Members to engage with the citizens of Anglesey. For example, social media can be an efficient and cost effective way for the Council to keep in touch with residents and businesses. Elected Members can also effectively use social media to interact with constituents and support local democracy. It has been demonstrated that, when used effectively, social media can engage those who would not otherwise participate in local politics or interact with their Elected Members.

- 1.3.2 It is apparent that the use of social media also presents the Council and its Elected Members with certain risks and challenges. In particular, the use of social media by Elected Members can potentially result in breaches of the Code of Conduct. Therefore, it is important that Elected Members recognise the risks associated with social media and ensure that they do not use social media in a way which breaches the Code of Conduct.
- 1.3.3 It is intended that the Council's Standards Committee will have regard to the Protocol when determining allegations of breach of the Code of Conduct involving the use of social media.

2 Social Media and the Council

2.1 Use of social media by Elected Members

- 2.1.1 It is likely that the use of social media by Elected Members may include participation in Council sponsored media, such as a Leader's Blog; use made in a private, or seemingly private, capacity through a private account; anonymous participation with, or contribution to blogs, forums or other social media sites.
- 2.1.2 Members are bound by the terms and conditions of the individual social media sites. In addition, Members should recognise that their use of social media could be covered by the Code of Conduct, and it is likely that any failure to comply with the law and user agreements of the sites could constitute a breach of the Code of Conduct. In particular, Members should also avoid using social media in a way which suggests bias and predetermination.
- 2.1.3 In addition to issues covered by the Code of Conduct, Members are reminded that their use of Social Media can have implications in general law, which for an Elected Member may have serious consequences.
- 2.1.4 It is suggested that the potential difficulties arising from the use of social media can be avoided if the information published by Members is objective, balanced, informative and accurate. The effects of publishing information online can be long lasting, as access to online published content is pervasive and effectively published in perpetuity.
- 2.1.5 Members should not use social media during meetings. The restriction extends both to making contemporaneous comments on other individuals or issues and accessing social media during meetings.
- 2.1.6 In addition, Members should seek to avoid giving others the impression that they are not fully attending to the proceedings of a meeting. This can be done by ensuring that mobile devices are used sparingly and discreetly during meetings.
- 2.1.7 Members should avoid using mobile devices to send or receive information which is not connected with the matters under consideration in the meeting. Use made of mobile devices to send or receive private messages or email during meetings ought to be reasonable and discreet. Chairs should reprimand any Member whose use of mobile devices during meetings is deemed to be excessive.

2.1.8 The following paragraphs of the Code of Conduct will apply to the use of social media and other online behaviour. The rights of Members under Articles 8 and 10 (Schedule 1) of the Human Rights Act 1998 have been considered.

2.1.8.1 Paragraph 5.4 (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”*;

Members should ensure that their use of social media does not breach the Council’s principles of equality. Discriminatory statements are also likely to be unlawful.

2.1.8.2 Paragraph 5.4 (b) *“show respect and consideration for others”*

Members should be aware that whilst political comments and the expression of political opinions and arguments are not stifled by the Code of Conduct, it is likely that personal remarks aimed at an individual could be seen as disrespectful and could constitute a breach of the Code.

Members are reminded that their use of social media could result in the libel of another individual. This also applies if a Member with a personal social media site allows any individual to publish libellous content on it.

2.1.8.3 Paragraph 5.4 (c) *“not use bullying behaviour or harass any person”*

Members should be cautious when making personal comments about individuals and social media should never be used to review and discuss the performance of Council staff. The Council will not tolerate any anonymous use by Members of social media which is deemed to bully or harass any person.

Members who maintain a blog or networking site (such as Twitter) should be aware that the comments of others on those sites could be attributed to the Member by association. Members should ensure that defamatory or obscene comments are removed from their personal sites.

2.1.8.4 Paragraph 5.5 (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”*

Members should always be certain that information they discuss or disclose on social media sites is not confidential and that it is proper to do so. Members should remember that information placed on a website, whether anonymously or not, which could only have been obtained by a Member is likely to fall under the Code.

Members should never publish the personal data of individuals on social media sites in breach of the Data Protection Act 1998.

Members should avoid breaching copyright by publishing images or text on a social media site which is the intellectual property of another person.

2.1.8.5 Paragraph 10 (2)(c)(1) Personal interests: *“or any person with whom you have a close personal association”*

Various terms are used to define online contacts and associations on various social media sites. These terms include ‘friends’ (*Facebook*) and ‘followers’ (*Twitter*). Members should be aware that any person they include as a contact on social media sites could be regarded, for the purposes of the Code of Conduct, as a close personal associate. Members should be cautious that their use of social media sites does not give the perception that a conflict of interests exists. It is advisable that Members, when creating their own content on social media sites, seek to emphasise the distinction between business content and pages containing personal content .

2.1.8.6 Paragraph 12 (1) Prejudicial interests: *“...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”.*

Members should be cautious that their use of social media sites does not give the perception that they have a prejudicial interest in any matter.

2.1.9 Elected Members are bound by the Code of Conduct if they use social media to conduct Council business or are representing the Council. However, an Elected Member could be open to allegations that he / she acted in breach the Code of Conduct if the use made of social media was inappropriate and that he / she was not conducting official business, but merely claiming or giving the impression that he / she was acting in an official capacity.

2.1.10 Anonymous use of social media by Members can also lead to a breach of the code where it can be demonstrated that a Member uploaded the site content and that they were acting in their capacity as a member.

2.1.11 In order to determine whether a Member was acting in an official capacity, it would be necessary to consider the context of a Member’s use of social media, taking into account such factors as:

- a. The public profile of a Member, which can result in a reasonable assumption being made that the Member was acting as a County Councillor;
- b. The privacy settings on the social media site or blog. It is a Member’s responsibility to ensure that appropriate privacy settings are in place. If constituents can access a Member’s posts they may make the reasonable assumption that the Member is acting in an official capacity;
- c. Members should seek to enable other users of social media to avoid any misunderstanding over the official status, or otherwise, of the Member’s contributions.

2.1.12 Members should avoid discussing Council business on a personal social media site, or make remarks about others. It is not adequate for Members to subsequently claim that any disputed posts were made in a private capacity.

2.2 Use of social media by the public during meetings of the Council

- 2.2.1 The Council acknowledges the cultural shift towards permitting the use of social media in public life. The Council will therefore permit the use of social media by the public during its meetings provided that the use is unobtrusive and does not disrupt the meeting. The Protocol does not affect the obligations of the Chair to ensure and maintain the good order of the business meeting.
- 2.2.2 The Council reserves the right to request that members of the public switch off digital equipment if its operation interferes with the operation of the Council's audio-visual equipment or other systems.
- 2.2.3 The Council tolerates the use by the public of digital media, such as smart-phones, to film its meetings, provided that the use is unobtrusive and does not disrupt the meeting. It is the responsibility of any member of the public that makes use of social media to comply with the law.
- 2.2.4 It is likely that filming of meetings by the Media may be considered to be more obtrusive and disruptive to the meeting, because of the nature of the digital equipment used. The Council reserves the right to refuse a request by the Media to film meetings, but will permit filming prior to the commencement of any meeting by prior arrangement.
- 2.2.5 Digital equipment ought not to emit any obtrusive noise which could disrupt meetings. The public ought not to answer telephone calls during meetings, as this is likely to disrupt the meeting. Chairs must advise the public attending meetings of the need to ensure that their digital equipment is set to silent.

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STANDARDS COMMITTEE WORK PROGRAMME – APRIL 2012 TO MAY 2013

		TIMETABLE	RESOURCES
1.	To conduct hearings into alleged breaches of the Members' Code of Conduct following referrals from the Public Services Ombudsman for Wales (PSOW).	<ul style="list-style-type: none"> As and when referrals are received 	<ul style="list-style-type: none"> Monitoring Officer Deputy Monitoring Officer Solicitor to the Monitoring Officer
2.	To conduct hearings into applications for dispensations.	<ul style="list-style-type: none"> As and when applications are received 	<ul style="list-style-type: none"> Monitoring Officer Deputy Monitoring Officer Solicitor to the Monitoring Officer
3.	To undertake an advisory role in connection with matters arising under the Council's Protocol for Self Regulation, or its successor.	<ul style="list-style-type: none"> As and when requested 	<ul style="list-style-type: none"> Monitoring Officer Deputy Monitoring Officer Solicitor to the Monitoring Officer
4.	To oversee the Member Development Plan, to include:- <ul style="list-style-type: none"> Ongoing training for the Standards Committee Consideration and preparation for induction and training of intake of Councillors in 2013 Training to target specific needs of those sanctioned by the Adjudication Panel for Wales (APW) or the Standards Committee 	<ul style="list-style-type: none"> As required Before May 2013 As required 	<ul style="list-style-type: none"> HR Manager WLGGA Monitoring Officer Deputy Monitoring Officer Corporate Information Officer
5.	To participate in and receive reports from the Member Development Working Group.+	<ul style="list-style-type: none"> Quarterly 	<ul style="list-style-type: none"> HR Manager WLGGA Monitoring Officer
6.	To supervise the two Registers of Members' Interests by annual reviews followed by advice and guidance, if	<ul style="list-style-type: none"> By the end of 2012 	<ul style="list-style-type: none"> Monitoring Officer Solicitor to the Monitoring

			Officer
7.	appropriate. To supervise the Register of Gifts and Hospitality by annual reviews followed by advice and guidance, if appropriate.	<ul style="list-style-type: none"> By the end of 2012 	<ul style="list-style-type: none"> Monitoring Officer Solicitor to the Monitoring Officer
8.	To undertake the role of consultee on any proposed changes to the Constitution which would disproportionately prejudice the rights or interests of any minority group.	<ul style="list-style-type: none"> As and when required 	<ul style="list-style-type: none"> Monitoring Officer Chief Executive
9.	To undertake the role of consultee in connection with any draft guidance/protocols etc issued by the PSOW in connection with the Members' Code of Conduct / Protocol for Local Resolution etc.	<ul style="list-style-type: none"> As and when required 	<ul style="list-style-type: none"> Monitoring Officer
10.	Following consultation with Members, to oversee the publication of all Members' Declaration Forms on the Council's website and to ensure that the facility is publicised.	<ul style="list-style-type: none"> Dates to be agreed with ICT 	<ul style="list-style-type: none"> Head of Service (ICT) Monitoring Officer
11.	Subject to consultation with Members, to make recommendations for more information to be published on the Council's website (including information about allowances, expenses, attendance records and training hours).	<ul style="list-style-type: none"> Before May 2013 	<ul style="list-style-type: none"> Monitoring Officer Solicitor to the Monitoring Officer
12.	The Chair of the Standards Committee to present an annual report to the full Council outlining the work of the Standards Committee during the previous year.	<ul style="list-style-type: none"> May 2013 	<ul style="list-style-type: none"> Monitoring Officer Solicitor to the Monitoring Officer
13.	To recommend a new Protocol for Member / Officer Relations.	<ul style="list-style-type: none"> Before May 2013 	<ul style="list-style-type: none"> Monitoring Officer Solicitor to Monitoring Officer

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