

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	Standards Committee
DATE:	12.09.2018
TITLE OF REPORT:	Briefing Note to Members – Individual rights as members
PURPOSE OF THE REPORT:	To report to the Standards Committee on a proposed new Briefing Note to Members on their individual rights as members
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1. INTRODUCTION & BACKGROUND

- 1.1 The [Code of Conduct for Members](#) details the behavioural standards expected of members in carrying out their official duties as councillors. The Code, together with other [protocols](#), provide guidance to members on how to implement their duties as members of the Council.
- 1.2 The Code of Conduct applies to members when officially acting as a member, purporting to act as a member or creating an impression that they are acting as a member. Members will also be subject to the Code in a wider context if they bring the office into disrepute or misuse their position to gain an advantage for themselves or other associates of theirs.
- 1.3 However, it must not be forgotten that members, like their electors, are also citizens of the area and it is inevitable that members will need to exercise their rights as private individuals in certain situations.
- 1.4 The Standards Committee feels there may be some confusion as to the position when members need to contact the Council in their private capacity and a lack of understanding of the conflict which that raises with their official role as councillors.
- 1.5 It is on this basis that a new Briefing Note (**Enclosure 1**) has been prepared by the Standards Committee to members who face conflict between their private interests and their role as councillors.

2. RECOMMENDATION

For the Committee to:

- 1.1 note the contents of the draft Briefing Note at **Enclosure 1** and confirm the same should be adopted;
- 1.2 agree that the Chair of the Standards Committee should present the draft Briefing Note (**Enclosure 1**) to a meeting of the Group Leaders; and
- 1.3 confirm the draft Briefing Note at **Enclosure 1** can be distributed to all Members in the name of the Standards Committee.

BRIEFING NOTE FOR MEMBERS – IMPLEMENTING RIGHTS AS INDIVIDUALS IN RELATION TO THE COUNCIL'S SERVICES

BACKGROUND

1. The [Code of Conduct for Members](#) details the behavioural standards expected of members in carrying out their official duties. The Code, together with other [protocols](#), provide guidance to members on how to carry out their duties.
2. The Code of Conduct applies to members when officially acting as a member, purporting to act as a member or creating an impression that they are acting as a member. Members will also be subject to the Code in a wider context if they bring the office into disrepute or misuse their position to gain an advantage for themselves or other associates of theirs. Under the Code, members are expected to declare personal interests and not participate when they hold a personal and prejudicial interest. (Members are referred to the [Briefing Note on Personal and Prejudicial Interests](#) for further information.)
3. However, it must not be forgotten that members, like their electors, are also citizens of the area and it is inevitable that members will need to exercise their rights as private individuals in certain situations. This could be for a number of reasons, such as the member (a) working as a contractor providing services to the Council, (b) acting in the capacity of secretary of a voluntary organisation applying for grants, (c) arranging care provision for a relative; or (d) objecting to a planning application next door to his/her home.
4. The following Guidance is offered by the Standards Committee to members who face conflict between their private interests, and their role as elected members, as described in paragraph 3 above. The Guidance is provided as general advice only and does not carry the same weight as the Code of Conduct. Members are reminded that it is a matter for them to come to a conclusion regarding any interests they may have.

GUIDANCE

5. If possible, members should avoid placing themselves in a position where conflict could arise between their personal life and their role as an elected member.

Members should ask themselves: do I have to take this action? Could anyone else act on my behalf?

For example, if the member is representing another body or organisation, the member should ask someone else to take on the role of interaction with the County Council; or if the personal interest is representing a family member, the member should consider if another relative could take the lead instead of her/him.

6. If it is unavoidable that members come into contact with the Council, in their personal capacity, members are advised to consider the following guidance:
 - a. When writing to the Council members should not use the Council's official paper, or their Council email account, as this would, in itself, be a breach of

- the Code but would also raise confusion as to which role the member was undertaking; i.e. official capacity or private capacity;
- b. When writing to the Council, at the first contact, members should formally declare the interest and the nature of that interest and state that s/he is acting in a private capacity and not as an elected member;
 - c. If matters are discussed in person, or over the telephone, members should confirm the details of that discussion in writing and that written confirmation should refer to the interest, explain the nature of the interest, and confirm that the member is acting in a private capacity;
 - d. If the Council has contacted the member in her/his role as a citizen of the area (e.g. consultation on a planning matter), the member should clearly declare her/his interest, and explain the nature of that interest, when responding to the consultation;
 - e. Members should not use their position as elected members to gain access to officers, or to information, which would not be available to other members of the public in the same position.
7. To ensure propriety and transparency, the Council may put in place specific measures to deal with particular circumstances in which members are undertaking their role in a personal capacity; particularly if the anticipated period of interaction is likely to be significant. Members must adhere to any reasonable arrangements made in such circumstances.
 8. If members are uncertain of the rights they have in relation to acting as individuals, or the limitations upon them in view of their role as elected members, they are encouraged to contact the Monitoring Officer for advice. While acknowledging the need for transparency, and to avoid any suggestion of impropriety or undue influence, it is also important that members should be entitled to act in their capacity as private citizens.

**The Isle of Anglesey County Council Standards Committee
July 2018**