

# Public Document Pack

## Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

### Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.  
Rhowch wybod i ni os mai Cymraeg yw eich  
dewis iaith.*

*We welcome correspondence in Welsh. Please  
let us know if your language choice is Welsh.*



Annwyl Cyngorydd,

#### **PWYLLGOR GWASANAETHAU DEMOCRATAIDD**

Cynhelir Cyfarfod Pwyllgor Gwasanaethau Democrataidd o bell trwy Microsoft Teams ar **Dydd Iau, 25 Mawrth 2021** am **10:00**.

#### **AGENDA**

1. Ymddiheuriadau am absenoldeb  
Derbyn ymddiheuriadau am absenoldeb gan Aelodau.
2. Datganiadau o fuddiant  
Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau / Swyddogion yn unol â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008.
3. Cymeradwyaeth Cofnodion 3 - 6  
I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 04/11/2020
4. Atgyfeiriadau Aelodau 7 - 12
5. Cyfraniad Tuag at Gostau Gofal a Chymorth Personol 13 - 16
6. Rhaglen Datblygu Aelodau 17 - 22
7. Canllawiau Diwygiedig Cod Ymddygiad Ombwdsmon Gwasanaethau Cyhoeddus Cymru 23 - 98
8. Adolygiad o Strategaeth Dysgu a Datblygu Aelodau Etholedig a Rhaglen Sefydlu Aelodau Etholedig 99 - 140
9. Materion Brys  
I ystyried unrhyw eitemau o fusnes y, oherwydd amgylchiadau arbennig y cadeirydd o'r farn y dylid eu hystyried yn y cyfarfod fel mater o frys yn unol â Rhan 4 (pharagraff 4) o'r Rheolau Trefn y Cyngor yn y Cyfansoddiad.

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Cyfnwidi testun: Rhowch 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

Text relay: Put 18001 before any of our phone numbers for the text relay service

Rydym yn croesawu gohebiaeth yn y Gymraeg. Rhowch wybod i ni os yw eich dewis iaith yw'r Gymraeg

We welcome correspondence in Welsh. Please let us know if your language choice is Welsh

Nodyn: Sylwch: Yn sgil yr angen i gadw pellter cymdeithasol, ni fydd y cyfarfod hwn yn cael ei gynnal yn ei leoliad arferol. Yn hytrach, bydd hwn yn gyfarfod rhithwir a bydd Aelodau a Swyddogion yn mynychu o bell. Bydd y cyfarfod yn cael ei recordio i'w ddarlledu ar wefan y Cyngor cyn gynted ag sy'n ymarferol ar ôl y cyfarfod. Os oes gennych unrhyw gwestiwn am hyn, cysylltwch â [cabinet\\_committee@bridgend.gov.uk](mailto:cabinet_committee@bridgend.gov.uk) neu ffoniwch 01656 643147 / 643148.

Yn ddiffuant

**K Watson**

Prif Swyddog – Gwasanaethau Cyfreithiol, Adnoddau Dynol a Rheoleiddio

**Dosbarthiad:**

Cynghowrwr

S Aspey

RM Granville

DG Howells

RM James

Cynghorwyr

B Sedgebeer

SG Smith

G Thomas

E Venables

Cynghorwyr

SR Vidal

MC Voisey

A Williams

Presennol

Y Cynghorydd E Venables – Cadeirydd

DG Howells  
G Thomas

RM James  
MC Voisey

B Sedgebeer

SG Smith

Ymddiheuriadau am Absenoldeb

RM Granville a/ac A Williams

Swyddogion:

Michael Pitman  
Andrew Rees

Swyddog Gwasanaethau Democritaidd – Pwyllgorau  
Rheolwr Gwasanaethau Democritaidd

184. DATGANIADAU O FUDDIANT

Datganodd pob Aelod fuddiant personol yn eitem 4 ar yr agenda - Adroddiad Drafft Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol 2021/2022 – gan eu bod i gyd yn derbyn cydnabyddiaeth ariannol.

185. CYMERADWYO COFNODION

PENDERFYNWYD: Bod cofnodion cyfarfod 12/03/2020 yn cael eu cymeradwyo fel cofnod gwir a chywir

186. ADRODDIAD DRAFFT PANEL ANNIBYNNOL CYMRU AR GYDNABYDDIAETH ARIANNOL 2021/2022

Cyflwynodd y Rheolwr Gwasanaethau Democritaidd adroddiad a oedd yn rhoi gwybod i'r Pwyllgor Gwasanaethau Democritaidd am Adroddiad Blynyddol drafft Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol mewn perthynas â lefel ac ystod y gydnabyddiaeth ariannol y mae'n rhaid i'r Awdurdod ei darparu i'w Aelodau ar gyfer blwyddyn 2021/2022 y Cyngor.

Gofynnodd i'r Pwyllgor hefyd roi unrhyw sylwadau ac argymhellion i'r Cyngor mewn perthynas ag Adroddiad Blynyddol Drafft 2021/2022.

Dwywedodd y Rheolwr Gwasanaethau Democritaidd mai 2021/2022 oedd trydydd Adroddiad Blynyddol Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol (y Panel), a'r degfed a gyhoeddwyd o dan ofynion Mesur Llywodraeth Leol (Cymru) 2011 (sydd wedi'i atodi fel Atodiad 1). Estynnodd y Mesur gyfrifoldebau'r Panel a'i bwerau o dan Adran 142 i benderfynu (rhagnodi) taliadau i aelodau awdurdodau perthnasol.

Ychwanegodd fod cynrychiolwyr y Panel wedi cynnal cyfarfodydd ymgynghori o bell ar eu cynigion, a fynychwyd gan Gadeirydd y Pwyllgor Gwasanaethau Democritaidd a Phennaeth Gwasanaethau Democritaidd.

Dangoswyd penderfyniadau Adroddiad Blynyddol Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol 2021 yn Atodiad 2 i'r adroddiad.

Eglurodd y Rheolwr Gwasanaethau Democritaidd er bod cyfyngiadau ariannol ar y sector cyhoeddus yn parhau, bod y Panel o'r farn bod cyfiawnhad dros gynnydd yn y cyflog sylfaenol a'i fod wedi cynnig cynnydd o £150 y flwyddyn (1.06%) i'r cyflog sylfaenol ar gyfer aelodau'r prif gynghorau o 1 Ebrill 2021. Mae'r cynnydd arfaethedig a gymhwysir at gyflog sylfaenol aelodau'r prif gynghorau yn cydnabod y dyletswyddau sylfaenol a ddisgwylir gan bob Aelod Etholedig. Y cyflog sylfaenol yn 2021/2022 ar gyfer Aelodau Etholedig y prif gynghorau fydd £14,368, a dangoswyd hyn ym Mhenderfyniad 1.

Yn yr un modd, mae'r Panel wedi penderfynu y byddai cyflogau uwch yn cael eu cynyddu ar yr un gyfradd â chyflogau sylfaenol sef 1.06%, a ddangoswyd ym Mhenderfyniad 2. Ychwanegodd na fyddai unrhyw godiadau ychwanegol yn cael eu talu i ddeiliaid cyflog uwch yn 2021/2022. Roedd y Panel yn ystyried bod Arweinwyr ac aelodau'r weithrediaeth yn cario'r atebolrwydd unigol mwyaf. Cynigiodd y Panel gynyddu cyflogau'r Bwrdd Gweithredol, Cadeiryddion Pwyllgorau ac Arweinydd y Grŵp i'r lefelau canlynol:

<b>Uwch gyflogau (gan gynnwys cyflog sylfaenol)</b>	
Yr Arweinydd	£49,974
Dirprwy arweinydd	£35,320
Aelodau gweithredol	£30,773
Cadeiryddion pwyllgorau (os cânt gydnabyddiaeth ariannol):	£23,161
Arweinydd y grŵp gwrthblaid mwyaf <sup>3</sup>	£23,161
Arweinydd grwpiau gwleidyddol eraill	£18,108

Penderfynodd y Panel hefyd ym Mhenderfyniad 3 y dylid talu cyflogau dinesig fel a ganlyn:

<b>Cyflogau dinesig (gan gynnwys cyflog sylfaenol)</b>	
Y Maer	£23,161
Yr Arglwydd Faer	£18,108

Gofynnodd Aelod mewn perthynas â thudalen 34, adran 3.22 o'r adroddiad lle mae'n nodi y dylai Aelodau eisoes ddefnyddio gwasanaethau e-bost electronig a'r gallu i gael gafael ar wybodaeth yn electronig, beth oedd barn yr Aelodau am hyn. Ychwanegodd bod angen i Aelodau weithio gartref yn ystod Pandemig Covid-19. A oedd disgwyl i Aelodau fod â chyfleusterau'r rhyngwrwyd yn eu lle, neu a oedd yr Aelodau'n teimlo bod angen iddynt sefydlu hyn o ganlyniad i Covid-19.

Trafododd y Pwyllgor y pwynt hwn a daeth i'r casgliad bod cyfleusterau rhyngwrwyd priodol yn rhywbeth y byddai Aelodau eisoes wedi'i gael cyn Pandemig Covid-19, a chredodd nad oedd angen ad-daliad arnynt am gostau sy'n gysylltiedig â band eang.

Cododd Aelod y mater nad oedd Cadeirydd y Pwyllgor Gwasanaethau Democritaidd yn swydd â thâl, ond credai ei fod yn rhannu cyfrifoldebau tebyg â Chadeiryddion eraill ac felly y dylid ei dalu yn unol â hynny. Gofynnodd yr Aelodau i hyn gael ei godi yn y Cyngor fel y gellid edrych arno ymhellach.

Cododd Aelod fod rhyddhad treth ar gael mewn perthynas â phandemig Covid 19 nad oedd yn hysbys iawn. Cynigiodd y dylai gwybodaeth fod ar gael ar wefan y Cyngor i gyfeirio Aelodau at wefan Cyllid a Thollau Ei Mawrhydi i gael rhagor o wybodaeth

**PENDERFYNWYD:** Bod y Pwyllgor Gwasanaethau Democrataidd wedi gwneud sylwadau ar Adroddiad Blynyddol Drafft Panel Cydnabyddiaeth Annibynnol Cymru 2021/2022 ac wedi darparu'r argymhellion canlynol i'r Cyngor:

- Dylid trafod ac ymchwilio i gydnabyddiaeth bosibl Cadeirydd y Pwyllgor Gwasanaethau Democrataidd;
- Dylai gwybodaeth fod ar gael ar wefan y Cyngor i gyfeirio Aelodau at wefan Cyllid a Thollau EM i gael rhagor o wybodaeth yn ymwneud â rhyddhad treth.

**187. RHAGLEN DATBLYGU AELODAU**

Cyflwynodd y Rheolwr Gwasanaethau Democrataidd adroddiad a'i ddiben oedd rhoi'r wybodaeth ddiweddaraf am ddarparu Rhaglen Hyfforddi a Datblygu Aelodau'r Cyngor a gweithgareddau cysylltiedig. Ychwanegodd mai'r diben oedd gofyn hefyd am unrhyw bynciau i'w cynnwys ar y rhaglen.

Cyflwynodd y Rheolwr Gwasanaethau Democrataidd Sesiynau Hyfforddi a Datblygu Aelodau, Sesiynau Briffio Cyn-Gyngor a Sesiynau Hyfforddi'r Pwyllgor Rheoli Datblygu a gynhaliwyd ers y Pwyllgor Gwasanaethau Democrataidd diwethaf ar 17 Hydref 2019. Rhestrwyd y rhain yn y tabl yn 4.1, 4.2 a 4.3 yr adroddiad.

Eglurodd y Rheolwr Gwasanaethau Democrataidd y sesiynau briffio cyn-gyngor a drefnwyd ar gyfer y dyfodol, sef:

- 18 Tachwedd 2020: Ymgynghoriad ar y Gyllideb
- 16 Rhagfyr 2020: Cymdeithas Mudiadau Gwirfoddol Pen-y-bont ar Ogwr
- I'w gadarnhau: Newidiadau i'r Cwricwlwm Newydd

Esboniodd y Rheolwr Gwasanaethau Democrataidd Sesiynau Hyfforddi Pwyllgor Rheoli Datblygu a drefnwyd ar gyfer y dyfodol a oedd wedi'u hamserlennu fel a ganlyn:

- 10 Rhagfyr 2020: Y wybodaeth ddiweddaraf am Faterion Cynllunio Rhanbarthol/Cymru ac Adnoddau'r Gwasanaeth Cynllunio
- 

Esboniodd y Rheolwr Gwasanaethau Democrataidd y sesiynau Hyfforddi a Datblygu Aelodau Arfaethedig ar gyfer y dyfodol a drefnwyd fel a ganlyn:

- 5 Tachwedd 2020 – Hyfforddiant Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015
- 25 Tachwedd 2020 - Sgiliau Cadeirio Craffu
- 30 Tachwedd 2020 - Sgiliau Cwestiynu Craffu
- Defnyddio Mapiau Pontydd – I'w gadarnhau
- Diogelu - I'w gadarnhau
- Canlyniadau Addysg – I'w gadarnhau

Esboniodd fod nifer o gyrsiau E-ddysgu wedi'u darparu ers dechrau'r tymor presennol. Roedd yr E-ddysgu canlynol wedi'i gwblhau gan aelodau:

- Ymsefydlu Corfforaethol **(11 Aelod)**
- Rheoliadau Cyffredinol ar Ddiogelu Data **(4)**
- Offer Sgriniau Arddangos **(3)**
- Ymwybyddiaeth o Ddiogelwch Tân **(4)**

## PWYLLGOR GWASANAETHAU DEMOCRATAIDD - DYDD MERCHER, 4 TACHWEDD 2020

- Cod Ymddygiad TGCh (9)
- Diogelu Plant ac Oedolion (14)
- Trais yn erbyn menywod, Cam-drin Domestig a Thrais Rhywiol

Cyn hynny, cyfeiriodd y Rheolwr Gwasanaethau Democrataidd yr Aelodau at y modiwl E-ddysgu a oedd i'w gyflwyno ar sail Cymru gyfan. Cadarnhaodd fod fersiwn drafft y modiwl hyfforddi wedi'i gwblhau a'i fod wedi'i dreialu gan Gadeirydd y pwyllgor hwn. Roedd y Cadeirydd wedi ymgymryd â'r hyfforddiant ac wedi awgrymu nifer o newidiadau a oedd i fod i gael eu gwneud cyn cyflwyno fersiwn derfynol y modiwl hyfforddi. Gofynnodd a oedd gan Aelodau'r pwyllgor hwn ddiddordeb mewn ymgymryd â'r modiwl hyfforddi hwn, byddai'n cysylltu â'r Tîm Dysgu a Datblygu.

Eglurodd y Rheolwr Gwasanaethau Democrataidd fod Cymdeithas Llywodraeth Leol Cymru (CLILC) yn ogystal ag Academi Wales wedi darparu rhai canllawiau defnyddiol ar amrywiaeth o bynciau, y cynhwyswyd dolenni i'r rhain yn adran 4.7.6 o'r adroddiad.

Gofynnodd Aelod a ellid cynnwys cyflwyniad ar Iechyd Meddwl fel Briff Cyn-Gyngor.

Ychwanegodd y Rheolwr Gwasanaethau Democrataidd pe bai gan Aelodau unrhyw bynciau pellach i'w hychwanegu, y dylent ei e-bostio ef neu'r tîm ar unrhyw adeg gydag awgrymiadau.

PENDERFYNWYD: Bod y Pwyllgor Gwasanaethau Democrataidd:

- wedi nodi cynnwys yr adroddiad; a
- Darparu pynciau ychwanegol ar gyfer sesiynau briffio cyn-gyngor, Sesiynau Datblygu Aelodau a Modiwlau E Ddysgu.

### 188. EITEMAU BRYS

Dim

Daeth y cyfarfod i ben am 10:58

**BRIDGEND COUNTY BOROUGH COUNCIL**  
**REPORT TO THE DEMOCRATIC SERVICES COMMITTEE**

**25 MARCH 2021**

**REPORT OF THE HEAD OF DEMOCRATIC SERVICES**

**MEMBER REFERRALS**

**1. Purpose of report**

- 1.1 The purpose of this report is to update the Democratic Services Committee on the performance of Member Referrals.

**2. Connection to corporate well-being objectives / other corporate priorities**

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council’s wellbeing-objectives.
  - **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
  - **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county borough.

**3. Background**

- 3.1 The Democratic Services Committee has the following functions and is supported by the Head of Democratic Services as necessary:
- Review the adequacy of provision by the Authority of staff, accommodation and other resources to discharge Democratic Services functions, and
  - Make reports and recommendations to the Authority in relation to such provision.

**4. Current situation/proposal**

- 4.1 A referral is a complaint / request / query which a Councillor has received from their constituent which the Democratic Services Team forward to the relevant department

/ external organisation for attention. This process is carried out so that each part of the referral process is logged and to ensure that a response is received by an agreed deadline.

- 4.2 The following table shows the number of referrals made per month between 1 March 2020 and 28 February 2021:

**Referrals 1 Mar 20 to 28 Feb 21**

Month	Referred	Completed	Ongoing	Percentage
March	348	227	121	65.23
April	348	123	225	35.34
May	258	247	11	95.74
June	245	242	3	98.78
July	304	293	11	96.38
August	395	365	30	92.41
September	422	396	26	93.84
October	366	334	32	91.26
November	396	336	60	84.85
December	364	286	78	78.57
January	312	237	75	75.96
February	259	202	57	77.99
<b>Totals:</b>	<b>4017</b>	<b>3288</b>	<b>729</b>	<b>81.85%</b>

- 4.3 The Committee should note that there has been a significant increase in the number of referrals made than in the corresponding period for the previous year (2789 referrals). At the meeting of Council on 20<sup>th</sup> January 2021, the Chief Executive provided Members with an update about how council services are faring under the pressures of the ongoing pandemic. He also advised that there had been over a thousand more member referrals to deal with during the pandemic (March to December 2020).
- 4.4 The table attached as **Appendix 1** shows the number of referrals made between 1<sup>st</sup> March 2020 and 28<sup>th</sup> February 2021 per Directorate. The table also shows the totals and percentages of referrals completed within 10 and 20 days timescales.
- 4.5 A Member Referrals Project Board was established to consider whether the current system is fit for purpose and to explore any opportunities to improve the referral process. In pursuance of this, an online Councillor Portal and built in member referral process is being trialled with members of the Democratic Services Team which will then be rolled out to a pilot group of Members. A revised Member Referrals Protocol will also be drafted and sent to all Members. Additionally, in order to support Members in making referrals, training sessions will be put together and made available to Members.

**5. Effect upon policy framework and procedure rules**



5.1 There is no effect upon policy framework and procedure rules.

## **6. Equality Impact Assessment**

6.1 There are no equality implications arising from this report.

## **7. Wellbeing of Future Generations (Wales) Act 2015 implications**

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

## **8. Financial implications**

8.1 There are no financial implications in respect of this report.

## **9. Recommendation**

9.1 The Committee is recommended to note the contents of the report.

**L Griffiths**

**Group Manager - Legal and Democratic Services**

**8 March 2021**

**Contact Officer: L Griffiths  
Group Manager - Legal and Democratic Services  
8 March 2021**

**Telephone: (01656) 643135**

**Email: [laura.griffiths@bridgend.gov.uk](mailto:laura.griffiths@bridgend.gov.uk)**

**Postal address: Bridgend County Borough Council  
Legal and Regulatory Services  
Civic Offices  
Angel Street  
Bridgend  
CF31 4WB**

**Background documents: None**

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## Members Referral Days to Completion

01/03/2020 to 28/02/2021

Directorate	Less Than 5 Days	Between 5 and 10 Days	Total 10 Days	Between 10 and 15 Days	Between 15 and 20 Days	Total 20 Days	More Than 20 Days	Total Completed	Total Referred
Chief Executive	193	57	250	54	36	340	205	545	667
Communities	564	230	794	135	135	1064	753	1817	2242
Education and Family Support	75	33	108	17	14	139	81	220	267
Social Services and Wellbeing	50	34	84	14	11	109	71	180	203
External	271	33	304	31	30	365	161	526	638
Totals:	1153	387	1540	251	226	2017	1271	3288	4017

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**BRIDGEND COUNTY BOROUGH COUNCIL**  
**REPORT TO THE DEMOCRATIC SERVICES COMMITTEE**

**25 MARCH 2021**

**REPORT OF THE HEAD OF DEMOCRATIC SERVICES**  
**CONTRIBUTION TOWARDS COSTS OF CARE AND PERSONAL ASSISTANCE**

**1. Purpose of report**

- 1.1 The purpose of this report is to promote the Independent Remuneration Panel for Wales' (IRPW) determination in relation to contribution towards Costs of Care and Personal Assistance (CPA).

**2. Connection to corporate well-being objectives / other corporate priorities**

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-

- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's wellbeing-objectives.
- **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
- **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county borough.

**3. Background**

- 3.1 A report was presented to Council on 10 March 2021 outlining the IRPW Annual Report published in February 2021. The following determination was made in relation to CPA which applies to members of principal councils and co-opted members of these authorities:

*“All relevant authorities must provide a payment towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:*

- *Formal (registered with CIW) care costs to be paid as evidenced;*

- *Informal (unregistered) care costs to be paid up to a maximum rate equivalent to the Real UK Living Wage at the time the costs are incurred.*

*This must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each Authority must ensure that any payments made are appropriately linked to official business or approved duty. Payment shall only be made on the production of receipts from the care provider”.*

3.2 The IRPW reviewed the arrangements for this financial support and made the following changes:

- As payments are taxable under the current HMRC rules, full reimbursement is not possible so for clarity this is retitled “Contribution towards the Costs of Care and Personal Assistance”. Members will still be required to provide receipts to accompany claims;
- Claims can be made in respect of a dependant under 16 years of age, or a minor or adult who normally lives with the member as part of their family and who cannot be left unsupervised;
- Clarification in respect of a Member’s own care or support needs: Reimbursement may be claimed where the support and or cost of any additional needs are not available or are not met directly by the Authority such as Access to Work, Personal Payments, Insurance. These could arise when the needs are recent and or temporary.

#### **4. Current situation/proposal**

- 4.1 The contributions towards CPA enable people who have personal support needs or caring responsibilities to carry out their duties effectively as a member of the Authority. The IRPW believes that additional costs of care required to carry out approved duties should not deter any individual from becoming or remaining a member of the Authority or limit their ability to carry out the role.
- 4.2 During recent visits to local authorities, the IRPW found that very few Members were utilising the Reimbursement of Costs of Care provision in their Annual Reports. The IRPW believe that many are reluctant to claim all they are entitled to support them in their role because of concerns about the adverse publicity this may attract. The IRPW continues to recognise the issues relating to the publication of this legitimate expense and has stipulated in its Annual Report the requirement to only publish the total amount reimbursed during the year for the Authority as a whole and not against an individual. It will be a matter for the Authority to determine its response to any request made under the Freedom of Information Act 2000, however it is not intended that details of individual claims should be disclosed.
- 4.3 The IRPW has urged Democratic Services Committees to take steps to encourage and facilitate greater use of the CPA provision so that Members are not financially disadvantaged.
- 4.4 It is proposed that the Committee and the Head of Democratic Services promote the CPA provision throughout the Authority. This work should begin with the Annual Report presented to Council on 10 March 2021 and this report to the Committee.

4.5 A Costs of Care and Personal Assistance “Claim Form” has been designed which is aimed at making the process simpler for Members. This form will be available on request from the Democratic Services Team.

## **5. Effect upon policy framework and procedure rules**

5.1 There is no effect upon policy framework and procedure rules.

## **6. Equality Impact Assessment**

6.1 There are no equality implications arising from this report.

## **7. Wellbeing of Future Generations (Wales) Act 2015 implications**

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

## **8. Financial implications**

8.1 The introduction of these proposals will increase the cost of remuneration of those members entitled to claim for this expense. The previous Reimbursement of Costs of Care monthly cap of £403 has now been removed by the IRPW. Very few people will be eligible for such a payment and history has shown that no Councillors / Co-opted Members have ever made a claim for this legitimate expense. However, should a shortfall occur for the year 2021/22, the costs will be met from the centrally held provision for pay and price increases.

## **9. Recommendation**

9.1 The Committee is recommended to note the report.

L Griffiths  
Group Manager Legal and Democratic Services

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**8 March 2021**

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**Background documents:** None



**BRIDGEND COUNTY BOROUGH COUNCIL**  
**REPORT TO THE DEMOCRATIC SERVICES COMMITTEE**

**25 MARCH 2021**

**REPORT OF THE HEAD OF DEMOCRATIC SERVICES**  
**MEMBER DEVELOPMENT PROGRAMME**

**1. Purpose of report**

- 1.1 The purpose of this report is to provide the Committee with an update on the delivery of the Council's Member Training and Development Programme and related activities.
- 1.2 The Committee is also requested to identify topics for inclusion on the Member Development Programme and Briefings.

**2. Connection to corporate well-being objectives / other corporate priorities**

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015:-**
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being-objectives.

**3. Background**

- 3.1 The Democratic Services Committee has the following functions and is supported by the Head of Democratic Services as necessary:
- Review the adequacy of provision by the Authority of staff, accommodation and other resources to discharge Democratic Services functions, and
  - Make reports and recommendations to the Authority in relation to such provision.
- 3.2 Increasing attention has been given to Elected Member Development. The Local Government (Wales) Measure 2011 directed that local authorities place more emphasis on Member Development. Members are encouraged to identify their own development needs and participate fully in learning and development activities.

**4. Current situation / proposal**

**4.1 Member Training and Development Sessions**

- 4.1.1 The following Member Training and Development Sessions have been provided since the meeting of the Democratic Services Committee held on 4 November 2020:

Date	Subject	Facilitator
------	---------	-------------

4, 9, 11 December 2020	Training on Microsoft Teams	Democratic Services and ICT
28 January 2021, 2 February 2021	Members Code of Conduct	Bethan Evans Governance Training and Consultancy

## 4.2 **Briefing Sessions**

4.2.1 The following Briefing Sessions have been provided since the meeting of the Democratic Services Committee held on 4 November 2020:

<b>Date</b>	<b>Subject</b>	<b>Facilitator</b>
18 November 2020	Police and Crime Commissioner Update	Police and Crime Commissioner
16 December 2020	Annual Presentation from the Cym Taf Morgannwg UHB	Chief Executive and Chairperson - Cwm Taf Morgannwg UHB
20 January 2021	EU End of Transition	Regeneration and Funding and Regional Engagement Officer
2 February 2021	Bridgend MasterPlan	BDP
26 February 2021	Census 2021	Community Cohesion Officer

## 4.3 **Development Control Committee Training Sessions**

4.3.1 The following Development Control Committee Training Sessions have been provided since the meeting of the Democratic Services Committee held on 4 November 2020:

<b>Date</b>	<b>Subject</b>	<b>Facilitator</b>
4 December 2020	Planning Updaters and Planning Performance Agreements	Group Manager – Planning and Development Services
3 March 2021	Placemaking	Group Manager – Planning and Development Services

## 4.4 **Future scheduled Briefings**

4.4.1 The following Briefings have been scheduled:

<b>Date</b>	<b>Subject</b>	<b>Facilitator</b>
23 March 2021	V2C Engagement Session	V2C
12 April 2021	Vaccination Programme Update	NHS Wales

29 April 2021	Blended Learning	Corporate Director Education and Family Support CSCJES
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#### 4.5. **Future Scheduled Member Training and Development Sessions**

4.5.1 The following Member Training and Development Sessions have been scheduled:

<b>Date</b>	<b>Subject</b>	<b>Facilitator</b>
30 March 2021 and 9 April 2021	Code of Conduct Training for Town and Community Councillors	Bethan Evans Governance Training and Consultancy
TBC	Members Code of Conduct (repeat of the session provided in January and February)	Bethan Evans Governance Training and Consultancy
23 April 2021	Socio-economic Duty	Consultation and Engagement and Equalities Manager

#### 4.6 **Future Scheduled Development Control Committee Training Sessions**

4.6.1 The following Development Control Committee Sessions have been scheduled:

<b>Date</b>	<b>Subject</b>	<b>Facilitator</b>
15 April 2021	Minerals Update	Development and Building Control Manager
27 May 2021	Fire Safety Regulations	Building Control Team Leader, Development and Building Control Manager
11-18 July 2021	National Development Framework / Planning Policy Wales	Development and Building Control Manager, Group Manager – Planning and Development Services

#### 4.7 **E-Learning**

4.7.1 The Council has devised a range of e-learning courses for Members to support their learning and development needs. The provision of e-learning courses gives Members the opportunity to undertake their learning and development remotely at a convenient time at their own pace.

4.7.2 The following courses below have been provided, the number of Members that have completed each course is shown in brackets:

- Corporate Induction (11)
- General Data Protection Regulations (4)
- Display Screen Equipment (3)

- Fire Safety Awareness (4)
- ICT Code of Conduct (9)
- Safeguarding Children and Adults (14)
- Violence Against Women, Domestic Abuse and Sexual Violence (3)

4.7.3 As part of this report, the Committee's views are being sought on the best way to encourage take-up of member e-learning activities. In March and April 2020 sessions were arranged and facilitated by the Learning and Development Team to support Members to make greater use of the available e-learning facilities. Encouraging members to complete e-learning sessions is not unique to Bridgend, as this has been raised on occasions at the Head of Democratic Services Network.

4.8 The role of the Head of Democratic Services is to produce and monitor the Member Development Programme, to collate any identified learning and development needs, and to subsequently use these to inform and plan the on-going Member Development Programme. The Democratic Services Committee is also encouraged to provide direction to the Head of Democratic Services in respect of the development and support requirements of Elected Members. This will include the priorities for learning and development and appropriate use of the Member Development budget.

## **5. Effect upon policy framework and procedure rules**

5.1 There is no effect upon policy framework and procedure rules.

## **6. Equality Impact Assessment**

6.1 There are no equality implications arising from this report. Member development enables members to make decisions, which can impact the communities they serve.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

## **8. Financial implications**

8.1 Elected Member learning and development is resourced from the allocated Member Development budget. Reasonable allocation will be made as part of the annual budget round and applied with regard to the corporate needs of the Authority. The Head of Democratic Services will monitor appropriate spend on the budget. In-house training will be provided by Directorates if the topic relates to their service areas. The costs for this type of event will be met from within Directorate budgets and not from the Member Development budget.

## **9. Recommendation**

- 9.1 The Committee is recommended to note the report and to identify any additional member development topics, briefings and e-learning topics for inclusion in the Member Development programme and prioritise them accordingly.

**L Griffiths**  
**Group Manager – Legal and Democratic Services**  
**March 2021**

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**Background documents:**  
None

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO DEMOCRATIC SERVICES COMMITTEE

25 MARCH 2021

### REPORT OF THE HEAD OF DEMOCRATIC SERVICES

#### PUBLIC SERVICES OMBUDSMAN FOR WALES REVISED CODE OF CONDUCT GUIDANCE

#### 1. Purpose of report

- 1.1 The purpose of this report is to apprise the Committee of the Public Services Ombudsman for Wales draft Code of Conduct Guidance for members of local authorities in Wales.

#### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-

**Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

**Supporting a successful sustainable economy** – Taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions for all people in the county borough.

#### 3. Background

- 3.1 The Local Government Act 2000 created a new ethical framework for local government in Wales. It created a power for the National Assembly for Wales (now known as the Welsh Parliament or Senedd Cymru) to issue a model Code of Conduct ("the Code") to apply to members and co-opted members (with voting rights) of all relevant authorities in Wales. This power was transferred to the Welsh Ministers by the Government of Wales Act 2006. On 1 April 2016, Welsh Ministers issued a number of revisions to the current Code (issued in 2008) and the Council adopted the provisions of the Code on 1 September 2008.
- 3.2 Authorities were required to adopt the Code in its model form in its entirety, but could make additions to the Code, provided these were consistent with the Model. This is intended to give certainty to members and the public as to what standards are expected. It helps to ensure consistency throughout relevant authorities, avoiding confusion for members on more than one authority and for the public.
- 3.3 It is the role of the Public Services Ombudsman for Wales (PSOW) to consider and, when appropriate, undertake independent investigations of serious complaints that

members of local authorities in Wales have breached the Code. In determining whether to investigate a complaint or whether to continue an investigation of a breach of the Code, the PSOW use a two-stage test.

#### **4. Current situation/proposal**

- 4.1 The PSOW guidance provides members with a general understanding of the Code and its requirements but ultimately it is the responsibility of members to take specific advice from the Monitoring Officer and to make a decision as to the most suitable course of action.
- 4.2 The revised draft guidance (attached as **Appendix 1**) was published in February 2021 and explains the revised two-stage test that will be considered. It also includes guidance on the use of social media and political expression, and aims to provide assistance to members on the issue of interests, which some members find challenging. It excludes guidance which only relates to town and community councillors as this is included in separate guidance.
- 4.3 At the first stage of the test, the PSOW will aim to establish whether there is direct evidence that a breach actually took place. The level of proof that is required is on the balance of probabilities. If that evidential test is met, at the second stage consideration will be given as to whether an investigation or a referral to the Authority's Standards Committee or the Adjudication Panel for Wales is required in the public interest. Some of the public interest factors that are considered are set out in the guidance. These factors are not exhaustive and the weight to be attached to each will vary according to the facts and merits of each case. The two-stage test has been revised in order to provide greater clarity on how the PSOW will exercise discretion and secure a degree of consistency and certainty in the decisions that are reached. When applying the test the PSOW will also take into account previous decisions of the Adjudication Panel for Wales and standards committees and also relevant legal precedents set by the courts.
- 4.4 Members are offered training on the Code and refresher training events recently took place in January 2021. The PSOW expects all members to attend training and accept advice where offered.
- 4.5 A consultation exercise on the draft Code of Conduct ran from 5 February 2021 to 21 March 2021. At the time of this meeting the consultation has now closed.

#### **5. Effect upon policy framework and procedure rules.**

- 5.1 There is no impact upon the policy framework or procedure rules.

#### **6. Equality Impact Assessment**

- 6.1 There are no equality implications in this report.

#### **7. Well-being of Future Generations (Wales) Act 2015 implications**

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.



7.2 Compliance with the Code of Conduct by members ensures the Council maintains a high standard of behaviour and conduct and thereby encouraging and promoting democracy throughout society thereby contributing to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:

- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

## **8. Financial implications**

8.1 There are no financial implications arising from this report.

## **9. Recommendation.**

9.1 It is recommended that the Committee notes the report and the PSOW draft Code of Conduct Guidance attached as **Appendix 1**.

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**Group Manager Legal and Democratic Services**  
**March 2021**

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# **The Code of Conduct**

## for members of local authorities in Wales

**Guidance from the  
Public Services Ombudsman for Wales**  
for members of county borough councils,  
fire and rescue authorities,  
national park authorities and  
police and crime panels

## Preface

This revised guide (published in xxxxx 2021) from me as Public Services Ombudsman for Wales provides an overview of the Model Code of Conduct (“the Code”) introduced in 2008 (as amended on 1 April 2016). It is intended to help you as a member to understand your obligations under the Code. The Code applies to all members and co-opted members (with voting rights) of county and county borough councils, community councils,<sup>1</sup> fire and rescue authorities, national park authorities and police and crime panels in Wales. I have issued separate guidance for members of community and town councils.

As an elected member, you are required to sign up to the Code as part of your declaration of acceptance of office. As a co-opted member, you must give a written undertaking to observe the Code when you take up office. The Code does not apply to the actions of authorities as a whole, or to the conduct of their officers and employees. There is a separate Code of Conduct applying to local government employees in Wales.<sup>2</sup>

It is important to recognise that the Code’s primary purpose is not to restrict the way in which you act as a member, rather it is intended to help and guide you in maintaining appropriate standards of conduct when serving your community. In turn, it provides reassurance to the public and helps build their trust in, and respect for, their local representatives.

The guidance aims to provide you with a general understanding of the Code and its requirements. Section 1 provides an introduction to the Code and its enforcement. Section 2 outlines your obligations under the Code, referencing specific paragraphs for further information. Sections 3 and 4 deal with general issues surrounding the disclose and registration of interests under Parts 3 and 4 of the Code respectively. You can obtain a copy of the Code adopted downloading it from your authority’s website or contacting your Monitoring Officer.

The guide is intended to help you to understand the Code and how it applies, but it cannot hope to cover every conceivable circumstance. Ultimately, it is your responsibility to take specific advice from your Monitoring Officer and to make a decision as to the most suitable course of action.

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<sup>1</sup> In legislation, ‘community council’ includes a ‘town council’.

<sup>2</sup> Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001, SI 2001 No. 2280 (W.170)

The guidance explains the revised two-stage test that I will consider when deciding whether to investigate or to continue with an investigation of a breach of the Code, to the stage of referring the matter to a standards committee or the Adjudication Panel for Wales. It also includes guidance on the use of social media and political expression, and aims to provide assistance to members on the issue of interests, which some members find challenging. As before, it excludes guidance which only relates to community and town councillors, as this is included in the separate guidance I have issued for such councillors.

The guidance includes examples drawn from actual cases considered by my office and decisions reached by local standards committees and the Adjudication Panel for Wales, which help bring the guidance to life. Some of the decisions in these cases may have been taken by my predecessor but, for ease of reference, I will refer to them as my own decisions. Further examples of recent cases can be seen in the quarterly “Code of Conduct Casebook”, which is on my website at [www.ombudsman.wales](http://www.ombudsman.wales)


I am concerned that the promotion of equality and respect and the disclosure and registration of interests continue to dominate the complaints received by my office. I have seen year-on-year increases in the number of complaints where bullying by members is being alleged, particularly from community council clerks, other officers and contractors of local authorities or community and town councils. This suggests members generally could benefit from training or refresher training on these aspects of the Code in particular.

As a member, you will be offered training on the Code, from a Monitoring Officer or a representative body. I expect all members to take advantage of such training, including refresher courses, to ensure that they are fully aware of the provisions of the Code and the standards expected of them in public life. I would urge members to avail themselves of any local arrangements for dealing with ‘member versus member’ complaints, which have proved very effective as a means of resolving many of these cases.

I continue to be concerned about the number of low-level complaints that are being received. I welcome the fact that the number of these low-level complaints has reduced; however, the number I receive is still too high. Whilst these complaints appear to have been generated by a small number of members, in

these challenging times, it is increasingly important to ensure the effective use of my office's resources and that any investigation undertaken is proportionate and required in the wider public interest.

We should continue to work collaboratively to drive up standards in public life and to create a culture where members are respected for their selflessness, objectivity and respectful behaviour. If we do so, we can build public confidence in our democratic institutions and promote good governance for the benefit of the people in all of our communities.

A handwritten signature in black ink, appearing to read 'Nick Bennett', enclosed within a thin black rectangular border.

Nick Bennett  
Public Services Ombudsman for Wales  
xxxxx 2021

This statutory guidance is issued by the Public Services Ombudsman for Wales under Section 68 of the Local Government Act 2000 for elected, co-opted and appointed members of:

- county and county borough councils
- fire and rescue authorities
- national park authorities
- police and crime panels in Wales

## Acknowledgement

I would like to thank the legal services department of Ceredigion County Council for the use of its flowchart on interests which are appended to this guidance.

Separate guidance is available for members of community and town councils.

First published April 2010. This edition published xxxx 2021.

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## 1 Introduction

The Local Government Act 2000 created a new ethical framework for local government in Wales. It created a power for the National Assembly for Wales (now known as the Welsh Parliament or Senedd Cymru) to issue a model Code of Conduct to apply to members and co-opted members (with voting rights) of all relevant authorities in Wales. This power was transferred to the Welsh Ministers by the Government of Wales Act 2006. On 1 April 2016, Welsh Ministers issued a number of revisions to the current Model Code of Conduct (issued in 2008)<sup>3</sup> which all relevant authorities were required to adopt.<sup>4</sup>

For this purpose, a relevant authority is defined as a county or county borough council, a community council, a fire and rescue authority or a national park authority in Wales. The ethical framework and the model Code of Conduct also apply to members of a police and crime panel in Wales by virtue of regulations made by the UK Government under the Police Reform and Social Responsibility Act 2011.<sup>5</sup>

Authorities were required to adopt the Code in its model form in its entirety, but could make additions to the Code, provided these were consistent with the Model. This is intended to give certainty to members and the public as to what standards are expected. It helps to ensure consistency throughout relevant authorities, avoiding confusion for members on more than one authority and for the public.

Standards committees of principal councils<sup>6</sup> are required to assist members and co-opted members of their authorities, together with members of community and town councils in their area, to observe the Code and to arrange for advice and training to be provided. **I expect all members to attend training and take advice where it is offered.** I also support individual authorities which require members to attend training on the Code before they can join certain decision-making bodies, such as planning committees.

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<sup>3</sup> Local Authorities (Model Code of Conduct) (Wales) Order 2008, SI 2008 No. 788 (W.82)

<sup>4</sup> Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016, SI 2016 No. 84 (W.38)

<sup>5</sup> Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012, SI 2012 No. 2734

<sup>6</sup> A county or county borough council in Wales

As a member, when you sign your declaration of acceptance of office, you are confirming that you will observe the Code. It is your personal responsibility to ensure that you understand your obligations under the Code and act in a way which shows that you are committed to meeting the high standards of conduct that are expected of you as a member. Ultimately you are responsible for the decisions you take and can be held to account for them. However, this does not imply that you can take decisions which breach the Code or are contrary to relevant advice from officers simply because the decision is yours to take. This guidance explains the constraints you are expected to act within to ensure members of the public can be confident in the way in which authorities in Wales reach their decisions.

### Investigations: Assessing the Public Interest

It is my role as Public Services Ombudsman for Wales to consider and, when appropriate, undertake independent investigations of serious complaints that members of local authorities in Wales have breached the Code. In determining whether to investigate a complaint or whether to continue an investigation of a breach of the Code, I use a two-stage test.

At the first stage, I will aim to establish whether there is direct evidence that a breach actually took place. The level of proof that is required is on the balance of probabilities. If that evidential test is met, at the second stage, I will consider whether an investigation or a referral to a standards committee or the Adjudication Panel for Wales is required in the public interest. Some of the public interest factors that I will consider are set out below. These factors are not exhaustive and the weight to be attached to each will vary according to the facts and merits of each case.

#### **Public interest factors include:**

- the seriousness of the breach
- whether the member deliberately sought personal gain for themselves or another person at the public expense
- whether the circumstances of the breach are such that a member has misused a position of trust or authority and caused harm to a person

- whether the breach was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity
- whether there is evidence of previous similar behaviour, or the member has been referred to a standards committee or the Adjudication Panel for Wales for previous misconduct
- whether there is evidence of a course of conduct, the conduct is ongoing, or the misconduct is escalating
- whether the investigation or referral to a standards committee or the Adjudication Panel for Wales is required to maintain public confidence in elected members in Wales
- whether investigation or referral to a standards committee or the Adjudication Panel of Wales is a proportionate response, namely, whether it is likely that the breach would lead to a sanction being applied to the member (I will take account of the outcomes of previous cases considered by standards committee across Wales and the Adjudication Panel for Wales), and whether the use of resources in carrying out an investigation or hearing by a standards committee or the Adjudication Panel for Wales would be regarded as excessive when weighed against any likely sanction.

I have a wide discretion as to whether to begin or continue an investigation. I have revised the two-stage test adopted by my predecessor in order to provide greater clarity on how I will usually exercise my discretion and to secure a degree of consistency and certainty in the decisions that I reach.

### Legal Precedents

When applying the two-stage test, in addition to taking account of previous decisions of the Adjudication Panel for Wales and standards committees, I must be mindful of relevant legal precedents set by the Courts. Since the Code was introduced in 2001, there have been two significant appeals heard by the High Court that have set important benchmarks in relation to cases in Wales.<sup>7</sup> In the first case, the Adjudication Panel dismissed an appeal by a Community Councillor against the decision of the local standards committee

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<sup>7</sup> Calver, R (on the application of) v The Adjudication Panel for Wales [2012] EWHC 1172 (Admin); Heesom v Public Services Ombudsman for Wales [2014] EWHC 1504 (Admin).

that he had failed to show respect and consideration for others by posting various online comments criticising the other members and the way in which the Council was run. The High Court found that, whilst the comments were sarcastic and mocking and the tone ridiculed his fellow members, because the majority of the comments related to the way in which the Council was run, how its decisions were recorded and the competence of the members, the comments were “political expression”. The ruling said no account had been taken of the need for politicians to have “thicker skins”. In view of the member’s freedom of expression and the fact that the majority of comments were directed at fellow councillors, the finding of a breach in this case was a disproportionate interference with the member’s rights under Article 10 of the European Convention on Human Rights (ECHR). The Adjudication Panel’s decision was, therefore, set aside.

In the second case, the High Court heard an appeal against the decision of the Adjudication Panel that a member of a County Council had committed 14 breaches of the Code by failing to show respect and consideration for officers of the Council, using bullying behaviour, attempting to compromise the impartiality of officers and bringing the member’s office into disrepute. The breaches occurred over a period of two years and included comments and conduct which were critical of, and threatening towards, both senior and junior officers. The Court found that all of the breaches were intentional and some of the misconduct was serious. Some of the breaches involved deliberately dishonest and misleading conduct towards officers, other members and members of the public. In respect of officers, much of the conduct was intended to undermine them personally and was performed when officers were trying to do their jobs, which the member was intent on frustrating. All but three of the breaches found by the Adjudication Panel were upheld by the Court.

One of the important issues that had to be determined by the Court was the scope of, and legitimate restrictions to, a politician’s right of freedom of expression under Article 10 of the ECHR and at common law. The Court reiterated that the law requires politicians to have thick skin and be tolerant of criticism and other adverse comment. However, the Court also noted that while public servants are open to criticism, including public criticism, it is in the public interest that they are not subject to unwarranted comments that disenable them from performing their public duties and undermine confidence in the administration.

I have included guidance consequent on these judgments, particularly conduct towards junior officers, in the sections dealing with the relevant paragraphs of the Code.

Further guidance on the process I use for investigating complaints, including a factsheet on 'Assessing Public Interest' and the 'Code of Conduct Casebook', which summarises cases I have investigated, is available on my website at [www.ombudsman.wales](http://www.ombudsman.wales).

### Local Resolution Process

Local authorities across Wales have implemented local resolution procedures to deal with low-level complaints which are made by a member against a fellow member. These arrangements are proving to be an effective and proportionate means of resolving many of these kinds of complaints. Typically, these complaints continue to be about alleged failures to show respect and consideration for others as required by paragraph 4(b) of the Code, or the duty not to make vexatious, malicious or frivolous complaints against other members under paragraph 6(1)(d) of the Code. Whilst a member may still complain directly to me about a fellow member if the matter being complained about concerns paragraphs 4(b) and 6(1)(d), I am very likely to refer the matter back to the Council's Monitoring Officer for consideration under this process, in the first instance.

In my view, such complaints are more appropriately resolved informally and locally in order to speed up the complaints process and to ensure that my resources are devoted to the investigation of serious complaints.

The aim of local resolution is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the authority and the authority's reputation. The process may, for example, result in an apology being made by the member concerned, or a recommendation that the member undertakes specific training. However, where a member has repeatedly breached their authority's local protocol, I would expect the Monitoring Officer to refer the matter back to me. If I see a pattern of similar complaints being made to me by the same members, I will consider this to be a serious matter and decide whether the persistent reporting of such complaints is conduct which in itself should be investigated as a potential breach of the Code.

When I have investigated a complaint, I may refer the matter to a standards committee or the Adjudication Panel for Wales for determination. This will depend on the nature and individual circumstances of the alleged breach. When issuing my report, I will reflect on and analyse the evidence gathered and draw my conclusions as to whether it is suggestive that a breach of the Code has occurred. However, the authority to make a determination of breach rests solely with the relevant standards committee or the Adjudication Panel for Wales.

Local resolution can also play an important role within community councils where, all too often, low-level disputes between members have escalated to the point where the whole council has been brought into disrepute in the eyes of the public. I am pleased, therefore, that One Voice Wales has produced a 'Model Local Resolution Protocol for Community and Town Councils', to support councils in resolving minor disputes in a way which is proportionate to the scale and resources of the sector. I strongly encourage all community and town councils to adopt the protocol. The Model Protocol is available from One Voice Wales or my website.

### Standards Committee

The Standards Committee established by your authority is responsible for promoting and maintaining high standards of conduct by the authority's members. It provides advice and training for members and monitors the operation of the Code. The Committee also considers reports referred by me, or your authority's Monitoring Officer, following the investigation of alleged breaches of the Code. The Standards Committee also discharges these functions in relation to community and town councils in its area.

Standards committees are made up of independent lay members and elected members of the authority. The membership of a standards committee which discharges functions in relation to community and town councils must also include at least one community councillor.

When I refer a case to a standards committee, its role is to decide whether a member has breached the Code and, if so, whether a sanction should be imposed. Adjudication Panel for Wales hearings take place in public, except where a tribunal considers that publicity would prejudice the interests of justice. In my view, standards committee hearings should also be conducted in public, unless there are valid reasons for not doing so, to promote public confidence in

standards in public life. Where a standards committee concludes that a member or co-opted member has failed to comply with the relevant authority's code of conduct, it may determine that:

- no action needs to be taken in respect of that failure
- the member or co-opted member should be censured, which takes the form of a public rebuke
- the member or co-opted member should be suspended or partially suspended from being a member of that authority for a period not exceeding 6 months or, if shorter, the remainder of the member's term of office.

A member may seek the permission of the President of the Adjudication Panel for Wales to appeal against the determination of a standards committee.

### Adjudication Panel for Wales

When I refer a case to the Adjudication Panel for Wales, its role is to establish a 'case tribunal' to determine whether a member has breached the Code and whether a sanction should be imposed. In addition, it will consider any appeals where permission has been obtained against the determination of a standards committee.

The powers available to a case tribunal when it determines that a member or co-opted member who is the subject of a report referred to it by me has failed to comply with the Code are:

- to disqualify the member from being, or becoming, a member of the relevant authority concerned or any other relevant authority for a period of up to 5 years
- to suspend or partially suspend the member from being a member or co-opted member of the relevant authority concerned for up to 12 months
- to take no action in respect of the breach. In such cases the Panel may deem it appropriate to warn the member as to their future conduct. Where such a warning has been recorded, it is likely to be taken into account during any future hearing where the member is found again to have failed to follow the provisions of the Code.



During an investigation, I may issue an interim report to the President of the Adjudication Panel, if I consider it necessary and in the public interest to do so. An interim report will be considered by an ‘interim case tribunal’, which will decide whether it is appropriate to suspend, or partially suspend, the member pending the completion of my investigation.

The role of an ‘appeals tribunal’ is to review the determination of a standards committee that a member has breached the Code and / or any sanction imposed. An appeals tribunal may endorse any sanction imposed, or refer the matter back to the standards committee with a recommendation as to a different sanction; or it may overturn the decision that there has been a breach. However, an appeals tribunal cannot recommend a different sanction that was not available to the standards committee when making its determination.

Where either a standards committee or the Panel suspends or partly suspends a member or co-opted member, that member is still subject to the Code, in particular the provisions set out in paragraphs 6(1)(a) (bringing the office of member or authority into disrepute) and paragraph 7 (improperly using the position of member).

Further information about the role and procedures of the Adjudication Panel and its tribunals can be found on its website: [www.adjudicationpanel.gov.wales](http://www.adjudicationpanel.gov.wales)

### The Principles

The Local Government Act 2000 empowered the National Assembly to issue principles to which you must have regard in undertaking your role as a member. The Code is based on these principles which are designed to promote the highest possible standards. These principles draw on the 7 Principles of Public Life which were first set out in the 1995 Nolan Report “Standards in Public Life”. Three more were added to these in the local government principles in Wales: a duty to uphold the law, proper stewardship of the Council’s resources and equality and respect for others.

Members elected to local authorities give generously of their time and commitment for the benefit of their communities. The principles provide a framework for channelling your commitment in a way which will reflect well on you and your authority, and which will give your communities confidence in the way that your authority is governed.

The individual sections of the Code are designed to support the implementation of the Principles. For example, the Selflessness principle is covered by Section 7 of the Code – Selflessness and Stewardship. The current principles were set out in a statutory instrument<sup>8</sup> and are replicated below.

### **1. Selflessness**

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

### **2. Honesty**

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

### **3. Integrity and Propriety**

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

### **4. Duty to Uphold the Law**

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

### **5. Stewardship**

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

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<sup>8</sup> The Conduct of Members (Principles) (Wales) Order 2001, SI 2002 No. 2276 (W.166)

### **6. Objectivity in Decision-making**

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

### **7. Equality and Respect**

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

### **8. Openness**

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

### **9. Accountability**

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

### **10. Leadership**

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

The principles are not part of the Model Code of Conduct, and failure to comply with the Principles is not of itself, therefore, indicative of a breach of the Code. However, it is likely that a failure, for example, to adhere to the principle concerning equality and respect would constitute a breach of the requirements of paragraphs 4(a) and 4(b) of the Code in respect of equality of opportunity and respect.

In any event, the Principles offer a sound basis for your conduct in office and I encourage members to have regard to them **at all times**.

### Deciding when the Code applies to you See paragraphs 2 and 3

Consider conduct in your  
public and private life

Members are entitled to privacy in their personal lives, and many of the provisions of the Code only apply to you when you are acting in your role as member or acting as a representative of your authority. However, the public rightly expects high standards of those who represent them in public office and your conduct in your private life will influence how you are perceived as a councillor. Consequently, as there may be circumstances in which your behaviour in your private life can impact on the reputation and integrity of your authority, some of the provisions of the Code apply to you at all times.

When reaching a decision as to whether the Code applies to you at a particular time, I will have regard to the particular circumstances and the nature of your conduct at that time. Before considering your obligations under the Code you should first consider whether the Code applies and, if so, what provisions are pertinent.

### When does the Code apply?

- **Whenever you act in your official capacity**, including whenever you are conducting the business of your Council or acting, claiming to act, or give the impression you are acting, in your official capacity as a member or as a representative of your authority (paragraph 2(1)(a)-(c)).

- **At any time**, if you conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into **disrepute**, or if you **use or attempt to use your position improperly to gain an advantage or avoid a disadvantage** for yourself or any other person, or if you **misuse your authority's resources** (paragraphs 2(1)(d), 6(1)(a) and 7).

**Where you act as a representative of your Council on another relevant authority, or any other body, you must, when acting for that other authority, comply with its code of conduct** (paragraph 3(a)). When you are nominated by your authority as a trustee of a charity you are obliged when acting as such to do so in the best interests of that charity, in accordance with charity law and with the guidance which has been produced by the Charity Commission (see its website: [www.gov.uk/government/organisations/charity-commission](http://www.gov.uk/government/organisations/charity-commission)).

**If you are acting as a representative of your authority on another body, for example on the board of a housing association, which does not have a code of conduct relating to its members, you must comply with your authority's own Code** unless it conflicts with any legal requirements that the other body has to comply with (paragraph 3(b)).

If you refer to yourself as 'councillor' in any form of communication, the Code will apply to you. This applies in conversation, in writing, or in your use of electronic media. There has been a significant rise in complaints to me concerning the use of Facebook, blogs and Twitter. If you refer to your role as councillor in any way or comments you make are clearly related to your role, then the Code will apply to any comments you make there. Even if you do not refer to your role as councillor, your comments may have the effect of bringing your office or authority into disrepute and could therefore breach paragraph 6(1)(a) of the Code.

The Welsh Local Government Association has produced useful guidance on social media entitled "Social Media: A Guide for Councillors". The guidance aims to provide you with a clearer idea about how you can use social media, the possible pitfalls and how to avoid them. It is available on their website at [www.wlga.wales](http://www.wlga.wales) or by calling 029 2046 8600.

If you are nominated by your authority as the director of a company (a stock transfer housing association for example) you are obliged to act in the best interests of the company. If it has a code of conduct for its directors, you must abide by it. If it does not, you must comply with your authority's Code, except on the rare occasions where it conflicts with any legal obligations the company may have.

If you are suspended from office for any reason, you must still observe those elements of the Code which apply, particularly as set out in paragraph 2(1)(d), while you are suspended.

### **Example 1 – compliance with another body's code (paragraph 3(a))**

A member was nominated by a County Borough Council to serve as a board member of a stock transfer housing association. The Chief Executive of the housing association copied all board members into a confidential email to the Chief Executive of the Council. The Councillor admitted sending the email to the local press and said that he had done so because he felt that his duty as a councillor over-rode his duty as a board member of the housing association. The Councillor was found to have breached paragraph 3(a) of the Council's Code by disclosing the e-mail in breach of the board's own code of conduct. He was also found to have brought his office and authority into disrepute by making a misleading statement that "he recently had to withdraw" from the board of the housing association when he had been removed with immediate effect for the serious breach of confidentiality.

### **Example 2 – official capacity and misuse of resources (paragraphs 2 and 7)**

An online poll about a person accused of murder which contained inappropriate language was set up using a member's council-provided laptop, internet access and his council email address. The member said he personally had not set up the poll. The Adjudication Panel found that, as the Council had provided him with the laptop, he was responsible for it and its proper use. He also made disparaging comments about housing benefit claimants on his Facebook page when responding to a request for advice in his councillor role. The Adjudication Panel rejected his assertion that the comments had been made in a personal capacity, finding that the member had acted in his official capacity because he had used his council-provided equipment and email address. Therefore, he could reasonably be regarded as representing himself as a councillor.

### **Example 3 – official capacity (paragraph 2)**

A member had sent, and encouraged an officer of the Council with whom he had a personal relationship to send, inappropriate social media messages, including messages of a sexual nature, during office hours. The Adjudication Panel rejected arguments that the member had been acting in an entirely personal capacity. It found that the member could not divorce himself from his role as the officer's quasi-employer and that, when sending or encouraging the officer to send the messages during working hours, he was acting in his official capacity.

## 2 General obligations under the Code of Conduct

It is your responsibility to consider which provisions of the Code may apply at any given time and to act in accordance with your obligations under those provisions of the Code. I have referred to each paragraph below to provide you with some guidance on your general obligations.

### Equality

See paragraph 4(a)

**You must carry out your duties with due regard to the principle that there should be equality of opportunity for all people regardless of their gender, race, disability, sexual orientation, age or religion.** This obligation underpins the principle that members must have due regard to the need to promote equality of opportunity for all people.

You should at all times seek to avoid discrimination. There are four main forms of discrimination:

- Direct discrimination: treating people differently because of their gender, race, disability, sexual orientation, age or religion.
- Indirect discrimination: treatment which does not appear to differentiate between people because of their gender, race, disability, sexual orientation, age or religion, but which disproportionately disadvantages them.
- Harassment: engaging in unwanted conduct on the grounds of gender, race, disability, sexual orientation, age or religion, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment.
- Victimisation: treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.

The Equality Act 2010 (as amended) reinforces the importance of this part of the Code. It imposes positive duties to eliminate unlawful discrimination and harassment and to promote equality. Under equality laws, your authority may be liable for any discriminatory acts which you commit. This will apply if you do something in your official capacity in a discriminatory manner.



You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your authority's fulfilment of its positive duties under equality laws. Such conduct may cause your authority to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code.

You must also be mindful that, at all times, including when acting in your private capacity, you must not act in a way that would bring your Council into disrepute. It is likely that engaging in behaviour which could be considered to be in breach of the Equality Act in your private capacity would fall into this category.

### **Example 4**

A member of a County Council was a member of the Council's Recruitment Panel to appoint a new Chief Executive. Five applicants were shortlisted. After one candidate had finished his presentation and left the room the member said "good candidate, shame he's black".

The Adjudication Panel for Wales found that paragraph 4(a) of the Code had been breached and that the member had brought the office of member and his authority into disrepute, in breach of paragraph 6(1)(a) of the Code.

### **Example 5**

A member of a County Borough Council sent numerous emails challenging the capacity of an officer of the Council to fulfil their role due to an unsubstantiated allegation of ill-health and a known disability, without objective medical evidence. The Adjudication Panel found that the failure to understand and appreciate the officer's right to privacy and the wide dissemination of private medical information and speculation about the progression of the condition demonstrated a failure to adhere to the principle that there should be equality of opportunity for all people, regardless of disability. Through his actions, it was clear that the member's view was that the officer should not be employed in his role due to his disability. The Panel found the member was in breach of paragraph 4(a) of the Code.

### Treating others with respect and consideration See paragraph 4(b)

Political comments can attract Article 10 rights

**When undertaking your role as a member, you must show respect and consideration for others.** I expect members to afford the public, colleagues, opponents and officers the same courtesy and consideration they show to others in their everyday lives. This does not mean you cannot participate in robust debate with political opponents, but it must be measured.

Article 10 of the ECHR provides a right to freedom of expression and information, subject to certain restrictions. Freedom of expression is a right which applies to all information and ideas, not just those that are found favourable. However, it is a right that may be restricted in certain circumstances, for example, for the protection of the rights and interests of others.

Your freedom of expression as a member attracts enhanced protection when comments you make are political in nature. Therefore, the criticism of opposition ideas and opinion is considered to be part of democratic debate, and it is unlikely that such comments would ever be considered to be a breach of the Code.

“Political” comments are not confined to those made within the Council chamber and, for example, include comments members may generally make on their authority’s policies or about their political opponents. Therefore, unless the comments are highly offensive or outrageous, it is unlikely that I will investigate a complaint about comments made in this context and I will take the view that the offended member needs a “thicker skin”, as has been stipulated by the High Court.

I may also decline to investigate a complaint where the member has raised “political” issues with officers. This would not, however, include threats to an officer’s position or wellbeing. Recent case law has confirmed that council officers should be protected from unwarranted comments that may have an adverse effect on good administration and states that it is in the public interest that officers are not subject to unwarranted comments that disable them from carrying out their duties or undermine public confidence in the administration. That said, officers who are in more senior positions, for example Chief Executives or Heads of Services, will also be expected to have a greater degree of robustness.

Whilst I recognise that political debate can, at times, become heated, the right to freedom of expression should not be used as an excuse for poor conduct generally. Such poor conduct can only discredit the role of members in the eyes of the public.

When considering such complaints, I will take into account the specific circumstances of the case; whether, in my view, the member was entitled to question the officer concerned, whether there was an attempt to intimidate or undermine the officer and the content and context of what has been said.

### Example 6

The Chair of a Community Council was found by a Standards Committee to have sent a number of emails containing inappropriate critical comments to another member of the Council. Two of the emails, including one which contained disparaging comments about the member's shower habits, were copied to other members of the Council. One email confirmed that the Chair had instructed the Clerk not to accept further emails from the member because of his "sarcastic and belligerent remarks", until the member "had learned how to behave and conduct [himself] in a correct manner befitting a councillor." An email critical of the member was also sent by the Chair to a member of the public. The Standards Committee found the emails amounted to a failure to show respect and consideration to the other member, in breach of paragraph 4(b) of the Code; and had brought the Council into disrepute in breach of paragraph 6(1)(a).

An Appeal Tribunal of the Adjudication Panel for Wales found that two of the emails had been sent by the Chair in a personal rather than official capacity. The Tribunal considered all of the emails contained an attack in some form or other on the rights and reputation of the other member. However, the Tribunal found despite being confrontational, the comments were not abusive and were in the main political in nature and attracted the enhanced protection of Article 10 of the ECHR. The Tribunal found that the email about the member's shower habits was intended to make light of the situation and had not been sent maliciously, although it acknowledged the member may have perceived it as such. The Tribunal also found that the ban on the member communicating with the Clerk was a genuine attempt to protect the Clerk from inappropriate emails by the member. The Standards Committee's decision was overturned and the sanction rescinded.

### Example 7

A member of a Town Council wrote a letter to a Deputy Minister of the then Welsh Assembly Government about an employee of a County Council, which he also copied to the Council. In the letter, the member questioned the employee's competence and motivation and he made a number of comments of a disparaging and personal nature about the employee and his associates. He raised the issue of homosexuality and referred to it as a "notorious disability" and that "homosexuality is only a demon which can be driven out". The member was referred to the Adjudication Panel for Wales.

The Panel found that the member had breached paragraph 4(b) in that he had failed to show respect and consideration for others. It also found that his conduct had brought the office of member into disrepute in breach of paragraph 6(1)(a) of the Code.

### Example 8

A member of a County Council accompanied a constituent to support her at a hearing in the County Court of an application to suspend a warrant for possession sought by the member's Council. The application was dismissed. A number of the Council's officers attended the hearing, including the Finance Team Manager. Following the hearing, the member made comments in front of the officers and his constituent which, the Adjudication Panel found, amounted to a threat against the continued employment of one of the officers. The Panel noted there was a significant power differential between the officer, who was of a rank considerably more junior than a Director, and the member concerned as her quasi-employer. The Panel considered the member's right to freedom of expression did not outweigh the officer's right not to be subjected to unwarranted comments, or the public interest in officers being able to carry out their duties. The Panel found that the member's conduct was intended to upset the officer and cause her to fear for her job in the future and, as such, amounted to a breach of paragraph 4(b). The Tribunal also found the member's conduct amounted to bullying of the officer concerned in breach of paragraph 4(c).

**Bullying and harassment**  
See paragraph 4(c)

Consider your conduct  
from the other  
person's perspective

**You must not use any bullying behaviour or harass any person including other members, council officers or members of the public.**

Harassment is repeated behaviour which upsets or annoys people. Bullying can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person, or a person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health. This can be contrasted with the legitimate challenges which a member can make in questioning policy or scrutinising performance. An example of this would be debates in the chamber about policy, or asking officers to explain the rationale for the professional opinions they have put forward. You are entitled to challenge fellow councillors and officers as to why they hold their views.

When considering allegations of bullying and harassment, I will consider both the perspective of the alleged victim, and whether the member intended their actions to be bullying. I will also consider whether the individual was reasonably entitled to believe they were being bullied. Bullying is often carried out face to face but, increasingly, it can be carried out in print or using electronic media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing.

You need to ensure that your behaviour does not cross the line between being forceful and bullying. There can be no hard and fast rules governing every set of circumstances, but the relative seniority of the officer will be a factor in some cases. As outlined in my comments about paragraph 4(b) of the Code, very senior officers can be involved in robust discussion with members and be well placed to put their own point of view forcefully. The same is not true of more junior officers and members need to be aware of this. This is not to say that I condone the bullying of senior officers, only that the greater the power difference between the officer and the member, the greater the likelihood that the officer will consider behaviour to constitute bullying.

The High Court has found that there is a public interest in protecting public confidence in unelected public servants which is to be balanced against the interests of open discussion on matters of public concern. It also found that all members should equally respect the mutual bond of trust and confidence between themselves and the officers which is crucial to good administration.

Local authorities have appropriate channels for expressing concern about the performance of an officer and it is important that you raise issues about poor performance in the correct way and proper forum. Raising such issues in the context of a meeting with others present, especially if they are from outside bodies or are members of the public, is not acceptable. Neither is it acceptable to do so in the media, in your own publications or using blogs, tweets, Facebook or other electronic means. If your criticism is a personal attack or of an offensive nature, you are likely to cross the line of what is acceptable behaviour.

The Adjudication Panel has made a number of findings against members who have sought inappropriately to use their position of power relative to junior officers to influence the actions of those officers, or whom have made unwarranted comments about the performance or actions of officers.

### **Example 9**

A member of a County Council telephoned a private care home contracted to provide services to the Council to say that he wanted to attend the home that day to visit a child in its care. He was advised by a care worker that he could not do so, as he was not named on the child's care plan. The member said that he would attend that day with a colleague. He was advised that the police would be called if he did so. At a later date, the member attended the head office of the care home at the invitation of, and to provide support to, the father of the child with the aim of attending a scheduled therapy meeting. The therapy meeting was cancelled as a consequence of the member's unauthorised presence. The member's actions were found to be in contravention of his Council's adopted 'Protocol on the Role of Elected Members in Safeguarding Vulnerable Children and Adults'. The Council's Standards Committee found the member's interaction with the care home staff had become increasingly hostile. His conduct during the course of the telephone call was intended to undermine the care worker in her role and to exert pressure on her to allow him to attend the care home. The Standards Committee found there was a power imbalance between the care worker and the member, who had sought to

use his position inappropriately in an attempt to gain access to the child. The Standards Committee found the member had used bullying behaviour and harassment in breach of paragraph 4(c) of the Code.

### Example 10

A member of a County Council sent a critical email to an officer's Head of Service and copied it to the officer and a number of other members of the Council. In the email, the member described the officer as 'arrogant, lazy, mentally challenged and has been useless for years.' The member asked why the officer was not called to account and expressed the view that the officer was not worth his salary. The member sent a further email to the officer concerned and posted a 'Twitter' message on social media in which she referred to the investigation by my office in the following terms: 'My sin; ticking off LAZY officer Ugg!'. The impact of the emails led the officer to seek medical and other support and resulted in him taking sickness absence due to stress. The Adjudication Panel found the emails and Twitter message were completely unwarranted and would have adversely affected the officer's ability to carry out his role. The member had not previously raised the professionalism of the officer with senior management. The Panel found the member's conduct amounted to a breach of paragraph 4(b). Although falling short of repeated harassment, the Panel found the member's behaviour also amounted to deliberate bullying of the officer and a breach of paragraph 4(c) of the Code.

### Compromising the impartiality of officers of the authority See paragraph 4(d)

**You must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, your Council.** You should not approach anyone who works for, or on behalf of, the authority with a view to pressurising them to carry out their duties in a biased or partisan way. They must be neutral and should not be coerced or persuaded to act in a way that would undermine their neutrality. For example, you should not ask officers to help you prepare party political material, or to help you with matters relating to your private business. You should not provide or offer any incentive or reward in return for acting in a particular way or reaching a particular decision or threaten someone if they are not minded to act in a particular way. As well as avoiding pressurising officers in person, you need to avoid doing so in writing, using electronic media or in the press.

Although you can robustly question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

If a member develops a close personal relationship with an officer, this becomes a personal and possibly a prejudicial interest under the Code. I would encourage you to adhere to any protocol developed by your authority that deals with relationships between members and officers.

### **Example 11**

The son and daughter-in-law of a member of a County Borough Council were neighbours of a family who were tenants of the Council. Complaints had been made about the family's conduct. The member contacted officers of the Council regarding the family's occupancy of the council property and its impact on his son's family on a number of occasions, sometimes outside office hours. The calls were made in his role as an elected member and he had direct access to officials because he was a member. He received a warning from the Deputy Monitoring Officer as to his conduct, which emphasised the powerful position elected members occupy when dealing with members of staff.

Despite this he continued to contact officers about the matter, including requesting an officer to visit his family "there and then" and accusing an officer of "tipping off" the family being complained about that noise monitoring equipment was being installed.

The Adjudication Panel for Wales found that the conduct of the member was a persistent course of conduct over a period of 6 months, intended to bring undue pressure upon council officers. It found that, through his actions, he had sought to compromise the impartiality of officers of the Council. It also found that the member had failed to show respect and consideration for others and that his actions amounted to harassment and he had used his position improperly to promote the interests of his own family. Given the accumulative nature of his dealings with officers and his making a false allegation that an officer had "tipped off" the family, he had also brought the office of member into disrepute.



### Example 12

A member of a County Borough Council who had previously raised concerns with the Council's Chief Executive, telephoned his (the Chief Executive's) Personal Assistant and put her under pressure to persuade the Chief Executive to take a particular course of action. The member also pressed the Personal Assistant to access the Chief Executive's emails without his express instruction. The member told the Personal Assistant that if she did not do what he asked, the Local Education Authority might be "called in". The Adjudication Panel found that the member had gone beyond making a request to the Personal Assistant, due to the vehemence in which he had made his demands, combined with the veiled threat that if the Personal Assistant did not take the action that he required, the Local Education Authority would be "called in". The Panel found the member had attempted to compromise the impartiality of the Personal Assistant in breach of paragraph 4(d).

### Disclosing confidential information

See paragraph 5(a)

**You must not disclose confidential information, or information which should be reasonably regarded to be of a confidential nature, except in any of the following circumstances:**

- **you have the consent of the person authorised to give it**
- **you are required by law to do so.**

The Information Commissioner has issued helpful guidance on the Freedom of Information Act and Data Protection Act which is available on the Commissioner's website at [www.ico.org.uk](http://www.ico.org.uk) or by calling 0303 123 1113. As a member, you may be party to confidential information about individuals or organisations including personal or commercially sensitive matters. This might include information about people's employment, or personal matters arising from social services work, for instance. Sometimes, these will be marked 'confidential'. On other occasions, this will not be the case, but you must not disclose them even if they are not marked as confidential. If you are in any doubt, always ask your Monitoring Officer.

As a general rule, you should treat items discussed in the confidential sections of meetings ('exempt' items) as confidential. These reports have usually been assessed by the author as containing sensitive information, following expert legal advice. The sensitivity of the information may decline over time, but you are strongly urged to take proper legal advice before disclosing it. Similarly, legal advice, whether provided by external lawyers or your authority's in-house legal staff, is almost always covered by legal privilege and should not be disclosed.

I expect information provided to members during the course of an investigation by my office to be treated in the strictest of confidence and it should not be disclosed to anyone other than the member's legal or other adviser. If the information is disclosed to other persons, I may consider this to be a breach of this paragraph of the Code. In addition, members should not discuss the complaint with any of the witnesses, whether directly or indirectly, as such contact may also be construed to be a breach of the Code.

### **Example 13**

A member of a County Borough Council who sat on the Council's adoption panel disclosed to a third party details of a person who had applied to the panel to adopt a child and the outcome of the application. He could only have become aware of the information he disclosed by virtue of his membership of the panel. The Adjudication Panel found that the member had disclosed confidential information in breach of the Code.

### **Example 14**

A member of a County Borough Council circulated information about an officer's medical condition to other members of the Council, a local headteacher and another person with whom he was acquainted. In the judgment of the Adjudication Panel, the member had disclosed information about the officer's health which should reasonably be regarded as being of a confidential nature and without the consent of the officer, in breach of paragraph 5(a).

## Preventing access to information

See paragraph 5(b)

**You must not prevent any person from accessing information which they are entitled to by law.**

This includes information under the Freedom of Information Act 2000 or those copies of minutes, agendas, reports and other documents of your authority which they have a right to access. To find out more about what types of information the public can access, contact the Information Commissioner's Office by visiting [www.ico.org.uk](http://www.ico.org.uk) or by calling 0303 123 1113; or for specific queries, you should ask your Monitoring Officer.

Information that you produce in your official capacity is liable to be subject to the disclosure requirements of the Freedom of Information Act, and your authority may be required to release it in response to a request. If you do not provide the information to the relevant officer of your authority on request, you will be in breach of the Code.

Your authority needs to decide whether to disclose information or whether it may be covered by an exemption under the Freedom of Information Act. Even if you believe that information you hold is exempt, you must provide it to your authority's relevant officer to allow the authority to reach a decision. As well as being a breach of the Code, it is a criminal offence if information is destroyed after a Freedom of Information Act request has been received.

### **Example 15**

The Leader of a County Council refused to give the Council's Information Officer a letter he had written to the then Wales Audit Office, on behalf of the Council's Executive. As a result, the Council could not respond appropriately to a Freedom of Information Act request which resulted in a complaint being made to the Information Commissioner's Office. The member continued to refuse to disclose the letter despite having received clear and unequivocal advice from the Information Officer. His refusal led to an adverse finding from the Information Commissioner's Office. The Adjudication Panel found that the member had breached paragraphs 5(b) and 6(1)(a) (disrepute) in respect of this matter and other related matters.

### Disrepute See paragraph 6(1)(a)

Any conduct unbecoming of a member can constitute disrepute

**You must not behave in a way which could reasonably be regarded as bringing your office or authority into disrepute at any time.** As a member, your actions and behaviour are subject to greater scrutiny than those of ordinary members of the public. You should be aware that your actions in both your public and private life might have an adverse impact on the public perception of your office as a member, or your authority as a whole. You should also ensure that you do not engage in any behaviour that may prejudice an investigation undertaken by me or your Monitoring Officer, as this may also constitute disrepute (see also paragraph 6(2)).

Dishonest and deceitful behaviour will bring your authority into disrepute, as may conduct which results in a criminal conviction, especially if it involves dishonest, threatening or violent behaviour, even if the behaviour happens in your private life.

Whilst you have the right to freedom of expression, this is not unrestricted and making unfair or inaccurate criticism of your authority in a public arena might be regarded as bringing your authority into disrepute. Similarly, inappropriate emails or careless or irresponsible use of social media might bring the office of member into disrepute, bearing in mind the community leadership role of members. Cases considered by the Adjudication Panel have shown that such behaviour will often be viewed as a serious breach of the Code.

You must also conduct yourself in an appropriate manner with others within the confines of a council's building, regardless of whether your conduct is likely to be in the public domain.

#### Example 16

A Community Councillor attempted to obtain a discount on a private purchase from a shop by saying it was being bought on behalf of the Community Council. When his request for a discount was refused, he was abusive to the proprietor and two members of her staff and made threats against the business. The Adjudication Panel found that the member attempted to gain an improper advantage for himself by misrepresenting the purchase as being on behalf of the Council and his abusive behaviour towards the staff had brought the office of member into disrepute.

### Example 17

Whilst acting in a private capacity, a member of a County Borough Council received a criminal conviction for common assault as a consequence of the unsolicited touching of the leg of a female, which caused her distress. The Adjudication Panel heard that the member accepted that his behaviour was unacceptable and had pleaded guilty to the offence in the Courts. The Panel found that the conviction and negative publicity that surrounded the case had brought the member's office into disrepute, in breach of paragraph 6(1)(a) of the Code.

### Reporting criminal behaviour See paragraph 6(1)(b)

**The Code requires you to report any conduct by another member, an officer, or anyone who works on behalf of your authority (e.g. a contractor) which you reasonably believe involves or may involve criminal behaviour.** Such matters should be reported through your authority's confidential reporting procedure, or direct to the proper statutory authority. As with alleged breaches of the Code (see below), you should not make vexatious, malicious or frivolous allegations, which would themselves be capable of being a breach, by you, of paragraph 6(1)(d) of the Code. If in doubt, consult your authority's Monitoring Officer.

### Reporting breaches of the Code See paragraph 6(1)(c)

**If you reasonably believe that a breach of the Code has occurred, you must report it to the Monitoring Officer.** There is no express requirement to report the matter to me, although allegations about serious breaches of the Code can and should be reported to my office.

In order to have a reasonable belief that a breach has occurred, you will need to have direct evidence (see below) which supports this. If you are in doubt as to whether a breach has occurred, you should consult your Monitoring Officer as soon as possible.

Your Monitoring Officer will be able to advise you whether the nature of the alleged breach warrants the matter being referred to me. Where the breach is a very minor or technical one, or where there is no clear evidence that a breach occurred, your Monitoring Officer may suggest that the matter would be more appropriately dealt with through the authority's local resolution process.

In the most serious of cases, or where the local resolution process breaks down or is unsuitable, your Monitoring Officer may, as an exception, decide to refer them to me directly or on your behalf. In most other cases, you will be advised to do so yourself.

The decision as to whether to investigate a breach rests with me. The balance of any doubt should always favour reporting. It is helpful if you specify which aspect of the Code you believe has been breached.

In determining whether to investigate a complaint of a breach, I will use the two-stage test that I have outlined in the Introduction to this guidance. You should ensure that you provide any evidence you have available when you make a complaint, including minutes of meetings, correspondence, contemporaneous notes or emails. If there are other individuals who have witnessed the alleged breach, you should let me know who they are. This latter point is especially important because, if I only have one person's word against another's, I may not be able to conclude with sufficient certainty that there is enough evidence to warrant pursuing the matter.

To report a potential breach, you can contact my office by phone at 0300 790 0203, by email to [ask@ombudsman.wales](mailto:ask@ombudsman.wales) or via the website at [www.ombudsman.wales](http://www.ombudsman.wales). A special leaflet on making complaints about alleged breaches of the Code is available on request or on the website.

### **Vexatious complaints** See paragraph 6(1)(d)

**You must not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your Council.**

You must not make complaints against other members, your authority's officers or people working on behalf of your authority which are not founded in fact and which are motivated by malice (a desire to do them harm) or by

political rivalry. Unfortunately, there have been instances where members have sought to bring complaints about rivals which are designed to disadvantage them, sometimes in the run-up to elections, and where the evidence of any breach is weak or non-existent. I consider that in the first instance such conduct should be considered under the relevant authority's local resolution process.

Where specific details of such complaints are passed to local press and media, this may prejudice an investigation and, as I have explained, may also be a breach of the Code. You must report well-founded alleged breaches to your Monitoring Officer - not to your local newspaper or radio station. The press will properly cover the business of any subsequent hearings and their outcomes, and members making allegations should not generate publicity in advance of these.

The Code should not be used by members to pursue their political or private differences. You should therefore avoid making complaints which have little or no substance (frivolous complaints) which are designed mainly to annoy the person complained about, for example, when you may disagree with a member's approach to your authority's business or their role as member. Where I find evidence to suggest that a complaint has been made to my office which is not founded in fact and has been motivated by malice or political rivalry, I will consider this to be a serious matter and I may investigate whether you have failed to comply with the Code in submitting the complaint. **Making vexatious, malicious or frivolous complaints is not only a breach of this paragraph, but may also be contrary to your other obligations under the Code, such as the requirement not to bring your position as councillor into disrepute (paragraph 6(1)(a)) or not to use your position for an improper purpose (paragraph 7(a)).**

### Example 18

A member of a County Borough Council alleged that the Leader of the Council had offered to provide another councillor and his group of members with office facilities, if that other councillor supported the Leader's preferred candidate for the post of Chief Executive. The Adjudication Panel found that the allegation was without foundation and was designed to cause damage to the Leader of the Council. As such, it was both a vexatious and malicious complaint, contrary to paragraph 6(1)(d) of the Code. The Panel also concluded that the surrounding publicity had brought the Council into disrepute in breach of paragraph 6(1)(a).

### Co-operating with investigations

See paragraph 6(2)

You must co-operate with an investigation when it is being conducted by me or by your Monitoring Officer using our statutory powers. Not to do so is itself a breach of the Code. This means that you should reply promptly to all correspondence and telephone calls, make yourself available for interview if required and make available copies of any requested documents, including electronic communications such as emails and texts. It would be helpful if you could identify any concerns that you may have during the course of the investigation so that these can be promptly resolved. My office and your Monitoring Officer will make reasonable allowances for urgent pressures you face and arrangements previously made, for example, for holidays. However, you are expected to give priority to their investigations to avoid matters being needlessly drawn out. The requirement to co-operate with an investigation applies whether you are a witness or the subject of the investigation.

I am aware of instances where members accused of breaches of the Code have sought to put pressure on the individuals making the complaint or on other witnesses. I regard such behaviour as entirely unacceptable. You must not intimidate or attempt to intimidate any person who is, or is likely to be, a complainant, a witness, or involved in the administration of any investigation or proceedings relating to a failure to comply with the Code. In one case I investigated, the Adjudication Panel found that the member's actions in threatening the complainant could be described as akin to blackmail. As such, the Panel considered this to be more serious than the complaint which had led to my investigation in the first place.

However much you may be concerned about allegations that you or a fellow councillor failed to comply with the Code, it is always wrong to bully, intimidate or attempt to intimidate any person involved in the investigation or hearing. Even though you may not have breached the Code, you will have your say during any independent investigation or hearing, and you should let these processes follow their natural course.

If you intimidate a witness in an investigation about your conduct you may, for example, find yourself subject to another complaint that you have breached paragraph 4(c) of the Code with regard to bullying or harassment, or paragraph 6(1)(a) in respect of bringing the office of member into disrepute.



### Example 19

My office investigated a number of separate serious allegations that a member of a Community Council had failed to comply with his Council's Code of Conduct, following which three reports were referred to the Adjudication Panel for Wales. During the course of the investigation the member refused to engage properly with the process, was obstructive in that he refused to accept the delivery of papers, and made a number of threats, including legal action, against the investigating officer and other members of the Council. The Adjudication Panel found that the member's failure to provide a proper and substantive response to requests made by my office during the investigation was a breach of paragraph 6(2) of the Code.

### Using your position improperly See paragraph 7(a)

**You must not use, or attempt to use, your position as a member improperly to the advantage or disadvantage of yourself or any other person.<sup>9</sup> This paragraph applies at all times and not just when you are carrying out your duties as a member. You should not use, or attempt to use, your public office either for your or anybody else's personal gain or loss. For example, your behaviour would be improper if you sought to further your own private interests through your position as a member. This also applies if you use your office to improve your wellbeing at the expense of others.**

Members who own land, or whose close personal associates own land, need to be particularly cautious where planning matters are concerned. If you are in any doubt, you should take advice. This applies equally to members of community councils when your Council is consulted on planning matters. Similarly, while it is reasonable to expect members to help constituents apply to the Council, for example, for housing, it is quite inappropriate to seek to influence the decision to be taken by the officers.

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<sup>9</sup> In legislation, the use of 'person' includes a body of persons corporate or unincorporated – see Schedule 1, Interpretation Act 1978; and Schedule 1, Legislation (Wales) Act 2019 (for Welsh legislation made on or after 1 January 2020).

The provisions of the Bribery Act 2010 apply to members carrying out their public functions. Should a member be convicted of a criminal offence under this Act then it is likely that they will also have used their position improperly (in breach of paragraph 7(a)) and be likely to have brought the office of member or their authority into disrepute in breach of paragraphs 6(1)(a) and (b). If any complaint which is made to me concerns conduct which may amount to a criminal offence then I am likely to refer the matter to the police.

### **Example 20**

A member of a County Council had requested that land in his ownership in Village A be included as suitable for development in the Council's Local Development Plan (LDP). When the Council was considering suitable settlement areas for inclusion in the LDP, officers recommended that land in the neighbouring village (Village B) be included in the draft plan instead. Despite having received very clear advice from the Council's Monitoring Officer on his prejudicial interest, the member emailed the Council's planning policy officer and outlined a number of arguments which he claimed favoured the inclusion of his land in Village A as opposed to the land in Village B. At the relevant time the draft plan had been disclosed to members of the Council on a confidential basis and had not been disclosed publicly.

The Adjudication Panel found that, by sending the email, the member had breached paragraph 7(a) of the Code by attempting to use his position improperly for his own advantage. At the hearing, he sought to apportion blame on the Council's Monitoring Officer for failing to advise and train him properly on the Code, when this clearly was not the case. His actions also brought his office and the Council into disrepute.

### **Example 21**

A member of a National Park Authority being investigated by my office for alleged inappropriate behaviour towards another member, spoke with the Chair of the Authority in an attempt to have the matter dealt with through a roundtable discussion of the parties involved. The member threatened to disclose information publicly about the complainant if the complaint to my office was pursued and went against him. The Adjudication Panel found that this

amounted to an attempt by the member to use his position improperly in order to avoid a potential disadvantage, as well as breaches of paragraphs 4(b) and 6(1)(a) of the Code.

### Example 22

A member of a County Borough Council made representations to council officers on behalf of a constituent about matters relating to the purchase by the constituent of a parcel of Council-owned land through a tender process. This included the removal of a restrictive covenant which rendered the land of little value to the constituent given his intention to develop it. The member volunteered in evidence before the Council's Standards Committee that his involvement was a possible way of mitigating legal costs for his constituent. Throughout his involvement, the member failed to disclose that he had a close personal association with the constituent, who he had known for 40 years and regarded as a close personal friend who he saw almost daily. The Standards Committee found that the member had breached paragraph 7(a) (and other paragraphs) of the Code in that through his interventions he had sought to use his position improperly to confer an advantage upon and avoid a disadvantage for his friend. This would potentially create a disadvantage for any member of the public who might wish to express an interest in the land had it been on the open market (as the absence of the restriction would have required), especially the lower bidder in the original tender process.

### Using the authority's resources See sub-paragraphs 7(b)(i) – (iv)

**You must only use or authorise the use of the resources of the authority in accordance with its requirements and the law. These sub-paragraphs also apply at all times.** Where your authority provides you with resources (for example telephone, computer and other IT facilities, transport or support from council employees), you must only use these resources or employees for carrying out your local authority business and any other activity which your authority has authorised you to use them for.

You must be familiar with the rules applying to the use of these resources made by your authority.

Failure to comply with your authority's rules is likely to amount to a breach of the Code. If you authorise someone (for example a member of your family) to use your authority's resources, you must take care to ensure that this is allowed by your authority's rules.

### Using resources for proper purposes only See sub-paragraphs 7(b)(v) and (vi)

**You must make sure you use the authority's resources for proper purposes only. These sub-paragraphs apply at all times.** It is not appropriate to use, or authorise others to use, the resources for private or political purposes, including party political purposes. When using the authority's resources, you must have regard, if applicable, to any guidance issued by your authority, for example, your authority's Information Security Policy.

You should never use authority resources for purely political purposes, including designing and distributing party political material produced for publicity purposes. However, your authority may authorise you to use its resources and facilities for political purposes in connection with your authority's business, for example, holding meetings of your political group. In this case, you must be aware of the limitations placed upon such use for these purposes. Members should also have regard to the fact that periods leading up to local government elections are particularly sensitive in this regard. Using your authority's resources outside of these limitations is likely to amount to a breach of the Code. Some authorities will permit members to use authority-supplied IT equipment such as laptops for ancillary use. Provided that such usage is in line with the authority's requirements, there would not be a breach, but sending mass emails as part of an election campaign, for example, would not be appropriate.

Where, however, there is no policy or the policy is silent you may not use these resources for any political or private purposes.

### Example 23

A member of a County Council was found in breach of the Code for making improper use of his council-issued computer equipment for private purposes by downloading adult pornographic images and sending a number of letters to a local

newspaper, which he falsely represented as being from members of the public. The Adjudication Panel found that the member had misused the Council's equipment in breach of the Code and had brought the office of member into disrepute.

### Example 24

A member of a County Borough Council was found by the Adjudication Panel to have breached the Code by using his council-issued mobile phone excessively for private purposes. Whilst limited personal use was permitted under the Council's IT policy, a bill in excess of £1000 was incurred in respect of private calls which the member had made.

### Reaching decisions objectively

See paragraph 8(a)

**When taking part in meetings of your authority, or when arriving at decisions relating to the authority's business, you must do so with an open mind and consider the issues objectively, having regard to any relevant advice of your authority's officers.** During the decision-making process, you must act fairly and take proper account of the public interest.

In some decisions, such as those taken by planning committees or where you are participating in the consideration of a ward matter, you are required always to make your decisions on the basis of the facts in front of you, and not to have made your mind up in advance to such an extent that you are entirely unprepared to consider all of the evidence and advice you receive. Having a completely closed mind is known as **pre-determination**. You are entitled to hold a preliminary view about a particular matter in advance of a meeting (**pre-disposition**) as long as you keep an open mind and are prepared to consider the merits of all the arguments and points made about the matter under consideration before reaching your decision.

**Pre-determination**, on the other hand, would be where you have clearly decided on a course of action in advance of a meeting and are totally unwilling to consider the evidence and arguments presented on that matter during the meeting. Pre-determination could not only invalidate the decision, it would also amount to a breach of the Code.

Section 78 of the Local Government (Wales) Measure 2011 prohibits a member of an overview or scrutiny committee meeting from voting on a question at a meeting if, before the meeting, the member has been given a party whip relating to the question.

In order for me to investigate complaints of “whipping” of votes by political groups, there must be written evidence or other corroborative evidence available of the whip. Suppositions based upon the voting patterns of particular groups will not be sufficient evidence of a whip.

### Considering advice provided to you and giving reasons See paragraph 8(b)

#### **You must give reasons for all decisions in accordance with any legal requirements and any additional requirements imposed by your authority.**

You must have regard to all of the advice you receive from your authority’s officers, especially advice from the Chief Executive, Chief Finance Officer, Monitoring Officer and Chief Legal Officer, where they give it under their statutory duties. Such advice may also be contained in policy and guidance documents produced by your authority. This is a complex area and there are provisions within other legislation which underpin it but, in general, it goes well beyond a requirement to simply consider and reject advice if it is not welcome.

I expect members to follow the advice unless there are strong reasons not to do so, and where a decision is made not to follow advice, it is highly advisable to record the reasons for not doing so.

It is worth reflecting also that this places a considerable onus on statutory officers to consider their formal advice carefully, and again, where they believe it is likely to be contentious, to keep a record of it. There may be isolated cases where advice is given to a member which, when followed, leads to a breach of the Code. In investigating such cases, if the evidence suggests that there has been a breach, I would generally regard the flawed advice as a factor in mitigation, rather than as evidence that no breach occurred.

It is always helpful, if you can, to seek and obtain advice as early as possible. If you can, ask for advice in good time before a meeting, rather than at the meeting or immediately before it starts. Make sure you give the officer concerned all of the information they need to take into account when giving you advice.

If you seek advice, or advice is offered to you, for example, on whether you should register a personal interest, you should have regard to this advice before you make up your mind. Failure to do so may be a breach of the Code.

You must give reasons for all decisions in accordance with any statutory requirements and any reasonable requirements imposed by your authority. Giving reasons for decisions is particularly important in relation to regulatory decisions and decisions where people's rights are affected, but it is not confined to these.

As a matter of good practice, where you disagree with officer recommendations in making a decision, you should give clear reasons for your decision. This applies to decisions to vote against the advice of the statutory officers, even if you lose the vote. If you decide to vote against their advice, you should ensure that your reasons for doing so are recorded in the relevant minutes. You should be aware that voting against the advice of the statutory officers without good reason may be a breach of the Code.

In reaching decisions where the advice is not provided by the statutory officers, you should still have regard to the advice provided by officers and take it into account in reaching your decision. You may also wish to have regard to other advice you have received and, of course, to the position adopted by a political group of which you are a member. In some circumstances, such as planning decisions, you must not vote on the basis of a "whip" imposed by your group. In others, it is reasonable to do so but you should avoid having an entirely closed mind prior to a debate. Again, whatever the reasons for voting against officer advice, it is highly advisable to record them.

### **Example 25**

A member of a County Council who chaired a council meeting refused to allow the Council's Monitoring Officer to advise members during a debate about the Council's "Annual Letter" from the then Wales Audit Office. Also, when the Monitoring Officer did manage to intervene to express grave concerns about the way in which the proceedings were being conducted, the member failed to have regard to the limited advice the Monitoring Officer was allowed to offer and simply said that he "noted her comments".

The member was found to have breached paragraph 8(a)(iii) of the Code. The Adjudication Panel took into account the member's full apology and expressions of remorse for his behaviour and indicated that had the member not already accepted his wrongdoing it would have imposed a greater sanction than it did.

### Expenses

See paragraph 9(a)

**You need to follow the law and your authority's requirements in claiming expenses and allowances.** If you are in any doubt about your entitlements, or the proper way to claim, you should ask for advice. You need to keep proper records of expenditure, supported by receipts where appropriate, so that you can properly evidence your claims. Even if a particular scheme does not require you to submit receipts, you are strongly advised to keep these so that you can prove how much you have actually spent on the items you are claiming, for example, for childcare.

### Example 26

A member of a County Borough Council was alleged to have used the Child/Dependent Care Allowance to pay his wife to look after their daughter. During the investigation, it transpired that he had paid his adult son (from a previous marriage) a regular weekly income to care for the child as and when required. The member was able to provide proof of the payments through receipts and cheque counterfoils. In view of this, there was no evidence of any failure on the part of the member to comply with the Code.

### Gifts and hospitality

See paragraph 9(b)

**It is important that you do not accept any gifts or hospitality for yourself, or on behalf of others, which would place you under obligation or appear to do so.** Accepting such gifts or hospitality could be regarded as compromising your objectivity when you make decisions or carry out the work of your Council. This is also true of any services or gifts in kind. This does not prevent you from attending official events such as a civic reception or working lunch where these are authorised by your authority. (See also the section of this guidance on registering gifts and hospitality under paragraph 17 of the Code.)



### 3 Personal and prejudicial interests

The elements of the Code which cover personal and prejudicial interests give rise to many questions from members. They are designed to safeguard the principles of selflessness and objectivity. They are intended to give members of the public confidence that decisions are being taken in their best interests, and not in the best interests of members of authorities or their close personal associates.

Personal interests relate to issues where you or a close personal associate may have some link to a matter under discussion. These interests become prejudicial where an informed independent observer could reasonably conclude that the interest is likely to influence your vote, or your decision.

In my experience, it is the distinction between personal and prejudicial interests, and what action a member should take depending on the nature of their interest, that causes the most difficulty for members. The paragraphs below are designed to offer guidance in this area. I would strongly recommend that if you are in any doubt about whether you have a personal or prejudicial interest, and, if so, what you need to do, you should ask your Monitoring Officer for advice. However, the decision on what course of action should be taken remains with you.

To provide some further assistance, I have attached two flowcharts at Appendix 1 and 2 which Ceredigion County Council's former Monitoring Officer designed to take you through the questions that you should ask when deciding whether you have an interest. They are for illustration purposes only and are not definitive.

Guidance on registering interests is at Section 4.

**Personal Interests**  
See paragraph 10

**Do you have a link or close connection to the item to be considered?**

**While you are carrying out your duties, you must consider whether you have a personal interest and, if so, whether you need to disclose it.** Most members know that you need to disclose personal interests at meetings, but there are other occasions, such as when speaking to your authority's officers about the matter concerned, when you may also need to do so.

Listed below are some questions that you should ask yourself when deciding if you have an interest:

### **Do I have a personal interest?**

You have a personal interest in any business of your authority, including when making a decision, where it relates to or is likely to affect:

1. your job or your business
2. your employer, or any firm in which you are a partner or paid director
3. any person who has paid towards the cost of your election or your expenses as a member
4. any company in which you hold shares with a nominal value of more than £25,000 or where your holding is more than 1% of the total issued share capital, which has premises or land in your authority's area
5. any contract that your authority makes with a firm in which you are a partner, paid director or hold shares in (as described in 4, above)
6. any land in which you have an interest and which is in your authority's area (this is especially important in all planning matters including strategic plans)
7. any land let by your authority to a firm in which you are a partner, paid director or a body (as set out in 4, above)
8. any body to which you've been elected, appointed or nominated by your authority
9. any of the following in which you have membership or hold a position of general control or management:
  - public authority or body exercising functions of a public nature
  - company, industrial and provident society, charity or body directed to charitable purposes
  - body whose main role is influencing public opinion or policy
  - trade union or professional association
  - private club, society or association operating in your authority's area
10. any land in your authority's area which you have a license to occupy for at least 28 days.

It is always safer to declare an interest; however, if in doubt, consult your Monitoring Officer.

### Matters affecting your well-being or financial position

If a decision might be seen as affecting your well-being or financial position or the well-being or financial position of any person who lives with you or with whom you have a **close personal association** to a greater extent than other people in your ward or, for members of authorities which do not have wards (for example, national parks), in your authority's area, you have a personal interest.

Examples of decisions of this kind include obvious issues like contracts being awarded to your partner's company, but also issues about the location of developments, where it might make a big difference to where you or your close personal associates live. Examples have included the location of playgrounds, where elected members have opposed them near their houses because of issues about noise.

### What is “a body exercising functions of a public nature”?

The phrase “a body exercising functions of a public nature” has been subject to broad interpretation by the courts for a variety of different purposes. Although it is not possible to produce a definitive list of such bodies, here are some of the criteria to consider when deciding whether a body meets that definition:

- Does that body carry out a public service?
- Is the body taking the place of local or central government in carrying out the function, for example, a care home with residents supported by social services?
- Is the body (including one outsourced in the private sector) exercising a function delegated to it by a public authority, for example, a private company collecting refuse for the authority?
- Is the function exercised under legislation or according to some statutory power?
- Can the body be judicially reviewed?

Unless you answer ‘yes’ to one of the above questions, it is unlikely that the body in your case is exercising functions of a public nature. Examples of bodies included in this definition are health bodies, council-owned companies exercising public functions and school governing bodies. If you need further information or specific advice on this matter, please contact your Monitoring Officer.

### What does “affecting well-being or financial position” mean?

The term ‘well-being’ can be described as a condition of contentedness and happiness. Anything that could affect your quality of life, either positively or negatively, is likely to affect your well-being. A personal interest can affect you or your close personal associates positively and negatively. So, if you or they have the potential to gain or lose from a matter under consideration, you need to declare a personal interest in both situations.

**Close personal associates include friends, relatives, business associates and those with whom you have been in dispute**

### Who is a close personal associate?

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

Close personal associates can also include someone with whom you have been in dispute, or whom you may be regarded as having an interest in disadvantaging. For example, being a member of the same golf club as another person would not of itself constitute a close personal association, but having that person as a weekly golf partner might well do. If you are in doubt, you should ask your Monitoring Officer.

### What if I belong to an authority without wards or electoral divisions?

If you are a member of an authority that does not have wards or electoral divisions, you will need to declare a personal interest whenever you consider a matter in a meeting of your authority if it affects the well-being or financial position of you or one or more of your close personal associates, **more than** it

would affect other people in your authority's area. If you are a local authority member of a fire authority, for example, you would need to declare an interest under this heading on matters concerning your nominating authority's area.

### “Twin hatted” members

If you are a member of both a community council and a county or county borough council, you are not prevented from discussing the same matters at both. You may, for example, take part in a discussion about a planning application about which your Community Council has been consulted and still go on to participate in a decision about the application if you sit on the Planning Committee of your County Council.

If you do so, you would be well advised to state at the Community Council meeting that you would be looking at the matter afresh when you consider it at the County Council meeting, and that you would take into account all of the information and advice provided to you. At the Planning Committee, you should make it clear that you are not bound by the views of the Community Council. The advice about objective decision making in respect of paragraph 8 of the Code is also relevant here.

Obviously, if the planning application was one submitted by the Community Council, then you would have both a personal and a prejudicial interest, and you would be required to declare it and withdraw in line with the guidance on “what to do if you have a prejudicial interest” below.

### Example 27

A member of a Community Council was found in breach of the Code for failing to declare a personal and prejudicial interest at a meeting which considered the Clerk's remuneration package; the member and the Clerk were in a relationship and engaged to be married at the time. The Adjudication Panel found that the member should have declared a personal interest in the item of business by virtue of his close personal association with the Clerk. It considered also that the nature of the member's relationship with the Clerk was one that gave rise to a prejudicial interest as it concerned a significant benefit for the future spouse. The Adjudication Panel considered that the interest was one that would affect public

perception of the members' ability to make a decision in the public interest. The Adjudication Panel reiterated that the test was not whether the member took the decision without prejudice, but whether he would have been seen as doing so.

### Example 28

A member of a County Borough Council made numerous representations to his Council's officers on behalf of a constituent who was involved in the purchase of Council-owned land that was being sold by way of a tender process. The member and constituent were long-standing close personal friends, having been acquainted for some 40 years. The constituent stood to gain financially from the member's intervention. The Adjudication Panel found that the member did not consider (as required by paragraph 10(1) of the Code) whether he had a 'personal interest' when he spoke, wrote and attended meetings about the land; and he did not disclose the existence and nature of the interest in breach of paragraph 11. The Panel found that the member's personal interest was so significant as also to be a 'prejudicial interest'. The Panel, therefore, found that the member also failed to comply with paragraph 14 of the Code, in that he should not have made oral or written representations or attended meetings to discuss the matter on behalf of his constituent.

### What if I am not aware of my personal interest?

Your obligation to disclose a personal interest to a meeting only applies when you are aware of or reasonably ought to be aware of the existence of the personal interest. Clearly, you cannot be expected to declare something of which you are unaware. It would be impractical to expect you to research into the employment, business interests and other activities of all your close associates and relatives. However, you should not ignore the existence of interests which, from the point of view of a reasonable and objective observer, you should have been aware.

### What to do when you have a personal interest See paragraph 11

Once disclosed you can stay & participate if your interest is not prejudicial

When you have a personal interest in any business of your authority, you **must** disclose the existence and nature of the interest before participating (unless it is also a prejudicial interest) in any business to which it relates. How you do this will depend on the circumstances in which the business is being transacted.

If you are attending a **meeting**,<sup>10</sup> you must disclose the interest orally to that meeting before or at the commencement of the consideration of the relevant business at the meeting, or at the point the interest becomes apparent. If this is the first time you have disclosed the interest during your current term of office, you must confirm it in writing before or immediately after the close of the meeting, in accordance with arrangements set out by your authority's Monitoring Officer. As a minimum, you need to say in writing what the interest is, what business considered by the meeting it relates to and you need to sign it.

If you are making **written representations** (including by email, text etc) to a member or officer of your authority regarding any matter in which you have a personal interest, you should include details of the interest in that correspondence.

Similarly, if you are making **oral representations** (whether in person, by telephone or video-conference etc) you should disclose the interest at the commencement of those representations, or when the interest becomes apparent. I would generally expect officers to make a record of any conversation in which a member has disclosed an interest and attach it to the appropriate file. However, it remains your responsibility under the Code (paragraph 11(2)(b)) to confirm the oral representations and details of the personal interest disclosed by you in writing within 14 days.

**Key point:** You must disclose the existence and nature of a personal interest in the way set out above on every occasion before you participate in the business to which it relates, regardless of whether you have previously registered the interest. This ensures that everyone present, including members of the public or other observers are aware of your interest.

If you are making a decision as part of an **executive or board**, you must make sure that the written record of that decision (for example, minutes of a cabinet meeting) includes details of your interest.

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<sup>10</sup> The definition of 'meeting' in paragraph 1(1) of the Code is very broad and includes any meeting where members or officers are present (other than political group meetings), not just formal meetings of the authority. For example, it can include an informal meeting of a member and officer.

If your Monitoring Officer has agreed that the information about your personal interest is **sensitive information**, then you should disclose the existence of a personal interest (but not its nature), and confirm that the Monitoring Officer has agreed that the information about it is sensitive. More information about this is included in the separate section on paragraph 16 of the Code below.

If you declare a personal interest, you can remain in the meeting, speak and vote on the matter, **unless your personal interest is also a prejudicial interest**. What constitutes a prejudicial interest is outlined in the following section.

### Example 29

I investigated a complaint that a member of a Town Council attempted to use his position to derail a 'Community Hub' project because, within the Hub, there would be a social club serving food and drink and this would affect the member's business – a nearby pub/restaurant. The member had also previously been in a business relationship with one of the parties to the Community Hub project, which had ended acrimoniously. Historic minutes of the Council's meetings showed that the member had disclosed a personal interest in the project and had not attended meetings due this being a prejudicial interest. However, at a later meeting of the Council the member did not disclose the existence and nature of his interest and did not withdraw from consideration of the project when it was discussed. This was despite the Clerk's advice that it was likely he had an interest in the matter under discussion. A Standards Committee found that the member had failed to disclose the existence and nature of a personal interest, in breach of paragraph 11(1) of the Code. The Committee further found that the interest was a prejudicial interest and, as the member had failed to withdraw from the meeting, he had also breached paragraph 14(1).



## Prejudicial Interests

See paragraph 12

### Do I have a prejudicial interest?

Your personal interest will also be a prejudicial interest in a matter if a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest and:

- the matter does not fall within one of the exempt categories of business (see below), or
- the exempt categories do not apply because the matter relates to a licensing or regulatory matter (see paragraph 12(3)).

### What is so significant that it is likely to prejudice your judgement?

If a reasonable member of the public with knowledge of all the relevant facts would think that your judgement of the public interest might be prejudiced, then you have a prejudicial interest. This is **an objective test**. You must decide not whether you would take the decision without prejudice, but whether you would be seen as doing so.

You must ask yourself whether **a member of the public**, if he or she knew all the relevant facts, would think that your personal interest was so significant that it would be likely to prejudice your judgement. In other words, the interest must be perceived as likely to harm or impair your ability to judge the public interest.

The mere existence of local knowledge, or connections within the local community, will not normally be sufficient to meet the test. There must be some factor that might positively harm your ability to judge the public interest objectively. The nature of the matter is also important, including whether a large number of people are equally affected by it or whether you or a smaller group are particularly affected.

Some general principles must be remembered when applying this test. You should clearly act in the public interest and not in the interests of any close personal associates. You are a custodian of the public purse and the public interest and your behaviour and decisions should reflect this responsibility.

You would have a prejudicial interest in a planning application proposal if a close personal associate of yours (for example, your son or a good friend) lives next to the proposed site. This is because your close personal associate would be likely to be affected by the application to a greater extent than the majority of the inhabitants of the ward or electoral division affected by the decision (or authority, if your authority does not have wards) and this gives you a personal interest in the issue. The close personal association means a reasonable member of the public might think that it would prejudice your view of the public interest when considering the planning application. **It does not matter whether it actually would or not.**

In other cases, where there has been a dispute between you and an individual who could be disadvantaged by a decision, an informed reasonable member of the public might conclude that you would be influenced by this when voting, whether this is the case or not.

### Does the matter fall within one of the exemptions? See paragraph 12(2)

You will not have a prejudicial interest if the business falls within one of a number of exemptions which are set out below.

The business relates to:

- another relevant authority (i.e. a county / county borough council, community council, fire and rescue authority, national park authority or police and crime panel) of which you are also a member
- another public authority or a body exercising functions of a public nature in which you hold a position of general control or management
- a body to which you have been elected, appointed or nominated by your authority
- your role as school governor where you have not been appointed or nominated by your authority (for example, a parent governor) unless the business specifically relates to your school

- your role as a member of a health board where you have not been appointed by your authority
- housing - if you hold a tenancy or lease with the authority, as long as the matter does not relate to your particular tenancy or lease and you do not have arrears of rent of more than 2 months
- school meals or school transport and travelling expenses, if you are a parent, guardian, grandparent of, or have parental responsibility for, a child in full-time education unless it relates particularly to the school that child attends
- decisions about statutory sick pay, if you receive or are entitled to receive it from your
- authority
- an allowance, payment or pension for members. I do not consider a member being put forward for election to a council office which attracts a Special Responsibility Allowance to have a prejudicial interest as I consider them to be covered by this dispensation.

These exemptions will **not** apply where the business you are considering is about determining an approval, consent, license, permission or regulation (see paragraph 12(3)). I consider these descriptions to refer to a narrow category of decisions, such as granting planning consent and licensing decisions. A wider interpretation of approval, for example, would cover almost every aspect of your authority's business and was clearly not intended.

If one of the exemptions applies you are **not** regarded as having a prejudicial interest. You still must disclose your personal interest **but you are allowed to participate in the item under discussion.**

### Example 30

Two members of a County Borough Council, who were sisters, were found by the Council's Standards Committee to have failed to declare both personal and prejudicial interests when they decided to allocate funds from their Members' Small Payments Scheme to a company, in respect of which one of the members was a non-paid director. During my investigation, one of the members disputed the fact that she had received advice from the Monitoring Officer about the disclosure of such interests. The other member had, despite receiving

advice on the declaration of interests, falsely declared that she had no interest in the company on the nomination form. The Standards Committee considered the breaches of paragraphs 11 and 14 of the Code to be serious ones.

### Example 31

A Standards Committee determined that the circumstances in which a member's membership of a local organisation had ended, resulting in an acrimonious and ongoing dispute between her and the organisation (including solicitors' letters for the recovery of a debt) constituted a close personal association. It found that the nature of this association meant that the member had a prejudicial interest and that she had failed to declare this and withdraw from numerous meetings when a financial donation to the organisation had been discussed.

### Overview and Scrutiny Committees See paragraph 13

**Please note: this section does not apply to fire and rescue authorities, and national park authorities.**

You have a prejudicial interest in any business before an overview and scrutiny committee or sub-committee meeting where both of the following requirements are met:

- that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees
- you were a member of that decision-making body at that time and you were present at the time the decision was made or action taken.

If the overview and scrutiny committee is checking a decision which you were involved in making, you may be called to attend the meeting to give evidence or answer questions on the matter, and you may do so provided it is acting under its statutory powers.

### What to do when you have a prejudicial interest See paragraph 14

You must declare your interest and withdraw from the room

If you have a prejudicial interest in any aspect of your authority's business, you must not take part in the consideration of that business, or exercise executive or board functions or make representations, except in the circumstances described below.

Nevertheless, even where you have a prejudicial interest, the Code supports your role as a community advocate and enables you in certain circumstances to represent your community and to speak on issues important to them and to you.

**Key point:** If you have a prejudicial interest in a matter being discussed at a meeting, you must, having declared your personal interest in the matter, leave the room, chamber or place where the meeting is being held (including, for example, the location of a site meeting).

**This is unless you have obtained a dispensation from your authority's standards committee, or when members of the public are allowed to make representations, give evidence or answer questions about the matter,** by statutory right or otherwise. If the latter is the case, you can also attend the meeting for that purpose, or you may submit written representations to the public meeting in accordance with any procedure adopted by your authority for this purpose. However, where you attend a meeting you must immediately leave the room, chamber or place once the period for considering representations has finished, and before any discussion on the item begins, even if members of the public are allowed to remain. You cannot, for example, remain in the public gallery to observe the discussion or vote on the matter as your very presence could influence the decision, or be perceived by a reasonable member of the public as doing so.

In addition, **you must not seek to influence a decision in which you have a prejudicial interest.** This rule is similar to your general obligation not to use your position as a member improperly to your or someone else's advantage or disadvantage. This means that, as well as leaving meetings where the item is discussed, you must not write or make any oral representations about the matter, except in the circumstances described above relating to representations by the public.

### Example 32

A member of a Community Council who owned a property next to a caravan and camping park attended a meeting of the Council when a planning application by the owner of the park was considered. The member had previously raised concerns with the relevant planning authority about a number of alleged breaches of planning permission by the owner of the park over a number of years. The member declared a personal interest and spoke at the Community Council meeting, setting out the background to the application, details of alleged previous breaches and commenting on the application itself; and voted against the application.

The Adjudication Panel found that the member's interest in the planning application was also a prejudicial interest and she should have withdrawn from the meeting. The close proximity of the member's home to the caravan and camping park, combined with the numerous concerns raised by the member regarding alleged breaches of planning controls, were facts that a member of the public could reasonably regard as so significant that they were likely to prejudice the member's judgement of the public interest. The Adjudication Panel found the member had sought to influence a decision regarding a matter in which she had a prejudicial interest in breach of paragraphs 14(1)(a), (c) and (e).

### Do I have a statutory right to speak to the meeting?

The Code does not provide you with a general right to speak to a meeting where you have a prejudicial interest. However, in limited circumstances, legislation may provide you with a right to speak (for example, licensing hearings and standards hearings) which the Code recognises. If so, you will be allowed to exercise that right to speak. Your Monitoring Officer should be able to confirm whether this is relevant to your case.

### If I do not have a statutory right, will I be allowed to speak to the meeting?

The Code aims to provide members with the same rights as ordinary members of the public to speak on certain matters in meetings, despite having a prejudicial interest. These rights are usually governed by your authority's constitution, procedure rules or standing orders, and may be subject to conditions including time limits or the fact that representations can only be made in writing.

If an ordinary member of the public would be allowed to speak to a meeting about an item, you should be provided with the same opportunity. The Code also provides the right to submit written representations to the public meeting in these circumstances. You will be able to make representations, answer questions or give evidence, even if you have a prejudicial interest in the item. You may not, however, take part in the discussion or observe the vote.

### When must I leave the place where the meeting is held?

You must withdraw from a meeting before, or as soon as it becomes apparent that, business in which you have a prejudicial interest is being considered.

If you are attending a meeting to make representations in the same way as an ordinary member of the public, you must leave immediately when the time for making representations, giving evidence or answering questions is finished, and before any debate starts.

### What does influencing a decision mean?

You must not make any representations or have any involvement with decisions in which you have a prejudicial interest, except where you are entitled to speak as described above. Your presence itself could be perceived to be capable of influencing the decision-making process. You should also take the advice of your Monitoring Officer before asking another member to speak about a matter for which you have a prejudicial interest. Dependent upon the circumstances, this could be viewed as seeking inappropriately to influence a decision in breach of the Code.

### Example 33

A member of a County Borough Council made representations on behalf of, and sought preferential treatment for, a close personal associate who was being threatened with removal as a local authority governor on a school governing body due to improper conduct. In so doing, the member did not avail himself of the normal complaints process, but undertook a course of conduct which involved making allegations against officers of the Council, disclosing confidential information and making a series of representations on behalf of his associate. In addition to breaches of other paragraphs of the Code, the Adjudication Panel

found that the member had sought to influence decisions on a matter in which he had a prejudicial interest when he made written and oral representations to officers of the Council, in breach of paragraphs 14(1)(c) and (d).

### What if the public are not allowed to speak to the meeting on the matter?

If an ordinary member of the public is not allowed to speak on the matter, you cannot do so or submit written representations if you have a prejudicial interest. You must leave the place where the debate is being held and not seek to influence the debate in any way.

This may be the case, for example, where your authority is discussing a confidential matter in closed session or does not have procedure rules or standing orders in place that allow members of the public to speak at a meeting of your authority. Like the public, you are not allowed to participate if you have a prejudicial interest. However, whereas the public may be allowed to sit in the public gallery to observe the meeting, you must leave the room during the debate and vote.

### What if I am summoned to attend a scrutiny committee to discuss business in which I have a prejudicial interest?

If you are asked to attend by the committee exercising its statutory powers, then you may attend and participate in the meeting.

#### Example 34

A member of a Community Council was found in breach of the Code for failing to declare a personal and prejudicial interest at a meeting which considered a planning application for a wind farm on land adjacent to a farm owned by her; the member having entered into a Lease of Rights agreement over her land to facilitate access to the proposed development. The member initially relied on the fact that this agreement contained a confidentiality clause to explain her actions. Nonetheless, the member participated in a secret ballot held in order to decide whether the Community Council would support or oppose the application.



Immediately prior to the hearing before the Adjudication Panel the member accepted that she had a personal interest in the item and later that it was prejudicial in nature. The Adjudication Panel found that the member had failed to comply with paragraphs 11(1) and 14(1) of the Code. It considered that she had allowed her personal interests to prevail and to keep those private conflicted with her duties and responsibilities as an elected member.

### Executive or cabinet roles

**Please note: this section will not apply to fire and rescue authorities or national park authorities, unless in the latter case there are executive arrangements in place.**

If you are a leader or cabinet member of an authority operating executive arrangements, you must follow the normal rules for executive members who have personal and prejudicial interests. If your interest is personal but not prejudicial, you can advise the executive on the issue and take part in executive discussions and decisions as long as you declare your interest. You can also exercise delegated powers in the matter as long as you record the existence and nature of your personal interest.

If you are an executive member who can take individual decisions, and you have a prejudicial interest in a decision, your authority may make other arrangements as set out in sections 14-16 of the Local Government Act 2000. This means that the decision can be taken by an officer, another cabinet member, the full executive, or a committee of the executive.

Although you have a prejudicial interest in a matter, you may be able to make representations, answer questions and give evidence as long as a member of the public would have the same rights, but you are barred from decision-making about that matter individually or in cabinet.

You also should not participate in any early consideration of it, or exercise any delegated powers in relation to it. If you have delegated powers in that area, you should refer the consideration and any decisions on the matter to the cabinet to avoid the perception of improper influence.

## Dispensations

### If I have a prejudicial interest, can I obtain a dispensation to allow me to take part in the meeting?

Standards committees have powers under regulations made by the National Assembly for Wales (as it was known at the time) to grant dispensations to members with prejudicial interests, enabling them to speak and / or vote on a matter, in certain circumstances.

You can apply in writing to your authority's Standards Committee for a dispensation to speak and/or vote on a matter on one or more of the following grounds:

- at least 50 per cent of the authority or committee members would be prevented from taking a full part in a meeting because of prejudicial interests
- at least half of the cabinet would be so prevented (the leader should be included in the cabinet in calculating the proportion)
- in the case of a county/county borough council, the political balance at the meeting would be upset to such an extent that the outcome would be likely to be affected
- the nature of your interest is such that your participation would not harm public confidence
- your interest is common to a significant proportion of the general public
- you have a particular role or expertise which would justify your participation
- the business is being considered by an overview or scrutiny committee and you do not have a pecuniary interest
- the business relates to the finances or property of a voluntary organisation and you sit on its board or committee in your own right and you do not have any other interest, although in this instance, any dispensation will not let you vote on the matter
- the Committee believes that your participation would be in the interests of the people in your authority's area

- the Committee considers it otherwise appropriate in all the circumstances. For example, where it was not otherwise possible to make reasonable adjustments to accommodate a person's disability, a dispensation may enable the member to remain present in a meeting without participating in the business.

You can apply for a dispensation individually and, in certain circumstances, you can make joint applications where a number of members want to obtain a dispensation to speak or vote on the same matter. If the Standards Committee approves your application, it must grant the dispensation in writing and before the meeting is held. If you need a dispensation, you should apply for one as soon as is reasonably possible.

Only the Standards Committee can grant the dispensation and will do so at its discretion. The Standards Committee will need to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of members of the authority. If failure to grant a dispensation will result in an authority or committee not achieving a quorum, this may well constitute grounds for granting a dispensation.

Where you hold a dispensation, you can also make written representations but you must provide details of the dispensation in any correspondence. If you make oral representations, whether in person or by phone, you must refer to the dispensation and confirm this in writing within 14 days.

## 4 Registration of Personal Interests

See paragraph 15

### Key points

All members of relevant authorities have to provide a record of their personal interests in a public register of interests. If you are a member of a county or county borough council, fire authority or national park authority, you must tell your Monitoring Officer in writing within 28 days of taking office, or within 28 days of any new interest or change to your previously registered interests, of any interests which fall within the categories set out in paragraph 10(2)(a) of the Code, outlined below. The requirement to register such interests “up front” does not apply to a member of a community council. However, they must register such interests if they are required to disclose them when conducting the business of their council.

You must also register any personal interest which you disclose for the first time under paragraph 11 of the Code, for example at a meeting or in written or oral representations, by giving written notice to your authority’s Monitoring Officer. As indicated in the guidance on paragraph 11 of the Code, your authority’s Monitoring Officer will have arrangements in place for this.

The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest.

The register also protects you. You are responsible for deciding whether you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

The categories of personal interest set out in paragraph 10(2)(a) of the Code that you must register include:

- your job(s) or business(es)
- the name of your employer or people who have appointed you to work for them

- the name of any person who has made a payment to you in respect of your election or expenses you have incurred in carrying out your duties
- the name of any person, company or other body which has a place of business or land in the authority's area, and in which you have a shareholding of more than £25,000 (nominal value) or have a stake of more than 1/100th of the share capital of the company
- any contracts between the authority and yourself, your firm (if you are a partner) or a company (if you are a paid director or if you have a shareholding as described above) including any lease, licence from the authority and any contracts for goods, services or works. Where the contract relates to use of land or a property, the land must be identified on the register
- any land and property in the authority's area in which you have a beneficial interest (or a licence to occupy for more than 28 days) including, but not limited to, the land and house you live in and any allotments you own or use
- any other bodies to which you were elected, appointed or nominated by the authority
- your membership or position of control or management in:
  - any bodies exercising functions of a public nature (described above), or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party or trade union
  - any private club, society or association operating within your authority's area.

### **Sensitive information** See Paragraph 16

#### **Key points**

You may be exempt from having to disclose and register certain information on your authority's register of interests if the Monitoring Officer agrees that it is 'sensitive information'.

‘Sensitive information’ is information the disclosure of which is likely to create a serious risk of violence or intimidation against you or someone who lives with you, should it become public knowledge. This may include, for example, details of your employment (such as certain scientific research or the Special Forces).

You should provide this information to your Monitoring Officer and explain your concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that you or a person who lives with you will be subjected to violence or intimidation. If the Monitoring Officer has agreed your personal interest in a matter under discussion at a meeting is sensitive information, you will need to declare that you have a personal interest, but you will not have to give any details about the nature of that interest.

If, following a change of circumstances, the information excluded from the register of interests ceases to be sensitive information, you must notify your Monitoring Officer within 28 days asking them to include the information in the register.

### Gifts and hospitality See Paragraph 17

#### Key points

You must register any gifts or hospitality worth more than the amount specified by your authority that you receive in connection with your official duties as a member and the source of the gift or hospitality.

You must register the gift or hospitality and its source within 28 days of receiving it. Like other interests in your register of interests, you may have a **personal interest** in a matter under consideration if it is likely to affect a person who gave you a gift or hospitality that is registered. If that is the case, you must declare the existence and nature of the gift or hospitality, the person who gave it to you, how the business under consideration relates to that person and then decide whether that interest is also a prejudicial interest. It is also good practice to provide a note of any offers of gifts or hospitality which you have declined and this may be a requirement of your authority’s gifts and hospitality policy.

### Is the gift or hospitality connected to my official duties as a member?

You should ask yourself, “would I have been given this if I was not a member of the authority?” If you are in doubt as to the motive behind a gift or hospitality, I recommend that you register it or speak to your Monitoring Officer.

You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept (unless required to do so by your authority). However, you should always register a gift or hospitality if it could be perceived as something given to you because of your position as a member, or if your authority requires you to do so.

### What if I do not know the value of a gift or hospitality?

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life. You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to the value specified by your authority or over should be registered.

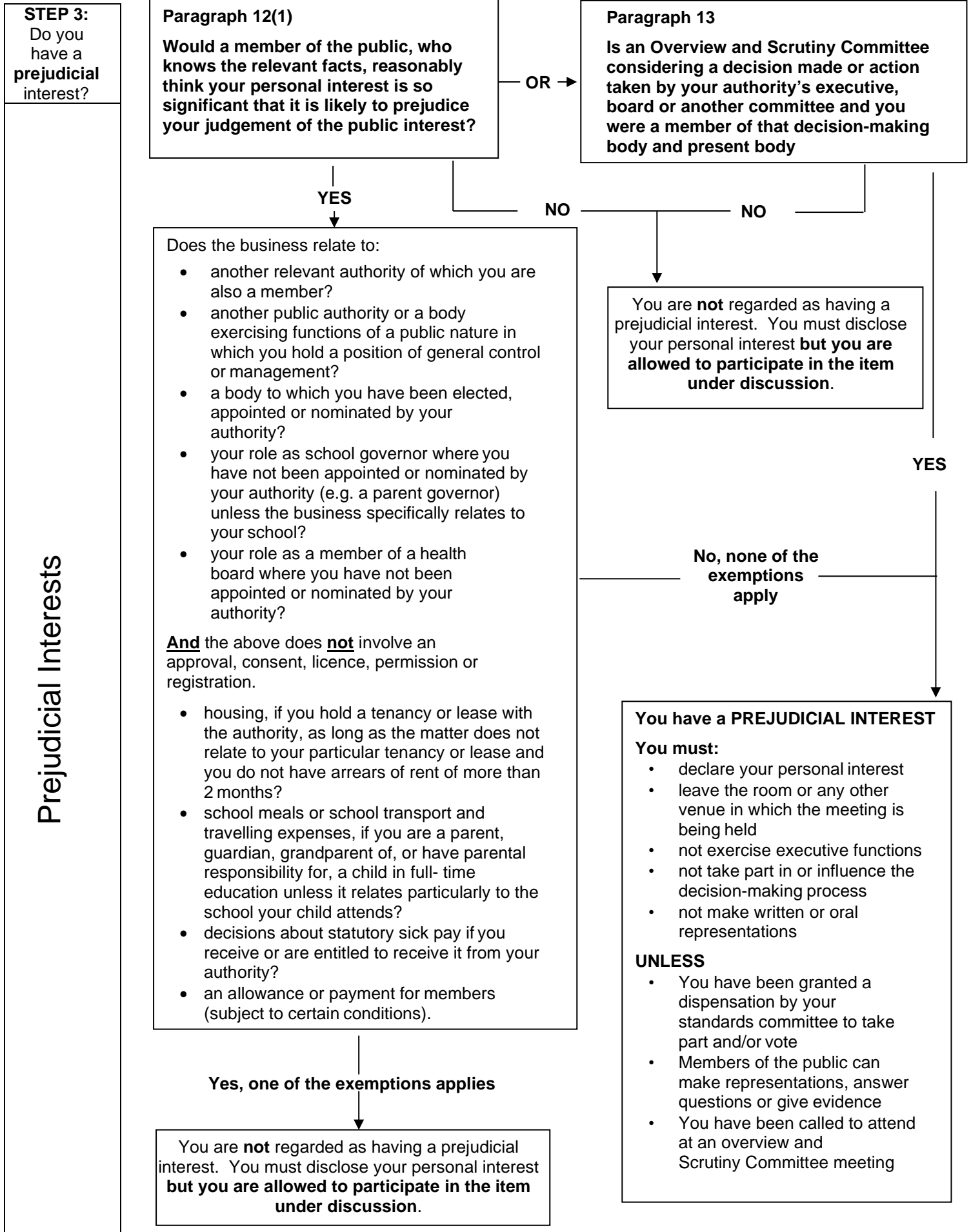
The Code also refers to material benefit or advantage. The measure of this would be if an informed independent observer could conclude that you might be perceived to be better off as a consequence.

Questions to ask yourself. If in doubt you should ask your Monitoring Officer.

<p><b>STEP 1</b> Does the Code apply?</p>	<p><b>Are you:</b></p> <ul style="list-style-type: none"> <li>conducting the business of your authority?</li> <li>acting, claiming to or giving the impression that you are acting, in your official capacity as a member or representative of your authority?</li> <li>acting as your authority's appointee or nominee on any other body without its own code of conduct?</li> </ul>	
<p><b>STEP 2</b> Do you have a personal interest?</p>	<p>The Code <b>does</b> apply. Continue to Step 2.</p>	<p>The Code <b>does not</b> apply. No further action required.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Personal Interests</p>	<p><b>Paragraph 10(2)(a)</b> <b>Does the business relate to or is it likely to affect:</b></p> <ol style="list-style-type: none"> <li>your employment or business?</li> <li>your employer, firm or company?</li> <li>any person, other than your authority, who has paid towards your election or expenses as a member?</li> <li>any company in which you hold shares with the nominal value of more than £25000 or where your holding is more than 1% of the total share capital, which has premises or land in your authority's area?</li> <li>any contract that your authority makes with your company or a company in which you hold shares? (as described in 4)</li> <li>any land in which you have an interest?</li> <li>any land let by your authority to your company? (as described in 4)</li> <li>any body to which you have been elected or appointed by your authority?</li> <li>any:             <ul style="list-style-type: none"> <li>public authority or body exercising functions of a public nature?</li> <li>company, industrial and provident society, charity or body directed to charitable purposes?</li> <li>body whose main role is influencing public opinion or policy?</li> <li>trade union or professional association?</li> <li>private club, society or association operating in your authority's area in which you have membership or are in a position of general control or management? or</li> </ul> </li> <li>any land in your authority's area which you have a license to occupy for at least 28 days?</li> </ol>	<p><b>Paragraph 10(2)(c)</b> <b>Might a decision be reasonably regarded as affecting (to a greater extent than other people in your ward/authority's area):</b></p> <ul style="list-style-type: none"> <li>your well-being or financial position?</li> <li>the well-being or financial position of any person who lives with you or with whom you have a close personal association?</li> <li>the employment/ business, employer, or company of any person who lives with you or with whom you have a close personal association?</li> <li>any company in which any person who lives with you or with whom you have a close personal association owns shares?</li> <li>any public authority; company; charity; lobby group; trade union or professional association; or private club, society or association operating in your authority's area; in which any person who lives with you or with whom you have a close personal association holds a position of general control or management.</li> </ul>
	<p><b>If YES, you have a PERSONAL INTEREST</b></p> <p><b>You must:</b></p> <ul style="list-style-type: none"> <li>declare your interest and the nature of that interest:             <ul style="list-style-type: none"> <li>at meetings</li> <li>when making written representations</li> <li>when making oral representations (and confirm it in writing within 14 days)</li> <li>consider if you have a prejudicial interest (see Appendix 2)</li> </ul> </li> </ul>	<p><b>If NO, you do not have a personal interest</b></p> <ul style="list-style-type: none"> <li>If the business is before an Overview or Scrutiny Committee consider if you have a prejudicial interest</li> <li>Otherwise, <b>no further action is required</b></li> </ul>



Questions to ask yourself. If in doubt you should ask your Monitoring Officer.



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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO THE DEMOCRATIC SERVICES COMMITTEE

25 MARCH 2021

#### REPORT OF THE HEAD OF DEMOCRATIC SERVICES

#### REVIEW OF THE ELECTED MEMBER LEARNING AND DEVELOPMENT STRATEGY AND THE ELECTED MEMBER INDUCTION PROGRAMME

#### 1. Purpose of report

1.1 The purpose of this report is to:

- review the Elected Member Learning and Development Strategy;
- consider the Welsh Local Government Association (WLGA) draft Induction and Development Frameworks.

#### 2. Connection to corporate well-being objectives / other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:-

- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being-objectives.

#### 3. Background

3.1 The Democratic Services Committee considered the Strategy in November 2017 and endorsed the report for submission and approval to Council. Since that date, it has provided the framework for provision and delivery of Member Development for Elected Members from induction and throughout their term of office.

#### 4. Current situation / proposal

##### Elected Member Learning and Development Strategy

4.1 The Strategy is coming towards the end of its effective life and in preparation for the 2022 Local Government Elections and the subsequent induction of newly elected members a desktop review of the Strategy has been undertaken to ensure that it is fit for purpose and updated to reflect a number of factors which have changed since the approval of the original Strategy.

4.2 The proposed Strategy is divided into the following 5 phases:

1. Administration - to establish the newly Elected Members within the Council;

2. The Essentials - to provide Members with sufficient knowledge to prepare them to undertake their initial role in the support of Council business;
  3. The Core Functions - to provide Members with the knowledge and skills to enable them to undertake their core functions as Elected Members in their wards and on the committees they are appointed to;
  4. Identifying the needs of the individual Members – the provision of Personal Development Reviews with either an Elected Member peer or with assistance from suitably trained officers as soon as possible. This will be “dovetailed” with Member Mentoring for those Councillors elected after the Local Government Election in 2022;
  5. Continuing Development - to provide Members with knowledge and skills relating to:
    - leading the community
    - working with external partners
    - developing those individual and specialist requirements identified within the PDR process and
    - learning and development identified by the Democratic Services Committee.
- 4.3 It should be noted that in the first year after the election, member development activities are primarily for information provision and process development which should be delivered in-house or by appropriate organisations such as the WLGA. After the first year the focus in the delivery of member development will change to the provision of wider in-depth topics at a local level and more topics which relate to regional and national issues.
- 4.4 It is proposed that greater use of the e-learning facilities be incorporated into the member development programme. This is proposed to be accomplished as follows:
- The Corporate Induction e-learning modules should be completed by all Members in the first year of their term of office;
  - Some topics such as Data Protection and Safeguarding will be identified for inclusion in the Member Development programme and categorised by the Democratic Services Committee accordingly. Members will be requested to complete the specified e-learning module by a particular date. A subsequent report will be run by Learning and Development to confirm that the e-learning modules have been completed accordingly.
  - For those returning Members or those who have previously attended face-to-face training on topics such as Corporate Parenting will be able to undertake the e-learning module rather than attending the annual repeat of the face-to-face training session;
  - Those Members who are able to provide evidence that they have recently attended similar training in their professional roles can be credited with completing the training.
- 4.5 Support for individual member training may be provided following liaison between

the relevant Group Leaders and the Head of Democratic Services. It is envisaged that the Strategy and associated Member Development budget will facilitate the provision of appropriate development opportunities.

- 4.6 The Democratic Services Committee is requested to consider the Strategy attached as **Appendix 1** and consider if it meets the following expectations and outcomes:

Expectations:

- There is a planned and structured approach to Elected Member learning and Development;
- Elected Members have access to appropriate learning and development activities to enable them to acquire the knowledge and skills required to be an effective Elected Member;
- Learning and development, wherever possible, is linked to the roles of Elected Members;
- Access to learning and development activities is equitable;
- Members are encouraged to identify their own development needs and participate fully in learning and development activities;
- All Members will have access to a Personal Development Review (PDR) process that identifies learning and development needs with any additional support that may be required;
- All Members will have the opportunity to compile a Personal Development Portfolio (PDP) which details their learning and development activities and records their achievements;
- The Member Development Programme will be produced and updated on a quarterly basis in order to support the Council's strategic plans, the roles and functions of Members and key changes affecting the Council's priorities;
- Member learning and development activity is adequately resourced within available budgets.

Outcomes:

Phase 1 – Administration

- All Acceptances of Office completed;
- Member induction administration completed.

Phase 2 – Essentials

- All Members have a basic knowledge of the Council and its structure and role
- Code of Conduct training completed by all Members;
- Elected Members are able to effectively undertake their role at Council meetings.

Phase 3 – The Core Functions

- Members understand their roles to which they have been appointed by Council or Cabinet;
- Members understand their role in their wards;
- Members are aware of their responsibilities when representing the Authority.

Phase 4 – Identifying the Needs of Individual Councillors

- Members undertake a Personal Development Review annually to identify their support and development needs;
- Members have been offered a Member Mentor or suitably trained officer to assist their development.

#### Phase 5 – Continuing Development

- The Member Development Programme is compiled to meet Corporate and Elected Member priorities;
- Member Development activities are relevant, cost effective and delivered to a high standard;
- The training and support provided meets the developing needs of Elected Members;
- Collaboration with other local authorities will be considered for the delivery of learning activities where appropriate.

- 4.7 The considerations of the Committee will be used to inform appropriate amendments of the Strategy and the plans for the induction of Elected Members following the 2022 Elections.
- 4.8 It is anticipated that the Committee will provide direction for the Member Development activities that need to be undertaken and to ensure that the development needs of Elected Members are met. The Committee will also receive updates regarding the Member Development Budget and any evaluation of the Strategy that is undertaken.

#### WLGA Induction and Development Frameworks

- 4.9 The WLGA draft Induction Framework (attached as **Appendix 2**) outlines the curriculum for the induction of members in Wales leading up to and following the local elections in 2022. It sets out the suggested local and national activities to support potential and new members. It is not designed to be prescriptive as the needs of each Council and Member are different. It should however provide a guide for what should be considered when developing local programmes. The Framework has been developed by local authorities in Wales working with the WLGA.
- 4.10 The WLGA draft Development Framework (attached as **Appendix 3**) outlines the knowledge and behaviours required by Members. The Framework includes a range of generic competencies required by all Members and separate sections for specific roles on the Council. It will be useful when providing support and training for Members to identify their priorities for continuing personal and professional development.

### **5. Effect upon policy framework and procedure rules**

- 5.1 There is no effect upon policy framework and procedure rules.

### **6. Equality Impact Assessment**

- 6.1 There are no equality implications arising from this report. Member Development enables members to make decisions, which can impact the communities they serve.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

## **8. Financial implications**

- 8.1 Elected Member learning and development is resourced from the allocated Member Development budget. Reasonable allocation will be made as part of the annual budget round and applied with regard to the corporate needs of the Authority. The Head of Democratic Services will monitor appropriate spend on the budget. In-house training will be provided by Directorates if the topic relates to their service areas. The costs for this type of event will be met from within Directorate budgets and not from the Member Development budget.

## **9. Recommendation**

The Committee is recommended to:

- 9.1 review the Strategy attached as Appendix 1 and endorse its submission to Council for approval;
- 9.2 consider the WLGA draft Induction and Development Frameworks attached as Appendix 2 and 3.

**L Griffiths**  
**Group Manager – Legal and Democratic Services**  
**March 2021**

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**Background documents:**  
None

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## Appendix 1

**BRIDGEND COUNTY BOROUGH COUNCIL**

**ELECTED MEMBER  
LEARNING & DEVELOPMENT  
STRATEGY**

DRAFT

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## Introduction

Elected Members today face increasing challenges. Under the modernisation agenda, there are heightened expectations on them to undertake a diversity of roles ranging from that of community leader to assuming additional responsibilities within their Council. Throughout Wales, authorities are striving to provide the best possible support for their Members to enable them to meet these challenges. This takes the form of skills and knowledge development, support facilities, and support services.

Increasing attention has been given to Elected Member Development. The Local Government (Wales) Measure 2011 directed that local authorities place more emphasis on Member Development. This supports the aims of the Wales Charter for Member Support and Development which was created to give structure and impetus to the growing body of support services for Elected Members within Welsh Local Government. The Charter has been developed collaboratively by the Welsh Local Government Association (WLGA), Members and Member Support Officers. It aims to provide a broad framework for local planning, self assessment, action and review. This can be enhanced by working together with relevant networks by comparison with other Authorities and in sharing good and innovative practice.

The Local Government (Wales) Measure 2011 and the Charter will provide focus and guidance for future work. The needs of Members in this Authority are of paramount importance.

The Elected Member Learning and Development Strategy sets out the development priorities for the induction of newly Elected Members, the identification of their development needs and the subsequent delivery of development activities.

The Strategy will assist in equipping all Members with the necessary skills and knowledge to meet future challenges.

## **Expectations of the Elected Member Learning and Development Strategy**

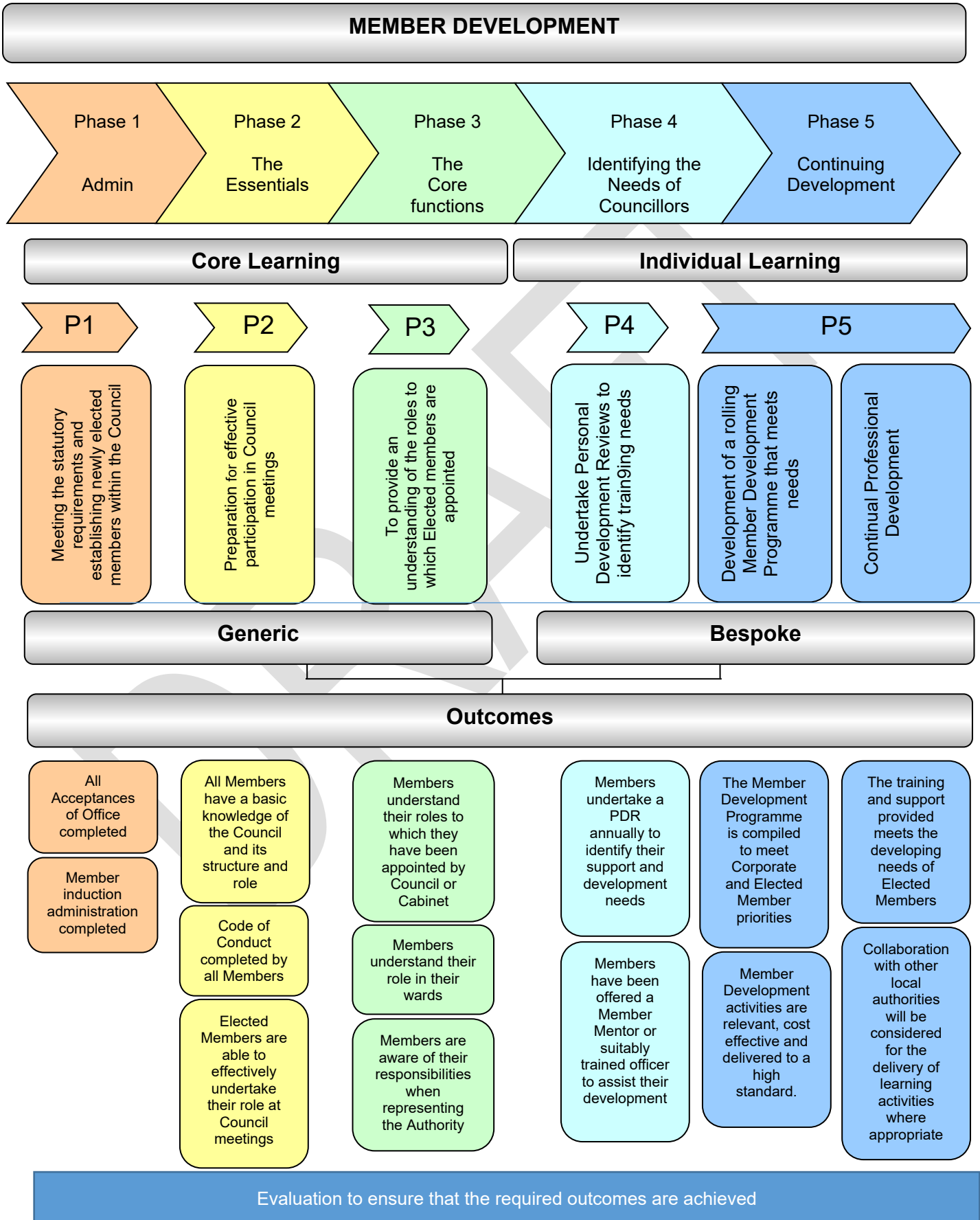
Elected Members are an integral part of ensuring that the strategic aims and objectives of the Council are met and that high quality cost effective services are delivered to the residents of the County Borough of Bridgend.

The Council is working to support the development of all of its Elected Members and to ensure that they are able meet the demands of their roles. Bridgend County Borough Council is therefore committed to ensuring that:

- There is a planned and structured approach to Elected Member learning and development.
- Elected Members have access to appropriate learning and development activities to enable them to acquire the knowledge and skills required to be an effective Elected Member.
- Learning and development, wherever possible, is linked to the roles of Elected Members.
- Access to learning and development activities is equitable.
- Members are encouraged to identify their own development needs and participate fully in learning and development activities.
- All Members will have access to a Personal Development Review (PDR) process that identifies learning and development needs with any additional support that may be required.
- The Member Development Programme will be produced and updated on a regular basis in order to support the Council's strategic plans, the roles and functions of Members and key changes affecting the Council's priorities.
- Member learning and development activity is adequately resourced within available budgets.

## A Phased Approach

A systematic induction programme will be provided for all newly Elected Members. The initial induction and subsequent Member Development Programme will be delivered as part of the following phased approach:



## Roles and Responsibilities for Elected Member Learning and Development

### Head of Democratic Services

The role of the Head of Democratic Services is to produce and monitor the Member Development Programme, to collate any identified learning and development needs, and to subsequently use these to inform and plan the on-going Member Development Programme.

### Democratic Services Committee

The Democratic Services Committee will provide direction to the Head of Democratic Services in respect of the development and support requirements of Elected Members. This will include the priorities for learning and development and appropriate use of the Member Development budget.

The Committee will categorise development activities, identify the relevant participants to attend events and those topics which could be delivered on a tiered basis.

To assist Elected Members prioritise which topics are needed to be attended, the Democratic Services Committee will categorise member development topics during the development of the Member Development programme as follows:

Essential	Those training topics for quasi-judicial functions and those which are key to an elected member's role e.g. Corporate Parenting, Data Protection and Safeguarding.
Recommended	This category may include topics such as Risk Management and Scrutiny Questioning Skills which although are very informative and support a councillor's role will are not essential.
Optional	This category identifies topics that may be useful to some councillors but these are not a priority and could be considered as interesting and useful rather than supporting a councillors role or considered as essential.

These categories can be prescribed by the Democratic Services Committee to all members for some topics or to target a specific group of councillors i.e. all scrutiny members or all of the Appeals Panel.

The Democratic Services Committee will also consider benefits could be achieved by providing tiered level of training rather than provide at a single level event. This would enable one level for those Elected Members with existing skills, knowledge or abilities and for a more detailed introduction for those members who were new to the topic.

For those topics which have been arranged at short notice and the Democratic Services Committee is unable to categorise the topic, it is proposed that the Chairperson of the Democratic Services Committee in liaison with Head of Democratic Services categorise the topics as necessary.

## Political Leaders

The role of political leaders from all groups is to pledge commitment to learning and development for Elected Members and to actively support and promote the Member Learning and Development Strategy.

## Directorates and Departments

Directorates and Departments are responsible for identifying and delivering service specific learning and development in co-ordination with the Head of Democratic Services and the Democratic Services Committee.

## Individual Members

Individual Members are responsible for:

- identifying their own development needs;
- seeking opportunities to improve their effectiveness and increase their potential;
- attending arranged learning and development activities;
- sharing their knowledge and skills with their peers;
- reviewing their learning and development activities;
- applying the knowledge and skills developed through the activities; and for
- completing their Personal Development Reviews.

## Co-ordination

The day-to-day co-ordination of learning and development activities will be the responsibility of the Head of Democratic Services and the Democratic Services Team in liaison with Learning and Development.

Details of each phase of the Strategy are as follows:

### **Phase 1 - Administration**

To establish the newly Elected Members within the Council and will include:

- Fulfilling their statutory requirements regarding their Acceptance of Office and completing their Declaration of Personal Interests,
- Creation of ICT accounts and provision of ICT equipment;
- The provision of personal information in order to set up remuneration payments, web pages and enable officers to carry out other necessary administrative functions;
- A briefing of the facilities available to Elected Members within the Authority;
- The taking of official photographs for use on the BCBC website and ID cards.

### **Phase 2 – The Essentials**

To provide Elected Members with sufficient knowledge to prepare them to undertake their initial role in the support of Council business. This phase may include briefings on the following topics from key officers:



### **The Chief Executive:**

- Overview of the Council its services and structures

### **Corporate Directors:**

- Directorate Service Provision – challenges and achievements

### **The Monitoring Officer:**

- Introduction to Local Government
- Constitution and meeting procedures
- Members Code of Conduct

### **Head of Democratic Services**

- Roles of and appointment to committees
- The electronic systems within the Council suite

## **Phase 3 – The Core Functions**

To provide Elected Members with the knowledge and skills to enable them to undertake their core functions as Elected Members. It is intended to provide a sound basis for decision making which is required by councillors to carry out their role effectively.

- Governance and Audit Committee
- Development Control Committee
- Overview and Scrutiny Committees
- Democratic Services Committee
- Licensing Committee
- Appeals Panel
- Chairing Skills
- Questioning Skills
- Corporate Parenting
- Safeguarding
- Member Referrals
- Ward and Casework
- Delegated Powers
- Constitution

## **Phase 4 – Identifying the Needs of Individual Councillors**

With the possibility of a large number of new Elected Members after an election, it will be necessary to undertake a Personal Development Review (PDR) processes with either an Elected Member peer or with assistance from suitably trained officers as soon as possible.

### **Identification of learning and development needs**

Learning and development needs will be identified at a number of levels.

## As an individual

- Newly Elected Members will have an opportunity to discuss their learning and development needs with:
  - a suitable mentor as part of their induction;
  - as part of the PDR process where learning and development needs can be identified.

## Role Specific

- Role descriptions will be used as an aid to identify development needs particularly during the PDR process.
- Members whose roles change will be required to review their learning and development needs.
- The identification of learning and development needs at political group level be achieved by consultation with the Head of Democratic Services and through the feedback from the Democratic Services Committee.

## Corporate and Constitutional

- Member Development will be linked to corporate and constitutional priorities by the Head of Democratic Services in liaison with the Chief Officers, Heads of Service and the Democratic Services Committee.

## Regional and National Initiatives

- Requests are often received from regional bodies or national organisations to provide development opportunities on key issues. These events will be integrated by the Head of Democratic Services into the Member Development Programme but may be in addition to the usual monthly activities.

## Mentoring

The formal mentoring of Elected Members by experienced Members is strongly recommended and will be offered to all newly Elected Members. This will enable the mentee to develop the skills, knowledge, understanding and behaviours required for the Elected Member role. This is not a prescriptive or directive relationship but one which allows the mentee to find their own way, guided by the mentor.

Guidance for Member mentors has been developed by the Welsh Local Government Association (WLGA). It is anticipated that Member mentors will be identified and appropriate training will be provided to ensure that all Members are able to receive the appropriate level of support for their personal development. Workshops based on the WLGA guidance will be available for those identified to undertake a mentoring role.

Returning Members that do not require mentoring will be provided with the opportunity to discuss their personal development as part of the PDR process with an Elected Member peer or a suitably trained officer. These officers/peers will be able to assist Members with

identifying their training needs, arranging attendance at events and updating their PDPs and undertaking PDRs.

## **Phase 5 – Continuing Development**

To provide Members with knowledge and skills related to:

- leading the community
- working with external partners
- developing those individual and specialist requirements identified within the PDR process and
- learning and development identified by the Democratic Services Committee.

### **Member Development Activity Survey**

Elected Members will be surveyed shortly after their election to determine the number of topics, frequency and timings of development events that will be held each month. This survey will be repeated at the mid-point of a term of office or when requested to do so by the Democratic Services Committee.

### **Prioritisation of Member Development activities**

To manage and prioritise Member Development activities, all requests to provide training opportunities for Elected Members will include the following key information to assist when prioritising the delivery of Member Development events:

- The subject of the learning activity
- A brief outline description of the subject
- The requirement/justification to undertake this learning? i.e. is there a statutory requirement, is it part of an on-going initiative.
- Who forms the target audience? i.e. All Members, Scrutiny Members etc.
- What are the expected/desired learning outcome/objectives?
- Which officers/organisations will be delivering/facilitating this event?
- What is the anticipated duration of the session
- What type of training activity is suggested i.e. 1 hour presentation with questions, 45 minute briefing, 2 hour interactive workshop etc.
- How will this activity be evaluated to show that the anticipated benefits have been achieved

The Head of Democratic Services will evaluate all requests and recommend to the Democratic Services Committee how these requests should be prioritised, categorised and if necessary tiered for inclusion in the Member Development Programme

### **Member Development Programme**

It will be the responsibility of the Head of Democratic Services to prepare the Member Development Programme in line with the priorities determined by the Democratic Services Committee. This will be a rolling programme that will confirm the Member Development events for the following three months with subsequent topics for further development activities being identified but not confirmed. This will allow the programme to be flexible and adapt to the changing needs and priorities of Elected Members and the Authority.

If time dependant learning opportunities arise and there is no meeting of the Democratic Services Committee planned before the delivery of the event the Chairperson of the Democratic Services Committee in liaison with the Head of Democratic Services will update the Member Development Programme as necessary.

The programme may also identify topics and events that will be suitable for representatives from the Town & Community Councils to also attend.

### **Methods of learning and development**

A flexible approach to the delivery of learning and development opportunities will be adopted to meet the identified needs of individuals and groups. A variety of methods may be used to deliver these opportunities and could include: seminars, workshops, e-learning and briefing sessions. Where appropriate, shared Member and officer development activities will be encouraged.

### **E-Learning**

Greater use of the e-learning facilities will be incorporated into the member development programme and this will allow:

- Elected Members to undertake
  - the Corporate Induction e-learning modules should be completed by all members in the first year of their term of office.
  - Some topics such as Data Protection, Safeguarding will be identified for inclusion in the Member Development programme and categorised by the Democratic Services Committee accordingly. Councillors will be requested to complete the specified e-learning module by a particular date. A subsequent report will be run by Learning and Development to confirm that the e-learning modules have been completed as requested with the Democratic Services committee being advised accordingly.
- those returning Members or those who have previously attended face-to face training on topics such as corporate parenting will be able to undertake the e-learning module rather than attending the annual repeat of the face-to-face training session.
- those Members who are able to provide evidence that they have recently attended similar training in their professional roles can be credited with completing the training.

Opportunities may arise for regional development activities to be undertaken. This will include topics of common interest on a regional or national basis. These events may reduce costs and enhance outcomes because of the diversity of knowledge and experience of attendees, whilst also providing an opportunity for cross-council communication and collaboration.

### **Access to learning and development opportunities**

All Elected Members will have:

- the opportunity to benefit from learning and development opportunities;
- equal access to information relating to learning and development opportunities;

- equal access to participation in learning and development opportunities, taking into account the needs of their roles and responsibilities throughout their term of office with Authority, and their personal learning needs.

### **Attendance at Member Development Events**

The Member Development Programme will be approved by the Democratic Services Committee. Announcements will also be made at Council meetings to advise Members of forthcoming Member Development activities.

Member Development Activities appointments will be placed in individual Elected Members electronic calendars. Members will be requested respond electronically if they are unable to attend the activity. It is vital that these responses are accurate as the facilitators of the events are provided with the anticipated attendance numbers to tailor their delivery of the session.

The attendance of Elected Members at these Member Development Activities will be displayed on the BCBC website but the attendance figures will not be included in the overall meeting attendance figures.

At each session the attendance will be recorded by Democratic Services and also circulated to Learning and Development for recording on Trent.

A summary of attendance at training events will be compiled and circulated to Group Leaders on a regular basis in order that they can promote and encourage the attendance at Member Development activities to their Group.

### **The Learning & Development Website, the All Wales Academy (AWA)**

The Learning & Development Website and the All Wales Academy are online portals where suitable development opportunities are provided for Officers and Elected members. Elected Members may be requested to undertake an e-learning session as part of the Member Development Programme or they wish to undertake these learning activities for their own development. Assistance can be provided by the Democratic Services Team and the Learning and Development Team to enable Members to engage with these learning activities.

E-learning completion reports will be provided to the Head of Democratic Services on a regular basis to monitor the activities particularly those included in the Member Development programme.

Where possible, all face to face learning and development activity presentations will be uploaded to the Learning and Development website as a reference portal for all Elected Member related training.

### **Learning and development records**

Democratic Services will collate information regarding Elected Member learning and development records including information regarding the development activities that have been identified, the booking of events, attendance at learning opportunities and the evaluation of individual training events that have been undertaken.

The Learning and Development Team will be notified of any training that is undertaken by relevant departments. It is expected that all departments involved in providing Member Development events also provide the relevant training records to the Learning and Development Team.

These records can also be used to provide information for evaluation purposes and for the completion of Members Annual Reports which have been introduced as part of the Local Government (Wales) Measure 2011.

## **Resources**

Elected Member learning and development, will be resourced from the allocated Member Development budget. Reasonable allocation will be made as part of the annual budget round and applied with regard to the corporate needs of the Authority. The Democratic Services Committee will monitor appropriate spend on the budget.

In house training will be provided by Directorates if the topic relates to their service areas. The costs for this type of event will be met from within Directorate budgets and not from the Member Development budget.

Directorates will also be responsible for funding designated Elected Members to attend relevant service area conferences and events. The Democratic Services Team will co-ordinate the funding for travelling and out of county subsistence allowances.

## **Potential Candidate Briefings**

In order to promote local democracy and the understanding of the role of a councillor briefings for potential candidates will be held prior to Local Government elections. This event will inform those Members of the public planning to stand for election of the:

- requirements they must meet in order to stand for election
- election process
- roles and responsibilities they will be expected to undertake as a councillor
- skills, knowledge and commitment necessary to become an effective councillor
- structure and remit of the Council

## **Evaluation**

It is the responsibility of the Head of Democratic Services to ensure that the evaluation of planned Member development events is carried out.

### **Evaluation of Individual Events:**

All training providers are required to incorporate an evaluation of the event into their learning session and Members will be asked to complete a learning and development evaluation form.

Members are recommended to complete learning logs as part of their Personal Development Portfolio, this will help them to assess the impact of any development on their role and function.

Evaluation forms will be analysed and the feedback collated into a report which will be presented to the Democratic Services Committee on a regular basis. This will enable the Democratic Services Committee to evaluate the effectiveness of the Member Development Programme and ensure that the identified outcomes are achieved.

### **Evaluation of Phases of the Member Development Strategy**

It is appropriate that an independent assessment of the phases or elements of the Member Learning & Development Strategy is undertaken. It has been agreed that the WLGAs will assist in this process and facilitate focus groups with Elected Members to help determine the effectiveness of the Strategy.

### **Evaluation of Training Facilitators**

To ensure that any learning and development activity provided to Elected Members is delivered to the highest standards and that the aims and objectives of the event are met, it is planned for an internal subject matter expert or the Head of Democratic Services to attend the event and evaluate the provider/facilitator. This will be essential for events delivered by external providers to ensure that value for money has been achieved and that effective training has been provided which meets the required outcomes.

### **Review of the Elected Member Learning and Development Strategy**

To ensure that the Elected Member Learning and Development Strategy remains an effective tool for the development of Elected Members it will be necessary to plan a review of the Strategy. It is anticipated that the strategy will be reviewed during 2022/23 or at the request of the Democratic Services Committee and in response to relevant changes to legislation or to the Authority.

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## Framework Induction Curriculum for Candidates and New Members in Wales for the Local Elections 2022

This framework outlines the curriculum for the induction of members in Wales leading up to and following the local elections in 2022.

It sets out the suggested local and national activities to support potential and new members. It is not designed to be prescriptive as the needs of each Council and Councillor are different. It should however provide a guide for what should be considered when developing local programmes.

The Induction Framework has been developed by Local Authorities working with the WLGA. It has been designed to fit with the *Development Framework for Members*, a competency framework for members which provides more information about the subjects which should be covered in both induction and ongoing member development. It also fits with the *Wales Charter for Member Support and Development* and takes account of the legislative requirements for members including those set out in the Local Government (Wales) measure 2011 and the Local Government and Elections (Wales) Act 2021.

Following the delivery of an induction programme, further development for councillors should be informed by personal development review.

Councils will seek to procure and share learning opportunities with each other and with community and town councils wherever possible.

### Methods of Delivery

Officers and members have identified what works best for new member induction. Suggestions include:

- **Less is more.** Although there is a lot of information to convey, learning activities should focus on the minimum amount of information at each stage, so that members do not become overloaded.
- **Member centred.** All development activities should be designed with the member role in mind and concentrate only on what members really need to know at that time. At induction level this might include the role of the member, what is important to the community and what information is required to take early decisions. Local and national policy and strategy can be introduced later, as and when necessary. Following induction members should, through personal development reviews be asked about their development needs.
- **Engaging and interactive.** Any development sessions for members should be as entertaining as possible, with plenty of opportunities for discussions and scenarios. The use of PowerPoint should be limited.
- **As and when.** Wherever possible members should be provided with learning opportunities at their convenience, at a time when it is needed and relevant and in a medium of their choice, combining face to face sessions with online, e learning or briefings.
- **Train the trainers.** Whenever possible, learning activities should be provided by a variety of different people including those with skills in learning and development. This may be achieved by providing training or guidance in training delivery to service heads, using the skills of council OD staff, having experienced members co-deliver training, or engaging professional trainers.

When	What	Audience	Delivery Method	Training materials available/needed?	Who organises/ delivers?
			Possible collaboration or shared workshop materials		
<b>POTENTIAL CANDIDATES</b>					
2020	WG Diversity in Democracy and Democratic Renewal Programme	Potential Candidates. Voters	Comms and media initiative encouraging understanding of the democratic process, voting, participation and standing for office.	Currently education resources available for newly enfranchised young people and qualifying foreign citizens on the Hub. <a href="http://gov.wales">Hwb (gov.wales)</a>	WG with steering group including WLGA. LAs.
2019	WLGA be a Councillor information	Potential Candidates	Be a Councillor Website <a href="https://www.beacouncilor.wales/">https://www.beacouncilor.wales/</a>	E learning, Councillor videos and pen portraits in production to be added to the website early 2021	WLGA
2018	IRP information	Potential Candidates	Website <a href="https://www.youtube.com/watch?v=h3o0eKrX2Ds&amp;feature=youtu.be">https://www.youtube.com/watch?v=h3o0eKrX2Ds&amp;feature=youtu.be</a>	no	IRP
2021 onwards	Council Information and promotion activities.	Potential Candidates	Open evenings, information sessions, mentoring and shadowing schemes.	no	All Councils
2019 onwards	National mentoring initiatives for people from underrepresented groups. Mentors will include serving councillors.	Potential Candidates	Through national organisations	Training for mentors from national organisations.	Currently, Ethnic Minorities and Youth Support Team Wales. Women's Equality Network Wales. Soon to develop in to a 4 way collaboration with

					Stonewall Cymru and Disability Wales 2021
Following elections	Local Mentoring schemes	New members	By experienced members	Training sessions in mentoring available from the WLGA	Councils
<b>NEW MEMBERS</b>					
Week One	General introduction to the role and local government. WLGA Councillors Guide.	Signposted to all Members on election.	Online Guide, developed from Be a Councillor Website.		WLGA
Week One	Orientation (Council offices and County facilities, access and security.	All members	Tour	Information/ maps etc. as part of introductory package produced in each authority.	Councils
Week One	Introduction to the Council, and local Corporate Governance, how decisions are taken, structures and meetings working with officers, working with the community and other bodies, joint arrangements.	<b>All members (M)</b>	Workshop/webinar Chief Executive, Head of DS. Leader	To be developed by staff locally. E learning in production.	Councils and <b>Merthyr Tydfil/WLGA/NHS. All Wales Academi e learning module corporate governance.</b>
Week one	ICT induction including for remote working and issue of equipment	<b>All members (M)</b>	Workshop and individual sessions.	Session and guidance to be developed by staff locally	Councils
Week one	Code of Conduct and Ethics including civility and respect	<b>All members(M)</b>	Workshop/webinar Monitoring Officer.	E learning in production	Councils and AWA (e-learning) <b>Carmarthenshire Ethics, standards and code of conduct</b>
Week one	General meeting Participation Rules of engagement, multi-location meetings, etiquette, broadcasting.	<b>All members(M)</b>	Workshop/dry runs HODS/DS officers/Digital staff/Lead Member	Locally produced materials	Councils
1 <sup>st</sup> 2 months	“Market Place” Introduction to service areas	All members	Market place, all senior officers with “stalls” sharing key policy info.	Delivery materials not required – basic information to be included in introductory package, who’s who etc.	Councils

1 <sup>st</sup> 2 Months	Introduction to Equalities and Diversity including personal awareness and behaviour.	<b>All members(M)</b>	Workshop /webinar Equalities Officers, Lead Member.	e- learning in production	Councils and <b>AWA (E-learning) Denbighshire</b>
1 <sup>st</sup> 2 Months	Safeguarding children and vulnerable adults.	<b>All members(M)</b>	Workshop/webinar - Directors of Education/SS	e- learning in production	Councils and <b>AWA (E-learning) Pembrokeshire</b>
1 <sup>st</sup> 2 Months	Personal safety and self-care Stress management, personal resilience, work-life balance. Bullying and harassment, online abuse. Sources of help and support within and beyond the Council.	<b>All Members (M)</b>	Local Workshop/Webinar MOs, HODS, Health and Safety and Digital officers. Senior members	Guidance notes and signposting for some topics available now from WLGA website	Councils and <b>AWA (e-learning) Time and workload management Wrexham. Managing stress and coping with bullying and harassment Blaenau Gwent.</b>
1 <sup>st</sup> 2 Months	Community Leadership and Casework	<b>All members (M)</b>	Workshop/Webinar Senior member with HODS. e- learning. External facilitators.	e-learning in production	Councils and <b>AWA (e-learning) Conwy</b>
Prior to first meeting of committee	Planning. Local planning and development management	<b>Planning Committee(M)</b>	Workshop/Webinar Planning Officer	e- learning in production	Councils and <b>AWA (E learning) Bridgend</b>
Prior to first meeting of committee	Standards. Responsibilities of the committee and the standards regime.	<b>Standards Committee(M)</b>	Workshop/Webinar Monitoring Officer		
Prior to first meeting of committee	Licensing. Responsibilities of the committee and licensing law.	<b>Licensing Committee(M)</b>	Workshop/Webinar Licensing Officer	e-learning in production	Councils and <b>AWA (e learning) Powys)</b>
Prior to first meeting of committee	Governance and Audit	<b>Governance and Audit Committee(M)</b>	Local Workshop/Webinar Finance and HODS Officer.	e-learning in production	Councils and <b>AWA (e learning) Audit and Risk Isle of Anglesey</b>
Prior to participating	Appointments, appeals and interview skills	<b>Panel members(M)</b>	Local Workshop/Webinar HR Director		Councils

Prior to first scrutiny meetings	The role of Scrutiny and how to be an effective scrutiny member	<b>All members(M)</b>	Workshop/Webinar HODS/Scrutiny officers Or external provider	e-learning in production	Councils and <b>AWA (E-learning) Monmouthshire and WLGA</b>
Prior to chairing first meeting	Chairing Skills (meeting management)	<b>All chairs (M)</b>	Workshop/webinar DS Leads/External facilitators	E learning available on AWA	Councils commissioned external facilitators <b>AWA (E-learning) Cardiff</b>
Prior to chairing first scrutiny meeting	Scrutiny chairing (committee and meeting management)	<b>All Scrutiny Chairs (M)</b>	Workshop/Webinar Scrutiny leads/ External facilitators		Councils and commissioned external facilitators
1 <sup>st</sup> 6 Months	Data Management and FOI including GDPR	<b>All members(M)</b>	Workshop/Webinar – DP officers	e- learning in production	Councils and <b>AWA (E-learning) Caerphilly</b>
1 <sup>st</sup> 6 Months	Corporate Parenting	<b>All members(M)</b>	Workshop/webinar Directors of SS	e- learning in production	Councils and <b>AWA ( E learning) Flintshire</b>
1 <sup>st</sup> 6 Months	Finance including budgeting and treasury management	<b>All members(M)</b>	Local practical Workshop/webinar with local data. Finance Directors	e-learning in production	Councils and <b>AWA (E eLearning) Torfaen</b>
1 <sup>st</sup> 6 Months	Operating within the Welsh Language Act and Local Standards	<b>All Members (M)</b>	Local workshop/webinar Briefing from Welsh Language Leads	e-learning in production	Councils and <b>AWA ( e-learning) Gwynedd</b>
1 <sup>st</sup> 6 Months	Violence against Women and Domestic Violence	<b>All Members (M)</b>	National/local Workshop/webinar from lead officers and/or Welsh Government	e-learning in production	Councils and <b>AWA (e-learning) Rhondda Cynon Taff</b>
1 <sup>st</sup> 6 months	Planning for non-planning members – protocols	<b>All members (M)</b>	Local workshop/webinar Planning officers/experienced member	e-learning in production	Councils and <b>AWA (e-learning) Bridgend</b>
2 <sup>nd</sup> 6 Months	New Cabinet Development.	Cabinet	External facilitators.	Materials from external	Councils and

	Team building, developing a political vision, working with officers, working with Scrutiny.		Academi Wales.	facilitators.	commissioned external facilitators.
2 <sup>nd</sup> 6 Months and ongoing.	Policy, services and legislative requirements updates	Relevant committees	Heads of Service	By local staff as and when necessary WG/WLGA briefings when available	Councils
2 <sup>nd</sup> 6 Months	Effective Scrutiny and individual scrutiny skills. Collaborative scrutiny and scrutiny of joint arrangements.	All Scrutiny Members	Workshop/Webinar Scrutiny lead officers and members External facilitators		Councils and commissioned external facilitators
2 <sup>nd</sup> 6 Months	The role of members in relation to the Social Services and Well-being (Wales) Act	<b>All members (M)</b>	Local Workshop - Directors of SS and Lead Member.	e-learning in production	Councils and <b>AWA (E-learning) Newport</b>
2 <sup>nd</sup> 6 months	Using Social Media	All Members	Hands on Workshop Comms and DS staff Local SM strategies Or External facilitators	e- learning in production	Councils and <b>AWA (e-learning) Swansea</b>
2 <sup>nd</sup> 6 months	Public Speaking and working with the media	All Members	Comms and DS officers . External facilitators	e-learning in production	Councils and <b>AWA (e-learning Wrexham)</b>
2 <sup>nd</sup> 6 months	The role of members in relation to the Wellbeing of Future Generations Act	<b>All Members(M)</b>	Workshop/Webinar - Appropriate senior officers and Lead Member.	e- learning in production	Councils and <b>AWA (E-learning) Ceredigion</b>

**Note:**(M) = Mandatory AWA <https://learning.wales.nhs.uk/>Section of AWA to load and view e learning modules here <https://learning.wales.nhs.uk/course/view.php?id=313>

## **A Development Framework for Councillors in Wales 2021**

This framework outlines the knowledge and behaviours required by Councillors in Unitary Councils in Wales.

It has been developed by Councillors and officers working with the WLGA.

It will be useful for Councils when providing support and training for members and for Councillors to identify their priorities for continuing personal and professional development.

It is not intended to be exhaustive or prescriptive, it can also be locally adapted to reflect the priorities of different councils. The competencies described reflect those that councillors will develop within the role rather than those required to stand for office.

The Framework fits with the *Wales Charter for Member Support and Development*. The Charter provides Councils with a structure for local self-assessment and provision of member development, this framework provides a suggested content for that development.

The framework also fits with the WLGA model role descriptions and the induction curriculum for new members. It takes account of legislative requirements for members including those set out in the Local Government (Wales) measure 2011 and the Local Government and Elections (Wales) Act 2021.

### **Using the Framework**

The Framework includes a range of generic competencies required by all Councillors and separate sections for specific roles on the Council.

For each theme, the framework sets out the information that Councillors need to know, understand, and be able to do (knowledge and skills), together with examples of how they should act (behaviours).

**Part A** will be useful for all councillors. **Part B** should be used selectively depending on additional specialist roles.

## Part A - relevant to all councillors

### Fundamentals: A range of general skills required by all members

REF	Requirement	Knowledge and Skills	Effective Behaviours
A1	<b>Understanding the role of the Councillor</b>	The extent and limits of a Councillor's individual responsibilities, and the powers and responsibilities required for governing the Council.	Undertakes the member role effectively in the Council, the community and with partner agencies. Acts proactively to deliver outcomes. Understands when it is and is not appropriate to act for the Ward or in the interests of the whole area.
A2	<b>Understanding the role of the Local Authority</b>	The services delivered by or on behalf of the Council both statutory and discretionary, and the policies, procedures, plans and strategies which underpin them. The division of responsibility between the different tiers of government, the voluntary and health sectors. Collaboration between Local Authorities, different sectors, organisations, and the public.	Works within the scope of the work of the Council and represents this appropriately to the public. Contributes to the development of council plans and strategies and takes decisions in the light of these. Works collaboratively with other public service delivery agencies and the public.
A3	<b>Conduct</b>	The ethical framework that Councillors must work to. The Code of Conduct. The role of the Monitoring Officer, Standards Committee, Local Resolution Protocol. the role of and guidance from the Public Services Ombudsman for Wales.	Always abides by the Code of Conduct. Always declares and defines interests when necessary. Seeks advice from the monitoring officer when necessary.
A4	<b>Corporate Governance</b>	The principles of good corporate governance. How the Council understands and meets the needs of the community ethically, responsibly, and efficiently. The Council's Code of Corporate Governance and approach to risk. The Public Participation Duty to encourage local people to participate in decision making. The decision-making and accountability structure of the Council, including the role and value of Scrutiny. The role of, and relationships between, Cabinet,	Acts effectively across a range of council roles, supporting good corporate governance through seeking the views of the public, taking or scrutinising decisions ethically, and ensuring services are delivered responsibly and efficiently.



		Scrutiny, Full Council, Regulatory and other committees. Joint working between Councils and sectors. Structures including Growth Deals and Corporate Joint Committees.	
A5	<b>Equalities and Diversity</b>	Respect for others and taking decisions based on the principles of equality. Unconscious Bias. The need to take account of the protected characteristics of individuals, - sex, race, religion, age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity and sexual orientation, in all aspects of council and community work. The needs and views of those who are socio economically disadvantaged. Equalities and diversity law relating to the work of the Council and the role of the Councillor.	Demonstrates equalities values in personal behaviour and Council actions. Takes account of the needs of all members of society. Acts within equality and diversity law. Challenges inappropriate behaviour. Acknowledges and compensates for personal bias.
A6	<b>Civility</b>	Respectful behaviour and what constitutes abuse, harassment, and bullying.	Always treats everyone, officers, members of the public and other members with absolute respect, whether in the Council, community, or political group. Both face to face, in correspondence and on social media. Challenges inappropriate behaviour in others. Supports those suffering abuse, harassment, or bullying.
A7	<b>Balancing Council and community expectations and responsibilities</b>	The distinct responsibilities of a councillor as a member of a corporate body and as a representative of a Ward.	Takes decisions relating to the Council or Ward ethically. Manages both community and council expectations through effective communication.
A8	<b>Audit inspection and regulation</b>	The role of the Audit, Inspection and Regulatory bodies and associated Council processes.	Engages effectively with the audit, inspection and regulatory process within the council, using this information to take decisions, monitor performance, constructively challenge and support the affected services.
A9	<b>Work life balance</b>	Time management principles including prioritisation and delegation. Management of information.	Maintains an effective balance between council, personal life, and other work commitments.

			Managing the time available for Council work to concentrate on the issues with the most significant outcomes.
A10	<b>Self-Care</b>	Well-being, including stress management and personal resilience.	Maintains an awareness of the impact that being a councillor can have on wellbeing. Seeks support and assistance before pressures become stress.
A11	<b>Information and data handling and management</b>	Understanding and interpreting information and data. Handling confidential information. Freedom of Information legislation. Understanding the role of a Councillor as a data handler or controller.	Uses and interprets data to take decisions and monitor and assess performance. Acts competently as a data controller or data handler in different contexts when acting on behalf of the council or in a community leadership role.
A12	<b>ICT skills</b>	Ability to use all 'Office' applications. Email, Word, PowerPoint, Excel. Proficiency in remote working and attending meetings electronically. Standard IT troubleshooting.	Conducts council business and community engagement electronically and remotely as a default approach. Using face to face when possible or more appropriate.
A13	<b>Social media skills</b>	Ability to use Social Media through different platforms and Apps. Appreciation of what content is appropriate. Council Social Media Use policy. Guidance from Council comms teams.	Maintains an effective, positive, and ethical online presence in line with the Council's Social Media Policy.
A14	<b>Meeting preparation and participation</b>	Multi-location meetings, remote, hybrid or face to face. Standing Orders, meeting protocols and etiquette, rules of debate. Public speaking, debating, and asking questions.	Participates effectively in formal and informal meetings both remotely and face to face. Prepares effectively for meetings by reading reports and analysing data. Undertakes personal research and participates in any pre meetings. Contributes to positive meeting outcomes by seeking tangible decisions or actions. Effectively contributes to meetings making points clearly and succinctly. Remains focussed on the business in hand. Understands and applies meeting 'rules'. Seeks guidance from officers and Group Leaders before meetings as appropriate.

A15	<b>Working with the media</b>	Building relationships with the Media Interview skills for TV, radio, the press and online media.	Is a recognised source of credible information for the Media. Speaks confidently, authoritatively and appropriately in interviews. Enhances the reputation of the council when appearing on screen or in print.
A16	<b>Self-promotion</b>	Developing a profile in the community through local activities and effective communication and consultation.	Reports on achievements and activities. Is highly visible in the community. Maintains a high standard in both personal reputation and that of the Council.
A17	<b>Working with officers</b>	The role of officers generally and the 'rules' they need to abide by including a deeper understanding of the role of senior officers such as the Chief Executive, Senior Management Team, Monitoring Officer and Heads of Finance, Legal and Democratic Services. Skills in acting as a corporate employer. Understanding of the appointments process and interviewing skills.	Maintains professional relationships with officers, recognising boundaries and abiding by the Member Officer Protocol. Acts as an effective member of an appointment panel, applying sound HR and equality and diversity principles to make appointments.
A18	<b>Personal safety</b>	How to protect yourself in the Council, in the community, when travelling and at home and online. Including when lone working, in surgeries or meeting with residents.	Acts proactively to take necessary safety measures. Does not put themselves in harm's way. Asks for support from the Council or Police whenever necessary.
A19	<b>Support for members</b>	The importance of continuous learning. The sources and materials for Councillors' professional development available from the Council. Salaries and allowances. Job sharing opportunities. Family absence.	Proactively seeks out learning and development opportunities. Receives personal development reviews. Identifies support and development needs. Participates in all relevant learning opportunities. Claims allowances and salaries to which they are entitled.
A20	<b>Financial capability</b>	Where Council funding comes from. Financial planning and budget setting. Personal financial skills. The impact of Welfare Reform, Brexit, Austerity and Covid including the vulnerable and those with protected characteristics.	Engages effectively in the budget setting process. Is prepared to take hard, evidence-based decisions. Demonstrates skills in numeracy when interpreting data and asking questions.
A21	<b>Interpersonal skills</b>	Self-awareness, and skills in self-management, "good manners" respect. Emotional Intelligence, listening,	Acts in a professional and respectful manner to all people and in all places. Is

		negotiation, conflict management and mediation skills.	self-aware and able to develop and manage relationships both within and outside the Council. Brokers relationships and manages conflict in the community and Council and between the two.
A22	<b>Corporate Parenting</b>	The role and responsibilities of the Councillor as a Corporate Parent.	Takes appropriate corporate responsibility for the welfare of looked after children, actively seeking appropriate information on their situation and progress but not becoming involved in individual casework.
A23	<b>Sustainability</b>	The requirements of the Wellbeing of Future Generations Act. Including the goals for sustainability and the ways of working to meet them.	Works collaboratively and makes decisions with others to make sure that the needs of future generations as well as the current population, are considered. Seeks to prevent any problems happening in the first place.
A24	<b>Safeguarding</b>	The legal requirements, and the responsibilities placed on authorities and individual councillors to protect children and vulnerable adults at risk of abuse, including reporting mechanisms.	Is vigilant, and acts to make sure that children and vulnerable adults are protected from abuse, taking decisions and reporting incidents.

### Local Leadership. A range of skills required by all councillors in their role as community leaders

REF	Requirement	Knowledge and Skills	Effective Behaviours
A25	<b>Working with the community</b>	Contacts for local community groups and leaders. Community issues and concerns. Council plans which impact on local issues.	Understands the needs of the local community. Makes sure that the Council acts on behalf of local people. Communicates with the community, individuals, and the council to ensure engagement and understanding of all parties. Works with the community and the Council to find solutions to local problems. Secures funding for local initiatives.
A26	<b>Consultation and engagement</b>	The Public Participation Duty. The local Public Participation Strategy. Different approaches to engagement ranging from communication to co-	Demonstrates positive outcomes because of their effective engagement. Uses a range of communication and consultation tools including social media to

		production set out in the national principles of engagement for Wales. <a href="http://www.participationcymru.org.uk/national-principles">http://www.participationcymru.org.uk/national-principles</a>	understand the needs and views of the community. Works within the national principles of engagement.
A27	<b>The Voluntary Sector</b>	The role, responsibilities, services provided and contacts for the voluntary sector in the area.	Works with voluntary sector organisations. Signposts local people to voluntary agencies who can help them.
A28	<b>Working with community and town councils</b>	The responsibilities of Community and Town Councils, the role of their members. contacts for the Clerk and their forward work programmes. Services transferred or to be transferred to community councils.	Works with community councils to deliver outcomes for the community. Fosters positive relations and active communication with the members of the Community Council and the Clerk.

### Casework on behalf of the public

REF	Requirement	Knowledge and Skills	Effective Behaviours
A29	<b>Being accessible to the public</b>	Understanding of, and ability to arrange and publicise opportunities to discuss casework with the public.	Makes themselves available through the most useful means to connect with the greatest number of people. Uses surgeries, street surgeries, informal settings, and social media as appropriate. Takes steps to ensure personal safety. Promises only that which can be delivered.
A30	<b>Managing casework</b>	The availability and use of case management techniques and software. The officers that can help. Council procedures to support Members with casework.	Responds promptly to requests for help. Keeps the people on whose behalf they are working informed of progress. Monitors progress of cases after they have been referred to officers or other agencies. Uses the established referral schemes within the Council.
A31	<b>Signposting</b>	Sources of information and advice within and outside the council of use to all community groups.	Makes links between members of the public and the appropriate source of help in the council or in the community.

## Partnership and representation

REF	Requirement	Knowledge and Skills	Effective Behaviours
A32	<b>Work on outside bodies</b>	The capacity in which Members are appointed. For example, Council representative, locality representative, or as an individual. Whether you are a trustee. The role of the outside body. Its status for example company, trust, charity, unincorporated association. The relationship between the Council and the body and any conflicts of interest.	Reports to and from the Council and outside body as appropriate. Represents the views of the Council, personal views, or that of the community effectively and appropriately according to the role. Engages in briefing and training provided by outside bodies. Operates within the relevant Code of Conduct.
A33	<b>Working as a school governor</b>	Education policy. School organisation. The remit of a governor. Principles of conduct for governors. See also <a href="#">School governance   Sub-topic   GOV.WALES</a>	Oversees the school performance. Challenges the school management as a critical friend. Takes part in governor training.
A34	<b>Working as a member of a community or town council</b>	Community council governance. The role of the community council and its limits. Transfer of assets and services. Protocols between Community or Town Councils and Unitary Councils. See also <a href="#">The Good Councillors Guide - One Voice Wales</a>	Contributes to the governance of the community or town council. Makes links between the Community Council and Unitary Council, Takes part in Community Council training.

## Working in the Political environment

	Requirement	Knowledge and Skills	Effective Behaviours
A35	<b>Party policy (if a party member)</b>	Awareness of values and manifestos both nationally and locally.	Balances the needs of local people, Party, Group and Council
A36	<b>Liaison with the UK Government, Welsh Government and the Senedd</b>	Understanding of the functions of the different tiers of government and methods of engagement.	Liaises with local MPs and MS. Brings local issues to the attention of the WG when appropriate.

A37	<b>Party Group membership</b>	Party rules and constituency group structure and policies.	Works effectively and respectfully with Party Group members and officials.
A38	<b>Group discipline</b>	Understanding of the behaviours and conduct required of a group member	Works according to the standards of behaviour required by the Group Leader.

## Part B – relevant to councillors undertaking these specialist roles.

### Scrutiny

REF	Requirement	Knowledge and Skills	Effective behaviours
B1	<b>The role of Scrutiny</b>	<p>The value of Scrutiny as an essential part of the Council’s corporate governance.</p> <p>The role of the Scrutiny function in: Contributing to better outcomes - driving improvements in services.</p> <p>Better decisions - ensuring that democratic decision making is accountable, inclusive and robust.</p> <p>Better engagement – ensuring that the public is meaningfully engaged in democratic debate about the current and future delivery of public services.</p>	<p>Contributes to the development of forward work programmes.</p> <p>Selects topics where Scrutiny can have most impact.</p> <p>Promotes the work of Scrutiny within the council.</p> <p>Acts in a non-parochial and non-Party Political manner when undertaking Scrutiny.</p>
B2	<b>Policy development and review</b>	General understanding of the policies, plans, services and functions in development or review.	Makes informed and evidence-based recommendations for policy development.
B3	<b>Holding the Executive to account</b>	Understanding of the remit of the Executive in general and items on the Executive Forward Work Programme. Processes for the constructive challenge of Executive decisions and when and how to use the power to call in decisions.	Monitors and constructively challenges the decision-making process of the Executive, in the best interests of the community.
B4	<b>Monitoring performance</b>	Interpreting data, financial information. Risk, reports from audit, inspection and regulatory bodies, and other information required for performance measurement.	Identifies and challenges poor performance based on evidence, to improve services.

B5	<b>Individual Scrutiny skills</b>	Data handling and research. Meeting preparation for formal and informal scrutiny meetings and groups. Contributing to questioning strategies and asking questions. Active listening.	Prepares thoroughly for every Scrutiny activity and meeting by reading reports, preparing lines of enquiry and undertaking personal research. Contributes to questioning strategies and asks relevant, effective questions. Actively seeks outcomes for every Scrutiny activity.
B6	<b>Engaging the public in Scrutiny</b>	How the Public Participation Duty, to encourage local people to participate in decision making is supported by Scrutiny. Appropriate local individuals and organisations who can contribute to the work of Scrutiny, especially those traditionally excluded.	Raises public awareness of the work of Scrutiny and work programmes. Encourages the public to become involved in the policy and decision-making process through Scrutiny.
B7	<b>Collaborative Scrutiny</b>	Joint Scrutiny - Understanding of the remit and terms of reference of any joint Scrutiny committees. Scrutiny of joint arrangements - the role, responsibilities and accountability of regional bodies, partnerships and organisations outside of the Council which are subject to Scrutiny.	Seeks outcomes from effective joint working with scrutiny members from other authorities, partnerships, and organisations.

## Chairing

REF	Requirement	Knowledge and Skills	Effective Behaviour
B8	<b>Committee leadership</b>	An in depth understanding of the role of the committee and its scope. Ability to liaise with relevant officers, members, and agencies. Commitment to enabling all committee members to develop skills and participate effectively in meetings.	Promotes the work and value of the committee in the Council and to the public. Works with the committee outside of meetings to make it work more effectively. Communicates with members and officers with an interest in committee proceedings. Builds relationships with the relevant Heads of Service/ Directors to ensure that the work of the committee is relevant, well informed and provides the outcomes needed.
B9	<b>Work</b>	The subjects within the scope of the	Works with officers and



	<b>programme development and management</b>	committee and how these interact with council policies generally and the roles of other committees. Any Council and community priorities which should inform the work programme.	committee members to develop the work plan. Ensures that the work programme takes account of The Executive Work Plan, risks to the Council, other committee programmes, national, regional and local plans and policies, and the expressed needs of the community for services. Makes sure that the committee uses reports from audit, inspection and regulatory bodies.
B10	<b>Meeting preparation and management</b>	Meeting management in a variety of settings and using different channels for physical, hybrid and remote meetings. Broadcasting. Meeting protocols and the rules of debate. Agenda management including fair contributions and time. Public and press participation.	Chairs act clearly and authoritatively to enforce meeting rules and encouraging fair and focussed participation. Manages the agenda by introducing items, summarising debate, focussing on outcomes and limiting contributions which do not contribute to the outcomes. Ensures that the public feel welcome, understand the meeting purpose and how they can contribute.
B11	<b>Committee support</b>	The support, appropriate level and variety of information and finances the committee needs to function effectively.	Negotiates and ensures the support required by the committee.

### Serving on statutory/regulatory committees

REF	Requirement	Knowledge and Skills	Effective behaviours
B12	<b>Planning</b>	Statutory role of the committee. Planning and rights of way law generally. How to apply the Code of Conduct to planning issues. Declaring interests in Planning. Local Development Planning.	Demonstrates objectivity by taking independent decisions based on evidence and the legal responsibility placed on committees acting in a semi-judicial role. Transparently

		<p>Development Management.</p> <p>Sustainable Development principles and legislation including environmental, welfare, future generations, and design considerations.</p> <p>The respective roles of Welsh Government and Local authorities.</p> <p>Environmental impact assessment in a planning context.</p>	<p>adheres to the Code of Conduct. Seeks appropriate professional officer advice, personal development or briefing before taking decisions.</p>
B13	<b>Governance and Audit</b>	<p>Statutory role of the committee.</p> <p>Effective Governance and performance management.</p> <p>The Council's and national performance reporting frameworks.</p> <p>Complaint handling in the Council.</p> <p>Scrutiny of financial performance. Risk Management and the local Risk Management Strategy. The Annual Governance Statement Internal and external audit arrangements. The relative roles of Audit and Scrutiny committees.</p>	
B14	<b>Licensing</b>	<p>Licensing regulations and Licensing policy. Local policies which impact in this area such as the Community Plan and wider considerations for sustainability.</p>	
B15	<b>Democratic Services</b>	<p>The legislative requirements for a Democratic Services committee.</p> <p>National and local requirements for member support and development.</p> <p>Role of the Head of Democratic Services/Monitoring Officer (if separate). Role of and collaboration with the Lead Member/Champion for member support and development.</p> <p>Diversity in Democracy.</p>	
B16	<b>Standards</b>	<p>The law and constitution in relation to conduct.</p> <p>Local resolution protocols.</p> <p>Needs of both County Council and Town and Community Councils for Training in relation to the Code of Conduct.</p> <p><a href="#">Member behaviour, dealing with reports from Group Leaders and annual reporting</a></p>	

## Executive Members

REF	Requirement	Knowledge and skills	Effective behaviours
B17	<b>Collective responsibility</b>	<p>Developing a collective vision for the Council.</p> <p>The Executive role in enabling public participation within the Public Participation Strategy.</p> <p>Information, good practice and evidence sourcing and handling.</p> <p>Taking decisions collectively.</p> <p>Prioritising issues of most importance to the Authority.</p> <p>Working with other authorities and agencies to secure services for the Council.</p> <p>Working effectively and constructively with the senior management team and Chief Executive.</p>	<p>Works collaboratively to develop the vision for the Council. Ensures the participation of the public in the decision-making process.</p> <p>Takes effective strategic decisions.</p> <p>Ensures the best possible performance of the Council.</p> <p>Guides and enables the performance of the Chief Executive and Senior Management Team.</p>
B18	<b>Portfolio lead</b>	<p>A thorough knowledge of local and national policy relating to the relevant service areas. Effective and respectful joint working with relevant lead officers and Scrutiny chairs.</p> <p>Developing a vision for the portfolio.</p> <p>Integrating the work of the portfolio with the wider Executive programme.</p> <p>High level media skills</p>	<p>Provides political direction to officers in the portfolio area.</p> <p>Is publicly accountable for communication, policy, and performance in the portfolio area. Works with officers to consider issues, priorities and take decisions. Represents the Council in the media</p>
B19	<b>Working with Scrutiny</b>	<p>Valuing and working constructively with Scrutiny, to ensure that the Executive is demonstrably accountable for decisions and takes and reviews decisions which have been rigorously scrutinised.</p>	<p>Actively seeks and values the input of Scrutiny to policy development and performance monitoring.</p>
B20	<b>Delegated responsibilities</b>	<p>The scheme of delegation and process for taking responsibility for decisions under the scheme.</p>	<p>Takes decisions after appropriate research and consultation.</p>

## Council Leadership

REF	Requirement	Knowledge and Skills	Effective Behaviours
B21	<b>Promoting and managing the reputation of the council</b>	<p>Acting as an ambassador for the Local Authority.</p>	<p>Effectively represents the Council, ensuring that information about the Council and its services and citizens is communicated positively and with authenticity and integrity.</p>
B22	<b>Leading the vision for the</b>	<p>Development of a vision for the Council area or wider region.</p>	<p>Works collaboratively with the community, members, officers</p>

	<b>area.</b>		and Political Party (if a member) to create and communicate a shared vision for the area.
B23	<b>Leading the Council</b>	Develop a vision for the work, culture and outcomes sought by the Council. Senior Corporate Governance	Works collaboratively with the community, members, officers and Political Party (if a member) to create and communicate a shared vision for the Council. Oversees the delivery of effective corporate governance in the Council.
B24	<b>Relationships with the Chief Executive and Senior Management Team</b>	Advanced communication and relationship building. Understanding of and empathy for the work of the Chief Executive and Senior Officers. Performance management and appraisal of chief officers.	Meets and communicates openly and regularly. Makes expectations clear and provides political leadership. Undertakes performance reviews with senior officers as appropriate.

### Civic Leadership

REF	Requirement	Knowledge and Skills	Effective Behaviours
B25	<b>Chairing Full Council</b>	Advanced chairing skills. In depth understanding of standing orders and rules of engagement. Remote, hybrid and physical meetings. Broadcast meeting skills.	Effectively and confidently chairs meetings of the full Council through a range of channels. Sets standards and expectations for appropriate behaviour.
B26	<b>Representing the Council at Civic functions</b>	Tact and diplomacy. Advanced public speaking Relationship building.	Demonstrates high level interpersonal communication, and social skills, appropriate to the context.