

# Public Document Pack



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

Dr. Gwynne Jones  
Prif Weithredwr – Chief Executive

CYNGOR SIR YNYS MÔN  
ISLE OF ANGLESEY COUNTY COUNCIL  
Swyddfeydd y Cyngor - Council Offices  
LLANGEFNI  
Ynys Môn - Anglesey  
LL77 7TW

Ffôn / tel (01248) 752500  
Ffacs / fax (01248) 750839

RHYBUDD O GYFARFOD		NOTICE OF MEETING	
PWYLLGOR SAFONAU		STANDARDS COMMITTEE	
DYDD MERCHER, 9 MAWRTH, 2016 am 2.00 o'r gloch y.p.		WEDNESDAY, 9 MARCH 2016 at 2.00 pm	
YSTAFELL BWYLLGOR 1, SWYDDFEYDD Y CYNGOR, LLANGEFNI		COMMITTEE ROOM 1, COUNCIL OFFICES, LLANGEFNI	
Swyddog Pwyllgor	Mrs. Mairwen Hughes (01248) 752516		Committee Officer

## Aelodau Annibynnol / Independent Members

Mrs. Denise Harris Edwards  
Mr. Islwyn Jones (**Is-Gadeirydd/Vice-Chair**)  
Mr. Leslie Lord  
Mrs. Dilys Shaw  
Mr. Michael Wilson (**Cadeirydd/Chair**)

## Yn cynrychioli'r Cyngor Sir / Representing the County Council

Y Cynghorydd/Councillor Trefor Lloyd Hughes  
Y Cynghorydd/Councillor Dafydd Rhys Thomas

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

Y Cynghorydd/Councillor John Chorlton  
Y Cynghorydd/Councillor John Roberts

## **A G E N D A**

### **1      DECLARATION OF INTEREST**

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

### **2      MINUTES OF MEETING (Pages 1 - 16)**

To confirm the Minutes of the meetings held as follows :-

- Minutes of the Standards Committee held on 16 September, 2015.
- Minutes of the Dispensation Panel held on 24 September, 2015.
- Minutes of the Standards Committee held on 19 February, 2016.

### **3      TOWN AND COMMUNITY COUNCILS - WEBSITES (Pages 17 - 18)**

To receive a report from the Monitoring Officer.

### **4      REVIEW OF THE THREE REGISTERS OF MEMBERS' INTERESTS (Pages 19 - 52)**

To receive a report from the Monitoring Officer.

### **5      CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES (Pages 53 - 54)**

To receive a report from the Monitoring Officer.

### **6      REPORT FROM STANDARDS CONFERENCE WALES 2015 (Pages 55 - 184)**

To receive a report from the Chairman of the Standards Committee.

## **STANDARDS COMMITTEE**

### **Minutes of the meeting held on 16 September 2015**

**PRESENT:**

**Independent Members**

Mr Michael Wilson (Chair)  
Mrs Denise Harris Edwards  
Mr Leslie Lord  
Mrs Dilys Shaw

**Representing the County Council**

Councillor Trefor Lloyd Hughes  
Councillor Dafydd Rhys Thomas

**Representing Town and Community Councils**

Councillor William Raymond Evans  
Councillor John Roberts

**IN ATTENDANCE:**

Head of Function (Council Business)/Monitoring Officer  
Legal Services Manager/Deputy Monitoring Officer (RJ)  
Committee Officer (SC)

**APOLOGIES:**

Mr Islwyn Jones

**1 DECLARATION OF INTEREST**

No declaration of interest was received.

Councillor Dafydd Rhys Thomas asked that it be noted that he is a Member of the Task and Finish Group for the Breakfast Club.

**2 MINUTES OF MEETING**

- The minutes of the Standards Committee held on 11 March, 2015 were confirmed as correct.
- The minutes of the Dispensation Panel held on 1 April, 2015 were confirmed as correct.

**3 REVIEW OF THE PLANNING PROCEDURE RULES - PART 4.6 OF THE CONSTITUTION**

Submitted - the report of the Head of Service (Planning and Public Protection) and the Legal Services Manager/Deputy Monitoring Officer in respect of the above.

The Legal Services Manager/Deputy Monitoring Officer reported that the purpose of the report was to review the Planning Procedure Rules to ensure that there is a common standard for dealing with certain types of applications, and that Members and Officers behave appropriately in such circumstances.

The Officer stated that the Rules have existed for many years and are periodically reviewed to ensure that any current issues or perceived problems arising are dealt with. He reported that the Rules were last amended in 2013, as detailed in para 2.1 of the report, and stated that he hoped to raise awareness of any problems or issues that needed to be addressed. He mentioned that following consultation with the Head of Planning and the Lead Officer for the Committee, it was the general view that there were no issues at present. He stated that a recommendation had been put

forward not to make any changes at present due to The Planning (Wales) Act 2015, which proposes to standardise and regulate the procedure and size of Planning Committees. This will be dealt with by secondary legislation, which has not yet been published. It is anticipated that there will be many similarities between the current Planning Procedure Rules and the proposed national procedure/protocol.

**RESOLVED:-**

- **To note the report and proposed changes envisaged by the Act;**
- **That no amendments be made the Council's Planning Procedure Rules at present;**
- **To endorse training and implementation on the new national procedures/protocols when they are published and come into force.**

**4 REVISED GUIDANCE ON THE CODE OF CONDUCT FOR COUNTY COUNCILLORS AND COMMUNITY COUNCILLORS**

Submitted - a report by the Monitoring Officer in respect of the revised Guidance on the Code of Conduct.

The Monitoring Officer reported that the Ombudsman is responsible for issuing guidance to assist Members in complying with the Statutory Code of Conduct. The Officer explained that three sets of Guidances have been issued under the current Code, this being the third, which replaces the previous two. She stated that County Councillors and Community Councillors have been issued with separate Guidance notes. She highlighted the need for Members of this Committee to be aware of the Guidance on the Code of Conduct, in case they have to consider a relevant complaint before them.

**RESOLVED to note the revised Guidances on the Code of Conduct as published by the Ombudsman.**

**Action: The Monitoring Officer to write to Community Councils to confirm that the Revised Guidance has been brought to the attention of their Members.**

**5 THE LOCAL GOVERNMENT (DEMOCRACY) (WALES) ACT 2013 AND THE LOCAL GOVERNMENT (DEMOCRACY) (WALES) ACT 2013 (COMMENCEMENT NUMBER 2) ORDER 2015**

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

The Monitoring Officer reported on statutory changes made by The Local Government (Democracy)(Wales) Act 2015. She stated that legislation has come into force, with planned changes being activated module by module under secondary legislation. New modules came into force in May. Some are relevant directly, or indirectly, to the work of the Standards Committee.

The Monitoring Officer further reported that there is now a statutory requirement for all Community Councils to have a web presence and publish information on their websites. The Officer stated that this requirement was relevant to the Standards Committee, as complaints have been made regarding issues about transparency in Town and Community Councils, and in particular small and under resourced Community Councils. She reported that there has been a lot of discontent from some members of the public, and new Councillors, regarding some Community Councils not complying with publication requirements in terms of agendas, minutes, accounts etc, and stated that both she and the Auditors have received complaints about failings and relationship issues arising from those frustrations, which have been referred to the Ombudsman.

The Monitoring Officer reported on the 'Register of Members' Interests' which has now been introduced. The County Council has three registers of interests, whilst Town and Community Councils only had one ie "declarations made in meetings". Community Council Members now have to complete "Prior Registration of Interests" forms, with both types available for public inspection.

The Monitoring Officer stated that the 'Register of Members' Interests' was significant to Members of the Standards Committee, in relation to the work they carry out annually in reviewing the Registers of County Councillors interests, with this being a particular focus of their Work Programme. Any new plan to review community council registers is not included for this year (as the new process needs to embed), but it may be reasonable to warn Community Councils that the Standards Committee will be reviewing Registers next year?

The Chair raised the question whether sanctions could be imposed against Town and Community Councils who had not complied with the statutory requirement to have a website.

The Monitoring Officer responded that members of the public could make maladministration complaints to the Ombudsman. The Ombudsman may not take action, but might issue a warning/public rebuke.

**RESOLVED:-**

- **To note the changes referred to in the report, in particular paragraph 2;**
- **To decide whether compliance issues in relation to this new responsibility should become part of the Standards Committee's Work Programme.**

**Action:**

- **Head of Council Business/Monitoring Officer to ask the Policy Section for data to establish which Town and Community Councils have a website, and whether those that do not have a web presence are planning to do so;**
- **To report back to the next meeting of the Standards Committee on 10th December, 2015 on the findings of the above;**
- **Thereafter, the Monitoring Officer to write to the Ombudsman regarding questions raised by Members of the Standards Committee relating to the grant funding awarded to each Town and Community Council for creating their own website, and whether any sanctions would be imposed for not utilising the grant correctly or failing to implement the web presence.**

**6 FACTSHEETS PUBLISHED BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES - INVESTIGATIONS AND INTERVIEWS - MEMBERS' CODE OF CONDUCT**

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

The Monitoring Officer reported that two Code of Conduct Factsheets have been produced by the Ombudsman's Office for the benefit of Members. The Factsheets apply to both Town and Community Councillors and County Councillors. The factsheets advise Members on the process for investigations and conducting interviews with the Ombudsman during the course of an investigation. The Ombudsman wants Members to be prepared and knowledgeable about the process.

The Chair reported that it should be pointed out to Members that it is the responsibility of Town and Community Councillors and County Councillors to declare a personal interest, even if the meeting is informal. He stated that if Members do not declare an interest and a complaint is received, a Code of Conduct complaint could follow.

**RESOLVED to recommend in due course that communication be sent to all Members highlighting the Ombudsman's advice as attached in ENCLOSURE 3 of the report.**

**Action: The Monitoring Officer to forward hard copies of the Factsheets and a link to Community Councils.**

**7 DRAFT LOCAL GUIDANCE ON THE OFFICERS' CODE OF CONDUCT**

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

The Monitoring Officer reported that the Officers' Code of Conduct is outside the jurisdiction of the Standards Committee. She stated that there is a statutory Code of Conduct in the Constitution, which staff sign up to when they start a contract of employment with the Council. The Code of Conduct is different from the Members' Code, in that the Members' Code has evolved into the dual concepts of personal and prejudicial interests, whereas the Officers' Code does not make that distinction.

The Monitoring Officer suggested that the Council look at drafting Local Guidance on the Code for Managers and Officers to assist their staff. With regard to attending meetings, the situation is generally straightforward, but day to day operational involvement is more tricky eg if a procurement is involved where family member is involved. In such instances, Officers will need to come forward to disclose any connections and manager will need to implement "Chinese Walls".

**RESOLVED that the Standards Committee support the Draft Local Guidance on the Officers' Code of Conduct and recommend that it is approved for consultation.**

## **8 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES**

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

The Monitoring Officer provided Members with an update on complaints that have been lodged. She stated that there were two reports, one concerning a County Councillor and the second, a Town and Community Councillor.

The Monitoring Officer reported that the first complaint has been before the Adjudication Panel, and is not fully concluded. The other matters that have been under consideration by the Ombudsman have either been rejected, or as in one case, the Ombudsman decided to investigate, but exercised his powers to cease the investigation and sent an Advisory Note to the Member regarding his behaviour. The Officer reported that only one matter remained outstanding, with no new complaints against Members. With regard to Town and Community Councils, all the complaints submitted have been rejected by the Ombudsman.

**RESOLVED to note the report.**

## **9 REVIEW OF THE THREE REGISTERS OF MEMBERS' INTERESTS**

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

The Monitoring Officer reported that Members had asked for an opportunity to discuss the last Review of Registers before embarking on the process of the next review.

The Monitoring Officer stated that Members of the Standards Committee had contacted Members to clarify certain entries in the Registers. In the past this has been a desktop exercise only. Following feedback from the Standards Committee, an advisory was sent out. A similar advisory has been sent out this year.

Members had reported that there were many ICT issues outstanding with discrepancies regarding Welsh and English versions of the Registers.

The Monitoring Officer responded that it would cost approximately £10,000 to remedy that issue, and that the proposal had been jointly rejected by the Chief Executive, the Monitoring Officer and the Online Services Manager. A more "low tech" approach has been taken, with support from Translation, and is working.

**RESOLVED to discuss the review process for the 2016 registers and determine what improvements might be made.**

**Action:**

- **The Monitoring Officer to draft a letter to all Members at the end of the year confirming that the Standards Committee will be following the same process next year;**
- **The Standards Committee to advise Members and allow time to update registers if there are any matters outstanding regarding “Register of Gifts and Hospitality ” and “Standing Register”;**
- **To include a review of the Annual Reports and Training.**

## **10 TRAINING FOR TOWN COUNCILLORS**

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

The Monitoring Officer reported on the Standards Committee's Work Programme for the current year regarding training for Town Councils. She stated that meetings have been arranged in the following areas:-

Holyhead  
Menai Bridge  
Beaumaris  
Llangefni  
Tentative date for Amlwch

The Monitoring Office proposed that one Member of the Standards Committee attend each Town Council meeting. The original view was for Members to attend an ordinary meeting for a one hour session, but this idea was rejected by the Town Councils, who preferred to have a separate training session. A question and answer session would be part of the discussion.

The Monitoring Officer handed each Member a list of meetings with dates and venues to attend Town Council meetings. Each Member voluntarily suggested which meeting they would like to attend.

### **RESOLVED:**

- **That the Standards Committee confirm/amend the content of the slides;**
- **To identify any specific issues to be raised with Town Councils;**
- **To confirm that each independent Member of the Standards Committee will attend training sessions in each Town Council area with the Monitoring Officer.**

## **11 NORTH WALES STANDARDS COMMITTEE FORUM**

Submitted - a report by the Chair of the Standards Committee in relation to the above.

The Chair provided an update on to the North Wales Standards Committee Forum held on the 16<sup>th</sup> June, 2015. He referred to the positive aspects of the Forum, which included training for Councillors, which has already been implemented by this Committee.

The Chair referred to the future of Regional Standards Committees, which is uncertain at present, and would need to be reconsidered on the outcome of any re-organisation by the Welsh Government.

**RESOLVED to note the report.**

**Action: Members of the Standards Committee to raise any issues they may have for the next meeting of the Regional Standards Committee Forum (no date yet fixed).**

## **12 NATIONAL STANDARDS COMMITTEE CONFERENCE**

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

The Monitoring Officer reported that Cardiff would be hosting the National Standards Committee Conference for Wales, and the Chair and Vice-Chair of the Standards Committee would be attending together with the Legal Services Manager/Deputy Monitoring Officer. She explained the matter has been brought to the Standards Committee to ask Members which workshops are their priority. She stated that 6 workshops were being held, with a possibility for representatives to attend all 6 if required.

**RESOLVED:-**

- **Attend all sessions:-**

- (1) **Social Media – Staying out of Trouble**
- (2) **Whistle Blowing – Adapting to deal with new operating models for public services**
- (3) **Community Councils – Governance and Standards**
- (4) **Local Complaints Resolution – Practicalities**
- (5) **Are the Nolan Principles fit for purpose in the current climate and for the next 20 years**
- (6) **Probity in Planning – Update**

- **To send any specific areas or questions for the Chair/Vice-Chair to address during the Conference;**
- **The Chair/Vice-Chair to provide formal report from the Conference to the Standards Committee on 10<sup>th</sup> December, 2015.**

**MR MICHAEL WILSON  
CHAIR**



# DISPENSATION PANEL OF THE STANDARDS COMMITTEE

## Minutes of the meeting held on 24 September 2015

**PRESENT:** Independent Members

Mr. Michael Wilson (Chair)  
Mr. Islwyn Jones  
Mrs. Dilys Shaw

**IN ATTENDANCE:** Head of Function (Council Business)/Monitoring Officer,  
Committee Officer.

**ALSO PRESENT:** None

**APOLOGIES:** None

### 1 DECLARATION OF INTEREST

No declaration of interest received.

### 2 APPLICATION FOR DISPENSATION

Submitted – a collective application for dispensation by Members of the Isle of Anglesey County Council in relation to a report entitled 'Provision of Free Breakfast Clubs in Primary Schools' to be considered by the County Council on 29<sup>th</sup> September, 2015.

The Head of Function (Council Business)/Monitoring Officer outlined the categories of personal interests which are listed in paragraph 10 of the Code of Conduct, and the test for prejudicial interests in paragraph 12. She explained that dispensations may only be granted in specified circumstances which were listed in Document 3 of the documents attached to the Report to the Panel.

The Panel **RESOLVED** as follows :-

- All Members using, or who have a close personal associate (family or friend) using this service (or equivalent / similar / connected / related schools service) are provided with a dispensation enabling such Members to speak and vote, provided the issue relates to all/several schools;
- The dispensation will extend to any future consideration of this issue (or equivalent / similar / connected / related schools service) for the remainder of the term of this Council and no further dispensation will be required;
- Members will still have a personal interest under the Code; which they are required to declare at the beginning of the meeting or the outset of the relevant item. Member declaration forms need to confirm that they are relying on a dispensation granted by the Standards Committee on the 24th September 2015.

**MR. MICHAEL WILSON**  
**CHAIR**

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# **STANDARDS COMMITTEE**

## **Minutes of the meeting held on 19 February 2016**

**PRESENT:** **Independent Members**

Mrs. Denise Harris Edwards  
Mr. Islwyn Jones  
Mr. Leslie Lord  
Mrs. Dilys Shaw  
Mr. Michael Wilson

**Representing Town and Community Councils**

John Roberts (In respect of Items 1 & 2 only)

**Representing the County Council**

Councillor Trefor Lloyd Hughes

**IN ATTENDANCE:** Monitoring Officer,  
Committee Officer (MEH).

**ALSO PRESENT:** Councillor Peter Rogers

**APOLOGIES:** Councillor Dafydd Rhys Thomas

**1 ELECTION OF CHAIR**

Mr. Michael Wilson was re-elected Chair from among the Independent Members.

**2 ELECTION OF VICE-CHAIR**

Mr. Islwyn Jones was re-elected Vice-Chair from the Independent Members.

**3 DECLARATION OF INTEREST**

No declaration of interest received.

**4 LOCAL GOVERNMENT ACT 2000 - APPEAL AGAINST THE DECISION OF THE STANDARDS COMMITTEE – TO RECEIVE THE RECOMMENDATION OF THE APPEAL TRIBUNAL OF THE ADJUDICATION PANEL FOR WALES**

Submitted – the report of the Monitoring Officer and Enclosures.

The Chair stated that this is an appeal review following a referral back to the Standards Committee from the Appeal Tribunal of the Adjudication Panel for Wales regarding the matter of Councillor Peter Rogers' breaches of the Code of Conduct and the Tribunal's recommendation that the suspension be increased from one to three months. The Chair emphasised that this is not a rehearing of evidence that was presented to the Standards Committee on 19 December, 2014, nor to the subsequent Appeal Tribunal held on 10 and 11 September, 2015.

The Chair further stated that the Standards Committee will determine the level of suspension to be imposed on Councillor Rogers as a result of his breaches of the Council's Code of Conduct, being either a period of suspension of one month or three months. The Chair stated that the Standards Committee will hear any additional evidence on sanction, since the Appeal, either written, or orally, from the Public Services Ombudsman for Wales and Councillor Rogers. The Committee received the Appeal Tribunal's Report on 18<sup>th</sup> December, 2015 together with written submissions by Councillor Rogers; the Public Services Ombudsman for Wales has responded that they have nothing to add.

The Chair outlined the procedure of the meeting and noted that the Committee will adjourn to a closed session to consider its decision and the Monitoring Officer will only be called if any specific advice is requested. Any such advice given will be shared with Councillor Rogers.

The Monitoring Officer was invited by the Chair to present her report to the Committee. Councillor Rogers requested an adjournment because the Monitoring Officer has been disqualified from advising the Standards Committee in this matter; with an external Solicitor used at previous hearings.

The Monitoring Officer explained that the Standards Committee had decided that owing to Councillor Rogers' statement to the Public Services Ombudsman for Wales, with regard to the legal section of the Council, of which she is the Head of Service, it would not be appropriate for her to participate in issues of evidence at the Standards Committee's hearing held on 19 December, 2014. The hearing before the Adjudication Panel, on 10 and 11 September, 2015 was a re-hearing of all the evidence. These are now closed issues as the Standards Committee has no power to reconsider the findings of facts. In the circumstances the Monitoring Officer considered that she is no longer precluded from advising the Standards Committee on the process at this meeting.

#### **The Committee retired to private session to discuss the matter.**

Members of the Standards Committee returned from private session and the Chair announced that the members of the Standards Committee had come to a unanimous decision that the Monitoring Officer is to stay at the meeting to advise.

#### **The Chair invited to Monitoring Officer to present her report.**

The Monitoring Officer outlined her report to the meeting and stated that the Standards Committee had a full hearing and applied a sanction at its meeting on 19 December 2014. The Committee concluded that Councillor Rogers had breached the Code of Conduct in failing to declare a personal interest by virtue of a long standing friendship with a prospective purchaser of the land as described within the report. As a consequence of the breach, the Standards Committee issued a one month suspension to Councillor Rogers.

Thereafter, Councillor Rogers appealed the decision of the Standards Committee to the Adjudication Panel for Wales on the 19<sup>th</sup> January, 2015. The Appeal Hearing took place on the 10<sup>th</sup> and 11<sup>th</sup> September, 2015 which was a full rehearing of the facts and evidence together with sanction. The Appeal Tribunal made findings of facts and also concluded that three different categories of breaches of the Code of Conduct had occurred. The full details are included within the Adjudication Panel for Wales' report dated 1<sup>st</sup> December, 2015 which was included within the documentation to the Standards Committee.

In summary, the Appeal Tribunal found that Councillor Rogers had improperly used his position as a Councillor and their findings are at paragraph 5.3.3 of the Tribunal Decision.

Secondly, the Appeal Tribunal found that Councillor Rogers had failed to declare a personal interest on 12 occasions when he had dealings with Officers in connection with the disposal of the land – relevant paragraphs within the Tribunal Decision are 5.3.9, 5.3.11 and 5.3.13. Additionally the Appeal Tribunal concluded that in seeking to influence the transaction at various points, Councillor Rogers also created a prejudicial interest and these are outlined in paragraph 5.3.16 of the Tribunal Decision.

As a consequence of these findings, the Appeal Tribunal concluded that the suspension of one month, as imposed by the Standards Committee, should be increased to a period of three months suspension. In reaching that decision the Appeal Tribunal gave due regard to a number of aggravating features which they listed in paragraph 6.3.4 of their Decision. As a consequence, the Appeal Tribunal referred the matter of suspension back to the Standards Committee so the Committee may decide to accept the recommendation of the Adjudication Panel and impose a sanction of three months, or under the Regulations (enclosed within the documentation to the meeting at enclosure 6), the Standards Committee has a discretion not to follow the recommendation of the Appeal Tribunal but, instead, to reject the recommendation of the Appeal Tribunal and confirm their original decision of a suspension of one month.

The Monitoring Officer further stated that whatever the decision the Standards Committee reaches it has to be based on the findings of facts and breach as reached by the Appeal Tribunal and the Standards Committee is unable to rely on its original findings. The suspension will become effective as from midnight. There is no further right of appeal within the statutory process except by way of judicial review to the High Court.

The Chair stated that the Public Services Ombudsman for Wales has not forwarded any further submission and were not in attendance. He stated that Councillor Rogers has submitted correspondence received on 20 January, 2016.

**The Chair invited Councillor Rogers to address the meeting.**

Councillor Rogers stated that the issue he has regarding the whole matter, is the length of time this has taken. Seven complaints about him came in at the same time which the Ombudsman has dismissed. The Adjudication Panel for Wales should consider the length of time it has taken from the initial appeal submitted in January 2015 until the Appeal Tribunal in September 2015. He referred to the guidelines of the Adjudication Panel for Wales regarding timescale for hearings following appeals. He was not allowed to call witnesses. Councillor Rogers stated that one department within the County Council was not responding to his emails during the period of waiting for the Adjudication Panel for Wales to set a date for the Tribunal. He considered that he has sustained punishment inflicted upon him already which he has served constantly during this period. The Standards Committee have postponed or cancelled meetings due to the delay of the Adjudication Panel for Wales not submitting their final report on the matter to the County Council.

He noted that he was heartened that the submission he has submitted to the Standards Committee has not been challenged by the Public Services Ombudsman for Wales. Councillor Rogers stated that the Adjudication Panel for Wales delayed submitting the Decision Record until December 2015 which they were aware that the Standards Committee was awaiting the Decision. He noted that he wrote to the Monitoring Officer following receipt of the Decision Report expressing that he considered that the Adjudication Panel for Wales were out of time and breaching their own rules in finalising the report. He considered that he had served his penalty and the whole matter be put away. He said that the Monitoring Officer responded by return stating that she would forward Councillor Rogers' correspondence to the Adjudication Panel for Wales and they should respond to

him personally. He stated that he did not have a response to his letter from the Adjudication Panel for Wales. Councillor Rogers further stated that his family and he had suffered with regard to this matter; allegations of dishonesty are a terrible thing to be accused of.

Councillor Rogers referred to the full County Council held on the 9<sup>th</sup> December, 2015 when the Wales Audit Office presented their Corporate Assessment Report to the Council. He stated that he raised the issue of his appeal, which can be seen on the webcast of the meeting. Councillor Rogers stated that he had written to the Auditor General regarding this matter. The Wales Audit Office representatives at the meeting were apologetic and said that they would look into the matter; no response was received for them.

Councillor Rogers asked the Standards Committee to consider the damage this matter has had on his credibility.

**The Chair invited Members of the Standards Committee the opportunity to ask any questions for clarification on the issue of sanction only to Councillor Rogers.**

The Chair referred to Councillor Rogers' written submission to the Standards Committee with regard to *'it is probable with the benefit of hindsight, that I should have accepted the committee's decision and not have proceeded to appeal it.'* The Chair stated that it was Councillor Rogers' decision to appeal the decision of the Standards Committee of a suspension of one month. This would inevitably extend the timetable, albeit acknowledging Councillor Rogers' right to appeal. He wrote to the Public Services Ombudsman for Wales in 2013 and then they publish their report in 2014. The Standards Committee at its meeting held on 11 September, 2014 decided to proceed to conduct a hearing with regard to the allegations of the breach of the Code of Conduct. The full hearing took place on the 19 December, 2014 and a decision was made to suspend Councillor Rogers for a period of one month. Councillor Rogers decided to appeal the decision and that appeal took from January to September 2015. The Chair emphasised that the delay was not attributed to the Standards Committee.

Councillor Rogers responded that he apologised that if he gave the impression that he held any blame against the Standards Committee for any delay. When he wrote to the Monitoring Officer following receipt of the final Decision Report by the Adjudication Panel for Wales (APW) in December, she forwarded his correspondence immediately to the APW; he considered that this implied that APW were to blame for the delay and not the Standards Committee.

The Chair asked whether Councillor Rogers will accept that as a consequence of Councillor Rogers appealing against the decision of the Standards Committee to suspend him for one month, further delay caused by the appeal was an inevitable result of the decision to appeal?

Councillor Rogers responded that the Adjudication Panel for Wales did not do what they were supposed to do and that is why there was such a delay. The Standards Committee have set dates to hear his appeal and having to cancel on two occasions.

**The Chair invited Councillor Rogers to make any final closing comments to the Standards Committee.**

Councillor Rogers said that the Monitoring Officer has pointed out that the Standards Committee is restricted to considering sanction only. The same restriction applies to himself. In a fair minded and law abiding society, the sanction applied relates to the

severity of the alleged offence. Where there are failings found, as the case is today, the findings are based on the accuracy and correctness of the evidence put forward.

Any evidence placed in front of any tribunal/hearing is within the common rule of justice.

1. Well established rules can cause serious consequences when factually incorrect or misleading evidence can possibly be preventing the course of public justice and preventing justice in common law
2. Another consequence of such actions is when a court or Tribunal is placing undue weight in such a manner when considering appropriate sanction

Councillor Rogers said that he is not making any direct allegation at today's meeting or making any attempt to bring undue pressure on the Standards Committee. He has declared in his written submission and he has received a fair hearing by the Standards Committee of which they have clearly understood his frustration which has led him before the Standards Committee. He thanked the Standards Committee for their understanding with regard to the matter. He said that he considered that he did not solicit any pecuniary advantage. Councillor Rogers stated that he was concerned about the Adjudication Panel for Wales' ability to find otherwise although their report is contradictory on that point. All Councillor Rogers is requesting is that when the Standards Committee is determining an appropriate sanction that they do so in the same manner as they did in December 2014. A possible perversion of justice is a matter he intends to follow elsewhere.

**The Standards Committee adjourned to closed session to consider its decision.**

**The Committee determined as follows :-**

- (1) Having considered the Report of the Monitoring Officer, together with its enclosures including further written submissions from Councillor Rogers, and having heard from Councillor Rogers on the issue of mitigation, the Standards Committee endorses the recommendation of the Tribunal of the Adjudication Panel for Wales, in its report of 1<sup>st</sup> December 2015; namely, to suspend Councillor Peter Rogers from being a member of the Isle of Anglesey County Council for a period of 3 months.**
- (2) This suspension begins on the 20<sup>th</sup> February 2016 and ceases after the 19<sup>th</sup> May 2016.**
- (3) At this stage in the proceedings there is no right of appeal against the decision of the Standards Committee except to the High Court by way of judicial review.**
- (4) The Standards Committee's reasons for endorsing the recommendation of the Tribunal include those given in paragraph 6.3 of the Tribunal's report;**
- (5) The Standards Committee also took into account the factors listed in paragraphs 6 to 13 below.**
- (6) The findings of fact and breach originally made by the Standards Committee, to which Councillor Rogers still refers in his mitigation, are no longer relevant. They have been replaced by those of the Tribunal and they are the last word on the subject. On this point, Councillor Rogers' comments have been disregarded.**

- (7) Councillor Rogers needs to be reminded again that the responsibility under the Code, for declaring interests, and other aspects of compliance with the Code, rests with Councillors themselves. The Committee is concerned that Councillor Rogers continues to try and deflect that personal responsibility.
- (8) The Standards Committee was concerned about paragraph 4.3.8 of the Tribunal's report which indicated that Councillor Rogers accepted that he understood the requirements of the Code but, nevertheless, appears to have decided not to apply it on repeated occasions. The Committee consider this to be an aggravating feature.
- (9) The Standards Committee noted Enclosure 9 to the Monitoring Officer's report.
- (10) The mitigation from Councillor Rogers suggests that he is still under the impression that his only breach of the Code was a failure to declare his friendship and family relationship with the prospective purchaser. Clearly, this is not the case. Councillor Rogers is advised to review paragraph 5.3 of the Tribunal's report, and in particular paragraph 5.3.3, which found that Councillor Rogers had improperly used his position as a Councillor to confer an advantage for his friend and, at paragraph 5.3.16, the Tribunal also found that Councillor Rogers created a prejudicial interest by seeking to influence the transaction. Councillor Rogers also failed to declare his personal interest on 12 occasions. This was not a single event and the breaches are more serious than Councillor Rogers seems to appreciate.
- (11) While Councillor Rogers' acknowledgement concerning his failure to declare the personal interest is welcomed, it is now so long after the event, and following a significant amount of time and costs expended on this issue, by the Council, the Ombudsman, the Standards Committee and the Adjudication Panel for Wales, that it is not possible for the Standards Committee to attribute any value to this admission at this stage. The Standards Committee also noted that Councillor Rogers (see paragraph 6.3.4 of the Tribunal report of the 1<sup>st</sup> December 2015) acknowledged the breach and apologised to the Standards Committee at the original hearing but, then, appealed its decision on findings of fact and breach, as well as sanction, and also retracted his apology. The Standards Committee found this to be disingenuous.
- (12) The Standards Committee has taken into account Councillor Rogers' concerns about the duration of this process, given that the Standards Committee conducted its original hearing in December 2014. However, while the Committee acknowledges that Councillor Rogers was entirely within his rights to appeal against the decision of the Standards Committee, Councillor Rogers must acknowledge that doing so would inevitably extend the process, as would his three requests for adjournments.

The Standards Committee is of the view that the duration of the process has not had any prejudicial effect on Councillor Rogers' ability to raise points in mitigation, and that no statutory timescales or deadlines have been missed.

- (13) Councillor Rogers raised concerns about the representation of his electorate during the period of any suspension. Having discussed this, the Standards Committee came to the view that this submission should be disregarded for the following reasons:-



- The statutory conduct regime provides the power of suspension, thereby recognising the potential consequences for the electorate.
- Councillor Rogers brought the suspension on himself as a result of breaching the Code and therefore brought that suspension on his electorate as well. It is not the process which is at fault.
- This is a multi-member ward and the other Councillor representing that ward will have to lead on representing the community during the period of suspension.

**MR. MICHAEL WILSON  
CHAIR**

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ISLE OF ANGLESEY COUNTY COUNCIL	
Meeting:	Standards Committee
Date:	9 March 2016
Title of report:	Town and Community Councils - Websites
Purpose of report:	To establish which town and community councils have a website and whether those that do not have a web presence are planning to do so.
Report by:	Lynn Ball, Head of Function (Council Business) / Monitoring Officer
Contact:	Rhian W Jones – 01248 752520 rjxcs@anglesey.gov.uk

## 1.0 Background

- 1.1 I reported to this Committee at its meeting on 16 September 2015 that there is now a statutory requirement for all community councils to have a web presence and publish information on their websites. I stated that this requirement was relevant to the Standards Committee as complaints have been made regarding issues about transparency in town and community councils, and in particular small and under resourced community councils.
- 1.2 The Committee resolved to request a report to establish which town and community councils have a website and whether those that do not have a web presence are planning to do so.

## 2.0 Website Development Grant

- 2.1 The Welsh Government allocated funding to county councils to offer a grant of up to £500 each for town and community councils during 2013/14, including those who already have a website, to be spent on website development. The purpose of this grant was to assist town and community councils to prepare for the Local Government (Democracy) (Wales) Act 2013, which contains provisions which would require each community council to publish information on a website.
- 2.2 As at December 2015, all but the following three councils had claimed the website development grant:  
  
 Bodedern will be considering the matter at its next meeting in January (there has been a delay here due to a change of clerk but the matter is now being addressed).  
  
 Bodorgan and Llaneluog said back in September 2014 that they did not intend to develop websites – both councils were encouraged to do so back in

December 2014, in accordance with the decision of the Council's Democratic Services Committee on 2 December 2014.

### **3.0 Web Presence - Current Position**

3.1 All town and community council clerks have been asked to confirm whether or not their respective councils had established websites in accordance with the requirements of the Local Government (Democracy)(Wales) Act 2013.

3.2 As at 3 December 2015, 32 responses had been received, as outlined below:

#### **3.2.1 Websites in place – 26**

Amlwch; Beaumaris; Bodffordd; Bryngwran; Holyhead; Cwm Cadnant; Cylch-y-Garn; Llanbadrig; Llanddaniel Fab; Llanddona; Llanddyfnan; Llaneilian; Llanfachraeth; Llanfaelog; Llanfaethlu; Llanfairpwll; Llanfair yn Neubwll; Llangefni; Llangoed; Llanidan; Mechell, Penmynydd; Pentraeth; Menai Bridge; Trewalchmai; Valley.

#### **3.2.2 Website development in progress – 5**

Llanfair Mathafarn Eithaf; Llanfihangel Esceifiog; Llannerch-y-medd; Trearddur; Tref Alaw.

#### **3.2.3 Matter to be discussed at next meeting (January 2016) - 1**

Bodedern.

3.2.4 Of the 8 councils that have not yet provided us with an update/confirmation, we were informed back in September 2014 as follows:

2 councils did not intend to establish websites (Bodorgan and Llaneugrad)

6 councils were planning to develop websites (Aberffraw; Llangristiolus; Moelfre; Rhoscolyn; Rhosybol; Rhosyr)

### **4.0 Recommendation**

The Committee is requested to note the current position.

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	STANDARDS COMMITTEE
DATE:	9 March 2016
TITLE OF REPORT:	Annual Review of Registers
PURPOSE OF THE REPORT:	To agree the process and timetable
REPORT BY:	Monitoring Officer
CONTACT OFFICER:	Lynn Ball, <a href="mailto:lbxc@anglesey.gov.uk">lbxc@anglesey.gov.uk</a> 01248 2586

## 1. INTRODUCTION AND BACKGROUND

The annual review of registers appears every year in the standards committee's work programme.

The process of review usually begins in January, with the next due now, with a report of findings presented to the February Standards Committee.

As there are 30 councillors, the usual arrangement is for the independent members of the standards committee to review the registers of any six councillors, selected at random.

The registers are:-

- "Standing" register i.e. pre-registration of interests. The standard document is attached at <http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/councillors/councillors-and-voting-co-opted-members-declarations-of-interest/> .
- Declaration at Meetings. The standard document is attached at **ENCLOSURE 1**
- Gifts and Hospitality. The standard document is attached at **ENCLOSURE 2**

All three registers are available, **in summary**, online.

Before the last review, the process was undertaken as a "desk top" exercise only with members of the standards committee having regard to a general advice note **ENCLOSURE 3** and elected members receiving prior notice of the review. The last such letter was sent to members on the 23<sup>rd</sup> November 2015 (**ENCLOSURE 4**)

## 2. CONTEXT

Following the last review, the standards committee instructed officers to issue generic advice to members which is at **ENCLOSURE 5**. Members are specifically referred to the penultimate paragraph of that advice which included, for the first time, a degree of

direct interaction between elected members and the independent members of the standards committee in introducing a process of discussion with members in relation to any issues arising from the review.

### **3. RECOMMENDATION**

1. To agree timetable for the review and any further information required.
2. In light of the new requirements for Town and Community Councils (**ENCLOSURE 6**) does the Committee want to conduct a limited review of the registers of town and community councillors?

ATODIAD / ENCLOSURE  
1

## MEMBERS' DECLARATION OF INTEREST AT MEETINGS

Name of Member:
Name of Meeting:
Date of Meeting:
Agenda Item (number and title):

Members are required to complete boxes 1, 2, 3 and 4 below.

1. The nature of the personal interest is:

2. The Council business to which the personal interest relates is :

3. Members are required to tick one box

☐ D The personal interest is not prejudicial\* and I took part in the item OR

☐ D The personal interest is prejudicial\* and I left the meeting when the item was discussed  
OR

☐ D The personal interest is prejudicial\* but I have a dispensation

\*A prejudicial interest is a personal interest which is so significant that a well-informed member of the public would reasonably believe that the Member would be unable to act on the matter in the public interest.

4. Members are required to tick one box and to provide reasons

☐ D I believe my personal interest is not prejudicial\*  
Because:

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---

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OR

☐ D I believe my personal interest is prejudicial\*  
Because:

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Signed .....

Date of signature .....

THIS COMPLETED FORM SHOULD BE HANDED TO A MEMBER OF THE COMMITTEE SERVICES STAFF DURING THE COURSE OF, OR IMMEDIATELY AFTER, THE MEETING



ATODIAD / ENCLOSURE  
2

**ISLE OF ANGLESEY COUNTY COUNCIL**

**DECLARATION BY MEMBERS AND CO-OPTED MEMBERS OF  
ACCEPTANCE OF GIFT AND/OR HOSPITALITY**

Please read the Guidelines set out in the Protocol on Gifts and Hospitality at 5.9 of the Council's Constitution and then complete the details below.

Name of Member/Co-opted Member	
Name of Donor/Provider	
Description of the gift or hospitality	
Value/estimated value of the gift/hospitality	
When and where you received the gift/hospitality	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact whether in your role as a Councillor, or otherwise, with the person or organisation providing the gift or hospitality? Please provide details	
Details of any contract the Donor/Provider is interested in securing	
Further comments (if any)	
Signed	
Date	

ATODIAD / ENCLOSURE  
3

## REVIEW OF THE REGISTERS - GENERAL ADVICE NOTE

The review documents will include the following:-

1. **The Standing Register** – This appears online and the link is “Councillors and voting Co-opted Members – declaration of interests”

<http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/councillors/councillors-and-voting-co-opted-members-declarations-of-interest/>

- 1.1 This is completed within 28 days of election and then updated as and when changes occur. An annual letter is sent to all Members to remind them of the requirements in the Code of Conduct which expects Members to update this Register within 28 days of any material change to the relevant interests.
- 1.2 One concern has been the anomalies between membership of outside bodies, as recorded by the Council, when compared with declarations of membership of outside bodies as made by some Members. The Council's current list of outside bodies and including a list of School Governors has been provided to you separately.
- 1.3 There have been previous cases where forms appeared to have been completed prior to Members being appointed to outside bodies but the forms were not updated after such appointments were made. Members have been reminded that whenever they are appointed to an outside body or cease to be a member of an outside body, they are required to update their entry in the standing register within 28 days of the change.

It has also come to our attention that some Members have not been completing section 1.6 of the form setting out the address of any land in which they have a beneficial interest.

## 2. **The Register of Declarations of Interests at Meetings**

- 2.1 You may wish to express a view as to whether or not the data provided in these forms has improved as a result of the said forms having previously been revised by the Standards Committee.
- 2.2 Does your review indicate whether or not some Members are having difficulty with the new forms? If so, is there any further advice that you might wish to issue?
- 2.3 It has also become apparent in the past that some Members are not always providing a clear enough description of their land holdings. Members have been reminded of the need to provide an accurate and full description of parcels of land and property holdings, and the same principle can be extended to buildings.
- 2.4 Is there any indication that Members are still declaring interests that are not relevant? In undertaking the analysis of previous declarations of interests at meetings etc. it was discovered that the forms generally seemed to be a bit rushed and sometimes

quite illegible and it was felt that members should be making more of an effort to complete them in a way that will make sense to the reader (i.e. a member of the public without specific knowledge or expertise of the code). Generally, as a matter of principle these forms should “stand alone” for the public to understand what the interest is and how it relates to and is linked with the agenda item under consideration, and whether it is a personal interest or personal and prejudicial, thereby resulting in the Member needing to leave the meeting.

- 2.5 It was also found that certain Members were being unnecessarily cautious in their declarations at meetings, specifically in relation to family members employed by the Council, where there appeared to be no item on the agenda to which the interest related. This created the impression that some Members may not be properly addressing their minds to their obligation to declare interests and may have, mistakenly, formed the view that such general/blanket declarations provide some kind of immunity.
- 2.6 Are they providing enough information about what the interest is and how it relates to Agenda items? If you wish to look at this issue in more depth, then Agenda, Reports and Minutes are available on the Council's website.
- 2.7 Is there any indication that Members are struggling with the distinction between declaring a personal interest (which permits them to remain in a meeting) and declaring personal and prejudicial interests (which requires them to leave meetings)?
- 2.8 Some of the forms reviewed previously showed a lack of understanding by the members of the difference between both interests. The form used for declaration of interests at meetings was changed to try and make the process easier for members.
- 2.9 Are there any changes that you wish to suggest to the form in order to assist Members or to improve clarity or transparency for the public?

Would it be useful for these forms to be completed online?

- 2.10 During the previous audit it was discovered that some Members were declaring interests at meetings but then neglecting to complete the declaration of interest at meetings form. Members have been reminded of the requirement to complete these forms and submit them to the relevant Committee Clerk before the end of the meeting at which the interest is declared.

### 3. **Register of Gifts and Hospitality**

- 3.1 This Register is also open to public inspection but, the forms may only be completed in hard copy. You may wish to make a recommendation here about providing an interactive facility?
- 3.2 Declarations must be made within 28 days of any gift or hospitality having been received above the £20 limit.

- 3.3 Again, the Standards Committee has improved the registration form (which was submitted with its Protocol on Gifts and Hospitality, 5.9 in the Constitution.
- 3.4 You are asked to review the registrations to see whether there is compliance with the Protocol. Is sufficient information being provided? Are the registrations timely? Do you think the new form provides greater clarity and transparency? Can you suggest any further improvements or advice that needs to be issued to Members?
- 3.5 Of concern may be the fact that so few registrations have been made, particularly with regards to hospitality. You may wish to ask the Monitoring Officer to undertake further enquiries or to issue a reminder to Members about their obligations.

ATODIAD / ENCLOSURE  
4

23/11/2015

Dear Councillor/Co-opted Member

## **REVIEW OF THE REGISTERS OF INTERESTS BY THE STANDARDS COMMITTEE**

I write to remind you that the Standards Committee will soon be carrying out its annual review of the Registers in respect of declarations of interests by Councillors / Co-opted Members, which are held by the Council.

Before the review takes place, during January/February 2016 the opportunity is given to Councillors and Co-opted Members to look at their details in the Registers and to check them for completeness and accuracy. You will appreciate that any changes must be notified within 28 days of the change having occurred.

The 3 Registers are now available on line and can be accessed by the following link :-  
<http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/councillors/councillors-and-voting-co-opted-members-declarations-of-interest/>

In order to assist, I enclose a copy of the e-mail sent to you on 13 April 2015 confirming the findings and recommendations from the last review.

Therefore, I should be obliged if you would check your entries in the registers and update them if appropriate. It is compulsory that all updates to the Standing Register, and Register of Gifts and Hospitality, are updated via the Mod Gov system, while any updates to the Register of Interests in Meetings will need to be done via the Committee Section. The Standards Committee will also be reviewing Members' training records and annual reports.

Yours sincerely

Mike Wilson  
Cadeirydd y Pwyllgor Safonau / Chair of the Standards Committee  
Cyngor Sir Ynys Môn / The Isle of Anglesey County Council  
Document: CC-017471-AP/286453



ATODIAD / ENCLOSURE  
5

**From:** Dafydd Humphreys  
**Sent:** 13 April 2015 13:33  
**To:** Aelodau GW6  
**Cc:** Michael Wilson  
**Subject:** Y Tair Cofrestr o Ddiddordebau Aelodau / The Three Registers of Members' Interests

Annwyl Gynghorydd,

Fel y gwyddoch mae'r Pwyllgor Safonau yn cynnal adolygiad blynyddol o'r tair Cofrestr o Ddiddordebau Aelodau. Mae'r Pwyllgor Safonau yn credu mai ei swyddogaeth yw cynorthwyo Cynghorwyr i gydymffurfio â'u dyletswyddau yn hytrach 'na chwilio am gangymeriadau, ac rydym yn gobeithio bydd argymhellion yr adolygiad yn ddefnyddiol i chi.

Diolch am eich cymorth a'ch cefnogaeth gyda'r adolygiad, ac am ddiweddarau eich ffurflenni pan yn angenrheidiol cyn i'r adolygiad gael ei gynnal.

Yn dilyn yr adolygiad eleni, mae'r pwyllgor yn gofyn i chi roi sylw dyledus i'r casgliadau cyffredinol sydd fel a ganlyn:-

### **Y Gofrestr Sefydlog**

1. Rydym yn atgoffa Aelodau yn benodol i sicrhau bod eu cyfeiriadau a'u daliadau tir wedi eu disgrifio yn glir yn rhan 1.6 o'r gofrestr. Os nad oes gan Aelod ddiddordeb mewn tir yna dylai nodi 'Dim' neu 'Dim diddordeb' ar y gofrestr.
2. Mae'n bwysig hefyd i Aelodau ddatgelu eu haelodaeth o gyrff cyhoeddus eraill, elusennau a chymdeithasau. Dylai Aelodau nodi enw a chyfeiriad llawn y gyrff/elusennau y maent yn aelodau ohonynt.
3. Mae yna hefyd anghysondebau o ran aelodaeth o gyrff allanol, fel y cofnodwyd gan y Cyngor, a'r rheini a ddatganwyd; nid ydynt yn cael eu datgan yn y ffurflenni bob amser er eu bod yn cael eu rhestru ar "dudalen flaen" pob Cynghorydd. Gellir gweld enghraifft o "dudalen flaen" Cynghorydd ar y ddolen a ganlyn:-  
<http://democratiaeth.ynysmon.gov.uk/mgUserInfo.aspx?UID=650&LLL=1>
4. Pan fo Aelodau yn datgan diddordeb busnes nid ydynt yn rhoi digon o wybodaeth ynglŷn â natur y diddordeb busnes.

### **Datgan diddordebau mewn cyfarfodydd**

1. Mae yna lawer o enghreifftiau o Aelodau yn ticio'r blwch i ddweud fod ganddynt ddiddordeb ond nid ydynt yn rhoi manylion am y diddordeb. Mae angen rhoi manylion am beth yw'r diddordeb a hefyd a yw'r diddordeb yn un personol neu'n un sydd yn rhagfarnus neu'r ddau.
2. Nid yw Aelodau yn rhoi digon o wybodaeth am natur y diddordeb a sut mae'n ymwneud â'r eitemau ar y rhaglen. Mae angen bod yn fwy eglur yn hyn o beth;
3. Mae yna ddatganiadau diddordeb anghyson yn cael eu gwneud mewn gwahanol gyfarfodydd gan yr un Aelod ynghylch yr un mater. Mae Aelodau weithiau yn pleidleisio mewn rhai cyfarfodydd

ac ymatal mewn rhai eraill pan mae'r un mater yn cael ei drafod. Mae hyn yn awgrymu diffyg dealltwriaeth. Os nad yw Aelod yn sicr a oes yna ddiddordeb sydd angen ei ddatgelu, dylai'r Aelod ofyn am gyngor.

4. O bryd i'w gilydd, mae Aelodau yn datgan diddordeb mewn cyfarfodydd ar lafar, ond ddim yn cwblhau'r gwaith papur. Bydd angen cwblhau'r ffurflen ar gyfer datgan diddordeb mewn cyfarfod bob tro lle mae diddordeb fel hyn yn cael ei ddatgan ar lafar, gan nid yw yn ddigon i ddatgan diddordeb ar lafar yn unig.

5. Mae rhai datganiadau'n parhau i gael eu gwneud heb fod raid, er enghraifft, datganwyd diddordeb gan un Aelod pan nad oedd yn bresennol yn y cyfarfod.

### **Cofrestr o roddion a lletygarwch**

Ychydig iawn o ddatganiadau sydd yn cael eu gwneud ynghylch rhoddion a lletygarwch a gwahoddir Aelodau i ailymgysfarwyddo gyda'r Protocol ar gyfer Rhoddion a Lletygarwch:- <http://www.ynysmon.gov.uk/cyngor-a-democratiaeth/cynghorwyr-democratiaeth-ac-etholiadau/cyfansoddiad/cyfansoddiad-rhan-5-codau-a-phrotocolau/cyfansoddiad-59-protocol-ar-roddion-a-lletygarwch?redirect=false>

### **Hyfforddiant**

Mae'r Pwyllgor Safonau wedi nodi bod sawl Aelod wedi methu â dod i ddigon o sesiynau hyfforddiant eleni.

Mae'r casgliadau yma yn gosod allan y canlyniadau cyffredinol o'r adolygiad, ond mi fydd aelodau o'r Pwyllgor Safonau yn cysylltu gydag ambell Aelod Etholedig yn uniongyrchol lle bydd angen, er mwyn sicrhau fod yr Aelodau yna yn diweddarau eu datganiadau lle teimlwyd fod problem wedi codi yn ystod yr adolygiad. Os gwelwch yn dda a fuasech felly yn barod i drafod eich cofrestr gyda'r Pwyllgor Safonau rhag ofn bod un ohonynt yn cysylltu gyda chi.

Mae'r pwyllgor yn gwerthfawrogi eich bod i gyd yn brysur iawn ac yn ymwybodol mai dim ond un o nifer o'r tasgau y mae'n rhaid i chi roi sylw iddynt yw hon. Fodd bynnag, rydym yn gobeithio fod yr argymhellion uchod o gymorth i arbed amser i Aelodau oherwydd fod gwella safon y ffurflenni, gyda gobaith, yn osgoi cyflwyno cwynion di sail sy'n draul ar amser.

\*\*\*\*\*

Dear Councillor,

As you know, the Standards Committee conducts an annual review of the three Registers of Members' Interests. The Standards Committee believe their role is to assist councillors to comply with their duties, not to look for errors, and we hope that you will find the recommendations from the review helpful.

Thank you for your support and assistance with the review, and for updating your forms where necessary prior to the review being conducted.

Following this year's review, the Committee asks that you have due regard to its general findings, which are as follows:-

### **The Standing Register**

1. We would remind Members specifically to ensure that their addresses and land holdings are clearly described in section 1.6 of the register. If a Member has no interest in land they should enter 'None' or 'No Interest' on the register.

2. It is also important that Members disclose their membership of other public bodies, charities and associations. Members should provide the full name and address of organisations/charities of which they are members.

3. There are also inconsistencies in terms of membership of external organisations between those listed by the Council and those declared by individual members; they are not always recorded on the forms although they are listed on every Councillor's "front page". An example of a Councillor's "front page" can be found via the following link:-

<http://democracy.anglesey.gov.uk/mgUserInfo.aspx?UID=650&LLL=0>

4. Where members are declaring a business interest they're not providing enough information on what the business interest is.

### **Declaration of interests in meetings**

1. There are many examples of Members ticking the box to declare an interest but not providing details of that interest. Details are required of the nature of the interest and whether that interest is a personal or a prejudicial interest or both.

2. Members do not provide sufficient information regarding the nature of the interest and how it relates to the items on the agenda. Greater clarity is required in this respect.

3. Inconsistent declarations of interest are made in various meetings by the same Member on the same matter. Members occasionally vote in some meetings and abstain in others when the same matter is being discussed. This suggests a lack of understanding. If Members are unsure as to whether they have a declarable interest they should seek advice.

4. Members occasionally declare an interest orally at meetings but do not complete the paperwork. The form needs to be completed for declarations of interest at every meeting where such an interest is declared orally, as oral declarations of interest alone are not sufficient.

5. Some interests are continuing to be declared unnecessarily, for example, one Member declared an interest when he was not present at the meeting.

### **Register of Gifts and Hospitality**

Few declarations are made with regard to gifts and hospitality and members are invited to re-familiarise themselves with the Protocol of Gifts and Hospitality:-

<http://www.anglesey.gov.uk/council-and-democracy/councillors-democracy-and-elections/constitution/constitution-part-5-codes-and-protocols/constitution-59-protocol-on-gifts-and-hospitality/>

### **Training**

The Standards Committee has observed that several members have failed to attend sufficient training this year.

These findings set out the general conclusions of the review but Members of the Standards Committee will be contacting some elected Members direct, if needed, in order to ensure that they update their declarations where it is felt that a problem has arisen during the review. Would you therefore please be ready to discuss your register with the Standards Committee in case one of them contacts you.

The Committee appreciates that you are all very busy and is aware that this task is only one of a number that you have to address. However, we hope that the above recommendations will assist in saving time for Members as improving the standard of the forms will hopefully avoid groundless and time consuming complaints.

Yn Gywir / Regards

Mike Wilson

Cadeirydd y Pwyllgor Safonau /Chair of the Standards Committee,  
Cyngor Sir Ynys Môn / The Isle of Anglesey County Council  
Document: CC-017471-AP/257200

ATODIAD / ENCLOSURE  
6

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	Standards Committee
DATE:	16 September 2015
TITLE OF REPORT:	The Local Government (Democracy) (Wales) Act 2015
PURPOSE OF THE REPORT:	To report to the Standards Committee on legislative changes
REPORT BY:	Monitoring Officer
CONTACT OFFICER:	Lynn Ball, <a href="mailto:lbxcs@anglesey.gov.uk">lbxcs@anglesey.gov.uk</a> 01248 752586

## INTRODUCTION

The Local Government (Democracy) (Wales) Act 2013 (“the 2013 Act”) received Royal Assent on the 30<sup>th</sup> July 2013. Its primary purpose was to reform the constitution and function of the Local Democracy and Boundary Commission for Wales. However, the 2013 Act also introduced other provisions connected with local government, some of which are indirectly relevant to the work of the standards committee.

## RELEVANT STATUTORY CHANGES

The Local Government (Democracy) (Wales) Act 2013 (Commencement No. 2) Order 2015 activates sections 55 to 58, 68 and 69 of the 2013 Act with effect from May 2015.

The relevant changes are:-

### 1. Community Councils – Electronic Publication of Information

Community councils are now required to publish certain information on their websites. This includes information about the clerk, the members, minutes of meetings and any audited statements of accounts. Community councils are also required to publish public notices electronically and to make certain information about their meetings and proceedings available electronically.

Statutory Guidance has been issued to assist community councils in fulfilling their new obligations and a copy of the Guidance is attached at **Enclosure 1**.

### 2. Register of Members’ Interests

Section 81(1) of the Local Government Act 2000 currently requires the monitoring officer of every relevant authority to establish and maintain a register of members’ interests. To maintain the distinction with declarations in meetings, this is sometimes called the “standing register” or “pre-registration”.

Prior to implementation of the new statutory requirements in May 2015, community councils did not hold a “standing” register as the wording in the legislation required the monitoring officer of each authority to retain such a register. As community councils are separate authorities in their own right, but do not engage monitoring officers, it was interpreted that the requirement for the standing register related to unitary authorities only.

The legislation has now been amended and it is clear that community councils are required to have “standing” registers of interests, as well as that containing interests declared during meetings. The legislation also makes it clear that community council clerks are the relevant officers for maintaining the register.

Following commencement of Section 58 of the 2013 Act, the requirements are amended/clarified as follows:-

- (i) There is a duty to establish and maintain a register of members’ interests. The responsibility is with the “proper officer” of the community council i.e. the council clerk.
- (ii) In addition to being available for public inspection, the register of members’ interests must be published electronically and should therefore be available on the website for each community council (each community council is now legally required to operate a website)

### **3. Standards Committee (Joint Committees)**

Section 68 of the 2013 Act amends the duty on the relevant authorities to establish a standards committee, empowering, but not compelling, two or more authorities to establish a joint standards committee.

### **4. Referral of misconduct cases/dispensation applications**

Section 69 of the 2013 Act provides power for local authorities to refer misconduct cases / dispensation applications between standards committees of different authorities.

## **RECOMMENDATION**

To note the changes listed in the report and to give particular consideration to paragraph 2 and whether or not compliance issues in relation to this new responsibility should form part of the standards committee’s next work programme.



ATODIAD / ENCLOSURE  
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Welsh Government

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Statutory Guidance

# Access to Information on Community And Town Councils

May 2015



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## **WELSH GOVERNMENT GUIDANCE**

### **ACCESS TO INFORMATION ON COMMUNITY AND TOWN COUNCILS**

## **Status and Application**

This guidance applies to Community and Town Councils in Wales. It is issued, in part, under section 55 of the Local Government (Democracy) (Wales) Act 2013. Section 55 places duties on local authorities to make certain information available electronically. When carrying out their duties under section 55, Community and Town Councils have a statutory duty to have regard to this guidance.

This guidance also explains further provision made in the Local Government (Democracy) (Wales) Act 2013 concerning public notices, Council meetings and proceedings and registers of members' interests.

## **Background**

1. The Local Government (Democracy) (Wales) Act 2013, referred to as “the Act” throughout this guidance, gained Royal Assent on 30 July 2013. Its primary purpose was to reform the constitution and functions of what is now known as the Local Democracy and Boundary Commission for Wales. The Act, however, introduced various other provisions connected with local government.

2. Sections 55 to 58 of the Act are concerned with access to information, and most particularly, access to information about Community Councils (section 58 applies also to County / County Borough Councils, Fire and Rescue Authorities and National Park Authorities in Wales). For the purposes of this guidance, any reference to a Community Council or Councils includes any Community, Town or City Council which serves a community or grouped community and was established in accord with Part II of the Local Government Act 1972.

3. In summary, the Act requires Community Councils to have websites; to publish notices and papers electronically; and to publish their register of members' interests electronically (those maintained under section 81 of the Local Government Act 2000).

## **Community Council websites – section 55**

4. Section 55 of the Act requires Community Councils to publish electronically information about how to contact it and, if different, its clerk. The information which

must be available electronically includes a telephone number, a postal address and an email address.

5. In addition, the council must publish electronically information about each of its members, including a list of the council's members, each member's name, information about how they may be contacted, party affiliation (if any) and any office held or committee they belong to within the Council. If the community concerned is divided into community wards, the ward each member represents must be shown.

6. The Community Council must also publish electronically the minutes of its meetings and, so far as reasonably practicable, documents referred to at those meetings. They must also publish their annual audited accounts electronically. In both these cases, Councils are only required to publish material produced after the date when section 55 came into force, i.e after 1 May 2015.

Community Councils are not required to publish any information they are prevented from disclosing by any other legislation.

7. In carrying out its duties under Section 55, Community Councils must have regard to this guidance.

### **Guidance about Community Council websites**

8. It is a decision for each Community Council to take as to whether they will operate their own, independent website, or whether they decide to link up with other Community Councils in their area, or the Principal Council, or some other body which is happy to host their site. It is, however, a requirement that there is a regularly updated website providing the public with the ability to access the information described above.

9. The Welsh Government intends to improve public engagement with local government generally and Community Councils in particular. We feel it necessary for all local authorities to be contactable electronically and to publish information on the Internet. Local residents would expect to be able to have this facility.

10. The majority of Community Councils in Wales already have a presence online and publish information electronically. Community Councils are urged to seek assistance from One Voice Wales, their Principal Council or other reliable sources if they need it to develop their web presence.

11. Under section 55, the Council must publish electronically its telephone number, postal address and e-mail address on the website. Councils should have a generic email address and not use a personal email address, enabling the Clerk to access messages. The information must be available for the Council Clerk if the Council does not have an office address or telephone number. In some cases, the Community Council will have its own, or a share of, offices and the telephone number, postal address and e-mail address for these premises would be appropriate. Councils will be expected, however, to have arrangements to ensure messages are regularly retrieved and responded to.

12. It is not obligatory for individual members to have e-mail addresses. In a Principal Council this would be expected because the Council itself can usually provide e-mail addresses on the Council's site. However, the members' names must be listed and details of how they may be contacted must be available online. Some Councils will wish to place photographs of each member but this is a decision for them.

13. The Act requires that the political affiliation of the members of the Council is published. Some Community Councils choose not to do this at present. However, the public has a right to know the political persuasions of those in elected office or whether they are independent of any group. It is unacceptable for a member to hide their political affiliation.

14. If the Community Council is divided into community wards, the ward the member represents must be published. If they hold office of some sort in the Council or belong to a council committee of some sort, it must be published on the site.

15. Co-opted members should be recorded in the interest of transparency to distinguish them from elected members.

16. Paragraphs 4 to 6 above describe the documents which need to be posted on the website. Councils should develop procedures for keeping their site in good order, with past documents archived for a reasonable period, but easily accessible from the front page.

17. If the Council has a Welsh Language Scheme and its practice under the Welsh Language Scheme is to produce material bilingually, then that applies the same to material that is produced electronically.

18. The Act's provisions should be viewed as outlining the minimum requirements. Many Councils will want to place far more information than this on their webpages and are encouraged to do so. Councils will need to have regard to the Code of Recommended Practice for Local Authority Publicity when considering the appropriateness of what they may wish to publish.  
<http://wales.gov.uk/topics/improvingservices/publicationsevents/publications/local-authority-publicity-wales/?lang=en>

19. We would expect Community Councils to consider community needs including language, communication and accessibility. Attached is a link to Diverse Cymru's website which gives further guidance. <http://www.diversecymru.org.uk/>

20. All Community and Town Councils should register with the following website, if you would like Super Fast Broadband to be considered in your local community.  
<http://btsf-wales-uat.lbi.co.uk/home>

### **Information about meetings and proceedings**

21. Under existing legislation Community Councils are required to post any public notices in one or more conspicuous place within their area, and anywhere else which appears to be desirable for giving publicity to the notice (section 232 of the Local Government Act 1972). The Act places an additional requirement on Community Councils to publish any such notice electronically.

22. Existing legislation requires Community Councils to give notice of forthcoming Council meetings three clear days before the meeting is to be held by displaying a notice in a conspicuous place in the community. The Act places an additional



requirement for such notices to be published electronically. This must be done three clear days before the meeting. There is also a requirement to publish electronically, so far as is reasonably practicable, any documents relating to the business to be transacted at the meeting. This requirement does not apply where the documents relate to business which, in the opinion of the Council, is likely to be transacted in private or where the disclosure of such documents would be contrary to any other legislation.

23. Under Schedule 12 to the Local Government Act 1972 a community meeting may be convened at any time by a group of local government electors amounting to 10% of the local government electors for the community, or 50 of the electors (if 10% exceeds 50 electors). Those convening the meeting must give notice to the Community Council or, if there is no Community Council established in the area, notice must be given to the Principal Council in whose area the community lies. Under the new provisions, notice may be given to the Community Council either in writing or electronically. Where it is given in electronic form the notice must comply with the technical requirements set by the Principal Council.

24. The Act places a requirement on Community Councils and Principal Councils to provide a facility for notices to be given electronically and public notice of the community meeting must be published electronically as well as through traditional mediums.

25. Finally, the Act contains new requirements relating to the registration of members' interests. Section 81 of the Local Government Act 2000 requires a Community Council (as well as other authorities) to maintain and publish a register of members' financial and other interests as are specified in the model code of conduct (prescribed by Order under section 50 of the 2000 Act<sup>1</sup>). Prior to commencement of section 58 of the Act, the register needed to be available for inspection at Council offices at all reasonable hours. Section 58 of the Act requires that the register is also published electronically. In addition, the Act transfers responsibility for establishing and maintaining the register of interests from the principal authority's monitoring officer to the 'proper officer' of each Community Council. The 'proper officer' is the member of the Council's staff designated by the Council for this purpose.

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<sup>1</sup> Currently the 'Local Authorities (Model Code of Conduct) (Wales) Order 2008'



Status:  Law In Force

## **Local Government Act 2000 c. 22**

### **Part III CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES**

#### **Chapter V SUPPLEMENTARY**

##### **Disclosure and registration of members' interests etc.**

This version in force from: **May 1, 2015** to **present**

(version 6 of 6)

##### **81.— Disclosure and registration of members' interests etc.**

(1) The monitoring officer of each relevant authority must establish and maintain a register of interests of the members and co-opted members of the authority.

(2) The mandatory provisions of the model code applicable to each relevant authority ("the mandatory provisions") must require the members and co-opted members of each authority to register in that authority's register maintained under subsection (1) such financial and other interests as are specified in the mandatory provisions.

(3) The mandatory provisions must also—

(a) require any member or co-opted member of a relevant authority who has an interest specified in the mandatory provisions under subsection (2) to disclose that interest before taking part in any business of the authority relating to that interest,

(b) make provision for preventing or restricting the participation of a member or co-opted member of a relevant authority in any business of the authority to which an interest disclosed under paragraph (a) relates.

(4) Any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee [, or by the standards committee of another relevant authority,] <sup>1</sup> in accordance with regulations made under subsection (5).

(5) The [Welsh Ministers]<sup>2</sup> may prescribe in regulations the [—]<sup>3</sup>

[

(a) circumstances in which standards committees may grant dispensations under subsection (4),

(b) procedure to be followed for the granting of dispensations.

]<sup>3</sup>

(6) A relevant authority must ensure that [—]<sup>4</sup>

[

(a) copies of the register for the time being maintained by their monitoring officer under this section are available at an office of the authority for inspection by members of the public at all reasonable hours,

(b) the register mentioned in paragraph (a) is published electronically.

]<sup>4</sup>

(7) As soon as practicable after the establishment by their monitoring officer of a register under this section, a relevant authority must—

(a) publish in one or more newspapers circulating in their area a notice which—

(i) states that copies of the register are available at an office of the authority for inspection by members of the public at all reasonable hours, and

(ii) specifies the address of that office, [ and ]<sup>5</sup>[...] <sup>6</sup>

[(iii) states that the register is available to be viewed electronically, and

(iv) specifies how to access the electronic version,

] <sup>7</sup>

[...] <sup>5</sup>

[

(c) [...] <sup>2</sup> inform the Public Services Ombudsman for Wales that copies of the register are so available.

] <sup>6</sup>

[(7A) For the purposes of this section—

(a) [section 83\(13\)](#) does not apply, and

(b) in relation to a relevant authority which is a community council, the references in this section to a monitoring officer are to be read as references to the proper officer of that council (within the meaning of [section 270\(3\)](#) of the [Local Government Act 1972](#)).

] <sup>8</sup>

[...] <sup>2</sup>

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## Notes

1. Words inserted by Local Government (Democracy) (Wales) Act 2013 anaw. 4 [Pt 5 s.69\(3\)\(a\)](#) (May 1, 2015)
2. Amended by Localism Act 2011 c. 20 [Sch.4\(1\) para.48](#) (July 1, 2012: amendment has effect as SI 2012/1463 subject to transitional, transitory and savings provisions specified in SI 2012/1463 art.7(3) and (4))
3. Existing s.81(5) renumbered as s.81(5)(a) and s.81(5)(b) inserted by Local Government (Democracy) (Wales) Act 2013 anaw. 4 [Pt 5 s.69\(3\)\(b\)](#) (May 1, 2015)
4. Existing s.81(6) renumbered as s.81(6)(a) and s.81(6)(b) inserted by Local Government (Democracy) (Wales) Act 2013 anaw. 4 [Pt 5 s.58\(2\)](#) (May 1, 2015)
5. Repealed by Localism Act 2011 c. 20 [Sch.25\(5\) para.1](#) (January 31, 2012: repeal has effect as SI 2012/57 subject to transitional and savings provisions specified in SI 2012/57 arts 6 and 8)
6. Added by Public Services Ombudsman (Wales) Act 2005 c. 10 [Sch.4 para.22\(b\)](#) (April 1, 2006)
7. Added by Local Government (Democracy) (Wales) Act 2013 anaw. 4 [Pt 5 s.58\(3\)](#) (May 1, 2015)

8. Added by Local Government (Democracy) (Wales) Act 2013 anaw. 4 [Pt 5 s.58\(4\)](#) (May 1, 2015)

## Modifications

Pt III	Modified in relation to the shadow authority by <a href="#">Bedfordshire (Structural Changes) Order 2008/907, Pt 5 art. 16(8)</a>
	Modified in relation to each shadow authority by <a href="#">Cheshire (Structural Changes) Order 2008/634, Pt 3 art. 7(5)</a>
	Modified in relation to a Welsh Part 3 panel and the members of such a panel by <a href="#">Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012/2734, reg. 6, reg. 5, Sch. 1(3) para. 33</a>
	Modified in relation to any allegation that a member or co-opted member of the London Assembly has failed, or may have failed, to comply with that authority's code of conduct by <a href="#">Police Reform and Social Responsibility Act 2011 (Commencement No. 3 and Transitional Provisions) Order 2011/3019, art. 5(2)</a>
	Modified in relation to any allegation that a member or co-opted is not a member of the London Assembly has failed, or may have failed, to comply with that authority's code of conduct by <a href="#">Police Reform and Social Responsibility Act 2011 (Commencement No. 3 and Transitional Provisions) Order 2011/3019, art. 5(3)</a>
	Modified in relation to references to the Local Commissioner in Wales by <a href="#">Public Services Ombudsman (Wales) Act 2005 (Transitional Provisions and Consequential Amendments) Order 2006/362, art. 4(5)</a>

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**Subject:** Local government

**Keywords:** Disclosure; Members; Monitoring officers; Registration



**CWYNION A GYFLWYNWYD I'R OMBWDSMON AC YMCHWILIADAU A WNAED GANDDO – "O" –YNGHYLCH CYNGHORWYR CYNGOR  
SIR YNYS MÔN - DIWEDDARIAD**

**UP TO DATE COMPLAINTS TO AND INVESTIGATIONS BY THE OMBUDSMAN – "O" -REGARDING ISLE OF ANGLESEY COUNTY  
COUNCILLORS – UPDATED**

**PWYLLGOR SAFONAU – 9.03.2016 – STANDARDS COMMITTEE**

Cynghorydd Sir County 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"	Canlyniad Ymholiad "O" a'r dyddiad neu'r sefyllfa gyfredol Result of "O" Investigation and date or the current situation
1. Cynghorydd Sir / County Councillor	Prif Weithredwr / Chief Executive	(i) 017339 (ii) 201304118	29.10.13	Y Pwyllgor Safonau wedi rhoi gwaharddiad o 3 mis ar 19 Chwefror 2016. Mae'r mater yn awr wedi'i gau / 3 months suspension imposed by the Standards Committee on 19 <sup>th</sup> February 2016. Matter now closed
2. Cynghorydd Sir / County Councillor	Prif Weithredwr / Chief Executive	(i) 018858 (ii) 201505105	11.12.2015	Ymchwiliad yn mynd rhagddo ar hyn o bryd / Currently under investigation

**CWYNION I AC YMHOLIADAU GAN YR OMBWDSMON – “O” -YNGLŶN Â CHYNGHORWYR CYMUNEDOL A THREF**

**COMPLAINTS TO AND INVESTIGATIONS BY THE OMBUDSMAN – “O” -REGARDING TOWN AND COMMUNITY COUNCILLORS  
DIWEDDARIAD - UPDATE**

**PWYLLGOR SAFONAU - 9.3.2016 - STANDARDS COMMITTEE**

<b>Enw'r Cynghorydd Name of Councillor</b>	<b>Enw'r Achwynydd Name of Complainant</b>	<b>Cyfeirnod y Ffeil File Reference (i) Un ni/Ours (ii) “O”</b>	<b>Dyddiad y Gŵyn - “O” Complaint date - “O”</b>	<b>Canlyniad Ymholiad “O” a'r dyddiad neu'r sefyllfa gyfredol Result of “O” Investigation and date or the current situation</b>
Ar hyn o bryd nid oes unrhyw faterion sy'n disgwyl cael sylw gan yr Ombwdsmon / Currently no matters outstanding with the Ombudsman				



ISLE OF ANGLESEY COUNTY COUNCIL	
<b>Report to:</b>	STANDARDS COMMITTEE
<b>Date:</b>	9 MARCH 2016
<b>Title of Report:</b>	REPORT FROM STANDARDS CONFERENCE WALES 2015
<b>Purpose of Report:</b>	TO REPORT TO THE COMMITTEE ON THE CONFERENCE AND TO PROVIDE AN OPPORTUNITY FOR DISCUSSION
<b>Report Author:</b>	MIKE WILSON (CHAIR) AND ISLWYN JONES (VICE-CHAIR)
<b>Action:</b>	TO NOTE THE REPORT AND FOR DISCUSSION

## 1. Introduction

Cyngor Sir Ynys Môn / Isle of Anglesey County Council was represented by Mike Wilson and Islwyn Jones (Chair and Vice-Chair of Standards Committee) and Robyn Jones, Deputy Monitoring Officer.

The Conference was hosted by Cardiff City Council with over 150 delegates from all the 22 County Councils all with representatives from their Standards Committees and Legal Departments.

A reception on the evening before was hosted by the Lord Mayor of Cardiff at the Mansion House, and was an opportunity for delegates to get to know each other and for informal networking. We were able to have conversations with some of the key speakers and other delegates to the Conference.

## 2. The Conference

2.The Conference opened in plenary session with a welcome from Richard Tebboth – Independent Chair of the Cardiff Standards and Ethics Committee.

### 2.1 Welcome Address

The welcoming address was given by Paul Orders, Chief Executive of the City of Cardiff Council.

Amongst the points made by Mr Orders were the following:-

- The work of standards committees is more important in times of unprecedented changes;
- There are unprecedented pressures to make changes in delivering services;
- These pressures are on the budget but there are also social pressures. Cardiff is one of the fastest growing cities in the UK and has significant demographic changes to accommodate;
- The Council is required to make savings of 40% of its controllable budget over a 3 year period;
- The choices facing the Council are constrained by factors such as costs;
- The Council also has to contend with greater partnership working and challenges of alternative means of delivering services;
- All these changes are required to happen at speed and in a matter of months rather than over a period of one or two years;
- Cardiff Council is a vocal champion of the highest ethical standards and the Conference is hosted to celebrate this fact.

## 2.2 Keynote Speech

There then followed the Keynote Speech from Nick Bennett, the Public Service Ombudsman for Wales (PSOW).

The theme for the Keynote Speech was “Are the Nolan principles fit for purpose in the current climate and for the next 20 years?” Please see the attached slides for the presentation.

Amongst the points made by Mr Bennett were:-

- Wales faces significant changes in demography and an ageing population;
- Public spending at the rate of that in 2011 is not likely to return until 2025;
- There are big issues around the integration of health care and social services;
- There is local government reform and reorganisation;
- There remain constitutional issues to be addressed with, for example, the draft Wales Bill being published that day;

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- Questions remain around the size of the state and the provision of public services;
- There are issues which relate to immigration;
- There are issues which relate to innovation;
- Mr Bennett would answer 'yes' to the question whether the Nolan principles were still fit for purpose. In 2014/15 the PSOW received 231 complaints: 35% were related to leadership and behaviour and 22% related to a failure to declare interests;
- Only 17 of the complaints (less than 8%) were identified as being breaches of the Code;
- There were still issues of vexatiousness in the number and types of complaints being made – one complaint alleged that a Councillor was clicking his ballpoint pen on and off in an aggressive manner;
- Mr Bennett mentioned the possibility of a new bill for the PSOW and he was asking for new powers relating to: the ability to investigate matters on the PSOW's initiative, the right to accept oral complaints, the right to accept complaints in respect of certain private service providers and a greater role for the PSOW in complaints standards.

### 2.3 Plenary Session

The Conference moved on to a Panel Session chaired by Richard Tebboth.

The first speaker was Lyn Cadwallader the Chief Executive of One voice Wales.

Amongst the points made by Mr Cadwallader were the following:-

- Town and community councils faced budget pressures and a requirement for increased transparency from all electors. This leads to the need for greater robustness in the actions of town and community councils;
- Town and community councils need to develop new ways of working to take into account requirements under the Social Services and Wellbeing Act and, for example, website requirements now made of town and community councils;
- Town and community councils required a new mandate in order to be able to work in the new culture;
- The profile of town and community councils was low amongst the electorate but there had been changes for the better – there were fewer complaints and it appeared

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that the public could be persuaded to support the roles of their town and community councils;

- The Williams Commission had set out the need for clearer lines of responsibility for town and community councils and this would be of help to members of the public. It should be clearly established who was responsible for what;
- Town and community councils were now asked to do more and they would need to train and educate the public and their members for this new role. These training courses would need to be established, expanded and rolled out to all members of town and community councils.

The next speaker was Peter Davies the outgoing President of the Adjudication Panel for Wales (APW).

Amongst the points made by Mr Davies were the following:-

- There had been only 2 referrals by PSOW to the APW in the last 2 years;
- Over the 13 years of his Presidency there were only on average 5 referrals every year;
- There was a need for member training and education for all members but (perhaps especially) for those longstanding members;
- By reference to a particular case (which is documented in the public forum), he raised the issue of independence and whether members of councils and of standards committees might be too close to the issues and the people on which they were required to adjudicate? Might their objectivity be clouded by local issues?

Plenary session was next addressed by Jan Williams the Independent Police Complaints Commissioner for Wales.

Amongst the points made by Miss Williams were the following:-

- There had been established a code of ethics for the police together with a college of policing;
- There was now no longer a need for policies and procedures but an emphasis on culture and leadership;
- She believed that the “fish rots from the head” and the setting of ethical behaviour comes from the top of the organisation and from its leadership.

The Conference was then given over to questions from the floor. The predominant theme of the questions appeared to be a concern with the judgment in the Calver case and the concern of a number of delegates that the decision gave a “green light” to all sorts of bad behaviour and that there was little that could be done in order to try and rein in such behaviour.

Comments from the rostrum suggested that delegates should go back and read the Calver Judgment carefully and it would be seen that it did not allow a “free for all” but did impose a threshold as to what would be acceptable behaviour by politicians. Peter Davies suggested that the judgment required close reading and that it did not allow for a “free for all”. The door was not closed to anyone to take the matter back to the courts at a future date.

## 2.4 Workshops

The Conference then broke up into workshop sessions of which there were 5. These were:-

- Social Media – Staying out of Trouble;
- Whistleblowing;
- Community Councils – governance and standards;
- Local Complaints Resolution – practicalities;
- Are the Nolan Principles fit for purpose in the current climate and for the next 20 years?

### 2.4.1 Workshop Session – Social Media – Staying out of Trouble

See the attached presentation slides.

This was a presentation jointly by Daniel Hurford of the WLGA and Patrick Arran Head of Legal, Democratic Services and Procurement at Swansea Council.

The first half of the session involved an introduction and overview by Daniel Hurford to social media and the different types of social media available – facebook, twitter, instagram etc.

The second half of the session involved a presentation by Patrick Arran as to the possible dangers and difficulties arising from the inappropriate use of social media for the making of comment or criticism and the fact that these could be actionable in law if

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they were found to be defamatory. The advice was: never put on social media something you would not wish to see printed on the front page of the local newspaper.

After lunch the workshops were run again with an opportunity for delegates to attend a different workshop.

#### 2.4.2 Workshop Session – Whistleblowing

See the attached presentation slides.

This session was hosted by Sioned Wyn Davies, Legal Services Manager and Deputy Monitoring Officer at Wrexham Council together with Kumi Ariyadasa, Solicitor at Cardiff Council.

Amongst the points made in their presentations were the following:-

- Whistleblowing was about workers reporting wrong doing where that would be in the public interest to do so.
- Each Authority should have a procedure in place for the internal reporting and the regime also allows reporting to a regulator or, in certain cases, to the press. However the intention of the internal process is to avoid the need for anyone to go to the press.
- Public Interest Disclosure Act 1998 (PIDA):
  - o Provides statutory protection to workers for disclosing malpractice and where it is in the public interest to make such disclosure;
  - o There are certain categories which amount to protected disclosure. For example reporting of a crime or an incident contrary to health and safety legislation or causing damage to the environment;
  - o A protected disclosure is, basically, disclosure to the employer;
  - o There is a list of regulators to which a protected disclosure may also be made and provided the matter referred to is within their terms of reference;
  - o Wider disclosure to the press requires meeting further conditions;
  - o An employee is guaranteed protection in respect of a protected disclosure if, for example, an employer seeks to dismiss or discipline them following the making of a protected disclosure.
- The principles of the PIDA seek to promote the Nolan Principles;

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- The ethos behind the Act is to ensure that inappropriate behaviour is challenged in all the public sector;
- Each Authority needs arrangements in place to facilitate whistleblowing;
- Each Authority will have a policy which should detail requirements, protection, procedures, what will happen on a protected disclosure and what sort of feedback a disclosing employee should receive;
- The procedure should initially allow reporting to a line manager and provide for an alternative route of reporting where this is inappropriate;
- All staff should be made aware of the policy and also of the expectations together with being given reassurance, that the organisation records the disclosure and that there is adequate monitoring and oversight by one person who is in overall control of the policy at the authority;
- An authority should also make arrangements for whistleblowing for other situations such as the engagement of agency workers, contractors, partners and others. An authority should seek to check what practices and processes these other parties have in place for whistleblowing;
- Reference was made to the PCAW Code of Practice for 2013 and also a BIS Report and Guidance document from 2015. The latter document includes a guide for what a code of practice should contain;
- In both Cardiff and Wrexham the Standards Committees oversee and monitor the whistleblowing policy;
- There is a communication plan for bringing the policy to the attention of all staff and the monitoring officer reports on the policy regularly. All schools also have their own policy based upon a standard template;
- Dealing with whistleblowing matters is sometimes an issue which is led on by the HR Department of an organisation but can also be within the oversight of the Monitoring Officer with general reporting to either Scrutiny Committee or to the Standards Committee;
- A whistleblowing would be a matter generally expected to be dealt with as part of the staff induction process for new starters.

#### 2.4.3 Workshop Session - Community Councils – Governance and Standards

See the attached presentation slides.

CC-17471-RWJ/301831

Led by Lyn Cadwallader, CEO One Voice Wales and Iwan Evans, Monitoring Officer Gwynedd. This session looked at the proposed new WG tests of competency, democracy, capacity and governance. The White Paper published by WG was about improving and developing town and community councils throughout Wales.

White Paper: Power to Local People, to enable Local Authorities to work with local council sector, and to provide communities with more confidence in their town and community councils.

The workshop highlighted the need and how “competency” would develop and be monitored by the relevant Local Authority, the funding for this was not explained.

Competent councils would become “accredited”. Local Authorities would be required to nominate a committee for monitoring and with ability to revoke its competency. This may be an opportunity for development of Standards Committees but would increase the work/time basis.

The test would include:

A Democracy Test: 66% of the councillors to be elected either at an ordinary election or a by-election.

Suitably qualified clerk: e.g. Cert of Higher Education in Local council administration.

Governance Test: sound financial management and publication of agenda, minutes, and contactable by e-mail.

With competency comes privileges not subject to section 137 limits of the Local Government Act 1972, they will be deemed community bodies with rights and entitlements, such as capping of the precept. Non competent councils would be subject to a cap at the same % increase as the principal local authority council tax in the same year.

Expectations to see more extensive delegation from Principal Local Authorities to Competent Councils

Town and community councils that can demonstrate they meet the needs to be competent need to pass a resolution and notify the nominated local authority committee in their area.



The workshop identified workload imbalance: i.e. Anglesey 40 town and community councils, Gwynedd 66, Swansea 7. Generally, rural areas have a greater number and less well financed local authorities.

The workshop highlighted the need for training/education of town and community councillors in standards and ethics with 106 complaints to Ombudsman and only 3 with action.

Calver Judgement having an impact.

This session was very informative and development could be started on Anglesey in preparation for the effect both on training and competency.

#### 2.4.4 Workshop Session - Local Complaints Resolution – practicalities

See the attached presentation slides

#### 2.4.5 Workshop session - Are the Nolan Principles fit for purpose in the current climate and for the next 20 years?

See the attached presentation slides from the Keynote speech of Nick Bennett.

### **3. Closing Session**

The Conference concluded with a final short plenary session chaired by Jan Williams. The session comprised of comments by Dr James Downe, the Vice-Chair of Cardiff Standards and Ethics Committee. He stated that he and the Chair of the Cardiff Committee would draft a note to circulate to all delegates of what they thought were the key points and good practice arising from the various discussions had at the Conference. He would hope that the note would be available for circulation soon. The note will emphasise what was thought to be innovative and useful practices and procedures which various delegates had highlighted during the course of the Conference.

The North Wales Standards Forum was mentioned in particular as being evidence of innovative, good practice.

On final comments from Richard Tebboth and Jan Williams the conference concluded at 3.40pm.

### **4. Issues for Discussion:**

- Local dispute resolution process as adopted by Rhondda Cynnon Taf – please see attached presentation slides;

CC-17471-RWJ/301831

- Issues around the Calver judgment and the apparent misapprehension caused by it;
- The proposals for the future of town and community councils – please see presentation slides attached.



WLGA • CLILC

# **SOCIAL MEDIA**

## **Staying out of trouble (Part 1)**

**Daniel Hurford**

**Welsh Local Government Association**



WLGA • CLILC

# **SOCIAL MEDIA**

## **Staying...in touch**

# Overview

## **Part 1: Staying in touch**

- What is Social Media?
- Why should you use it?
- What types of Social Media are out there?
- How to use it?

## **Part 2: Staying out of trouble**

- Legal Issues
- Code of Conduct
- Reputation

# What is social media?

- Social media broadly means online multimedia/apps which allow you to create and publish content and engage in two-way communication.
- Social media can be accessed via apps on your smartphone, computer, tablet, smart TV or smart watch.
- Social media accounts tend to be free can be set up quickly and easily

# What is social media?

- It's just a new(ish) form of communication
- Humans have communicated and shared information through graphic, oral or written media for millennia...
- ...why should we be afraid of or dismissive of this relatively new media?
- It's free, available and open to all – information and mass-communication from the palm of your hand!

# It's popular!

## Facebook:

- Around 30 million users in UK.
- Facebook is the default social networking site for 96% of UK adults who are online (Ofcom)

## Twitter:

- Twitter says 15m UK users (end of 2013)
- ONS suggests around 9.5m

Stats from <http://www.rosemcgrory.co.uk/>

## Newspapers:

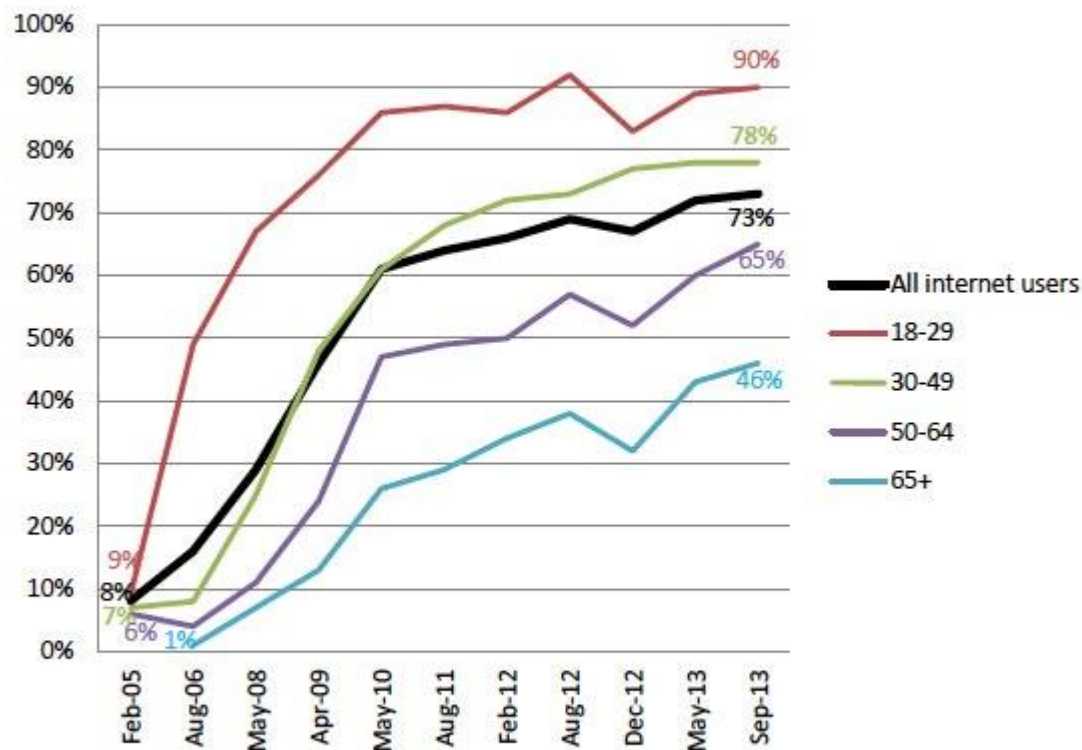
- 8m national newspaper circulation



# It's growing!

## Social networking site use by age group, 2005-2013

% of internet users in each age group who use social networking sites, over time



Source: Latest data from Pew Research Center's Internet Project Library Survey, July 18 – September 30, 2013. N=5,112 internet users ages 18+. Interviews were conducted in English and Spanish and on landline and cell phones. The margin of error for results based on internet users is +/- 1.6 percentage points.

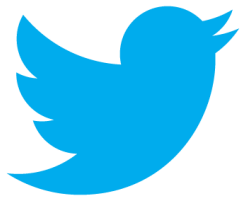


# **It's here to stay...or is it?**

- **Who still paints caves?**
- **Who still relies on town criers for the latest gossip from Albert Square?**
- **Who still sends a postcard wishing your Great Aunt Mable was with you clubbing in Ayia Napa?**
- **Who still buys a daily newspaper?**
- **Who remembers 'Friends Reunited'?**

# What is Social Media?

...online multimedia/apps allowing you to create and publish content and engage in two-way communication.



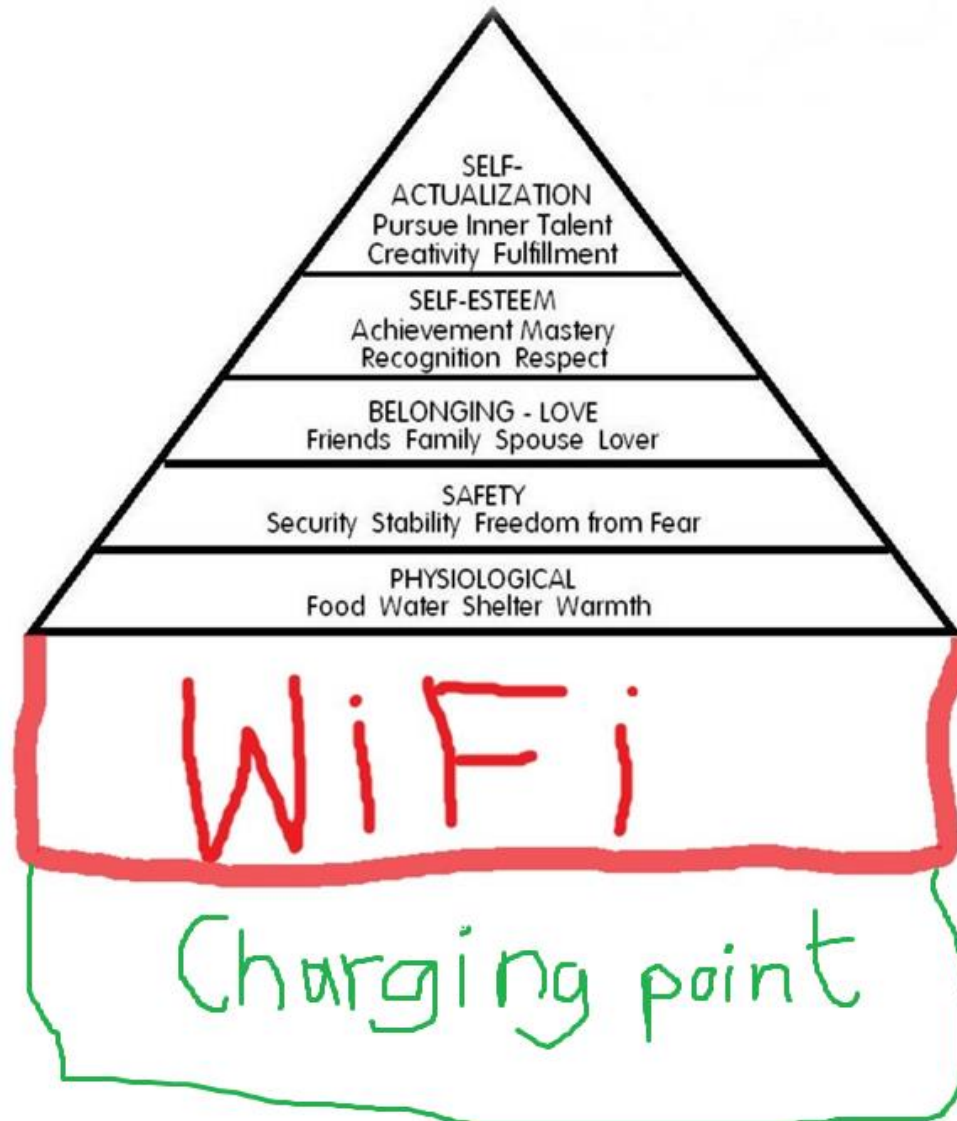
# Increasingly part of everyday life





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# Increasingly part of everyday life



# What is Social Media?

“LinkedIn is for the people you know.  
Facebook is for the people you used to  
know. Twitter is for people you want to  
know” Unknown

# Blogging



- Arguably, where social media started.
- Basically, a personal website which is easy to update and might typically include:
  - Diary or journal
  - Occasional Thoughts
  - Articles or thinkpieces – often to prompt debate and exchange of views.
  - Photos or media.





<https://cardiffleadersblog.wordpress.com/>



## Kelda, Cathays Cemetery and the success of the ball in the wall

Posted on **October 13, 2015** by [cllrbale](#)

### Kelda Ground Breaking

Earlier this year, the City of Cardiff and the Vale of Glamorgan signed a 15-year £13.4m joint organic waste deal with Kelda Organic Energy Limited to build a new facility to convert food waste into a soil fertiliser and use the gases produced to generate renewable energy.

This agreement reinforces the Council's commitment to meet the statutory Welsh Government targets around recycling as we work towards their 'Zero Waste' goal for 2050. The new plant will use the latest technology that will not only treat and recycle the organic waste but will also produce sustainable sources of energy and fertiliser for farming.



#### RECENT POSTS

- [Kelda, Cathays Cemetery and the success of the ball in the wall](#)
- [Foster for Cardiff and the Cardiff Half](#)
- [City Leaders and the Rugby World Cup visit Cardiff](#)
- [Top Marks for Cardiff Schools!](#)
- [Revamped Central Library and all change at Central Square](#)

#### RECENT COMMENTS

#### ARCHIVES

- [October 2015](#)
- [September 2015](#)



<https://pgriffithsblog.wordpress.com/>



HOME

ABOUT ME

CONTACT ME

## Why have Councillors?

Welsh Government is planning to complete a 40 year programme of reducing the number of councillors by 90%. Does it matter?

As in many walks of life, the less obvious a councillor the more effective she or he is likely to be. I have worked with councillors for many decades. I disagree with many. I like most. I respect almost all.

Let me share some experiences of the past week. I met two councillors who have been leading the governing body of brand new school. They were clearly the bridge between the community and local authority as the school was designed and built. They played their part in creating and supporting the professional leadership of a school which is now achieving well beyond expectations.

I listened to another councillor who shared the experience of working to untie the knots of Welsh Government's disjointed application of three competing anti-poverty programmes to one small community. He could have walked away; he was in no way a responsible player, indeed he was often made unwelcome, but instead he was committed to the hard graft of making the unworkable work better.

For myself, I spent a productive day talking to parents, transport managers and bus companies to ensure that a school bus could be re-routed to avoid a new construction site. Within 24 hours we turned a hostile stand-off into a new route to school.



OCTOBER 12, 2015

PGRIFFITHSBLOG

UNCATEGORIZED

PAUL GRIFFITHS

The  
**little**  
**casino**  
Company

### RECENT BLOG POSTS

October 2015

September 2015

June 2015

February 2015

January 2015

November 2014

October 2014

September 2014

June 2014



- Most popular social media platform in the world.
  - 1 billion users worldwide and around 30 million users in UK
- Page 80
- Public or Private forum to:
    - Blog
    - Post messages to friends and family
    - Share photos
    - Share things of interest, concern or humour
  - Your contacts or “friends” can comment on your posts, share them with their “friends” or “like/dislike” things.

# Some live examples



 Plaid Cymru

 Daniel Home 20+  



## Ymunwch â Phlaid Cymru

### Join The Party of Wales

[www.Plaid.Cymru](http://www.Plaid.Cymru)  
[www.Partyof.Wales](http://www.Partyof.Wales)



Plaid Cymru | Party of Wales

**Plaid Cymru**   
Political Party

[Sign Up](#) [Like](#) [Message](#) [...](#)

**Timeline** About Take Part / Cymryd Rhan Events More ▾

 20,068 people like this

 Invite friends to like this Page

ABOUT >



144 10

 **Post**

Write something...

 [Post](#)

 **Plaid Cymru**  
28 mins · 

"Never again should Welsh land, Welsh culture, or Welsh communities be allowed to be so drastically undervalued.

"The Secretary of State has a chance to make his mark on Welsh history - the Wales Bill is an opportunity to put this right. I urge him to take it."

[Liz Saville Roberts AS/MP](#) marks 50 years since the drowning of Capel Celyn to supply the city of Liverpool with water.

# Some live examples



 The Labour Party 

 Daniel Home 20+   1



**WE'VE BEEN FIGHTING FOR A  
FAIRER COUNTRY  
— FOR OVER —  
100 YEARS.**

Join us: [join.labour.org.uk](http://join.labour.org.uk)

**The Labour Party** 

Political Party

**Timeline** About Videos Photos More ▾



399,360 people like this

 Invite friends to like this Page

**ABOUT** >





**The Labour Party**

15 hrs · 

READ: Why now is exactly the wrong time for a multi-billion pound cut to working people's tax credits:  
<http://www.mirror.co.uk/.../six-million-workers-below-living-...>





# Some live examples



 Conservatives 

 Daniel Home 20+  





**Conservatives**   
Political Party

[Sign Up](#) [Like](#) [Share](#) 

[Timeline](#) [About](#) [Photos](#) [Likes](#) [Videos](#)

 537,575 people like this 

 Invite friends to like this Page

**ABOUT** 

 Strong leadership. A clear economic plan. A brighter, more secure future.

 **Conservatives** shared David Cameron's post. 1 hr · 

 **David Cameron** 1 hr · 

Today's employment rate is the highest since records began. Our long term plan is delivering security and opportunity for working people.

 Like  Comment  Share



WLGA • CLILC

# Some live examples





Liberal Democrats



 Daniel Home 20+  





**Liberal Democrats**   
Political Party

Timeline

About

Likes

Photos

Videos

 127,018 people like this

 Invite friends to like this Page

ABOUT

 The Liberal Democrats are a political party working to build a stronger economy in a fairer society, creating opportunity for everyone.

 <http://www.libdems.org.uk/>

 Impressum 

 **Liberal Democrats** 22 hrs · 


Welcome to the first "Tim Talks" edition, Tim Farron's take on the news.







# Some live examples




Daniel Hurford





Daniel Hurford


[Update Info](#)
[View Activity Log](#)

[Timeline](#)
[About](#)
[Friends 217](#)
[Photos](#)
[More](#)

[+ Add a short bio](#)
[+ Add info about you](#)
[+ Add featured photos](#)


[+ Status](#)
[+ Photo/Video](#)
[+ Life Event](#)

What's on your mind?




Nerys Hurford




shared Liz Laine's photo.




6 October at 09:58 · 




We need this message shared in our street Daniel Hurford Libby Cronin!



FRIENDS · 217

# Why use Facebook?



- Very easy to set up
- You can have public or private groups (or pages) – you can act as an administrator or editor, so you can approve who joins your group and can remove inappropriate postings (if necessary)
- Can be used as a community mini-website



# Why use Facebook?



- Useful for seeking views, engaging with people and promoting events etc.
- Easy to promote and share and get more 'friends', exposure and engagement

## **Watch-out for:**

- Hearing things that may be challenging – it's all about engagement afterall. These 'negative' comments will be seen by all.
- Inappropriate comments and postings
- It taking over your life!!!



- Lot of users – between 9.5m and 15m in UK
- Each post is called a tweet
- Brevity is key - maximum of 140 characters per tweet (including all spaces, letters and numbers)
- You can add pictures and videos or links to websites etc.
- You can 'favourite' a tweet or 'retweet' a tweet



- You can ‘DM’ (Direct Message) someone – i.e. a private message like a text or email
- You can ‘follow’ and have ‘followers’

“On Twitter we get excited if someone follows us. In real life we get really scared and run away.” Unknown via @mozusa



# Some Live Examples



Search Twitter

**Daniel Hurford**  
@drhhurf

TWEETS 82 FOLLOWING 1,393 FOLLOWERS 203

**Trends** · [Change](#)

**Lamar Odom**  
Former NBA star Odom found unconscious at Nevada brothel  
318K Tweets about this trend

**#PMQs**  
Just started trending

**Stephen Fry**  
Stephen Fry has quit as the host of QI - and will be replaced by...  
Just started trending

**Sanjiv Bhatt**  
Sacked IPS Sanjiv Bhatt didn't come with 'clean hands', tried to...  
18.7K Tweets about this trend

**#BAKvENC**

What's happening?

[View 15 new Tweets](#)

**Fraser Nelson** @FraserNelson · now  
So are we arming the Syrian People's Front, or the People's Front of Syria? ...  
Bradley on the never-ending madness: [blogs.new.spectator.co.uk/2015/10/is-the...](https://blogs.new.spectator.co.uk/2015/10/is-the...)

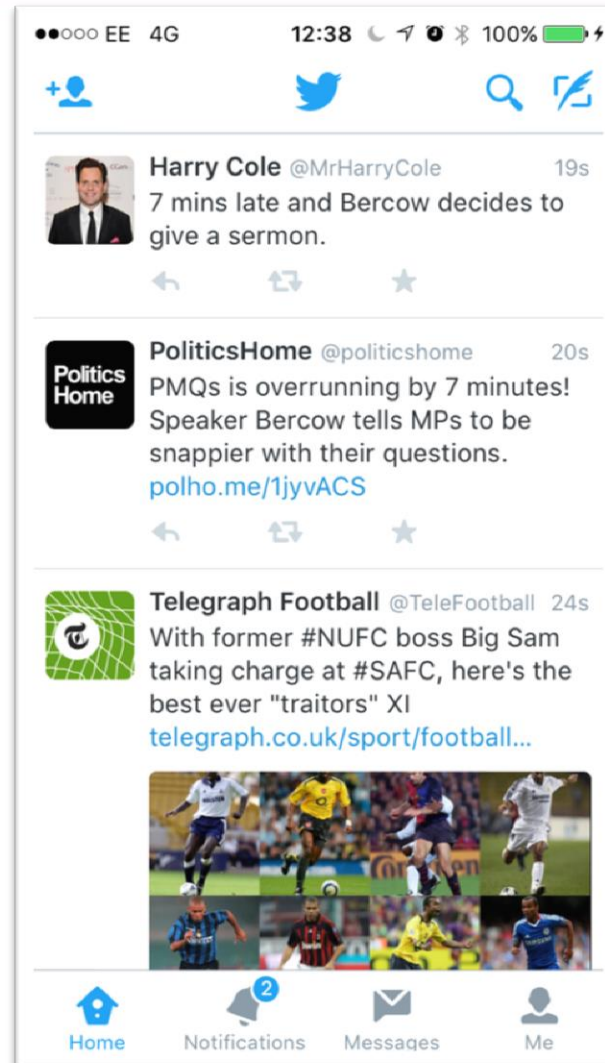
**PoliticsHome** @politicshome · now  
Karl McCartney opens with a puff Q about job stats - takes a dig at Corbyn ca...  
him 'honorable' with no 'right': [polho.me/1jyvACS](https://polho.me/1jyvACS)

**Faisal Islam** @faisalislam · now  
PMQs up now live on [#skynews](#) followed by panel of [@ayeshahazarika](#)  
[@JuliaHB1](#) and [@jennirsl](#)

**Ben Glaze** @benglaze · now  
\*LONG TERM ECONOMIC PLAN KLAXON\* [#PMQs](#)

Alex Wickham Retweeted

# Some Live Examples





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# Some Live Examples



Page 92



Search Twitter 





WLGA • CLILC

**WLGA**  
@WelshLGA FOLLOWS YOU

The Welsh Local Government Association. Representing local government, and promoting local democracy in Wales. Tweets by [@stu\\_hodges](#)

 Cardiff

 [wlga.gov.uk](http://wlga.gov.uk)

 Joined April 2011



TWEETS 3,641   FOLLOWING 1,143   FOLLOWERS 5,521   FAVORITES 141   LISTS 5    [Follow](#)

Tweets   Tweets & replies   Photos & videos



**WLGA** @WelshLGA · 22h

The 16 Oct deadline to submit evidence commission on **#localgov** finance in **#Wales** is looming. Instructions here: [ow.ly/TkFJW](http://ow.ly/TkFJW)

  4      

 WLGA Retweeted



**ICLGF\_Wales** @ICLGF\_Wales · Oct 9

First three responses to the Written Call for Evidence up on the



# Some Live Examples





**Peter Fox**  
@PeterFox61 · FOLLOWS YOU

Leader of Monmouthshire County Council, Councillor for Portskewett, White Ribbon Ambassador, livestock Farmer and an advocate of the Cardiff Capital Region

Portskewett, Monmouthshire  
[peterfox61blog.wordpress.com](http://peterfox61blog.wordpress.com)  
 Joined April 2010

113 Followers you know



TWEETS 738 FOLLOWING 696 FOLLOWERS 1,430 FAVORITES 83 LISTS 1

Following

Tweets Tweets & replies Photos & videos

Peter Fox Retweeted

**Monmouthshire SpLD** @MonSpLD · 18h  
 Wonderful Mon school staff determined to be dyslexia aware. Jane and Debbie with their certificates @thedellschool





## Ellen ap Gwynn

@EllenapGwynn FOLLOWS YOU

Arweinydd/Leader Cyngor Sir Ceredigion  
County Council, Cyng/Cllr Ward  
Ceulanamaesmawr. Ganed yn  
Albanes /Scots born, magwyd yng  
Nghymru/ Welsh bred.

📍 Tal-y-bont, Ceredigion, Wales

🕒 Joined April 2011



👤 93 Followers you know



TWEETS  
11.9K

FOLLOWING  
1,102

FOLLOWERS  
1,550

FAVORITES  
6,043



Following

Tweets

Tweets & replies

Photos & videos



Ellen ap Gwynn Retweeted



**Gruffudd Pritchard** @gruffsion · 13h

Gobeithio bydd defnydd amlwg a balch [@FAWales](#) o'r gymraeg yn  
ysbrydoli [@WelshRugbyUnion](#)







TWEETS  
2,355

FOLLOWING  
763

FOLLOWERS  
1,253

FAVORITES  
480



Following

## Aaron Shotton

@AaronShotton FOLLOWS YOU

Leader of Flintshire County Council /  
Deputy Leader Welsh Local Government  
Association / Connah's Quay Central  
Ward / Labour Party / Evertonian.

📍 Connah's Quay

🕒 Joined July 2011



👤 104 Followers you know



Tweets

Tweets & replies

Photos & videos



Aaron Shotton Retweeted



**Daily Post Wales** @dailypostwales · 16h

North Wales Refugee and Homeless Aid Centre 'inundated' with  
6,000kg of donations [bit.ly/1LM6EEL](https://bit.ly/1LM6EEL)



11



8



# Some Live Examples






**Leighton Andrews**  
@LeightonAndrews

Assembly Member for the Rhondda. Minister for Public Services in Wales, where Labour is still in government. Sunny disposition. Personal Twitter.

📍 Rhondda, Wales  
🌐 [leightonandrews.wales](https://leightonandrews.wales)  
📅 Joined April 2008

 Tweet to Leighton Andrews


👤 360 Followers you know



















TWEETS 15.6K

FOLLOWING 5,096

FOLLOWERS 11.8K

FAVORITES 2,296

LISTS 1

⚙️

Following

Tweets   Tweets & replies   Photos & videos



**Leighton Andrews** @LeightonAndrews · 4h  
Party on [#TogetherStronger](#)




0:20

👤 1

Leighton Andrews Retweeted



**Keith Edwards** @KeithEdwards121 · 5h  
X party Senedd support for new models of public services  
[@LeightonAndrews](#) [@SimonThomasAC](#) [@peterblackwales](#)

# Why use Twitter?



- Probably the easiest and most accessible social media to use
- Instantaneously communicate with your followers, and potentially within seconds millions of others!
- Share news stories or events from others
- Find out what other people are saying (maybe about you or things you care about – sophisticated searches and alerts)

# Why use Twitter?



- Find out about intelligence or breaking news as it happens (careful here though...). Then share it and pass it on.
- Can be very, very funny!
- Can help make you appear human and normal!

# Why use Twitter?



## What to watch out for:

- 'Trolls' and abuse
- Getting drawn into protracted public arguments
- Tweeting when a text might be better
- Tweeting when you're 'tired and emotional'



# Why use Twitter?



## What to watch out for:

- Don't believe everything you read on twitter...
  - Some of it is gossip and rumour
  - Some of it is deliberately untrue
  - There are some spoof accounts – people are not always who they purport to be
- 'Clickbait'

# Why use Twitter?



## What to watch out for:

- Retweeting some things... 'retweets do not necessarily mean endorsements' doesn't stand up in court
- The 'twitterati bubble' – twitter users are not necessarily a representative sample of society
- A tweet is permanent, even if you think you've deleted it...so think before you tweet something contentious

## So, to recap:

1. Social media is simple and free to use
2. Mass and quick communication
3. To make the most of it, don't just tell people what you're doing, listen to feedback too
4. People can find out about the real you
5. It can be fun!
6. It's all going on already – you might be missing out



# Tweet within twenty seconds...

- Go to [twitter.com](https://twitter.com)
- Sign-up (for free, no strings attached).
- Choose your twitter username (@somebody) and a password.
- Create your 'profile', with as much or as little detail as you'd like and maybe a picture or two.
- Tweet and retweet
- And remember to follow too, that's how you find out what people are doing or saying and how you get followers back...



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# Any Questions?

# **STANDARDS CONFERENCE WALES 2015**

## **WHISTLEBLOWING WORKSHOP**

**Sioned Wyn Davies, Deputy Monitoring Officer,  
Wrexham County Borough Council**

**Kumi Ariyadasa, Solicitor, City of Cardiff Council**

# What is “Whistleblowing”?

- When a worker reports suspected wrongdoing at work
- In the public interest
- May report the wrongdoing internally or externally
- Good governance requires effective internal whistleblowing arrangements

# Legal framework

- Public Interest Disclosure Act 1998 ('PIDA')
- Legal protection for workers disclosing malpractice in the public interest
- Protection for disclosures of: A criminal offence / breach of legal obligation / miscarriage of justice / danger to health or safety / damage to the environment
- External disclosures only protected if justified
- Unlawful for an employer to dismiss or victimise a whistleblower under PIDA

# How is it relevant?

- Exposing misconduct, corruption or illegal behaviour
- Supports Nolan principles – Openness, Honesty, Integrity
- “A key component in any strategy to challenge inappropriate behaviour at all levels of an organisation” (10<sup>th</sup> Report of the Committee on Standards in Public Life)

# Effective Whistleblowing Arrangements (1)

- Clear policy to reiterate commitment to principles and effective implementation of PIDA
- Clear procedure for addressing concerns and providing feedback
- Offering an alternative to line management, both inside and outside the organisation

# Effective Whistleblowing Arrangements (2)

- Communication – so that all staff are aware of whistleblowing avenues
- Training for managers on dealing appropriately with whistleblowing reports
- Monitoring and review – to consider how procedures are working, identify trends, possible system failures and issues arising



# Other Council Service Providers

- Contractors & New service delivery models
- Risk that workers are not aware of their rights or how to report concerns
- NAO recommendations:
  - \* Share own policies and procedures with delivery partners
  - \* Review delivery partners' arrangements
  - \* Seek information from delivery partners to oversee issues and risks

(NAO report, March 2014)

# Best Practice Guidance

## Public Concern at Work ('PCAW')

- Recommended Code of Practice (2013)  
[http://www.pcaw.org.uk/files/PCaW\\_COP\\_FINAL.pdf](http://www.pcaw.org.uk/files/PCaW_COP_FINAL.pdf)
- First 100 Campaign

## Department for Business Innovation & Skills

- Guidance for Employers and Code of Practice (March 2015)  
<https://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers>

# Cardiff's approach

- Standards & Ethics Committee has responsibility:  
*“To oversee and monitor the Council’s whistleblowing procedures and to consider ethical issues arising”*
- Revised Policy and Procedure approved by Cabinet in October 2014
- Communications plan – posters in all Council buildings and leaflets for all staff and managers
- Monitoring Officer records cases and reports regularly to Standards & Ethics Committee

# Wrexham's approach

- Standards Committee has responsibility for: “Overseeing the Council's Whistleblowing regime”
- Revised Policy and Procedure approved by Council in February 2015
- Communications plan – published on Council's intranet SAM, Friday Bulletin, management briefings
- Monitoring Officer records cases and reports annually to Standards Committee

# Discussion

- What does your authority do?
- How is it being communicated?
- Who is responsible for monitoring?
- How many whistleblowing reports were made this year?
- Role of your Standards Committee?

# STANDARDS CONFERENCE WALES 2015

## Workshop

Community and Town Councils –  
Governance and Standards

Un Llais Cymru



One Voice Wales

[www.onevoicewales.org.uk](http://www.onevoicewales.org.uk)



Un Llais Cymru



One Voice Wales

## Vision:

*“Working with local councils in Wales to shape the places communities want to live in”*

## Mission Statement:

*To represent the interests of community and town councils; raise awareness and understanding of this first tier of government; and work collaboratively with our partners to ensure the sector contributes fully to the goal of developing dynamic and sustainable communities in Wales.*





## Theme for Today

In this workshop I would like to explore with you the issues of governance and standards in community and town councils, proposed changes facing the sector and ways in which councillors can work more effectively, and efficiently, together

# Community Council Governance and Standards

White paper: Power to local people...strong case for bringing more consistency to the sector:

1. Higher standards of governance and financial management
2. Increased professional capacity and capability
3. And, greater democratic accountability

# Community Council Governance and Standards

White paper: Power to local people...

## Aims:

1. Enable Local Authorities to work with local council sector
2. Provide communities with more confidence in their community and town councils

# Competent Community Councils

## Competency tests:

**A democracy test:** at least two-thirds of the Councillors on a Community Council have been declared elected at either an ordinary election or a by-election

# Competent Community Councils

## Competency tests:

**A capability test:** the Community Council must employ a clerk with relevant professional qualifications. Relevant qualifications might include Certificate in Local Council Administration; Certificate of Higher Education in Local Policy; Certificate of Higher Education in Local Council Administration; the first level of the foundation degree in Community Engagement and Governance awarded by the University of Gloucestershire; or qualifying professional status such as a lawyer or accountant;

# Competent Community Councils

## Competency tests:

A **capacity test**: the Council has a minimum annual budget of £200,000 (since abandoned); and

# Competent Community Councils

## Competency tests:

**A governance test:** the Council has implemented a sound system of financial management and internal control in line with statutory requirements, and meets certain other criteria such as having a website on which it publishes agendas, minutes and accounts and being contactable by email.

# Competent Community Councils

## Privileges:

1. Extend the general power of competence to competent Community Councils, while prescribing that Community Council funding can not be used for political purposes. A competent Community Council would not be subject to the section 137 limits of the Local Government Act 1972;
2. They will be deemed to be community bodies, with certain rights or entitlements; and
3. they will not necessarily be subject to capping of the precept. Proposed other Community Councils should be subject to a cap on the annual increase in the precept which could be the same as the percentage increase in the Principal Local Authority's Council Tax in the same financial year.



# Competent Community Councils

## Expectations:

1. To see more extensive delegation of functions from Principal Local Authorities to competent Community Councils;
2. Community Councils which can demonstrate they meet these competency tests will need to pass a resolution to that effect and notify a committee of the Local Authority in their area.

# Competent Community Councils

## Potential implications for Principal Authorities:

1. The Local Authority would be required to nominate one of its committees for this purpose.;
2. The committee nominated by the Local Authority should have powers to require a Community Council at any time to demonstrate its continuing competence and if it is not satisfied, revoke the Community Council's competency qualification.

# Competent Community Councils

## Other potential implications for Community Councils - other governance and transparency arrangements:

1. A requirement on the Chair of the Community Council to publish an annual report;
2. To set objectives for, or otherwise manage the performance of, the clerk to the Community Council.
3. For the public to have a right to attend, speak at and record meetings of their Community Council, including film and video recording.

# Members of Community and Town Councillors

## The GUIDING PRINCIPLE

Councillors are there to serve  
their communities



# **CODE OF CONDUCT**

## **Applies to members of Community and Town Councillors**

**Reinforces the Guiding Principle  
of “service before self”**

# Ethics

- Act openly and honourably in public
- Never secure personal advantage or avoid disadvantage, for you, friends, family or associates
- Not disadvantage others
- Never bring you or the council into disrepute



# What Councillors must do

- Promote equality
- Treat others with respect
- Provide access to information
- Make decisions on the merits of a case and with regard to the advice of officers
- Abide by rules on expenses
- Report any breaches of the code or criminal behaviour by another member



# What Councillors must not do

- Accept unofficial gifts
- Disclose information given in confidence
- Use Council resources improperly
- Make vexatious or malicious complaints





# Personal Interests

- A professional or personal interest outside your role may conflict with your duty as a councillor to serve the community
- You must declare a personal interest as soon as you are aware that you (or people close to you) may benefit more than other people in the community from the outcome of a matter under discussion.



# What the Code protects...

- Your electors
- Your council
- And YOU

**SELFLESSNESS**

**STEWARDSHIP**

**LEADERSHIP**

**EQUALITY AND  
RESPECT**

**OBJECTIVITY**



**HONESTY**

**OPENESS**

**INTEGRITY &  
PROPRIETY**

**ACCOUNTABILITY**

**A DUTY TO UPHOLD THE LAW**

**SELFLESSNESS**

**STEWARDSHIP**

**LEADERSHIP**

**EQUALITY**

**OBJECTIVITY**

**RESPECT**

**ACCOUNTABILITY**

**HONESTY**

**OPENESS**

**INTEGRITY & PROPRIETY**

**A DUTY TO UPHOLD THE LAW**

# Managing Behaviour through Good Governance

## What's the problem?

**Bullying** *“may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress.”*

**Harassment** is *“unwanted conduct that violates a person’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.”* This usually covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

# Managing Behaviour through Good Governance

## Who bullies who?

- Councillors vs Councillors
- Councillors vs Officers
- Officers vs Councillors
- Members of the Public?

# Managing Behaviour through Good Governance

## What isn't bullying?

- Performance Management
- Robust Management
- Differences of Opinion
- Complaints about the Council



# Independent Scrutiny

**Organisation's regulating the local council sector:**

1. Wales Audit Office
2. Public Services Ombudsman
3. Independent Remuneration Panel

# WAO Financial Management and Governance in Community and Town Councils 2013-14

## Findings:

1. Although timeliness of accounts across the sector continues to improve, there remains a small core of councils which fail to provide complete and accurate accounts and other information for audit on a timely basis
2. The number of qualified audit opinions continues to decrease but too many councils have received qualified audit opinions for two or more of the last three years
3. Councils are making progress addressing the issues raised in previous reports but there is evidence of continuing failure to comply with statutory requirements
4. Local councils can learn lessons from the appointed auditor's report in the public interest

# Public Services Ombudsman Annual Report 2014/15

## Code of Conduct Complaints:

231 complaints received – a 1% increase on 2013/14

125 County Councillor complaints – a 13% increase

106 Community Council complaints – an 8% decrease

- 2 reported to Standards Committee
- 1 taken to Adjudication Panel

Case study Llansannan Community Council – Welsh Language / translation provision



## One Voice Wales support

### Training:

22 training courses including , for example (see handout for full list):

1. The Council
2. The Councillor
3. Local Government Finance
4. Code of Conduct
5. Devolution of Services

### Consultancy:

Bespoke services tailored to individual councils needs including:

1. Accountancy support
2. Health and Safety
3. Human Resources

# **Thank you – any questions**

## **Please help yourself to the handouts**



Un Llais Cymru



One Voice Wales

**Lyn Cadwallader**

**Chief Executive, One Voice Wales**

**[lyn.cadwallader@onevoicewales.org.uk](mailto:lyn.cadwallader@onevoicewales.org.uk)**

**01269 595400**

**[www.onevoicewales.org.uk](http://www.onevoicewales.org.uk)**

# WORKSHOP GROUPS

**What are the main barriers to meeting the Competent Councils requirements?**

**How can we over come these problems ?**





STRONG HERITAGE | STRONG FUTURE  
**RHONDDA CYNON TAF**  
TREFTADAETH GADARN | DYFODOL SICR

# **LOCAL RESOLUTION PROCESS – PRACTICALITIES AND THE RCT EXPERIENCE – FUTURE ROLE?**

**Paul Lucas**  
**Monitoring Officer**

**Rhondda Cynon Taf County Borough Council**



# **BACKGROUND -**

## **Nature of Code of Conduct Complaints / Ombudsman's Position**

- Majority of complaints received during 2014/15 related to matters of 'equality and respect'.
- In 2014/15 this accounted for 35% of the code of conduct complaints received compared with 36% in 2013/14.
- Arrangements are proving to be effective at resolving many of these kinds of complaints.
- Councillors expected to make their complaints about other Councillors within their authority to their monitoring officer.

- Ombudsman continues to receive 'low level' complaints of this type. Generally involve allegations of failures to show respect and consideration of others under paragraph 4(b) and 6(1)(d) of the code.
- Ombudsman reviewed his practice in dealing with the complaints of this type - will be taking a firmer position in the future - referring these 'low level' complaints back to monitoring officers to be dealt with locally.
- Such complaints more appropriately resolved informally and locally in order to speed up the complaints process and ensure that his resources are devoted to the investigation of serious complaints.
- Where a member has reported a fellow member to their MO under the local resolution process - no need to report the matter to the Ombudsman as well.

## **REMINDER – Why have a Local Resolution Process?**

- Speed up resolution / Resolve matters at an early stage.
- Encourage mediation and reconciliation - avoid the unnecessary escalation of the situation.
- Encourage collective responsibility.
- Reduce 'politically motivated' and vexatious complaints.

# RCT Local Resolution Protocol and Procedures

- Adopted Gwynedd protocol model – 2011.
- Striking the balance between the formal and informal – intended to reduce time/administrative burden but requirement for set of procedures to be adopted to support protocol.
- Protocol and procedures amended as lessons were learnt from dealing with cases as they arose - e.g. using social media responsibly.
- Make up of panel dealing with complaints – In RCT - Standards Committee Members.
- Amended Member/Officer protocol to give access to local resolution process.

HEARING DATE	COMPLAINT	BREACH YES/NO	SANCTION
JULY 2011	At a full Council meeting Cllr X said to Cllr Y “ Councillor, give your a**e a chance” – Cllr Y complained	Yes	Cllr X was reprimanded
DECEMBER 2011	At a Development Control meeting Cllr X described the conditions of an application site “as bad as a gypsy site” –Cllr Y complained	No  Cllr X accepted he made the remark and apologised immediately after	N/A

HEARING DATE	COMPLAINT	BREACH YES/NO	SANCTION
DECEMBER 2011	At a Development Control meeting Cllr X was alleged to have made abusive remarks to Cllr Y and asked him 'to come outside and sort this' which Cllr Y took as a threat – Cllr Y complained	No Based on evidence no decision could be made on the context of the use of the words 'come outside and sort this' as the wording could be open to wider interpretation	N/A
DECEMBER 2011	At a meeting of full Council Cllr X made inappropriate comments by stating the word 'corrupt' in a venomous manner and which was directed at a particular political groups' Members – Cllr Y complained	No Concluded word corrupt was used but because of differing opinions Committee could not come to an agreement on the context in which the word 'corrupt was used – he could have used the word corrupt to mean 'blatantly wrong' and not to connote any dishonesty on behalf of any Member.	N/A

HEARING DATE	COMPLAINT	BREACH YES/NO	SANCTION
JANUARY 2012	At a full Council meeting Cllr X during a debate referred to Members of a particular political group as 'hypocritical parasites' in a very threatening manner. Cllr Y complained. Cllr Y felt statement went beyond normal cut and thrust of political debate.	Yes Cllr X did not deny using term and evidence he continued to use it on Twitter.	Cllr X was reprimanded
MARCH 2013	At a full Council meeting Cllr X referred to Cllr Y as a 'bigot' during debate in response to a statement made by Cllr Y. Cllr Y complained and Cllr X put in a counter-complaint about the statement made by Cllr Y who referred to polish people as 'poles'	No Conflicting evidence presented to Committee as to the use of the word 'bigot' or 'bigotry' and the context in which the words were used No breach found and Committee Members noted the need for Members to appreciate the cut and thrust of political debate.	N/A

# FINDINGS

- Members must take responsibility for the complaint – pursuing it and responding promptly to requests for information.
- Motives – spike in complaints before an election.
- Importance of a strong panel/committee membership hearing and dealing with complaints.
- Has led to improvement in behaviour – No new cases since April 2013 - Led to a better understanding of what would be considered a legitimate complaint – boundaries of cut & thrust of political debate.



# FUTURE

- Increase in cases being dealt with under local resolution process.
- Community councils - member/officer protocols, roll out of the local resolution process? & sanctions.

# **DISCUSSION AND QUESTIONS FROM THE FLOOR**

# Are the Nolan Principles fit for purpose now & in 20 years?

**NICK BENNETT**

**Public Services Ombudsman  
for Wales**

# Context

- Ageing Population
- Public spending unlikely to return to 2011 levels until 2025?
- NHS/Social Services Integration
- Green Paper 'Our Health: Our Health Service'
- Local Government Reform?

# The Future

- Constitutional issues
- Size of the state and level of state provision of public services
- Immigration
- Innovation?

# Looking back 20 years ...

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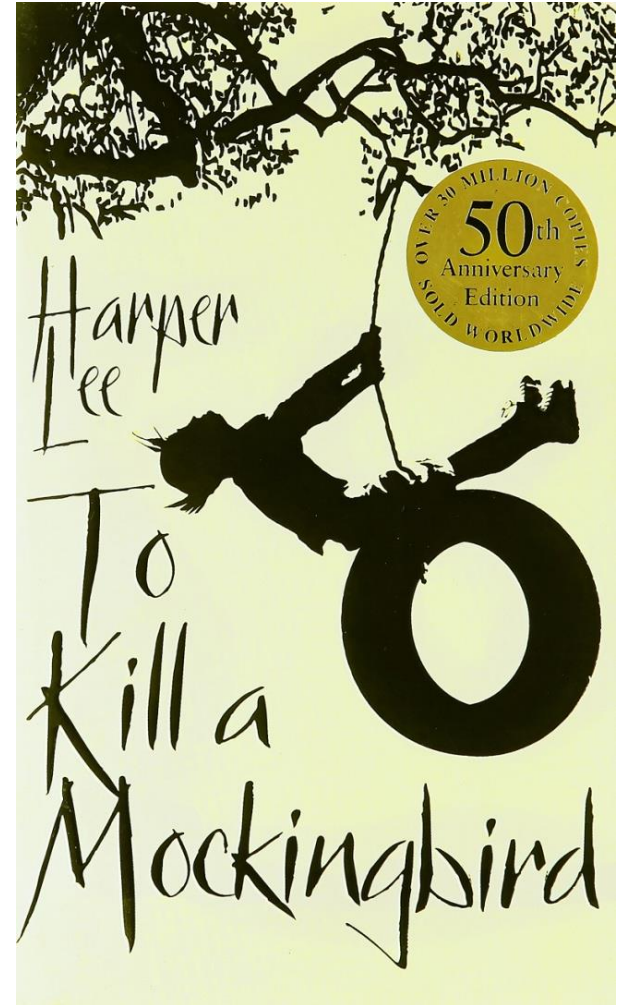
Investigating Complaints  
Ymchwilio Cwynion

Improving Services  
Gwellhau Gwasanaethau

# Back to School ... 1985 ...

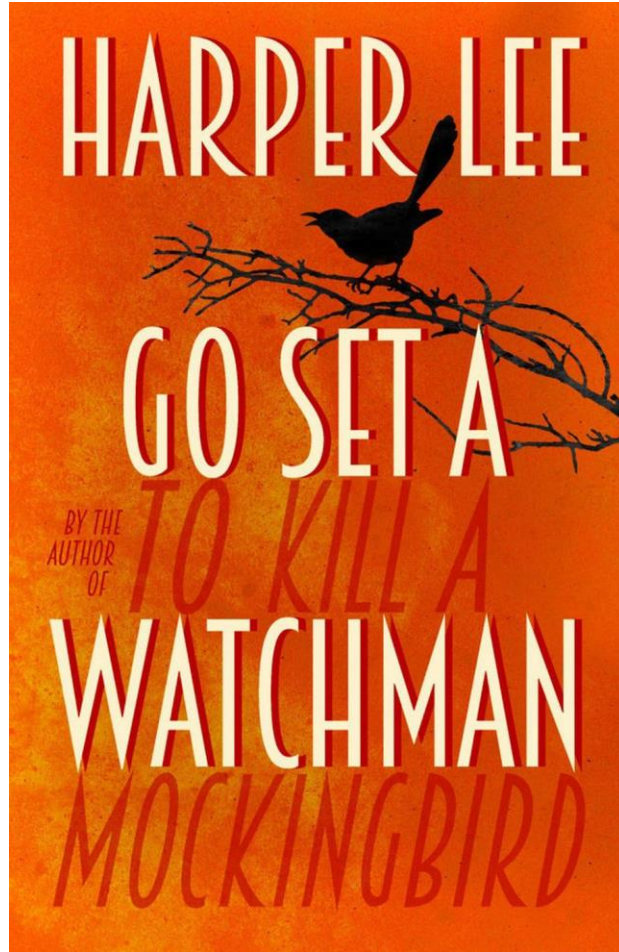


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... 2015



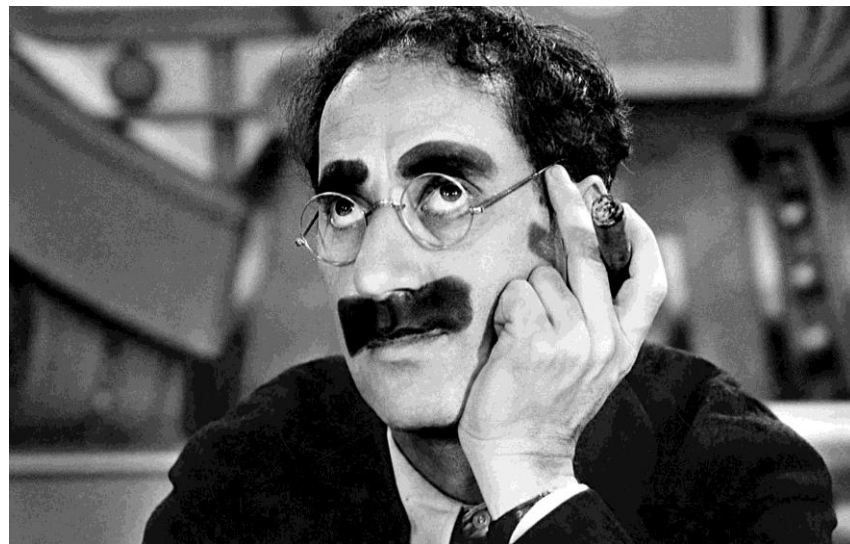
“Every man’s island...every man’s watchman, is his conscience. There is no such thing as a collective conscious.”



# Groucho Marx said ...

“Those are my principles and if you don't like them ... well, I have some more.”

Page 167



# Dwight D Eisenhower said ...



“A people that values its  
privileges above its  
principles, soon loses  
both.”

# The Nolan Principles



1. Selflessness
2. Integrity
3. Objectivity
4. Accountability
5. Openness
6. Honesty
7. Leadership

# 2014/15 – Code of Conduct Statistics

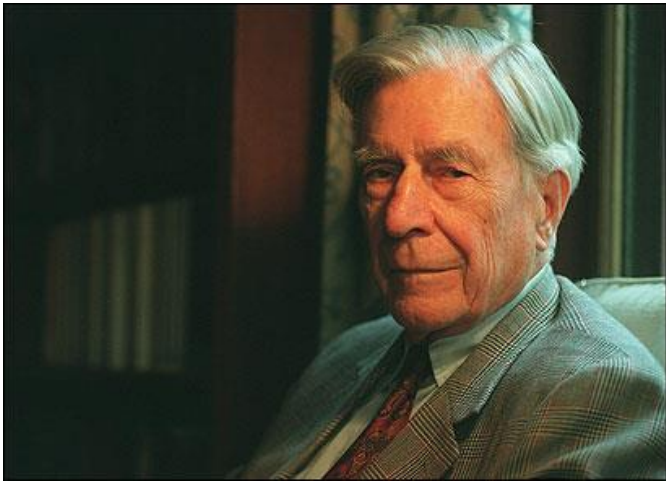
- **231** Code complaints received
  - **35%** - promotion of equality & respect
  - **22%** - disclosure & registration of interests
  - **16%** - integrity
  - **10%** - accountability & openness

# 2014/15 – Code of Conduct Statistics

- Of the **231** Code complaints received
  - **17** - identified a breach
  - **8** - no action necessary
  - **8** - referred to Standards Committees
  - **1** - referred to Adjudication Panel for Wales

# Leadership

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Investigating Complaints  
Ymchwilio Cwynion

Improving Services  
Gwellhau Gwasanaethau

# Examples of vexatious Code complaints received by my office

- “Cllr X refused to shake my hand!”
- “Cllr Y cracked a bad joke in poor taste!”
- “Cllr P tutted and huffed whilst shaking his head!”
- “Cllr M referred to the public gathered in the street as a mob”
- “Cllr S was clicking his pen on and off in an aggressive manner!”

# Management Guru, Peter Drucker said ...

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“Culture eats strategy  
for breakfast.”





# A new PSOW Act to provide the Ombudsman with:

- Own initiative investigation powers
- The ability to accept complaints orally, or other communication methods, as well as in writing
- The ability to consider complaints about private hospitals in certain circumstances
- A complaints standards role

**And Finally ...**

**Go set a watchman for Wales!**

**Diolch yn fawr!**

## Standards Conference Wales 2015 – Standards and Ethics in a Changing World

The theme for this year's conference was "Standards and Ethics in a Changing World" to reflect the challenges being faced by the Welsh local government sector. The conference aimed at reinforcing the importance of promoting and maintaining high standards and conduct and the connection between good conduct, good governance and excellent service delivery. The conference also provided an excellent opportunity to share ideas, best practice and learning.

There were a total of 117 attendees at the conference from 27 organisations from across the Welsh public sector, including representatives from every principal council in Wales, many community councils, the national parks authorities and fire and rescue services.

The slides from the conference are available here:

<https://www.cardiff.gov.uk/ENG/Visiting/SCW2015/Presentations/Pages/default.aspx>

### Summary of the conference presentations

The opening session started with a keynote speech from **Nick Bennett**, the Public Service Ombudsman for Wales who reflected on whether the Nolan Principles are fit for purpose in the current climate and for the next 20 years. Key points from this presentation are summarised below:

- In the current context of an ageing population, cuts in public spending, NHS/Social Services integration, potential local government reorganisation and the likely move towards further reductions in the size and level of state provision - the Nolan principles are still fit for purpose but possibly no longer sufficient.
- There needs to be leadership - effective and distributed – in addition to the principles and formal complaints machinery. Many complaints to the Public Service Ombudsman are vexatious (such as councillors 'tutting and huffing'), due to a lack of leadership.
- There is a need to "set a watchman" first before coming to the Ombudsman as their resources are limited. Everyone from frontline staff to those responsible for governance should be the watchmen.
- Nick welcomed the new Public Service Ombudsman (Wales) Bill because it allows the Ombudsman to move from being reactive to working on their own initiative. The Bill (if and when enacted) will enable them to consider

complaints about private hospitals (if services are commissioned by private citizens) and to receive complaints made orally.

Three further speakers also shared their thoughts on the Nolan Principles and their current utility.

### **Lyn Cadwallader - Chief Executive, One Voice Wales**

- Lyn also outlined the importance of effective leadership at all levels of government.
- He welcomed the requirements of the Well-being and Future Generations Act to produce annual reports and a performance management approach for Community and Town Councils (C&TCs).
- The Welsh Government needs to define the purpose of C&TCs so that they can move forward more confidently. It is clear that C&TCs need a cultural shift including new capacities and skills so that they are able to become delivery bodies. C&TCs also need to have a clear electoral mandate and manage effective consultation as public perception of their work is low.
- While the number of complaints emanating from C&TCs has gone down in recent years, more councils need to take up training on ethics and standards.

### **Peter Davies, President of the Adjudication Panel Wales**

- Equality and respect remain the most significant issues for standards and ethics. This means that there is a continual need for training for councillors and refresher courses.
- Internal systems need be supported by external monitoring, but are members of standards committees too close to be objective and independent?

### **Jan Williams, Independent Police Complaints Commissioner for Wales**

- Jan also emphasised the importance of leadership. It's all about setting appropriate standards, culture, and doing the right thing every day which requires ethical behaviour. You don't simply need policies, procedures or codes but training is vital and avoiding tribalism when things go wrong.

## **Workshops**

Five workshops were run on two occasions in the conference.

**1. Social Media – Staying out of Trouble - Patrick Arran, Head of Legal, Democratic Services & Procurement, City and County of Swansea Council and Daniel Hurford, WLGA.**

This workshop was structured into two parts. The first focused upon how different types of social media (e.g. Facebook, Twitter and blogging) can be used to stay in touch with the public and strategies for using it effectively. The second part concentrated on how to stay out of trouble by providing information on legal issues, and recent case law as the law of defamation can apply to social media issues.

Email and social media have been seen to change councillors' behaviour and has resulted in them posting items on social media that they would not usually have said and putting things in email that they would not have put in a 'formal' communication such as a letter.

Social media has the potential to have a significant positive effect on councillors and council life but care needs to be taken due to immediacy (once you have posted something, you can't withdraw it), issues of tone/voice, and the fluid boundaries between a person's role as a councillor and their private life.

Social media provides a two-way opportunity for the council and councillors to gain information and intelligence about the people they serve as well as putting information out there, but it must be used responsibly and the risks must be managed.

**2. Whistleblowing - Sioned Wyn Davies, Legal Services Manager & Deputy Monitoring Officer, Wrexham County Borough Council with Kumi Ariyadasa, Solicitor at City of Cardiff Council.**

This workshop reviewed best practice and guidance, the role of standards and ethics committees in reviewing cases, and communication approaches. It considered the role of the committee in meeting its statutory requirements and its wider role/interest in ethics and the culture of the organisation to promote standards.

There was much discussion in the workshop about the role and remit of standards and ethics committees, and whether those that were named 'standards committees' had a more restricted remit than those whose role explicitly includes ethics as well; and to what extent committees should be proactive rather than simply reactive. It was noted that some councils have added matters such as oversight of whistleblowing arrangements to the statutory functions of their standards committees, as permitted by law. The rationale for this approach being that whistleblowing is a report made in the public interest, which may raise ethical issues

and impact on public perception. Other councils have adopted different arrangements, regarding whistleblowing as purely an employment matter, and others report to Scrutiny or Audit Committees.

It was acknowledged that effective whistleblowing arrangements provide protection for Council workers as well as for the organisation. However, some organisations may be struggling with getting to grips with their whistleblowing procedures; and the culture and attitudes within those organisations need to be brought into line with the Nolan principles.

The importance of leadership, culture, and staff ownership, as well as clear procedures and training were emphasised and it was generally agreed that an alternative to line management both inside and outside the organisation should be available. Some participants suggested that whistleblowing should be handled outside of local authorities to promote objectivity, and that this should be pursued nationally, involving the Public Service Ombudsman.

### **3. Community Councils – Governance and Standards - Iwan Evans, Monitoring Officer, Gwynedd Council and Lyn Cadwallader, Chief Executive, One Voice Wales.**

This workshop looked at the proposed new Welsh Government tests of competency; democracy, capability, capacity and governance. The practical implications of those tests were considered. This reflected on the significant variation in terms of population and resource and staff capacity which existed across the sector in Wales. There was a perception that the achievement of these thresholds would present different challenges to different authorities.

Developing from that discussion the role of partnerships and joint working as a vehicle for developing capacity was discussed and the discussion highlighted examples of joint arrangements which were already effective or being developed. The discussion also reflected the fact that where joint arrangements were being developed issues of governance and accountability were being encountered and responses and solutions being found.

The discussions also drew us to the current financial challenges and the role Community Councils might have in participating or providing services in lieu of or with the County Councils. There were concerns about the speed of the changes taking place and the ability of Community Councils to respond particularly if this involved changes to the precept. There was a clear feeling that dialogue was needed around expectations and capacity.

The groups also considered issues around governance and the Code of Conduct. A discussion theme which came out was around the experience of some Councils around difficult members and the impact they could have on the transaction of

business. Local resolution processes at a Community Council level could be considered but there needed to be an acknowledgment that they were mostly small organisations trying to deal with these issues.

**4. Local Complaints Resolution – Practicalities - Mel Jehu MBE, Chair of Rhondda Cynon Taf County Borough Council Standards and Ethics Committee and Paul Lucas, Director of Legal and Democratic Services, Rhondda Cynon Taf County Borough Council.**

The workshop reviewed the experience of RCT Standards Committee in implementing a Local Resolution Procedure for low level Member on Member complaints.

It was noted that the introduction of the Protocol had led to an improvement in Member's behaviour: No new cases had been received since April 2013. The importance of firm action from Standards Committee Members in dealing with hearings and complaints under the Local Protocol was stressed. A key outcome was a better understanding of what could be considered a legitimate complaint and where to draw the threshold level of the cut and thrust of political debate.

There was much discussion in the workshop about the possible extension of a local resolution procedure to town and community councils.

A key issue was the lack of sanction (other than censure) to deal with persistent low level behaviour from Members who refused to engage with the local resolution process. The inherent powers of a Council to regulate behaviour as set out in the 2001 case of *R v Broadland District Council ex parte. Lansley* was also discussed in this context.

Finally, it was noted that the Local Government (Wales) Bill was likely to expand the role of Standards Committees to regulate the performance of Members i.e. attendance at meetings and training.

**5. Are the Nolan Principles fit for purpose in the current climate and for the next 20 years? - Nick Bennett , Public Services Ombudsman and Delyth Jones, Monitoring Officer, Conwy County Borough Council.**

This workshop continued the discussion from the morning session.

## Common themes at the conference

There are multiple leaders who act on ethics in an organisation. These include the Leader of the council and other party group leaders, party whips, the chief executive, monitoring officer and the standards committee. They *all* have a role to play in trying to improve the ethical culture of councils. The Code of Conduct is an important backstop, but it is important for the leaders to work informally by setting an example for others to follow and working closely with individuals (in party groups especially).

When unethical behaviour does occur, conference attendees raised concerns about the type of sanctions available (their severity), how these were applied and the 'power' of censure as a sanction. Linked to this point, councils were keen to hear the different ways in which councils have successfully dealt with 'rogue' individuals.

There was also discussion on the role of Standard and Ethics Committees after the Calver judgement which has raised the threshold of what is regarded as being unethical conduct of councillors. A number of questions were posed:

- Should committees be more assertive in drawing their own line of what is not acceptable behaviour?
- Should committees be more proactive in 'looking for work' in trying to improve the ethical culture of organisations?
- At what point do Standards and Ethics Committees risk losing our independence?

Ultimately, prevention is better than cure and training is therefore crucial in disseminating the various messages of ethical behaviour. There was discussion on whether training could be made available in different formats to suit the learning styles of councillors and whether training could be made mandatory. What other methods, beyond training, are available to promote good conduct between councillors?

The conference featured interesting debates on Community and Town Councils. Given the possibility that C&TCs will be given more responsibilities, there was a concern that the support they receive on ethical issues varies across principal councils. More thought needs to be given to ensuring that C&TCs are kept fully in the loop and properly supported. The conference heard that clerks seemed to have little recourse when treated inappropriately by members, especially since the Calver case which suggested that politicians are entitled to be robust in a political context.

Three-quarters of complaints to the Public Service Ombudsman are closed after initial consideration. It is important, therefore, that councillors understand this and that the exercise of examining complaints locally and by the Ombudsman is costly and using scarce resources.



The behaviour of the large majority of councillors is high and instances of corruption in Welsh local government are rare. More should be done to share this fact proactively, although there are concerns that the media may not be interested in a 'good news' story such as this.

### **Good practice examples**

It is important to have regular events, such as this conference, to share 'good practice' between local councils. Examples included:

- Cardiff Council requires all councillors to annually sign the 'Cardiff Undertaking' which reinforces the Members' Code of Conduct and forms part of the ethical code binding upon all Cardiff County Councillors.
- Chairs of Standards and Ethics Committees in North Wales meet on a regular basis to share knowledge, but this doesn't happen in South Wales.
- Members of Ceredigion's Standards Committee have visited all Community Councils in their area.
- Councils have different ways of conducting local resolutions. In RCT, the whole council is involved rather than just three Independent members in Cardiff. Which process is working better and why?
- There is variety in the extent of training conducted for members of Committees. RCT use structured role-play in their training of members and this has received positive feedback.
- There is a wide variety in the number of complaints resolved locally across Wales. There have been no cases in RCT since March 2013.

December 2015

