

CYNGOR SIR POWYS COUNTY COUNCIL.

Standards Committee
25th June 2014**REPORT BY:** Solicitor to the Council**SUBJECT:** Matters appertaining to Standards Issues

REPORT FOR: Decision, Information and Discussion

A. General Standards Issues for County Councillors and Co-opted Members**A1 Code of Conduct Training**

Two vacancies have arisen amongst the co-opted Members on the People Scrutiny Committee. Training has been arranged for these two Members when they next attend at County Hall. Training for the new Independent (Lay) Member of the Standards Committee has been arranged following this meeting.

A2 Member Development

The Member Development Working Group on the 9th June received and accepted the comments of the Standards Committee on mandatory training.

B. Referral of Councillors to Public Services Ombudsman**B1. County Councillor Referrals**

B1.1 There are no outstanding referrals with the Ombudsman.

C. Other Standards Issues**C1.1 Local Resolution Process**

Comments and/or amendments are sought on the draft Local Resolution Process which is attached at **APPENDIX 1**.

The Committee is asked to recommend a draft for consideration by the Democratic Services Committee and Full Council.

C1.2 Apology from County Councillor Myfanwy Alexander

At a meeting of Council on 14th May 2014 County Councillor Myfanwy Alexander made the following personal explanation and apology:

“It has been brought to my attention by the Leader that some members of the Council have raised concerns about the input I had in the preparation of a press statement with regard to Additional Learning Needs. Members should

be aware that I commented and made certain amendments to a draft press statement having already declared a personal and prejudicial interest on the issue and portfolio responsibility for the ALN issue having been delegated to Councillor Graham Brown. In my efforts to assist Councillor Brown to pick up this new responsibility, I accept that I had acted inappropriately and apologise unreservedly to Members and assure the Council that I acknowledge and accept my present personal and prejudicial interest in the ALN debate.”

D Dispensations

D1. Applications - County Councillors

No applications have been received.

E. Late payment of expenses

Claims for payment of expenses have been submitted by the following Member:

Councillor Avril York – a claim for mileage submitted on 2nd May 2014 for February 2014.

Details will be provided at the meeting and the Member has been invited to attend.

F. Attendance

All County Councillors have attended 60% or more of the main meetings of the County Council between 1st December 2013 and the 13th May 2014 except for:

Cllr Bailey	56% (9/16 meetings)
Cllr William Powell	55% (5/9 meetings), and
Cllr George	40% (4/10 meetings)

The County Councillors listed above have been written to requesting reasons for their attendance levels except Cllr Bailey who it is known has had a period of ill-health.

The Member Development Working Group on 9th June was of the opinion that attendance at Member and Officer Working Group should be recorded for purposes of calculating attendance. Officers were asked to canvas the view of the Standards Committee regarding this amendment.

G. Vexatious Complaints Policy

The former Habitual and Vexatious Complaints Policy has been replaced by a Policy on Unacceptable Behaviour by Services Users which will cover everything, not only complaints. The Standards Committee previously exercised an appellate role under the previous policy. This role is not being replicated in the new policy. A copy of the current policy and the draft new policy is attached as **Appendix 2**.

H. Whistleblowing Policy

The Constitution Working Group seeks comments on Section 22 of the new Constitution 'Confidential Reporting – Whistleblowing Code' a copy of which is attached at **APPENDIX 3**.

I. Ombudsman's Case Book

The Public Services Ombudsman for Wales has published the second Code of Conduct Casebook which covers the period October 2013 – March 2014 and is attached at **Appendix 4**. These casebooks are published on a six monthly basis.

J New Standards Case

Heesom v Public Services Ombudsman for Wales; Welsh Ministers intervening [2014] EWHC 1504 (Admin) (Admin Ct):

H was a county councillor and had served on Flintshire CC for many years. He appealed against the Adjudication Panel for Wales' decision that he had breached the Council's Code of Conduct by failing to show respect and consideration for council officers, using bullying behaviour, attempting to compromise the impartiality of officers and conducting himself in a manner likely to bring his office or the Council into disrepute. The tribunal disqualified H from being a member of the Council or of any other local authority for 30 months. H contended that the tribunal had erred in adopting the wrong standard of proof, i.e. the civil as opposed to the criminal standard, and that the sanction was disproportionate given the high protection granted by the common law and by Art.10 ECHR to the political expression of elected representatives.

The court held, allowing the appeal in part, that:

- the appropriate standard of proof was clearly civil: the proceedings were disciplinary in nature, and the potential consequences of such proceedings for the individual subject were well-recognised as being insufficient to warrant introduction of the criminal standard. The additional potential consequence of depriving electors of their choice of representative was also insufficient;
- comments by elected politicians were subject to a higher level of protection under Art.10 ECHR. Article 10 protected not only the substance of what was said, but also the form in which it was conveyed, therefore, in the political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, was tolerated. But politicians were subject to wider limits of acceptable criticism so were expected and required to have thicker skins and have more tolerance to comment than ordinary citizens. Non-elected public servants were also open to criticism, but it was in the public interest that they were not subject to unwarranted comments that disenabled them from performing their public duties and undermined public confidence in the administration. Therefore, it was a legitimate aim of the State to protect public servants from unwarranted comments that had, or might

have, that adverse effect on good administration. Where critical comment was made of a civil servant, such that the public interest in protecting him as well as his private interests were in play, the requirement to protect that civil servant had to be weighed against the interest of open discussion of matters of public concern and, if the relevant comment was made by a politician in political expression, the enhanced protection given to his right of freedom of expression;

- the tribunal was correct to proceed on the basis that there was a mutual bond of trust and confidence between councillors and their officers, and that H's comments had the potential of impairing that mutual trust.

The court refused H's appeal insofar as it challenged the case tribunal's findings of breach, save for three findings, which it quashed; it upheld the other findings of breach. Regarding the sanction, the tribunal did not err in principle or approach, and its decision to disqualify H was not wrong: in view of the seriousness of the misconduct, disqualification was an appropriate and a proportionate response. However, bearing in mind that Art.10 required the minimum sanction consistent with the aims of maintaining standards in public life, a period of disqualification of 30 months was excessive. The court quashed the sanction imposed by the tribunal and instead disqualified H for 18 months. (15 May 2014)

K The New Constitution

The Committee will recall that at its meeting on 5th February 2014, the Committee was to comment upon and make suggested amendments to Section 8 (the Standards Committee) and Section 18 (Code of Conduct) of the draft New Constitution. These sections of the Constitution was considered by the Democratic Services Committee on 13th June 2014 who resolved to recommend the documents attached as **Appendix 5** to Full Council for adoption. The changes that have been made are highlighted and are attached for information purposes only.

At its meeting on 13th June 2013, the Democratic Service Committee also considered the role descriptions, person specification and development framework for Members of the Standards Committee which is to appear in Section 23 of new Constitution. A copy of the new role descriptions, person specification and development framework are attached as **Appendix 6**.

L. Meeting Dates

L1 To note dates of future meetings as follows:

3rd September 2014

3rd December 2014

All meetings to commence at 10.00am with the option of training available afterwards.

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Powys County Council Standards Committee.

Local Resolution Protocol

1. Background.

- 1.1 The Public Service Ombudsman has made representations that Councils institute Local Resolution (LR) Processes to reduce the numbers of complaints sent to the Ombudsman. If there is no progress with setting up these processes there is a risk that Welsh Government will bring forward legislation to make this compulsory.
- 1.2 Set out below is the Powys County Council's Local Resolution Process.

2. The Local Resolution Process.

2.1 Issues which will be considered under this process

- Low level complaints about Members e.g.
 - Complaints from Members about Members
 - Complaints from Officers about Members
 - Members alleged to have not shown respect and consideration for others – either verbally or in writing.

2.2 Issues which will not be considered under this process

- Complaints which must be directed to the Public Services Ombudsman for Wales:
 - Complaints from the Public.
 - Serious complaints – breaches of the Code of Conduct / Failure to Disclose Interests / bullying.
- Vexatious, malicious or frivolous complaints
- Members' complaints about officers which should be dealt with using the Council's internal complaints process.
- Repetitive low level complaints.

3. The Process

3.1 The complaint

The complaint would need to be sent to the Monitoring Officer of Powys County Council to undertake a first sift to ensure that the complaint is at a low level and should not be dealt with by way of a complaint to the Ombudsman.

3.2 Resolution Process.

The involvement of Group Leaders/ Chair of Council in the following process is not adjudicate on the complaint, but attempt to get the members / officers involved to come to an agreement as to how the issue(s) could be resolved on an amicable basis.

The Monitoring Officer or Deputy Monitoring Officer will act as a facilitator for the resolution process below.

- If the complaint is between Members of the same political group – the Monitoring Officer and the relevant Group Leader will meet with the complainant and Member subject of the complaint to seek an agreed resolution.
- If the complaint is between Members of different political groups - the Monitoring Officer and the relevant Group Leaders will meet with the complainant and Member subject of the complaint to seek an agreed resolution.
- If the complaint is between a Member of a political group and a non-aligned Member (i.e. not belonging to any political groups) - the Monitoring Officer and the relevant Group Leader together with the Chair of the Council (who will act as the “Group Leader” for any non-aligned Member) will meet with the complainant and Member subject of the complaint to seek an agreed resolution.
- If the complaint is between non-aligned Members (i.e. not belonging to any political groups) - the Monitoring Officer and the Chair of the Council (who will act as the “Group Leader” for any non-aligned Member) will meet with the complainant and Member subject of the complaint to seek an agreed resolution.
- If the complaint has been made by an officer against a Member the Monitoring Officer and the Group Leader / Chair of Council (for any non-aligned Member) will meet with the officer and the Member subject of the complaint to seek an agreed resolution
- Where a Group Leader is involved in such a dispute, the Monitoring Officer and the relevant Deputy Group Leaders will meet with the complainant and Member subject of the complaint to seek an agreed resolution.

4. Possible results of the process

If an agreement is reached by Members and/or officers during this Stage then no further action is required.

If agreement cannot be reached the aggrieved Member / officer would always have the opportunity of referring the matter to the Ombudsman.

5 Time for the process.

It is the intention that all of the processes can be completed as quickly as possible to resolve the issue. However exact timing will depend on the availability of individuals to attend the meetings.

POWYS COUNTY COUNCIL

HABITUAL OR VEXATIOUS COMPLAINANTS POLICY.

1. Introduction.

- 1.1 This policy applies to all complainants, and identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be 'habitual or vexatious' and ways of responding to these situations.
- 1.2 In this policy the term habitual means 'done constantly or as a habit'. The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. These terms are used in this policy to clarify that we are attempting to deal with persons who seek to be disruptive or whose requests cause disproportionate and repeated efforts on behalf of Council officers by pursuing an unreasonable course of conduct.
- 1.3 The term complainant in this policy includes requests made under the Freedom of Information Act 2000, the Data Protection Act 1998, and the Environmental Information Regulations 2004, and reference to the complaints procedure is, where relevant, to be interpreted as meaning requests under those Acts.
- 1.4 Habitual and / or vexatious complainants can be a problem for Council staff and Members. The difficulty in handling such complaints can place a strain on time and resources. Whilst the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

2. Scope of Policy.

- 2.1 This policy should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the Council's complaints procedures. However it is not necessary for a complaint to have become a level 3 complaint before this policy can be invoked. Judgement and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and in deciding on the appropriate action to be taken in specific cases.
- 2.2 The policy should only be invoked following careful consideration of all the issues by the relevant Head of Service and after authorisation has been provided by the relevant Executive Director ("the Authorising Officer") in consultation with relevant Member(s). If the complaint is principally or to a reasonable degree against the relevant Executive Director then the Authorising Officer will be the Chief Executive . The decision must be reported to the Executive Management Team.
- 2.3 Provided that no officer may undertake the role of the "Authorising Officer" if he / she has had an involvement with the complaint.

3. Definition of Habitual or Vexatious Complainant.

3.1 Each case will be viewed individually and decided on its merits. However, a complainant (and / or anyone acting on their behalf) may be deemed to be habitual or vexatious if previous or current contact with them shows that they may meet any or all of the following criteria, dependent upon degree.

3.2 Where complainants:

- (a) Persist in pursuing a complaint where the Council's complaints procedure has been fully and properly implemented and exhausted (e.g. where several responses have been provided).
- (b) Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different from the original complaints. These might need to be addressed as separate complaints.
- (c) Are unwilling to accept documented evidence of action.
- (d) Are unwilling to accept that the Council has reached a final decision on a chosen course of action.
- (e) Deny receiving an adequate response in spite of correspondence specifically answering their questions.
- (f) Persist in pursuing a matter when they have already exhausted other statutory routes of appeal.
- (g) Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- (h) Continue to seek to pursue a complaint where the concerns identified are not within the remit of the Council to investigate.
- (i) Focus on a trivial matter to an extent which it is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a 'trivial' matter can be subjective and careful judgements must be used in applying this criteria.
- (j) Have in the course of addressing a complaint, had an excessive number of contacts with the Council placing unreasonable demands on staff time. A contact may be in person or by telephone, letter, e-mail or fax. Discretion must be used in determining the precise number of "excessive contacts" applicable under this section, using judgement based on the specific circumstances of each individual case.
- (k) Have threatened or used physical violence towards staff at any time – this will, in itself cause personal contact with the complainant and / or their

representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such incidences will be documented. Powys County Council has determined that any complainant who threatens or uses actual physical violence towards staff will be regarded as a vexatious complainant and will receive written confirmation of the same from the appropriate Head of Service. This will also inform the complainant of the action to be taken with regard to any further communication received.

- (l) Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff recognise, however, that complainants may be sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. They will document all instances of harassment, abusive or verbally aggressive behaviour.
- (m) Are known to have recorded meetings or face-to-face / telephone conversations without the prior knowledge and consent of other parties involved.
- (n) Make unreasonable demands on the customer / complainant relationships and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's Complaints procedure or normal recognised practice.

4. Strategy for Dealing with Habitual or Vexatious Complainants.

- 4.1 Where complainants have been identified as habitual or vexatious under the scope of this policy, taking account of the above criteria, the Authorising Officer, in consultation with any relevant Member(s), will determine what action to take. That person will implement such action and will notify complainants, in writing, of the reasons why they have been classified as habitual or vexatious and what action will be taken. They will also be notified of the review procedure under section 5 below.
- 4.2 This notification may be copied for the information of others already involved in the complaint or matters closely related to it, e.g. Head of Service, Members, staff, Members of Parliament, Members of the National Assembly for Wales. A record must be kept, including on the complaints database, for future reference of the reasons why a complainant has been classified as habitual or vexatious.
- 4.3 The Authorising Officer may decide to deal with complainants in one or more of the following ways:
 - (a) Withdraw contact with the complainant either in person, by telephone, by e-mail, by fax, by letter or any combination of these, provided that at least one form of contact is maintained. If staff are to withdraw from a telephone conversation with a complainant there will be an agreed statement available for them to use at such times.
 - (b) To restrict contact to liaison through a designated officer.
 - (c) Notify the complainant in writing that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to

add and continuing contact on the matter will serve no useful purpose. The complainant should be notified that any form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end, and that further contact received will be acknowledged but not answered.

- (d) Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Council shall not, without the consent of the Monitoring Officer, withdraw or not provide any services to which the complainant or his / her family are entitled to receive.
- (e) In extreme circumstances inform the complainant that the Council reserves the right to pass unreasonable or vexatious complaints to the Council's Legal Services and may result in legal action against the complainant.

N.B. A Councillor must be advised when a constituent of that Member is likely to be regarded as a vexatious / habitual complainant by the Council in the near future.

5. Review Decisions and Withdrawing 'Habitual or Vexatious' Status.

- 5.1 Once a complainant has been determined, as habitual or vexatious such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.
- 5.2 Complainants also have an opportunity to have their habitual or vexatious status withdrawn.
- 5.3 The Authorising Officer, in consultation with any relevant Member(s), will review their decisions to categorise a complainant as habitual or vexatious at least every six months. In addition, they will review that decision on receipt of a request to do so from the person so categorised, provided such a request has not been received in the preceding six months.
- 5.4 If the person categorised as habitual or vexatious is not satisfied with the decision reached by the Authorising Officer he may request that the decision is reviewed by the Chief Executive. Such a request for a review may only be received once in any six month period. Upon receipt of such a request, the Chief Executive will review the decision, in consultation with the Monitoring Officer and the Chairmen of the Board and Principal Scrutiny Committee. Notice of that decision will be given, as far as is practical, within 15 working days of receipt of the request.
- 5.5 The Authorising Officer or the Chief Executive on review may either withdraw the categorisation of a person as habitual or vexatious or amend the strategy being applied to that person.
- 5.6 If the Authorising Officer or the Chief Executive considers it appropriate to withdraw the status of habitual or vexatious complainant, normal contact with the complainant

and application of the Council's complaints procedure will be resumed. Notice of that decision will be supplied to the person or persons forthwith.

- 5.7 Copies of all decisions of the Authorising Officer or the Chief Executive relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the Monitoring Officer who will hold and maintain a central register of such decisions.
- 5.8 If the person categorised as habitual or vexatious is not satisfied with the decision reached by the Chief Executive, he may request that the decision is reviewed by a Panel of 3 of the Independent Members drawn from the Council's Standards Committee. Such a request for a review may only be received once in any six month period. Upon receipt of such a request, the Panel will convene a meeting to review the decision to which the habitual or vexatious complainant will be invited to attend. Notice of the decision of the Panel will be given, as far as is practical, within five working days of the Panel meeting.
- 5.9 The Panel will present an Annual Monitoring Report to the Council's Standards Committee and to the County Council regarding the numbers and outcomes of review meetings held during the year.

6. Monitoring Arrangements.

- 6.1 Statistical information will be presented quarterly to the Executive and Corporate Management Team and the Board with details of complainants who are categorised as habitual and / or vexatious.

7. General.

- 7.1 Nothing in this policy affects an individual's statutory rights.
- 7.2 Members may be approached by individual constituents who have been identified by the Council as habitual / vexatious complainants. In such cases Members may, if they so wish ask officers to write to those individuals on their behalf, to explain that the Councillor will not be able to deal with the particular issue whilst they continue to be a vexatious / habitual complainant.



**Powys County Council
Policy on Unacceptable Actions by Service Users**

1. Introduction

This Policy sets out the Council's approach to the relatively few individuals whose actions or behaviour are considered unacceptable. The term 'service user' includes any person who contacts the Council or acts on behalf of another individual, any complainant and any person who requests Council information.

2. Policy Aims

- 2.1 To make clear to all service users, both at initial contact and throughout their dealings with the Council, the action which the Council can or cannot take in relation to their requests or complaints. Our aim is to be open and to avoid raising hopes or expectations that cannot be met.
- 2.2 To deal fairly, honestly, consistently and appropriately with all service users, including those whose actions are considered unacceptable. The Council believes that all service users have the right to be heard, understood and respected and that Council staff have the same rights.
- 2.3 To provide services that are accessible to all service users. However, where a service user's actions are unacceptable, the right to restrict or change access to the Council is retained.
- 2.4 To ensure that other service users and Council staff do not suffer any disadvantage from service users who act in an unacceptable manner.

3. Defining Unacceptable Actions by Service Users

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to contact with the Council. The Council does not view behaviour as unacceptable just because an individual is forceful or determined. However, the actions of individuals who are angry, demanding or persistent may result in unreasonable demands on the Council or unacceptable behaviour towards Council staff. It is these actions that are considered unacceptable and ones that this policy aims to manage. The Council has grouped these actions under three broad headings:

3.1 Aggressive or Abusive Behaviour

- 3.1.1 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause

staff to feel afraid, threatened or abused and also includes unacceptable intrusion or reference to the private lives of staff.

3.1.2 Examples of behaviour grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. Inflammatory statements and unsubstantiated allegations can also be abusive behavior.

3.1.3 The Council expects its staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. Council staff understand the difference between aggression and anger. The anger felt by many service users involves the subject matter of their request or complaint. Reasonable annoyance in relation to a complaint is to be expected, however, it is not acceptable when anger escalates into aggression or abuse (whether oral or written) directed towards Council staff.

3.2 Unreasonable demands

3.2.1 Service users may make what are considered to be unreasonable demands on the Council through the amount of information they seek, the nature and scale of service they expect or the number or frequency of approaches they make. Deciding what amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the service user.

3.2.2 Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular member of staff, continual phone calls, letters or e-mails, repeatedly changing the substance of the request or complaint or raising unrelated concerns, or insisting that the Council has not provided an adequate response to a query or complaint despite evidence that the Council has provided a comprehensive response. Other examples are not accepting that the issues raised are not within the Councils remit despite having been informed that this is the case eg partner agencies. The Council accepts that persistence is not necessarily a form of unacceptable behavior. What amounts to unreasonable demands will always depend on the circumstances of the matter and the seriousness of the issues raised

3.2.3 These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of the Council, such as taking up an excessive amount of staff time to the disadvantage of other service users or functions.

3.3 Unreasonable persistence

3.3.1 Some service users will not accept that the Council is unable to assist them further or to provide a level of service other than that provided already. Service users may persist in disagreeing with the action or decision taken in relation to their concerns or may contact the Council persistently about the same issue.

3.3.2 Examples of actions grouped under this heading include persistent refusal to accept a decision made by the Council, persistent refusal to accept explanations relating to what the Council can or cannot do and continuing to pursue an issue without presenting any new information. The way in which these service users approach the Council may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

3.3.3 The persistent actions of service users are considered to be unacceptable when they take up what the Council regards as being a disproportionate amount of time and resources.

4. Managing Unacceptable Actions by Service Users

4.1 There are relatively few individuals whose actions are considered by the Council to be unacceptable. If an officer of the Council is of the opinion that a customer actions or behavior are unacceptable they shall, in the first instance, discuss this with their line manager in order to consider any informal steps that can be followed to resolve the concerns. The way in which these actions are managed will depend on their nature and extent. If it adversely affects the Council's ability to do its work and provide a service to others, the service user's contact with the Council may need to be restricted in order to manage the unacceptable actions.

- 4.2 The Council will aim to do this, wherever possible, in a way that allows a request or complaint to progress to completion through the usual processes and will explain in writing to the service user any restrictions it puts in place. Contact in person, by telephone, fax, letter or electronically or by any combination of these may be restricted. The Council will try to maintain at least one form of contact. In extreme situations, the service user will be told in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with the Council to either written communication or through a third party.
- 4.3 The threat or use of physical violence, verbal abuse or harassment towards Council staff is likely to result in the ending of all direct contact with the service user and the service user being informed that they have been placed on the 'no personal contact' list. Such incidents may also be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.4 The Council will not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens, the service user will be told that their language is considered unacceptable. They will be asked to stop using such language and the Council will state that there will be no response to their correspondence if they do not stop. The Council may require future contact to be through a third party.
- 4.5 Council staff will end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision to tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.
- 4.6 Where a service user repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, the Council may decide to:
- 4.5.1 only take telephone calls from the service user at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the service user in the future;
or,

- 4.5.2 require the service user to make an appointment to see a named member of staff before visiting the office or that the service user contacts the office in writing only; or,
 - 4.5.3 place the service user on the 'no personal contact' list and require the service user to contact the Council in writing only
 - 4.5.4 return the documents to the service user or, in extreme cases, advise the service user that further irrelevant documents will be destroyed.
 - 4.5.5 take other action that is considered appropriate. The Council will, however, always explain to the service user what action is being taken and why.
- 4.7 Where a service user continues to correspond on a wide range of issues, and this action is considered excessive, then the service user may be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly. In extreme cases, where the demands impact unreasonably on the work of the Council, the service user will be told that the Council will cease to consider their requests.
- 4.8 A service user's action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the service user continues to dispute the Council's decision relating to their request or complaint. The service user will be told that no future phone calls will be accepted or interviews granted concerning the matter. Any future contact by the service user on the issue must be in writing. Future correspondence will be read and filed, but only acknowledged or responded to if the service user provides significant new information relating to the matter.

5. Deciding to Restrict Service User Contact

- 5.1 Council staff who directly experience aggressive or abusive behaviour from a service user have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.
- 5.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Council will only be taken after careful consideration of the situation by the Head of Service for the service being delivered. Wherever possible, service users will be given the opportunity to modify their behaviour or action before a decision is taken.

Service users will be told in writing why a decision has been made to restrict future contact, what are the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

6. Appealing a Decision to Restrict Contact

6.1 A service user can appeal a decision to restrict contact. A Director who was not involved in the original decision will consider the appeal. The service user will be advised in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

7. Recording and Reviewing a Decision to Restrict Contact

7.1 The Council records all incidents of unacceptable actions by service users. Where it is decided to restrict service user contact, an entry noting this is made in the relevant file and on appropriate computer records.

7.2 A decision to restrict service user contact may be reconsidered if the service user demonstrates a more acceptable approach. The Head of Service will review the status of all service users with restricted contact arrangements for their service, every 6 months.

Change and Governance
June 2014

CYNGOR SIR *POWYS* COUNTY COUNCIL WHISTLEBLOWING POLICY

Status	Version 1
Date of Issue	1
Date of Previous Issue	N/A
Agreed by	
Review Date	3

1. INTRODUCTION

All of us at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when you are troubled about something that involves a danger (to public or colleagues), professional misconduct or financial malpractice, it can be difficult to know what to do.

You may be worried about raising such an issue, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, to managers or to the Council. You may have said something but found that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what, if anything, to do next.

This Council has introduced this policy to enable everyone to "blow the whistle" safely so that such issues are raised at an early stage and in the right way. We know from experience that to be successful we must all try to deal with issues on their merits. The Council welcomes your genuine concerns and is committed to dealing responsibly, openly and professionally with them. Without your help, we cannot deliver a safe service and protect the interests of the public, staff and the Council. If you are worried, we would rather you raised it when it is just a concern than to wait for proof.

If something is troubling you which you think we should know about or look into, please use this procedure. If, however, you are aggrieved about your personal position in work, please use the Council's Grievance Procedure. This whistleblowing procedure is primarily for concerns where the interests of others or of this Council are at risk.

If in doubt - raise it!

2. THIS APPLIES TO YOU

This applies to you whether you are a permanent employee, agency or temporary staff, the staff of one of our contractors, or a volunteer.

3. OUR COMMITMENT TO YOU

3.1 Your safety

The Council is committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken or if there is an innocent explanation for your concerns. So please do not think we will ask you to prove it. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue.

3.2 Your confidence

We will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may nonetheless be anxious. If so you can ask to talk to someone in private. If you ask us not to disclose your identity, we will not do so without your agreement first. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

3.3 Anonymous concerns

Remember that if you do not tell us who you are, it will be much more difficult for your concern to be investigated and for us to protect your position or give you feedback. Accordingly, while we will consider what action may be justified by an anonymous report, we will not be able to handle such reports under this policy.

4. HOW WE WILL HANDLE THE MATTER

4.1 Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an informal review, an internal inquiry or an investigation. We will tell you who is handling the matter, how you can contact them and whether your further assistance may be needed. At your request, we will write to you summarising your concern and setting out how we propose to handle it.

4.2 When you raise the concern we may ask you how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the grievance or other procedures we will tell you.

4.3 The purpose of this policy is to enable us to investigate and deal with possible malpractice. To reassure you, we will give you as much feedback as we properly can. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

5. HOW TO RAISE A CONCERN INTERNALLY

5.1 Step one

If you have a concern, we hope you will feel able to raise it in your team or with your Line Manager so it can be resolved locally.

5.2 Step two

If you don't feel step one is appropriate or it hasn't worked, please raise the matter with your Head of Service or Strategic Director. Please say if you want to raise the matter in confidence so that they can make appropriate arrangements. We will ask if

you would like us to write to you summarising your concern and the action we propose to take.

5.3 Step three

If these steps have been followed but have not worked, or you feel that the matter is so serious that you cannot discuss it with any of the above, please contact the Chief Executive.

5.4 Council oversight

The Chief Executive management team member who oversees this policy is the Strategic Director for Resources.

5.5 Response times

Employees need to be aware that matters which have been raised through the Whistleblowing Policy can often be complex matters to investigate. In all cases however, all whistle-blowers will receive an acknowledgement of the concern(s) raised within 10 working days. Subject to the limitations and provisions of statute and confidentiality, all matters raised should be fully investigated within 45 working days, noting that it may not be possible to fully disclose what outcomes were reached in respect of the issue(s) raised.

6. INDEPENDENT ADVICE

If you are unsure whether or how to raise a concern or you want free independent advice at any stage, you may contact:

- your Trade Union or Professional Association; and/ or
- the charity Public Concern at Work on 020 7404 6609. Their lawyers can give you independent confidential advice at any stage about whistleblowing.

7. EXTERNAL CONTACTS

To reassure you that we want you to raise concerns internally and that we will deal with it properly, please know that you can also contact specific regulating bodies, such as the Health & Safety Executive or Wales Audit. Where you believe the local response has been inadequate, you can also raise your concerns with a body such as the Ombudsman. Public Concern at Work and your union will be able to advise you which route is appropriate in your circumstances

8. IF YOU ARE DISSATISFIED

If you are unhappy with our response, remember you can go to the other levels and bodies detailed above.

While we cannot guarantee that you will be satisfied with our response, our aim is to handle the matter fairly and properly. By using this policy, you will help us to achieve this.

9. WHO WE CONSULTED

This policy has been drawn up in consultation with trades unions. The Council will review the policy from time to time and welcomes your comments

The Code of Conduct Casebook

Issue 2 May 2014

Inside this issue

A word from the Ombudsman	1
Introduction	3
Case Summaries	
No evidence of breach	4
No action necessary	6
Referred to standards committee	8
Referred to Adjudication Panel For Wales	10
More Information	11

A word from the Ombudsman

The Code of Conduct Casebook was introduced by my predecessor, Peter Tyndall, as a mechanism for focussing attention on the work of this office in investigating complaints about alleged breaches of the Code of Conduct applicable to all councillors, in whatever capacity they may be serving and irrespective of the Council on which they sit. Mr Tyndall has now moved to a new post as the Ombudsman and Information Commissioner for Ireland and, thus, it falls to me as the Acting Public Services Ombudsman for Wales to provide the introduction for this second edition.

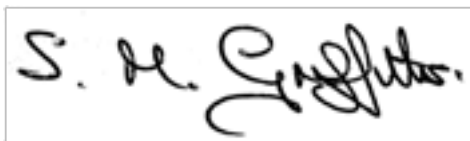
It is pleasing that the number of complaints we have received concerning alleged breaches of the code of conduct has fallen. It is too early to tell whether this is a long term trend and whether we will again receive a high number of complaints during an election year, but this may partly be down to local resolution processes which have now been in operation across Wales for some time. There are for those taken into investigation by this office four possible outcomes, as detailed more fully in the Introduction to this Casebook; namely, no evidence of breach of the code or no action needed and referral to an authority's standards committee or the Adjudication Panel for Wales. Given the sheer volume of work that is undertaken by Council Members, it is very pleasing to note that the numbers of members who are complained about are relatively few, leading to the conclusion that the vast majority of such work is undertaken without any adverse issues arising. This is undoubtedly to the benefit of constituents.

Reviewing the complaints which have arisen in the last six months, it is noteworthy that there are three main areas that give rise to disputes.

The first relates to the difficulty that councillors may have differentiating between activities undertaken in their official role and things done in a private capacity. It can be a difficult line to draw. More significantly, constituents may only see the official persona and always expect their councillors to behave in a manner befitting the role and not act in any way that might bring their office into disrepute.

The second theme relates to the relationship between councillors themselves and between councillors and officers. It is to be expected that councillors will be passionate about pursuing the interests of their constituents but it may be that there is a legitimate difference of opinion between fellow councillors or between councillors and officers as to how this is best to be achieved. Naturally, it is crucial that forceful lobbying does not step over the mark into bullying or harassment, either of which would involve a breach of the Code.

Finally, councillors should always be aware of the divide between, on the one hand, their actions as a councillor representing their constituents and, on the other hand, their political activities. This distinction can be crucially important in relation to the use of council facilities which will be legitimate when acting as a councillor but unacceptable when being utilised for political purposes.



Professor Margaret Griffiths
Acting Ombudsman

Introduction

The Public Services Ombudsman for Wales considers complaints that members of local authorities in Wales have broken the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- (a) that there is no evidence that there has been a breach of the authority's code of conduct;
- (b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- (c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- (d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defence put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.

The Code of Conduct Casebook contains the summaries of all reports issued by this office for which the findings were one of the four set out above. In reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers October 2013 to March 2014, but also includes the summaries of older cases for which the standards committee or Adjudication Panel hearings were concluded during this period.

Case Summaries

No evidence of breach

Blaenau Gwent County Borough Council – Promotion of equality and respect Case reference 201305131 – March 2014

The Ombudsman received a complaint that, following a meeting of the Council on 21 November 2013, a Councillor ('the complainant') felt he had been bullied by another Councillor. The complainant stated that the Councillor had clenched his fist and threatened to "sort him out". The complainant stated that he had felt in fear of being punched.

During the course of the investigation, information was received from the Council and witnesses were interviewed. While there was evidence of a heated discussion between the complainant and the Councillor at the end of the meeting, there was no evidence to support the complaint that the complainant had been threatened by the Councillor.

Having reviewed the evidence, the Ombudsman concluded that there was no evidence that the Councillor had breached of the Code of Conduct.

Cardiff County Council - Promotion of equality and respect Case reference 201204852 – February 2014

A member of Cardiff County Council ('the complainant') complained about the conduct of a fellow Councillor. The complainant stated that the Councillor had failed to show him respect and consideration during a coffee break at the meeting of the full Council in October 2012; in failing to do so, the Councillor had brought the role of member and the Authority into disrepute. The complainant also complained about the language used by the Councillor to describe him when corresponding with members of the public by email in February 2013.

During the course of the Ombudsman's investigation, information was obtained from the Council and a number of elected members who were in the vicinity at the time of the alleged incident.

The evidence obtained in relation to the incident during the coffee break did not support the allegation made. Further, the Ombudsman was mindful that the complainant was not specifically named in the emails sent to the members of the public by the Councillor. In the absence of any specific reference to the complainant, the Ombudsman was unable to conclude, on balance, as to who was being referred to in the emails. The Ombudsman concluded that the evidence gathered during the investigation did not suggest that the Councillor had breached the Code of Conduct.

Powys County Council – Accountability and openness
Case reference 201204510 – November 2013

Mr G complained that a member of Powys County Council built properties on his land without planning permission and that, when the member in question accepted a position on the Brecon Beacon's National Park Authority planning committee, he breached the Code of Conduct. Mr G said that planning history for this site was complex and the Council had sought legal advice.

The Councillor said that he had erected a house in 2007 on the basis of approved planning permission. He had purchased his property in 2000 and included copy of planning permission for the erection of motel units and private accommodation issued in 1994. The Councillor said that, where possible, his wife or agent took the lead so that his position was not compromised, although this would not obviate his requirement to abide by the Code. He said that his property, was outside the boundaries of the National Park and he was not a member of Powys Council's Planning, Tax Licensing and Rights of Way Committee.

The Ombudsman found that there was no evidence to suggest the Councillor had been involved in planning decisions relating to his land, and that there was no evidence of a breach of the Code of Conduct.

No action necessary

Torfaen County Borough Council – Disclosure and registration of interests Case reference 201306694 – March 2014

A member of Torfaen County Borough Council referred herself to the Ombudsman for consideration of a potential breach of the Code of Conduct to the Ombudsman. The Councillor said that she may have breached the Code by failing to declare a personal and prejudicial interest in a small schemes grant payment she made in November 2013. The Councillor explained that she considered whether she had a personal interest when making the application for a grant for an organisation within which she is a member, but following discussions with an officer of the Council concluded that she did not.

The matter was highlighted by the relevant scrutiny committee and, having considered the matter further, the Councillor felt it was appropriate to make a self referral. The Councillor accepted full responsibility for the potential breach and made unreserved apologies in respect of her actions.

The circumstances of the grant were considered and it was determined that, by reason of the Councillor's regular attendance at meetings and her membership of the organisation, she had a personal interest and that this interest would also be prejudicial. It therefore followed that her conduct, in failing to declare these interests, suggests of a breach of the Code of Conduct.

However, having taken into consideration the Councillor's conduct in referring this matter, her acceptance of responsibility and apology, the Ombudsman determined that no action should be taken in respect of the matters investigated.

The City and County of Swansea – Promotion of equality and respect Case reference 201203127 – November 2013

A complaint was made by Mr X about a member of the City and County of Swansea. Mr X complained that the Councillor had bullied and harassed fire officers, visited fire stations without permission, solicited confidential information from fire brigade officers and involved himself in Fire Brigade Union business.

Having conducted an investigation, the Ombudsman found that the complaints that had been made were serious and called into question the Councillor's behaviour towards officers within the fire service.

The Ombudsman found that, whilst it was appropriate for Mr X to make the referral because it raised serious concerns about what the Ombudsman described as the Councillor's potentially divisive, manipulating and disrespectful behaviour, no further action should be taken in this matter. The Ombudsman decided that, whilst the evidence did not exonerate the Councillor, it did show that, in the majority of the incidents complained of, he was not acting in his official capacity, and the evidence available was not sufficiently conclusive to show that he had brought his office or authority into disrepute.

With respect to the remaining issues, the evidence was contradictory and lacked independent corroboration. Finally, consideration was also given to the Councillor's Article 10 human rights insofar as he was entitled to raise any concerns about the fire authority that had been brought to his attention in his capacity as a Member. The Ombudsman decided that no further action was necessary.

Referred to standards committee

Pembrokeshire County Council – Duty to uphold the law **Case reference 201203889 – November 2013**

An individual stated that they had anonymously received a DVD that appeared to show that a Councillor had used the Council's computer system to create election materials for colleagues. An examination of the DVD showed that the Councillor had been either responsible for the creation, or had been the user to have last 'saved' 21 documents of a political nature on the Council's computer system. This appeared to be a breach of the paragraph of the Code of Conduct which states that the resources of the authority must not be used for political purposes.

The Councillor was interviewed and admitted that he had helped colleagues prepare their election material, but was clear that Council equipment had not been used for printing these items. The Councillor said that some files had been created in his role as Secretary and he then believed that he could occasionally use the Council computer for other purposes. He accepted that this was not the case. The Councillor stated that the information received by the complainant had been stolen from his computer.

The Ombudsman decided that the matter should be forwarded to the Monitoring Officer for consideration by the Council's Standards Committee. It concluded that the Councillor had breached the Code of Conduct and determined that he should be suspended for two weeks. The decision of the Standards Committee can be found [here](#).

Gwynedd Council – Promotion of equality and respect **Case reference 201100986 – April 2012**

The Ombudsman received a complaint that, on 6th July 2011, a Councillor had posted in his blog that the complainant had taken satisfaction at a third party's resignation as a Councillor. The Councillor had also said that the complainant intended to retire as a head teacher and would stand for election as a Councillor for a particular ward.

The complainant said that the suggestion that he intended to retire and stand for election were untrue. The complainant said he had no intention of retiring, and had chaired the meeting when the Member complained about had been nominated to represent a party during the forthcoming 2012 elections.

The complainant alleged that the Councillor had brought his office into disrepute. The complainant considered that the Councillor had created a disadvantage for the complainant in his professional capacity by spreading rumours about his alleged intended retirement which could create difficulties should he seek further employment. The complainant stated that the blog could have caused difficulties for him with his governing body, and confusion amongst his school staff and pupils' parents.

The Ombudsman found that the evidence suggested that the Councillor had breached the Code of Conduct and referred his report to the Monitoring Officer of Gwynedd Council for consideration by the Council's Standards Committee. It concluded that the Councillor had breached the Code of Conduct and determined that he should be suspended for three months.

The Councillor subsequently submitted an appeal against the decision of the Standards Committee to the Adjudication Panel for Wales. The tribunal upheld the decision of the Standards Committee. The decision of the Adjudication Panel for Wales can be found [here](#).

Pentyrch Community Council – Selflessness and stewardship **Case reference 201002530 – January 2012**

The chairman of Pentyrch Community Council made a complaint against a Councillor in relation to concerns that his manner of conducting council business was inappropriate and constituted bullying and harassment of the Clerk and the Chairman himself. It was said that the Councillor made unreasonable demands and frequently asked for actions to be taken which were in conflict with the standing orders of the Community Council. This behaviour had gone on for around three years. It was also alleged that he had failed to declare a personal interest in matters that arose in Council business.

The Community Council provided extensive written record of the exchanges between itself and the Councillor, and he was given an opportunity to respond.

The Ombudsman's decided that there was evidence of multiple breaches of the Code of Conduct, and referred his report to the appropriate Standards Committee for consideration. The Standards Committee of Cardiff City Council found that breaches had occurred as outlined above. However, by the time of the hearing, the Councillor was no longer a member. As such, a censure was issued, and the Standards Committee commented that, had he still been a serving member, it would have applied a six month suspension as it viewed the breaches very seriously.

The Councillor submitted an appeal against the decision of the Standards Committee to the Adjudication Panel for Wales. The tribunal upheld the decision of the Standards Committee, having considered the implications of Article 10 of the Human Rights Act. The decision of the Adjudication Panel for Wales can be found [here](#).

Referred to Adjudication Panel for Wales

Llandrindod Wells Town Council – Promotion of equality and respect Case reference 201202775 – April 2013

A member of the Council ('the complainant') complained that a former Councillor ('the accused member') pursued a course of conduct towards him which would amount to harassment. The accused member approached the County Council about a naked photograph the complainant had taken of himself and sent to a fellow pupil while both were still at school. The incident had occurred three years before the complainant was elected and no criminal action was taken. The Council investigated the matter and advised the accused member that it had no child protection concerns.

The accused member conducted a survey of members of the public which included a description of the events which appeared to falsely accuse the complainant of committing a sexual offence against a minor. This caused significant reputational damage to the complainant and forced him to speak publicly about a historical private matter.

It appeared that the accused member may have breached a number of paragraphs of the Code of Conduct in his pursuit of the complainant and in misleading members of the public about the event. This matter, and the subsequent Police Information Notice issued to the accused member by the police under the Protection from Harassment Act 1997 (PHA), were widely reported in the local press. This appeared to amount to a further breach of the Code of Conduct.

The accused member indicated that he conducted his survey because he felt that the complainant had breached the Code of Conduct. However, as he did not report this alleged breach of the Code of Conduct to this office, this also appeared to be a breach of the Code of Conduct.

The accused member resigned from his post and refused to engage in the investigation process. The Ombudsman took the view that this may have been an attempt to frustrate the investigation process, which itself may also amount to a breach of the Code of Conduct.

As the evidence gathered suggested that the accused member may have breached multiple paragraphs of the Code of Conduct, the Ombudsman referred his report to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

The tribunal decided that the Councillor had breached the Code of Conduct and that he should be disqualified for a period of three years. The decision of the Adjudication Panel for Wales can be found here.

More Information

We value any comments or feedback you may have regarding The Code of Conduct Casebook. We would also be happy to answer any queries you may have regarding its contents. Any such correspondence can be emailed to James.Merrifield@ombudsman-wales.org.uk or sent to the following address:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: 01656 644200
Fax: 01656 641199
e-mail: ask@ombudsman-wales.org.uk (general enquiries)

Follow us on Twitter: @OmbudsmanWales

Further information about the service offered by the Public Services Ombudsman for Wales can also be found at www.ombudsman-wales.org.uk

SECTION 8 – THE STANDARDS COMMITTEE

The Council will establish a Standards Committee to exercise the functions set out in Rule 8.8. The Standards Committee will appoint a Standards Community Sub-Committee to exercise the functions set out in Rule 8.8 insofar as they affect Town and Community Councils. The Standards Committee and the Sub-Committee are exempt from the requirements to achieve as far as reasonably practicable a political balance on committees which apply to other Council committees.

Composition

8.1 Membership of the Standards Committee.

The Standards Committee is composed of 9 Members. Its Membership includes:

8.1.1 5 'Independent' (Lay) Members.

The following persons are not eligible to serve as Independent (Lay) Members of the Standards Committee:

- (a) A person who is a Councillor or Officer of Powys County Council or the spouse or civil partner of a Councillor or an Officer;
- (b) A person who has been, but is no longer a Councillor or Officer of Powys County Council;
- (c) A person who is a member or an officer, or the spouse or civil partner of a member or an officer of:
 - Any other County Council;
 - Any County Borough Council;
 - Any National Park Authority;
 - Any Fire Authority;
 - Any Community Council.
- (d) For the period of 12 months commencing with the date on which that person ceased to be a member or officer of any of the bodies listed below, a person who has been, but is no longer a member or officer of;
 - Any other County Council;
 - Any other County Borough Council;
 - A National Park Authority;
 - A Fire Authority.

8.1.2 4 Councillors (other than the Cabinet Leader including not more than 1 member of the Cabinet) appointed by the County Council at the Annual Meeting following the ordinary local government elections for the County Council, or at an ordinary meeting in the event of a vacancy occurring.

SECTION 8 – THE STANDARDS COMMITTEE

8.2 **Membership of the Standards Community Sub-Committee.**

8.2.1 The sub-committee will comprise of:

The five Independent (Lay) Members of the Standards Committee;
One County Councillor; and
Three community committee members appointed in accordance with Rule 8.2.2. below.

8.2.2 Nominations will be sought from all Town and Community Councils in Powys for three community committee members, one from each Shire. Following the close of nominations a ballot will be held and those receiving the majority of the votes cast in each Shire will be appointed by the Standards Committee to the Standards Community Sub-Committee. (The County Council delegated the responsibility for making these appointments to the Standards Committee in July 2008)

8.3 **Term of Office**

8.3.1 Independent (Lay) Members are appointed for a period of not less than four and not more than six years and may be reappointed for a consecutive term not exceeding four years.

8.3.2 Councillors who are also Members of the Standards Committee will have a term of office of no more than four years or until the next ordinary local government election following their appointment, whichever is the shorter. They may be reappointed for one further consecutive term. A Councillor ceases to be a Member of the Standards Committee upon ceasing to be a Councillor.

8.4 **Quorum of Standards Committee**

A meeting of the Standards Committee shall only be quorate when:

8.4.1 at least 3 Members, including the Chair, are present; and

8.4.2 at least half the Members present (including the Chair) are Independent (Lay) Members.

8.5 **Quorum of Standards the Community Sub-Committee**

A meeting of the Standards Community Sub-Committee shall only be quorate when:

8.5.1 at least three members, including the chair, are present, and

8.5.2 at least half the members present (including the chair) are Independent (Lay) Members

8.5.3 For the purposes of this Rule “community committee member” means a member of the Standards Community Sub-Committee who is also a member of a community council within Powys

8.5.4 Where the Standards Community Sub-Committee considers any matter relating to a Town or Community Council in Powys or a

SECTION 8 – THE STANDARDS COMMITTEE

Councillor of such a Town or Community Council, any member of the Standards Community Sub-Committee (whether County Councillor or Community Committee Member) who is also a member of that Town or Community Council shall not take part in the proceedings of the Sub-Committee in relation to that matter.

8.6 **Voting**

8.6.1 All Members including Independent (Lay) Members will be entitled to vote at meetings.

8.6.2 A question to be decided by the Standards Committee / Standards Community Sub-Committee shall be decided by a majority of the votes cast by those members present at the meeting and eligible to vote.

8.6.3 In the case of an equality of votes, the person presiding at a meeting of the Standards Committee / Standards Community Sub-Committee shall have a second, casting vote.

8.7 **Chairing the Committee and the Standards Community Sub-Committee.**

8.7.1 Only an Independent (Lay) Member of the Standards Committee and the Standards Community Sub-Committee may be the Chair or Vice-Chair.

8.7.2 If the Chair is absent from a meeting of the Standards Committee / Standards Community Sub-Committee, then the Vice-Chair of the Committee / Standards Community Sub-Committee, if present, shall preside.

8.7.3 If both the Chair and the Vice-Chair of the Standards Committee / Standards Community Sub-Committee are absent from a meeting, an independent member as chosen by the Standards Committee / Standards Community Sub-Committee shall preside.

8.7.4 Subject to 8.7.1 and 8.7.5 below the Chair and Vice Chair will be elected by the Members of the Standards Committee or the Standards Community Sub-Committee for whichever is the shortest period of:

- (i) not less than four years or no more than six years; or
- (ii) until the term of office of the Independent Member comes to an end.

8.7.5 A Chair or Vice-Chair can be re-elected following their re-appointment as a Member of the Committee or Sub-Committee as the case may be.

8.8 **Role and Function**

The Standards Committee will have the following roles and functions:

8.8.1 promoting and maintaining high standards of conduct by Members

SECTION 8 – THE STANDARDS COMMITTEE

- 8.8.2 (including church and parent governor representatives); assisting Members (including church and parent governor representatives) to observe the Members' Code of Conduct;
- 8.8.3 advising the Council on the adoption or revision of the Members' Code of Conduct;
- 8.8.4 monitoring the operation of the Members' Code of Conduct;
- 8.8.5 advising on training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- 8.8.6 granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- 8.8.7 dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
- 8.8.8 overseeing the Council's whistle-blowing regime;
- 8.8.9 providing advice to individual Councillors on such issues as the treatment of personal interest and on conduct matters generally;
- 8.8.10 determining appropriate action on matters referred to it by the Public Services Ombudsman for Wales.
- 8.8.11 overseeing the Register of Interest of Members, Co-opted members and Church and Parent Governor Representatives and Officers.
- 8.8.12 overseeing the Council's rules and protocols on accountability of members.
- 8.8.13 overseeing the attendance of Members and Co-opted Members at relevant meetings;
- 8.8.14 monitor the training of Members serving on Member Bodies.
- 8.9 the Standards Community Sub-Committee will have the roles and functions listed in 8.8.1 to 8.8.7 above in relation to the Town and Community Councils in Powys and members of those Councils.
- 8.10 **Rules of Procedure and Debate**
 - 8.10.1 The Council Procedure Rules at Section 4 will apply to the meetings of the Standards Committee Members.
 - 8.10.2 When considering the conduct of individual Councillors, the procedures outlined in Appendix 3 to Section 18 will apply.

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

Set out below is the Model Code of Conduct from the Local Authorities (Model Code of Conduct) (Wales) Order 2008.

18.1

THE MEMBERS' CODE OF CONDUCT

Adopted by Powys County Council (unamended) at a meeting held on 24th April, 2008.

Adopted by Powys County Council (amended) at a meeting held on 22nd October, 2014.

PART 1 INTERPRETATION

<p>1. (1) For the purposes of Section 18.1 only the following phrases will have the meaning set out below.</p>
--

<p>“co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority but who:</p>

<p>(a) is a member of any committee or sub-committee of the authority, or</p>

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

<p>and who is entitled to vote on a particular question pertaining to their co-option which falls to be decided at any meeting of that committee or sub-committee;</p>
--

<p>“meeting” means any meeting:</p>

<p>(a) of the relevant authority,</p>

<p>(b) of any executive or board of the relevant authority,</p>

<p>(c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or</p>

<p>(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990(1),</p>

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

<p>“member” includes, unless the context requires otherwise, a co-opted member;</p>

<p>“relevant authority” means:</p>

<p>(a) a county council,</p>

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

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

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

“your authority” means the relevant authority of which you are a member or co-opted member.

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

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

PART 2 GENERAL PROVISIONS

- 2.** (1) Save where paragraph 3(a) applies, you must observe this code of conduct:
- (a) whenever you conduct the business, or are present at a meeting, of your authority;
 - (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
 - (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
 - (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.
- (2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.
- 3.** Where you are elected, appointed or nominated by your authority to serve:
- (a) on another relevant authority, or any other body, which includes a police and crime panel or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
 - (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- 4.** You must:
- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
 - (b) show respect and consideration for others;
 - (c) not use bullying behaviour or harass any person; and
 - (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

5. You must not:

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6. (1) You must:

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
 - (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
 - (c) report to the Public Services Ombudsman for Wales and to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
 - (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.
- (2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not:

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority
 - (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

8. You must:

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by
 - (i) the authority's head of paid service;
 - (ii) the authority's chief finance officer;
 - (iii) the authority's monitoring officer;
 - (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must:

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

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

PART 3 INTERESTS

Personal Interests.

- 10.** (1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- (2) You must regard yourself as having a personal interest in any business of your authority if:
- (a) it relates to, or is likely to affect
- (i) any employment or business carried on by you;
 - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
 - (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
 - (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (vi) any land in which you have a beneficial interest and which is in the area of your authority;
 - (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (viii) any body to which you have been elected, appointed or nominated by your authority;
 - (ix) any
 - (aa) public authority or body exercising functions of a public nature;
 - (bb) company, industrial and provident society, charity, or body directed to charitable purposes;

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

(b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or

(c) a decision upon it might reasonably be regarded as affecting:

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

Disclosure of Personal Interests

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

(2) Where you have a personal interest in any business of your authority and you make

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

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

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

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

(a) details of the personal interest;

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

(c) your signature.

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

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

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

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

Prejudicial Interests

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

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

(a) relates to:

- (i) another relevant authority of which you are also a member;
- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
- (iii) a body to which you have been elected, appointed or nominated by your authority;
- (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to:

- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
- (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
- (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
- (iv) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

the Local Government Act 2000;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where:

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

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

Participation in Relation to Disclosed Interests.

14. (1) Subject to sub-paragraphs (2), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee

(a) withdraw from the room, chamber or place where a meeting considering the business is being held

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you:

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

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

PART 4 THE REGISTER OF MEMBERS' INTERESTS

Registration of Financial and Other Interests and Memberships and Management Positions

15.(1) Subject to sub-paragraph (3), you must, within 28 days of:

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your financial interests and other interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your authority's monitoring officer.

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

- (2) You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (1), register that new personal interest or change by providing written notification to your authority's monitoring officer.
- (3) Sub-paragraphs (1) and (2) do not apply to sensitive information determined in accordance with paragraph 16(1).
- (4) Sub-paragraph (1) will not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

Sensitive Information.

16. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality.

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage.

18.2 Conduct of Members – The Principles¹

18.2.1. SELFLESSNESS

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

18.2.2. 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.

18.2.3. 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

¹ The Conduct of Members (Principles) (Wales) Order 2001 – S.I. 2276

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

18.2.4. 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.

18.2.5. STEWARDSHIP

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

18.2.6. 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.

18.2.7. 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.

18.2.8. 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.

18.2.9. 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.

18.2.10. 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.

18.3 Protocol - Standard of Conduct Expected by Members

This protocol sets out the standards of conduct expected from Members within Powys County Council in dealing with each other. It should be read in conjunction with the Members Code of Conduct ²and the Member-Officer Protocol³. It adds to these documents and does not detract from them.

² See Section 18.1 above.

³ See Section 21.

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

Members are expected:

18.3.1. PUBLIC BEHAVIOUR

- (i) to show respect to each other;
- (ii) not to make personal abusive comments about each other;
- (iii) not to publish anything insulting about each other;
- (iv) not to make malicious allegations against each other;
- (v) not to publish or spread any false information about each other;
- (vi) to show respect to diversity and equality;

18.3.2. BEHAVIOUR IN MEETINGS

- (i) to behave with dignity;
- (ii) to show respect to the Chair and obey his/her decisions;
- (iii) not to use indecent language nor make racial remarks or remarks which prejudice any section of society;

18.3.3. CONFIDENTIALITY

- (i) to keep the confidentiality of exempt papers and any other documents which are not public;
- (ii) not to release confidential information to the press or the public;
- (iii) not to use confidential information for purposes other than intended;

18.3.4. LOCAL MEMBERS

- (i) to work with Members of adjoining electoral divisions for the benefit of the locality;
- (ii) if dealing with any matter relating to another electoral division:
 - to explain to anyone seeking assistance that he/she is not the local Member;
 - to inform the local Member, unless it would lead to a breach of confidentiality.

18.4 Procedure for Dealing with Allegations made against Councillors and referred to the Standards Committee

18.4.1 INTRODUCTION

This document sets out the procedure that the Council's Standards Committee will follow where it is required to make decisions about the conduct of Councillors following investigations by the Public Services Ombudsman for Wales or the Council's Monitoring Officer under Part III of the Local Government Act 2000 and related regulations. If there is any conflict between this document and any statutory requirements then those statutory requirements will prevail.

18.4.2 INTERPRETATION

In this procedure:

- (i) the "Act" means the Local Government Act 2000;
- (ii) the "Council" means Powys County Council;
- (iii) the "Code of Conduct" means the code of conduct for members⁴ adopted by the Council or the community councils within the Council's

⁴ See Section 18.1

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

- area in 2008 in accordance with section 51 of the Act, including any revisions;
- (iv) the “Complainant” means any person who made any allegation which gave rise to the investigation;
 - (v) the “Investigating Officer” means the person who conducted an investigation into any alleged breach of the Code of Conduct and produced the investigation report, being either the Ombudsman (or a person acting on his or her behalf) or the Monitoring Officer;
 - (vi) an “investigation report” means a report on the outcome of an investigation into any alleged breach of the Code of Conduct produced either by the Ombudsman under s71(2) of the Act or by the Monitoring Officer under the Regulations;
 - (vii) the “Member” means any person who is the subject of an investigation into any alleged breach of the Code of Conduct;
 - (viii) the “Monitoring Officer” means the officer for the time being appointed by the Council under section 5 of the Local Government and Housing Act 1989;
 - (ix) the “Ombudsman” means the Public Services Ombudsman for Wales;
 - (x) the “Regulations” means the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 as amended;
 - (xi) the “Standards Officer” means the officer for the time being appointed by the Council to support the work of the Standards Committee.

18.4.3 SUMMARY OF THE PROCEDURE

- (i) Under section 69 of the Act, the Ombudsman may investigate any alleged breach of the Code of Conduct by Members or Co-Opted Members (or former Members or co-opted Members) of the Council or a community council in the Council’s area.
- (ii) Under section 70(4) of the Act, where the Ombudsman ceases such an investigation before it is completed, he/she may refer the matters which are the subject of the investigation to the Monitoring Officer. The Monitoring Officer will then investigate matters in accordance with the Regulations before reporting and, if appropriate, making recommendations to the Standards Committee.
- (iii) Alternatively, under section 71(2) of the Act, where the Ombudsman decides after investigating that it is appropriate, he/she will produce a report on the outcome of the investigation and send it to the Monitoring Officer. The Monitoring Officer will then consider the report of the Ombudsman in accordance with the Regulations, before, if appropriate, present the report and make recommendations to the Standards Committee.
- (iv) The Standards Committee will then make an initial determination either:
 - (a) that there is no evidence of any failure to comply with the Code of Conduct; or
 - (b) that the Member should be given the opportunity to make representations, either orally or in writing.
- (v) Where the Member is given an opportunity to make representations, the Standards Committee will convene a hearing to consider any response made by the Member and it must determine under regulation 9(1) of the Regulations either that:

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

- (a) there is no evidence of any failure to comply with the Code of Conduct and that therefore no action needs to be taken;
- (b) the Member has failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure;
- (c) the Member has failed to comply with the Code of Conduct and should be censured; or
- (d) the Member has failed to comply with the Code of Conduct and should be suspended or partially suspended from being a member or co-opted Member of his/her authority for a period not exceeding six months

and take any such action accordingly.

18.4.4 INVESTIGATIONS BY THE MONITORING OFFICER (REFERRALS UNDER SECTION 70(4) OF THE ACT)

- (i) Where the Ombudsman ceases his/her investigation before it is completed and refers the matters which are the subject of the investigation to the Monitoring Officer under section 70(4) of the Act, the Monitoring Officer must:
 - (a) conduct an investigation; and
 - (b) report, and if appropriate, make recommendations to the Council's Standards Committee.
- (ii) The Monitoring Officer will investigate in accordance with the Regulations and may follow such procedures as he or she considers appropriate in the circumstances of the case.
- (iii) After concluding an investigation, the Monitoring Officer must:
 - (a) produce a report on the findings of his or her investigation and, if appropriate, may make recommendations to the Standards Committee;
 - (b) send a copy of the report to the Member; and
 - (c) take reasonable steps to send a copy of the report to the Complainant.
- (iv) The Standards Committee will consider the Monitoring Officer's report and any recommendations in accordance with the procedure set out below.

18.4.5 INVESTIGATIONS BY THE OMBUDSMAN (REFERRALS UNDER SECTION 71(2) OF THE ACT)

- (i) Where the Ombudsman completes his or her investigation and sends a report to the Monitoring Officer and the Council's Standards Committee under section 71(2) of the Act, the Monitoring Officer must consider the Ombudsman's report and, if appropriate, make recommendations to the Council's Standards Committee.
- (ii) The Standards Committee will consider the Ombudsman's report together with any recommendations made by the Monitoring Officer in accordance with the procedure set out below.

18.4.6 THE FIRST MEETING OF THE STANDARDS COMMITTEE - INITIAL DETERMINATION

- (i) After the Monitoring Officer has:
 - (a) produced an investigation report in accordance with rule 18.4.4(iii)(a); or
 - (b) considered the Ombudsman's investigation report in accordance with

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

rule 18.4.5(i)

he/she will arrange for a meeting of the Standards Committee to be convened as soon as possible and for a copy of the investigation report, together with the Monitoring Officer's recommendations (if any), to be sent to each of the members of the Standards Committee.

- (ii) Notice of the time and place of the meeting will be given in accordance with Part VA of the Local Government Act 1972 as amended by the Standards Committees (Wales) Regulations 2001.
- (iii) If the investigation report is produced by the Ombudsman, the Monitoring Officer will advise the Standards Committee. If the investigation report is produced by the Monitoring Officer, the Standards Officer or some other suitably qualified person will advise the Standards Committee.
- (iv) The business of the Standards Committee meeting will be limited to considering the investigation report and the Monitoring Officer's recommendations (if any) and to making an initial determination either:
 - (a) that there is no evidence of any failure to comply with the Code of Conduct; or
 - (b) that the Member should be given the opportunity to make representations,

either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct.

18.4.7 AFTER THE FIRST MEETING OF THE STANDARDS COMMITTEE

- (i) Where the Standards Committee decides that there is no evidence of any failure to comply with the Code of Conduct, the Standards Officer will accordingly notify the Member, the Complainant and the Ombudsman.
- (ii) Where the Standards Committee decides that the Member should be given the opportunity to make representations, the Standards Officer will notify the Member of the Committee's decision and the procedure which the Committee proposes to adopt to receive and consider any representations that he or she may wish to make.

18.4.8 PREPARING FOR THE HEARING TO CONSIDER THE MEMBER'S REPRESENTATIONS

- (i) The Standards Officer, in consultation with the Chair of the Standards Committee, will write to the Member to propose a date for a hearing to consider any representations that the Member may wish to make and to ask the Member to respond in writing within 14 days to confirm whether he/she:
 - (a) is able to attend the hearing;
 - (b) wants to make representations, whether orally or in writing and if so, to include any written representations in his or her response;
 - (c) disagrees with any of the findings of fact in the investigation report, and if so, which matters he or she disagrees with and the reasons for any disagreements;
 - (d) wants to appear before the Committee in person or be represented at the hearing by a solicitor, barrister or any other person, in accordance with

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

- his/her right under the Regulations;
 - (e) wants to give evidence to the Standards Committee, either orally or in writing;
 - (f) wants to call relevant witnesses to give evidence to the Standards Committee;
 - (g) wants any part of the meeting to be held in private;
 - (h) wants any part of the investigation report or other relevant documents to be withheld from the public
- (ii) The Standards Officer will notify the Investigating Officer of the proposed hearing date and ask whether he or she will be attending the hearing.
- (iii) The Standards Officer will send a copy of the Member's response under rule 18.4.8(i) to the Investigating Officer and will ask him/her to confirm in writing within seven days whether he/she:
 - (a) has any comments on the Member's response;
 - (b) wants to be represented at the hearing;
 - (c) wants to call relevant witnesses to give evidence to the Standards Committee;
 - (d) wants any part of the meeting to be held in private; and
 - (e) wants any part of the investigation report or other relevant documents to be withheld from the public.
- (iv) The Standards Officer will write to the members of the Committee, the Member and the Investigating Officer at least two weeks before the hearing to:
 - (a) confirm the date, time and place for the hearing;
 - (b) summarise the allegation;
 - (c) outline the main facts of the case that are agreed;
 - (d) outline the main facts which are not agreed;
 - (e) note whether the Member or the Investigating Officer will attend or be represented at the hearing;
 - (f) list those witnesses, if any, who will be asked to give evidence;
 - (g) enclose the investigation report, any relevant documents, the Member's response and any further response from the Investigating Officer; and
 - (h) outline the proposed procedure for the meeting.

18.4.9 POWERS OF THE STANDARDS COMMITTEE

- (i) The Standards Committee may, in accordance with the requirements of natural justice, conduct the meeting in the manner it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings. The Committee must to whatever extent it considers to be appropriate, seek to avoid formality and inflexibility in its proceedings. The Standards Committee will decide factual evidence on the balance of probabilities.
- (ii) The Member or the Investigating Officer, whether or not they are legally qualified, may be represented or accompanied by another person but if in any particular case the Standards Committee is satisfied that there is a good reason, it may refuse to permit a particular person to assist or represent a party at the hearing.
- (iii) The Standards Committee may take legal advice from a Council officer appointed for this purpose at any time during the meeting or while they are considering the outcome. The substance of any legal advice given to the Committee will be shared with the Member and the Investigating Officer if they

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

are present.

- (iv) Where appropriate, and in accordance with the Regulations, the Standards Committee has power to censure the Member, or suspend or partially suspend the Member for a period not exceeding six months.

18.4.10 PROCEDURE AT THE HEARING

A The hearing will be held in public unless the Standards Committee is persuaded that there is a good reason to exclude the public.

B The procedure at the meeting shall be as set out below, subject to the Chair making such changes as he or she thinks fit in order to ensure a fair and efficient hearing.

C Introduction

The Chair of the Standards Committee will introduce those persons present and will explain the manner and order of proceedings

D First Stage - Preliminary Procedural Issues

The Standards Committee will then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the prehearing process.

E Second Stage - Making Findings of Fact

The Standards Committee will then consider whether or not there are any significant disagreements about the facts contained in the investigation report.

E1 If there is a disagreement as to the facts:

- (a) the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the investigation report;
- (b) the Investigating Officer may call any necessary supporting witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer;
- (c) the Member will then be invited to make representations to support his or her version of the facts;
- (d) the Member may call any necessary witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Investigating Officer an opportunity to challenge any evidence put forward by any witness called by the Member.

E2 At any time, the Standards Committee may question any of the people involved or any of the witnesses.

E3 If the Member disagrees with any relevant fact in the investigation report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the Standards Committee will consider whether or not it would be in the public interest to continue in his or her absence. After

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:

- (a) continue with the hearing, relying on the information in the investigation report;
- (b) allow the Member to make representations about the issue, and invite the Investigating Officer to respond and call any witnesses, as necessary; or
- (c) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if he or she is not already.

E4 At the conclusion of the representations as to matters of fact, the Standards Committee will retire to deliberate in private on the representations, after which the Chair of the Standards Committee will announce their findings of fact.

F Third Stage - Deciding whether the Member has failed to comply with the Code

F1 The Standards Committee will then consider whether, based on the facts it has found, the Member has failed to comply with the Code.

F2 The Standards Committee will invite the Investigating Officer to make representations as to whether or not, based on the facts the Committee has found, the Member has failed to comply with the Code of Conduct.

F3 The Standards Committee will invite the Member to respond to the representations of the Investigating Officer and to make representations as to whether or not, based on the facts the Committee has found, he or she has failed to comply with the Code of Conduct.

F4 The Standards Committee may, at any time, question anyone involved on any point they raise in their representations.

F5 The Member will be invited to make any final relevant points.

F6 The Standards Committee will retire to deliberate in private on the representations and decide whether or not the Member has failed to comply with the Code of Conduct, after which the Chair of the Standards Committee will announce their findings.

G Fourth Stage - Action to be Taken

G1 If the Standards Committee decides that the Member has not failed to comply with the Code of Conduct, it will formally record that there is no evidence of any failure by the Member to comply with the Code of Conduct and that therefore no action needs to be taken.

G2 If the Standards Committee decides that the Member has failed to comply with the Code of Conduct it will invite the Member and the Investigating Officer to make representations as to:

- (a) whether or not the Committee should apply a sanction; and

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

(b) what form any sanction should take.

- G3 The Standards Committee will retire to deliberate in private on the representations and decide either that:
- (a) no action needs to be taken in respect of the failure to comply with the Code of Conduct;
 - (b) the Member should be censured; or
 - (c) the Member should be suspended or partially suspended from being a member or Co-Opted Member of his or her authority for a period not exceeding six months,

after which the Chair of the Standards Committee will announce their decision.

- G4 After making a decision the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision (including details of the Member's right of appeal) to the Member, the Complainant and the Ombudsman as soon as reasonably practicable.

18.4.11 FAILURE TO MAKE REPRESENTATIONS / ATTEND THE HEARING

- (i) If the Member fails to make representations, the Standards Committee may:
 - (a) unless it is satisfied that there is sufficient reason for such failure, consider the investigation report and make a determination in the Member's absence; or
 - (b) give the Member a further opportunity to make representations.
- (ii) If a party fails to be present or represented at a hearing, the Standards Committee may, if it is satisfied that the party was duly notified of the hearing and that there is no good reason for such absence:
 - (a) hear and decide the matter in the party's absence; or
 - (b) adjourn the hearing.

18.4.12 ILLNESS OR INCAPACITY

If the Standards Committee is satisfied that any party is unable, through physical or mental sickness or impairment, to attend the hearing and that the party's inability is likely to continue for a long time, the Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter.

18.4.13 SUSPENSION

A period of suspension or partial suspension will commence on the day after:

- (i) the expiry of the time allowed to lodge a notice of appeal to an appeals tribunal under the Regulations (i.e. within 21 days of receiving notification of the Standards Committee's determination);
- (ii) receipt of notification of the conclusion of any appeal in accordance with the Regulations;
- (iii) a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last.

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

18.4.14 REFERRAL BY AN APPEALS TRIBUNAL

- (i) Where the Standards Committee determines that the Member has failed to comply with the Code of Conduct, the Member may appeal against the determination to an appeals tribunal drawn from the Adjudication Panel for Wales.
- (ii) An appeals tribunal may endorse the decision of the Standards Committee, refer a matter back to it recommending it impose a different penalty, or overturn the decision.
- (iii) If:
 - (a) the Standards Committee determines that the Member failed to comply with the Code of Conduct;
 - (b) the Member appeals to an appeals tribunal drawn from the Adjudication Panel for Wales; and
 - (c) the said tribunal refers the matter back to the Standards Committee with a recommendation that a different penalty be imposed,

the Standards Committee shall meet as soon as reasonably practicable to consider the recommendation of the appeals tribunal and will determine whether or not it should uphold its original determination or accept the recommendation.

- (d) After making its determination the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision to the Member, the Complainant, the Ombudsman and the president of the Adjudication Panel for Wales as soon as reasonably practicable.

18.4.15 PUBLICATION OF THE STANDARDS COMMITTEE'S REPORT

- (i) The Standards Committee will produce a report on the outcome of the investigation and send a copy to the Ombudsman, the Monitoring Officer, the Member and take reasonable steps to send a copy to the Complainant within 14 days after either:
 - (a) the expiry of the time allowed to lodge a notice of appeal under the Regulations, or
 - (b) receipt of notification of the conclusion of any appeal in accordance with the Regulations, or
 - (c) a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last.

- (ii) Upon receipt of the report of the Standards Committee, the Monitoring Officer shall:
 - (a) publish the report on the Council's website for a minimum period of 21 days and make copies available for inspection by the public without charge during office hours at one or more of the Council's offices, where any person shall be entitled to take copies of, or extracts from, the report when made so available;
 - (b) supply a copy of the report to any person on request if he or she pays such charge as the Council may reasonably require, and
 - (c) not later than seven days after the report is received from the Standards

SECTION 18 – CODE OF CONDUCT FOR MEMBERS

Committee, give public notice, by advertisement in newspapers circulating in the area and such other ways as appear to him or her to be appropriate, that copies of the report will be available as provided by paragraphs (a) and (b) above, and shall specify the date (being a date not more than seven days after public notice is first given) from which the period of 21 days will begin.

18.4.16 COSTS

The Standards Committee has no power to make an award of any costs or expenses arising from any of its proceedings.

SECTION 23 – MEMBER ROLE DESCRIPTIONS, PERSON SPECIFICATION AND DEVELOPMENT FRAMEWORK

Member of a Standards Committee Role Description

1 Accountabilities

- To the Chair of the Standards Committee
- To Full Council
- To the public

2 Role purpose and activity

- **Understanding the nature of the Standards Committee and effectively fulfilling its functions by:**
 - promoting and maintaining high standards of conduct by councillors and co-opted members
 - assisting the councillors and co-opted members to observe the Members' Code of Conduct
 - advising the Council on the adoption or revision of the Members' Code of Conduct
 - monitoring the operation of the Members' Code of Conduct
 - advising on training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct
 - granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct
 - dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales
 - overseeing the operation of the Council's whistle-blowing policy
 - providing advice to individual councillors on such issues as the treatment of personal interest and on conduct matters generally
 - determining appropriate action on matters referred to it by the Public Services Ombudsman for Wales
 - overseeing the Register of Members' Interests, Co-opted Members and Officers
 - overseeing the Council's rules and protocols on accountability of members
 - overseeing the attendance of Members and Co-opted Members at relevant committees
 - overseeing the training of Members serving on all committees of the Council
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee
- **Participating in meetings and making decisions**
 - To participate effectively in meetings of the Standards Committee

SECTION 23 – MEMBER ROLE DESCRIPTIONS, PERSON SPECIFICATION AND DEVELOPMENT FRAMEWORK

- To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements
- **Internal governance, ethical standards and relationships**
 - To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Members' Code of Conduct and other constitutional and legal requirements
 - To promote and support good governance by the Council
 - To understand the respective roles of members, officers and external parties operating within the Standards Committee's area of responsibility

3 Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- Impartiality

SECTION 23 – MEMBER ROLE DESCRIPTIONS, PERSON SPECIFICATION AND DEVELOPMENT FRAMEWORK

Role Description	Knowledge required	Role skills	The effective candidate is able to	Learning method	Time scale
As a member of a regulatory committee	Knowledge required	Role skills	The effective member is able to	Learning Method	Time scale
Member of a Standards Committee	<ul style="list-style-type: none"> • thorough knowledge and understanding of the Members' Code of Conduct in relation to the Council and community and town councils 	<ul style="list-style-type: none"> • adjudication • working with officers • advising others • monitoring and review • questioning of "witnesses" • interpersonal skills • communications 	<ul style="list-style-type: none"> • use a range of information to make decisions • monitor and challenge fellow members in considering breaches in the Members' Code of Conduct • work effectively with the monitoring officer 	<ul style="list-style-type: none"> • comprehensive programme of training/induction for standards members before acting on the committee • regular officer briefings and guidance • advanced workshop 	<p>Induction/overview required on taking up a position on the Standards Committee</p> <p>Ongoing briefings through-out term of office</p>

SECTION 23 – MEMBER ROLE DESCRIPTIONS, PERSON SPECIFICATION AND DEVELOPMENT FRAMEWORK

SECTION 23 – MEMBER ROLE DESCRIPTIONS, PERSON SPECIFICATION AND DEVELOPMENT FRAMEWORK

Member of a Standards Community Sub-Committee Role Description

1 Accountabilities

- To the Chair of the Standards Community Sub-Committee
- To Full Council
- To the public

2 Role purpose and activity

- **Understanding the nature of the Standards Community Sub-Committee and effectively fulfilling its functions by:**

In relation to town and community councils in Powys and members of those councils:

- promoting and maintaining high standards of conduct by councillors and community youth representatives
 - assisting the councillors and community youth representatives to observe the Members' Code of Conduct
 - advising the Council on the adoption or revision of the Members' Code of Conduct
 - monitoring the operation of the Members' Code of Conduct
 - advising, training or arranging to train councillors and community youth representatives on matters relating to the Members' Code of Conduct
 - granting dispensations to councillors and community youth representatives from requirements relating to interests set out in the Members' Code of Conduct
 - dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales
 - To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the Sub-Committee
 - To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the Sub-Committee
- **Participating in meetings and making decisions**
 - To participate effectively in meetings of the Sub-Committee
 - To make informed and balanced decisions, within the terms of reference of the Sub-Committee, which accord with legal, constitutional and policy requirements
 - **Internal governance, ethical standards and relationships**
 - To ensure the integrity of the Sub-Committee's decision making and of his/her own role by adhering to the Members' Code of Conduct and other constitutional and legal requirements
 - To promote and support good governance by the Council

SECTION 23 – MEMBER ROLE DESCRIPTIONS, PERSON SPECIFICATION AND DEVELOPMENT FRAMEWORK

- To understand the respective roles of members, officers and external parties operating within the Sub-Committee's area of responsibility

3 Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- Impartiality