

Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Friday, 9 March 2018

Notice of meeting

Standards Committee

Monday, 19th March, 2018 at 10.00 am,
Council Chamber, County Hall, Usk

AGENDA

Item No	Item	Pages
1.	Apologies for absence	
2.	Declarations of interest	
3.	To approve the minutes of the meeting held on 27th November 2017	1 - 2
4.	DRAFT GUIDANCE FROM THE WLGA ON PERSONAL SAFETY FOR MEMBERS AND HANDLING ONLINE ABUSE	3 - 18
5.	GUIDANCE TO MEMBERS SERVING ON OUTSIDE BODIES	19 - 38
6.	ANNUAL REPORT OF THE ADJUDICATION PANEL FOR WALES 2016/17	39 - 56
7.	To note the date of next meeting as Monday 18th June 2018 at 10.00am (TBC)	

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

D. Evans
J.Pratt
S. Woodhouse
T. Auld (Independent Representative)
R. Stow (Independent Representative)
G. Preece (Independent Representative)
M. Sutton (Independent Representative)
R. McGonigle (Independent Representative)
I. Cameron (Community Representative)

Public Information

Access to paper copies of agendas and reports

A copy of this agenda and relevant reports can be made available to members of the public attending a meeting by requesting a copy from Democratic Services on 01633 644219. Please note that we must receive 24 hours notice prior to the meeting in order to provide you with a hard copy of this agenda.

Watch this meeting online

This meeting can be viewed online either live or following the meeting by visiting www.monmouthshire.gov.uk or by visiting our Youtube page by searching MonmouthshireCC.

Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with adequate notice to accommodate your needs.

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Standards Committee held
on Monday, 27th November, 2017 at 10.00 am

PRESENT: County Councillors: D. Evans, J.Pratt, S. Woodhouse,

T. Auld (Independent Representative)
M. Sutton (Independent Representative),
R. McGonigle (Independent Representative)
R. Stow (Independent Representative)
I. Cameron (Community Representative)

OFFICERS IN ATTENDANCE:

Robert Tranter	Head of Legal Services & Monitoring Officer
Nicola Perry	Senior Democracy Officer
John Pearson	Local Democracy Manager

APOLOGIES:

G. Preece (Independent Representative)

1. Declarations of interest

There were no declarations of interest made by Members.

2. To receive the minutes of the previous meeting

The minutes of the meeting of Standards Committee held on 25th September 2017 were approved and signed by the Chair.

The Monitoring Officer updated Members on the dispensation granted at the meeting and advised that Rogiet Community Council, which had proved successful.

3. Councillor Training Records

The Monitoring Officer provided an update of training undertaken by Members.

We heard that Members had been involved in an intense induction programme following the May 2017 election. A refresher training session on Code of Conduct was to be arranged.

Feedback from Members:

There may have been a case of 'too much too soon' but this was difficult to avoid given the calendar of meetings.

The training had not been basic enough, and new Members struggle to identify main objectives.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Standards Committee held on Monday, 27th November, 2017 at 10.00 am

A tour of the building would have been useful.

A speed reading course would be beneficial to make effective use of time.

The Local Democracy Manager stated that a review would be held in the new-year to identify areas to address going forward.

The introduction of remote attendance should provide everyone the opportunity to attend sessions. It was recommended that a survey include the evaluation of IT and software.

Following discussion the Committee resolved to note the content of the attached training record.

4. Constitution Update

The Monitoring Officer presented a report to ensure the Standards Committee is aware of the proposed changes to the Council's constitution.

The areas of change were highlighted and explained in detail to the Committee.

Members discussed the introduction of remote attendance.

The Scheme of Delegation for Planning had been changed in accordance with legislative changes, and the changes would be highlighted for the next meeting.

We noted behaviour around live streaming was not in the Constitution, and this should be monitored by the meeting chairs.

Members were welcome to attend meetings to obtain an overview, or view online.

It was suggested that an email to all Members be issued recommending viewing this meeting ahead of the report going to full Council.

The Committee resolved to accept the report.

5. To note the date and time of next meeting as Monday 19th March 2018 at 10am

We noted the date of the next meeting as Monday 19th March 2018 at 10am.

The meeting ended at Time Not Specified

SUBJECT: DRAFT GUIDANCE FROM THE WLGA ON PERSONAL SAFETY FOR MEMBERS AND HANDLING ONLINE ABUSE

MEETING: STANDARDS COMMITTEE

DATE: 19TH MARCH 2018

DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

For Standards Committee to note 2 pieces of draft guidance from the Welsh Local Government Association (WLGA) on personal safety and handling online abuse and provide any comment.

2. RECOMMENDATIONS:

To note the WLGA draft guidance documents on personal safety and handling online abuse.

3. KEY ISSUES:

The WLGA has very recently produced 2 draft guidance documents on the important issues of the personal safety for members and handling online abuse. Both documents can be found attached to the report at appendix 1 and 2. Both pieces of guidance are in draft format at present and when finalised will be available on the Welsh Local Government Association website.

The guidance covers 2 areas of particular importance for elected members. Whilst instances of physical violence to elected members are thankfully rare, the tragedy of the murder of Jo Cox MP in 2016 gives a horrific example of what can happen. At the very least the guidance on personal safety will give members the opportunity to reflect and think about their personal safety when planning and undertaking their constituency work.

The problem of online abuse is a more common problem as the figures in the guidance show. Unfortunately this issue is likely to become more of a problem over time with the increase in use of social media. The guidance gives many useful hints and tips in dealing with this problem and provides a useful reference for where to find guidance from other areas.

When the final versions of both guidance documents are available, I will make all members aware. The guidance will also be drawn to attention of the council's Democratic Services Committee.

4. REASONS:

The guidance is useful to elected members as a source of important information in 2 areas of significance in their roles as councillors.

5. RESOURCE IMPLICATIONS:

None.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

No significant equality impacts have been identified.

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS:

NONE, BUT THE GUIDANCE GIVES A USEFUL RESOURCE TO MEMBERS TO ENSURE THEIR SAFETY AND WELLBEING.

8. CONSULTEES:

None.

9. BACKGROUND PAPERS:

None.

10. AUTHOR:

Robert Tranter, Monitoring Officer.

11. CONTACT DETAILS:

Tel: 01633 644064

E-mail: roberttranter@ Monmouthshire.gov.uk

Personal Safety for Members

Incidents of violence towards public figures is rare, however, councillors have high profile public roles, are constantly interacting with members of the community and can be the victims of verbal or written abuse. They may experience harassment and stalking and online abuse.

It is important therefore that councillors understand the steps they should take to keep themselves safe. This guidance note for members will signpost you to resources that can help and outline some of the measures that can be taken to reduce risk and ensure safety.

Members should seek guidance from their corporate health and safety advisors or Heads of Democratic Services about the specific guidance in place locally and be mindful of the risks when for example:

- Visiting people in their homes
- Receiving callers to your home
- Holding surgeries
- Travelling, whether on public or private transport and when alone
- Communicating online

If, as a member, you have a specific concern or you feel you at risk, speak to your corporate health and safety advisor, Head of Democratic Services or Monitoring Officer. You may be able to access relevant training or safety or security equipment to help protect you in your role.

Useful Resources

- **Personal Safety Guidance for Councillors** - The Local Government Information Unit LGIU has published guidance specifically for members covering what to do in these situations which can be found here.

<https://www.lgiu.org.uk/wp-content/uploads/2016/09/Personal-safety-for-elected-members.pdf>

- **Personal Safety Advice** - There is also a range of excellent online advice available from the Susie Lamplugh Trust which covers for example:
 - canvassing and campaigning,
 - dealing with aggression
 - stalking
 - lone working
 - personal alarms
 - hate crime and
 - internet safety.
- <https://www.suzylamplugh.org/Pages/FAQs/Category/personal-safety> **Online Abuse Guidance for Councillors** - The WLGA has published guidance for dealing with online abuse available here. **Get Safe Online guidance** - More information on online safety is available from the government supported website, *Get Safe Online*. This covers everything from protecting your devices to social networking to information security.

<https://www.getsafeonline.org/>

- **Recognising the Terrorist Threat Guidance** - The national counter terrorism security office has useful information about dealing with suspect packages and knowing what to do in the event of terrorist threats.

<https://www.gov.uk/government/publications/recognising-the-terrorist-threat/recognising-the-terrorist-threat>

If you are in any doubt about the actions you should take to ensure your personal safety speak to your corporate health and safety advisor or Head of Democratic Services for support.

Abuse and bullying within the council

Local government has a strict statutory Code of Conduct which sets out clear expectations of behaviour and conduct for members. However, in some cases councillors do not come forward if they have been the victims of bullying or harassment as they believe that their concerns may be dismissed as “banter” or political rough and tumble”. The WLGA encourages all members to challenge bad behaviour when they see it and to ensure that support is offered to members who experience it.

More information here (link to another webpage)*

More information sarah.titcombe@wlga.gov.uk

***Abuse and bullying within the council webpage**

The Leader of the WLGA Cllr Debbie Wilcox has said

“When I first became Leader of this body I stated that I wanted to put equality and respect, in all its forms, high on the agenda.

Local government is perhaps better placed than others; we have a strict statutory code of conduct which sets out clear expectations of behaviour and conduct; we provide training and have local resolution processes to manage lower level councillor-on-councillor complaints. I was pleased to see that councillor complaints made to the Ombudsman last year were at their lowest for over a decade; given last year was an election year, that’s no mean feat! I also understand that few Ombudsman complaints over the recent years have related to bullying and/or inappropriateness.

But we cannot assume that all is rosy in our garden, we cannot assume that everyone feels comfortable and confident enough to come forward if they are a victim of bullying or harassment. There are no doubt many people who have stayed silent, too intimidated or scared to come forward or who have turned a blind eye or excused an inappropriate comment as mere ‘banter’.

As councillors we all set out to do the right thing for our the most vulnerable in our communities; but we shouldn’t forget that some of those amongst us, some of us in this council chamber, may be vulnerable too; after all the cut and thrust of politics, we are all just human beings at the end of the day.

We aspire to encourage more diverse and younger talent to come through our ranks and to be our leaders of tomorrow. What worries me most is that many of the alleged victims are young women, early on in their professional or political careers. How many and how much potential has been lost as a result, if these early experiences meant that they turned their back on politics or public life? local democracy and politics is not a huge appeal to many in our communities and our collective reputation risks being eroded further.

We therefore need to draw a line.

We as leaders and senior members must ensure that we encourage, support and cultivate a culture that anyone and everyone can feel at home in and contribute fully within. I think we need to be positive and proactive, we should adopt a zero-tolerance stand, we must challenge bad behaviour when we see it or hear it. We have processes in place, but we need to reassure ourselves that these processes are robust, that people can come forward if necessary and that support is available and will be offered to both parties involved in a complaint"

All council Leaders have agreed to support a commitment to end bullying and inappropriate conduct and to ensure that there are robust processes in place in every council to address this.

Councillors who have experienced bullying or other inappropriate behaviour are advised

- Not to tolerate it
- To follow any formal reporting process in place in the council
- To raise any concerns with your Group Leader, Group Whip, a trusted colleague or the council's Monitoring officer.
- If appropriate take advantage of any confidential counselling service offered by your council

This page is intentionally left blank

Councillors Guide to Handling Online Abuse

February 2018



Social media has become a powerful tool for councillors, helping them to engage with communities, raise awareness of community issues, events, or council initiatives and to seek views and receive feedback.

Social media however has its darker side; online abuse and bullying or 'trolling' has reached record levels and politicians, particularly women, are often the target of unacceptable, unpleasant and, sometimes, threatening online abuse.

“Abuse of public servants is unacceptable and the online abuse of councillors should not be tolerated”

The abuse of public servants is unacceptable and the online abuse of councillors should not be tolerated. Councillors are committed individuals who invest a huge amount of time, energy and emotion into serving their communities and the public. Councillors do not often receive thanks or recognition for their efforts, but they should not expect abuse and harassment.

Being a councillor can be a challenging and often vulnerable role. In the era of austerity and cuts to public service funding, the Cabinet Secretary for Local Government Alun Davies AM recently recognised that ‘...the most difficult job in politics in Wales today is that of a councillor’. Councillors often take difficult or controversial decisions, which may affect the communities in which they live; councillors are local, accessible and visible and can therefore be subjected to personal challenge, criticism or, worse, abuse.

Elected politicians in general are increasingly subject to personal abuse and threats; these issues were explored and several recommendations were made in the December 2017 Report of the Committee on Standards in Public Life Review into ‘Intimidation in Public Life’.¹

In February 2018, Prime Minister Theresa May MP announced that the UK Government intends to consult on making it an offence in electoral law to intimidate candidates and campaigners². Politicians will continue to take a personal and collective stand in challenging intimidation, however until a change in law, candidates and politicians will unfortunately have to continue to seek support from colleagues in managing or reporting any abuse.

¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/666927/6.3637_CO_v6_061217_Web3.1_2_.pdf

² <https://www.gov.uk/government/speeches/pm-speech-on-standards-in-public-life-6-february-2018>

Online abuse is an unfortunate feature of modern society and it is difficult to prevent in the age of social media. Online abuse is on the increase; the overall number of ‘malicious communications’ recorded by Welsh police forces more than doubled in 2015, to 2,915 reports of cyberbullying, trolling, online harassment and death threats³.

Concerns about online abuse of councillors are growing⁴ and several councillors who stood down at the 2017 elections did so due to general abuse from members of the public.

“Challenge and scrutiny is a key part of democratic accountability and should be welcomed; but it should remain constructive and courteous”

Challenge and scrutiny is a key part of democratic accountability and should be welcomed; but it should remain constructive and courteous. Some residents may feel frustrated about an issue or wish to raise a legitimate complaint; but it should be polite and respectfully raised.

Occasionally such instances can cross the line but can be managed as they are well-intentioned; other instances however can be malicious and vexatious.

Online abuse is sadly likely to be an inevitable downside of being a councillor, so it is important that councillors prepare themselves and consider the steps they can take to manage, minimise and respond to any incidents.

“Councillors need to be particularly careful about what they post online themselves”

Councillors need to be particularly careful about what they post online themselves. Councillors are expected to uphold the highest of standards and are subject to a statutory code of conduct. Councillors should therefore ensure that what they say and how they say things online do not cause undue distress or upset to members of the public or other councillors. The WLGA has produced a separate [Social Media Guide for Councillors](#) which outlines the “Dos and Don’ts” of social media and the legal and code of conduct risks (and protection) for councillors.

Some unsympathetically say that politicians should ‘grow a thicker skin’ and whilst it is true that councillors do have to prepare themselves for likely abuse and sometimes the best approach is to ignore it if you can, there are some approaches you can take, social media companies and, ultimately, the law are all on your side.

“Social media companies and, ultimately, the law are on your side”

³ <http://www.bbc.com/news/uk-wales-41729206>

⁴ <http://www.bbc.co.uk/news/uk-wales-41263983>

Your response to a particular online post or to a repetitive troll however requires personal judgement, circumstances will vary and each post may require a different response depending on the nature and subject matter of the message, the history of the individual and so on.

This guide provides advice on how to manage or report online abuse or harassment and points you in the direction of online resources⁵ which will guide you through the process of blocking, unfriending, muting, hiding or reporting online posts.

In summary, if you don't like a social media comment you might choose to ignore it or challenge it but if a social media comment is libellous, threatening or becomes harassment, you can take action and report it.

If you are concerned about any social media activity, you may wish to seek the advice of your Monitoring Officer in the first instance; should you wish to seek other support you may wish to approach the Head of Democratic Services or other councillors in your group or in your ward.



Tackling abuse on Twitter™

1. “No tit for tat on twitter”

No matter how tempting it might be, entering a ‘tit-for-tat’ debate with a troll is a risky approach. You are unlikely ever to have the ‘last word’ and trolls, like all bullies, seek attention and are looking for a reaction; a response may just fuel them further.

“Shall I put you down as a ‘Maybe’ then?”

Humour and sarcasm can sometimes work: one councillor who received unpleasant abuse from a troll during the local elections succeeded in silencing the troll by responding: ‘Shall I put you down as a ‘Maybe’ then?’

Sometimes it can work and it can certainly make you feel better, but it may end up encouraging a more vitriolic and prolonged response and sarcasm does not always translate well on social media, so you may confuse or offend some of your normal followers as a result.

It is also more than likely that you will have many, many more followers than the troll will. Most trolls have few followers and many of them may be sympathetic to the troll's opinions and style. If you do decide to react and reply to a troll's tweet, all your many hundreds or thousands of followers will see the troll's original tweet and you will just help spread the

⁵ Links to resources are embedded in the text but are also included in footnotes, should the reader be using a hard copy version.

troll's abuse, allegations or misinformation on his or her behalf. On balance, it is probably not worth giving the troll the oxygen of publicity.

2. Whistling in the wind?

Check to see if the troll has many followers and who those followers are. As noted above, the chances are that a troll will have few followers. If that's the case, no matter how concerning the comments made it is likely that few people (and few people you care about) will have seen them.

3. Your right of reply

If a troll has posted some inaccurate information about you or the council, you may of course wish to set 'the record straight'. You should balance up the risks and likely success of this approach and, if the information is libellous, you may wish to receive legal advice or follow up through alternative routes.

4. Move the tweet into a different domain

If the tweet is a complaint about a council service, ask for contact details and pass the information to officers to follow-up on. Inform the individual that this is the course of action you are taking. This may help defuse any tensions.

5. Take a record of the abused

If you have received online abuse, even if you are not overly concerned or if you intend to ignore it, you should consider keeping a record should any incidents escalate in the future. You can simply 'screen shot', 'clip' or 'snip' tweets on your phone or computer. You may also decide to warn the troll that you are keeping a record of all messages and may refer them to the appropriate authorities, which may scare them off posting further comments or might encourage them to delete them.

6. Mute or Block Trolls

You may wish to unfollow, mute or even block a troll or someone who is persistently tweeting you. Guidance about to mute and block is available from Twitter, but in summary:

Muting⁶ allows you to remove an account's Tweets from your timeline but does not go as far as unfollowing or blocking the account. Muted accounts will not know that they have been muted and you can 'unmute' them at any time.

Blocking⁷ allows you to restrict specific accounts from contacting you, seeing your Tweets or following you. Unlike muting, trolls can find out that they have been 'blocked' and may accuse you of avoiding their scrutiny; this may be a small price to pay if their behaviour is checked and can be easily rebutted if necessary.

According to Twitter, blocked accounts cannot:

- Follow you
- View your Tweets (unless they report you, and your Tweets mention them)
- Find your Tweets in search when logged in on Twitter
- Send Direct Messages to you
- View your following or followers lists, likes or lists when logged in on Twitter
- View a Moment you've created when logged in on Twitter
- Add your Twitter account to their lists
- Tag you in a photo

7. Report the abuse to Twitter

Twitter itself promotes 'Rules' encouraging constructive debate but it explicitly prohibits behaviour '...that crosses the line into abuse, including behaviour that harasses, intimidates, or uses fear to silence another user's voice.'⁸

If tweets are so offensive that you believe they violate Twitter's rules, you can report them to Twitter who may decide to take action. For further information about how to report 'violations' visit Twitter's [How to report violations](#)⁹ page.

8. Report the abuse to the Police

If someone sends threatening, abusive or offensive messages via any social networking site, they could be committing an offence. The most relevant offences are 'harassment' and 'malicious communications'.

According to the Police, harassment means a 'course of conduct' (i.e. two or more related occurrences) and the messages do not necessarily have to be violent in nature, but must be oppressive and need to have caused some alarm or distress.

⁶ <https://support.twitter.com/articles/20171399>

⁷ <https://support.twitter.com/articles/117063>

⁸ <https://support.twitter.com/articles/18311?lang=en#>

⁹ <https://support.twitter.com/articles/15789#>

An offence relating to malicious communications may be a single incident, but a for an offence to have been committed, a message must be indecent, grossly offensive, obscene or threatening or menacing.

The Police advise that you may wish to initially report the matter to Twitter, but if you wish to report either of these alleged offences to your local police force, you should not respond to the message as it may encourage the sender and make the situation worse. The Police also advise that you take a screen shot of the message so if it gets deleted later there will still be a record of what was said.

Further information about social media and criminal offences is available via the [Police](#)¹⁰ and [Crime Prosecution Service](#)¹¹



Tackling abuse on Facebook™

You can take a similar approach to responding to abuse and harassment as you would to Twitter or any other social media platform; you need to weigh up whether it's best to ignore, respond, refer or report any incidents.

That said, Facebook has slightly different '[Community Standards](#)'¹² and alternative methods of dealing with complaints.

You are also more likely to encounter community or campaign groups or pages which facilitate scrutiny of you, fellow councillors or your local council and some have been set up specifically with that purpose in mind. Scrutiny and constructive challenge should be supported, but if these groups are not moderated effectively, they can provide a conduit for abuse and harassment.

Although Facebook encourages respectful behaviour and takes action to protect '[private individuals](#)'¹³ from bullying and harassment, it permits 'open and critical discussion of people who are featured in the news or have a large public audience based on their profession or chosen activities' but does take action around 'credible threats' and 'hate speech'¹⁴.

¹⁰ <https://www.askthe.police.uk/content/Q770.htm>

¹¹ http://www.cps.gov.uk/legal/a_to_c/communications_sent_via_social_media/

¹² <https://www.facebook.com/communitystandards#attacks-on-public-figures>

¹³ <https://www.facebook.com/communitystandards#bullying-and-harassment>

¹⁴ <https://www.facebook.com/communitystandards#attacks-on-public-figures>

Responding to abuse or harassment

There are a range of options for you to manage abuse or harassment on Facebook and full instructions are available on the [Facebook help page](#)¹⁵:

- If you want a post removed from Facebook, you can ask the person who posted it to remove it.
- If you don't like a story that appears in your News Feed, you can [hide it](#).
- If you are not happy with a post you're tagged in, you can [remove the tag](#).
- You can leave a [conversation](#) at any time, though the other people in the conversation will be notified and you will no longer receive messages from the conversation.
- You can [unfriend](#) or [block](#) another user; they will no longer be able to tag you or see things you post on your timeline.
- If the post goes against Facebook's Community Standards you can [report it to Facebook](#).

Responding to abuse or harassment in Groups or Pages

Scrutiny and constructive challenge should be supported, although both can provide a conduit for abuse and harassment from individuals or groups if they are not moderated effectively.

Your council may have a policy or tactic on communicating and engaging with such groups, particularly if they have been set up to criticise the council, so you should take advice from the council's communications officers.

There is no right or wrong way with regards responding to a group or page which regularly criticises the council or councillors; some believe that it is beneficial to engage constructively, to explain, inform or signpost and hopefully improve awareness, understanding and support, whilst others are more reluctant as it will require emotional energy and time and the likelihood of successful engagement may be limited.

If you are concerned about comments or postings about you in a group or page, you can [report the post to the Group Administrator](#).¹⁶ If you are concerned about a group that is abusive and you think it has broken Facebook's Community Standards, you can [report the group to Facebook](#).¹⁷

¹⁵ <https://www.facebook.com/help/408955225828742?helpref=search&sr=6&query=unfriend>

¹⁶ <https://www.facebook.com/help/436113899837980?helpref=search&sr=1&query=report%20to%20admin>

¹⁷ <https://www.facebook.com/help/266814220000812?helpref=related>

Managing and moderating your own Group or Page

You may wish to set up your own personal, councillor or community page on Facebook. These are valuable platforms to promote local information, news, events or council developments or seek people's views on community or council proposals.

Members or the community and others can contribute and comment in an interactive manner and whilst most is constructive and uses acceptable language, some individuals may use bad language or 'cross the line' into abuse or harassment.

The use of bad language can sometimes be unintentional and if you are the group or page administrator you can politely rebuke the individual and advise on expected conduct and an apology is often forthcoming.

If you are a Group or Page administrator, Facebook provides you with a range of tools to manage and moderate other people's content or contributions to your Group or Page for more serious breaches of standards.

You can:

- Block certain words or apply a 'profanity filter' in the settings, this will stop such postings appearing in your page;
- Hide or delete comments, photos or tags; and
- Ban or remove someone from your pages.

Useful guidance and instructions are available on the '[Banning and Moderation](#)'¹⁸ section of Facebook.

Administering a large Group can be a lot of work, particularly if group members are active. If that's the case, you might want to share the responsibility with other councillors, friends or trusted community members. Guidance on making other people administrators or 'moderators is available on [Facebook](#)'¹⁹.

Tackling abuse on blogs

Blogs are a quick and easy way for members of the public or councillors to set up mini-websites to discuss and air views on matters of interest.

Occasionally, blogs may take an interest in local, community matters and some have been set up specifically to scrutinise the local council or councillors.

Whilst scrutiny is a key part of local democracy and accountability, on occasions, some blogs may make unfair comments or untrue allegations or may include abusive or threatening

¹⁸ https://www.facebook.com/help/248844142141117/?helpref=hc_fnav

¹⁹ <https://www.facebook.com/help/148640791872225?helpref=search&sr=3&query=group%20admin>

commentary. Unlike Facebook and Twitter, there are no 'community rules or standards' to moderate or challenge such content.

Depending on the nature of the comments, councillors therefore have several choices:

- Ignore the blog altogether and hope that few people read and become aware of the comments;
- Engage with the blogger and seek to assure, inform or correct the comments as appropriate. As with trolls however, this course of action may fuel and prolong the debate and abusive comments further; or
- If you are concerned that the blogger is harassing you, threatening you, spreading malicious communications or is defaming or libelling you, you may wish to record any evidence (e.g. take some screen shots) and seek further legal advice or refer the matter to the Police.

DRAFT

This page is intentionally left blank

SUBJECT: GUIDANCE TO MEMBERS SERVING ON OUTSIDE BODIES

MEETING: STANDARDS COMMITTEE

DATE: 19TH MARCH 2018

DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

To provide Standards Committee with guidance provided to members serving on outside bodies.

2. RECOMMENDATIONS:

To note the guidance to members serving on outside bodies.

3. KEY ISSUES:

At its annual meeting each May, the council makes a number of appointments to outside bodies. As can be expected the council is asked to appoint members to a large number of outside bodies, covering a wide range of functions, roles and activities.

At a recent meeting of council, a member asked the Chief Executive for guidance to members serving on outside bodies. The attached guidance, found at appendix 1, was sent to every member of the council as a result. At appendix 2 attached to the report, the list of outside bodies and the member appointments to them can be found.

The important point to note for members appointed to outside bodies is that generally their first duty will be to the outside body rather than the council, this is particularly important if the bodies are trusts or companies.

The code of conduct for members may apply depending on whether the body has a code of its own. Paragraph 3 of the code says:

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 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.

Further where the member is at a council meeting and the outside body is being discussed the member will need to declare a personal interest under paragraph 10(2)(a)(viii) - *any body to*

which you have been elected, appointed or nominated by your authority but it will not be a prejudicial interest under paragraph 12(2)(a)(iii) - a body to which you have been elected, appointed or nominated by your authority unless the business relates to the determination of any approval, consent, licence, permission or registration – paragraph 12(3) – for example if the planning committee was considering a planning application by the outside body.

4. REASONS:

To make Standards Committee aware of the guidance to members to outside bodies.

5. RESOURCE IMPLICATIONS:

None.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

No significant equality impacts have been identified.

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS:

NONE.

8. CONSULTEES:

None.

9. BACKGROUND PAPERS:

None.

10. AUTHOR:

Robert Tranter, Monitoring Officer

11. CONTACT DETAILS:

Tel: 01633 644064

E-mail: roberttranter@monmouthshire.gov.uk

Members' Toolkit

Appointments to Outside Bodies: The Councillors' Roles - General Guidance & Potential Pitfalls and Conflicts

As a Councillor you may be nominated by your Council to sit on various types of outside bodies.

Be aware that this does not necessarily mean that you will be representing the Council's interests on that outside body. Indeed there are a number of cases, for example if you are a trustee or a company director, where you must always act in the interests of the outside body and not in the Council's interests.

This can lead to conflicts of interests between your role as a Councillor and your representative role on the outside body.

You will only be considered a representative of your Council on an outside body if you have been formally appointed or nominated by the Council to this role. You should not purport to act as Council representative on an outside body unless a formal appointment has been made.

Set out below are a number of matters that you should take into account if you act on one or more outside body.

Policy on Involvement and Representation

Your appointment should be within any policy your Council has adopted for involvement in partnerships and outside bodies. This policy may explain some of the reasons why the Council may wish to appoint a representative e.g. in order to provide skills or democratic legitimacy, or to protect the Council's assets, or for other reason.

How are appointments made?

You must ensure that your appointment has been made in accordance with the Constitution. This can be done either by resolution of the Board/Cabinet or another committee or by a member or officer exercising delegated powers.

Reporting back to the Council

It is important that anyone who is appointed to an outside body provides information and reports periodically to the Council on what the organisation is doing. Your Council may have adopted a policy on how and when such reports are to be presented. You should ensure that the outside body provides you with sufficient information enable you to make this report back. BUT - you are not required to disclose anything which is commercially confidential as this may be in breach of:

- the Members' Code of Conduct;
- your duties of confidentiality to the outside body (whether as director, trustee or more generally); or
- may be a breach of confidence in the general sense.

General Advice and Guidance to Members Appointed to Outside Bodies

- Ensure that you know the legal status of the organisation - read the constitution (the rules or the Memorandum and Articles of Association) and understand your responsibilities;
- Ensure that if you are represented on the Board of a Company the relevant form 288 is filed upon your appointment and resignation;
- Make any general declarations of interest at the first board meeting;
- Ask if there is any insurance or indemnity in place;
- Clarify whether the organisation will pay allowances or expenses;
- Ensure the board or management committee, has regular financial and other reports which detail the current financial situation of the organisation and any liabilities - take an interest in the business plan;
- Ensure the organisation has sound financial practices and procedures;
- Exercise independent judgement in making decisions;
- Act with integrity;
- Discuss any new activities with relevant officers (you may need to provide them with copy papers) and ensure that risks are properly identified in reports (consistent with local authority decision making - ensure that all relevant information is presented);
- Ask questions and make reasonable enquiries;
- Observe duties of confidentiality (in both directions);
- Carefully consider any conflicts of interest, declare interests, and if appropriate, leave the room for consideration of the business;
- Question responsibility and accountability;
- Take advice from the Monitoring Officer, the Finance Department and your lead officer contact as appropriate - not just when the organisation is likely to become insolvent, but generally. Occasionally, that advice may be to seek external advice on your position, especially if there is a conflict between the organisation and the Council;
- Manage conflict - usually issues can be balanced, but ensure that when in meetings of the body you act in the body's best interests which may not necessarily be those of the Council - if all else fails, resign. Do not just remain a director and fail to attend meetings or you may find that you are in breach of your duty to act in the best interests of that organisation.
- Finally, question the need for future Council involvement! Has the organisation come of age, or has it changed direction from when the Council first became involved - what useful purpose would ongoing representation serve?

General Duties of a Representative on an Outside Body

As a representative on the Management Committee or on the Board of an outside body, you must act in the interests of that body and exercise independent judgement in making decisions, in accordance with your duty of care to the body. You are not there just to vote in accordance with the Council's wishes. You may have regard to the interests of the Council, but this should not be the overriding consideration. In some cases voting in the Council's interests could be a breach of a Director's duty to a company.

The overriding responsibility is to seek to avoid the situation where duty and interest conflict and therefore if you are unsure about declaring an interest, it would be wise to declare and leave the meeting during consideration of the business.

Particular Duties and Responsibilities of Directors and Trustees

If you are appointed a director of a company then you must act in the best interests of the company. The main duties of a director are:

- to act honestly and in good faith and in the best interests of the company as a whole;
- a fiduciary duty to the company, not to make a personal profit and to take proper care of the assets;
- to attend board meetings and follow the rules on the declaration of interests;
- to exercise reasonable skill and care (this is a subjective test based upon the individual's own knowledge and experience) and involves due diligence in the performance of his/her duties as a director; and
- to comply with statutory obligations imposed by the Companies Acts, other legislation and any procedural rules set out in the constitution.

If you are appointed as a trustee of a charity then the duties of trustees are generally the same as for a director but in addition you must make sure the trust acts in accordance with the aims and objectives of the trust and you should make sure that you have a clear understanding of what these are (there is normally a trust deed which sets these out).

Declarations of Interest and Duties of Confidentiality - the Members Code of Conduct

When outside bodies consider issues related to your Council or where you may have a personal interest in relation to the body's activities, these need to be declared in line with the rules of the outside body and the Members Code of Conduct. The specific rules adopted by each body will vary and therefore you should ask for advice and guidance from the secretary of the organisation and/or the Monitoring Officer, as appropriate.

When the Council considers issues relating to or affecting the outside body to which you have been appointed as Council representative you must declare your personal interest in the matter in accordance with the Members' Code of Conduct. If this is your only interest then it will not be considered a prejudicial interest unless the matter relates to an approval, consent, licence, permission or registration. You will also need to ensure details of your appointment are included on the Register of interests kept by the Monitoring Officer.

Confidential information must be treated with care and if you have any doubt over the status of any information then you should keep that confidential and check with the relevant officer, whether or not it is something which is already in the public domain or which may be disclosed.

The legal position is that someone who has received information in confidence is not allowed to take improper advantage of it. Deliberate leaking of confidential information will also be a breach of the Members Code of Conduct.

Where you act as a representative of the Council on an outside body, you must comply with the Code of Conduct, of that body if it has one. If it does not you must comply with the Members' Code of Conduct unless observance of the Code would conflict with any other obligations (i.e. the duty to act in the best interests of the outside body).

Under the Code you must not:

- disclose information given to you in confidence by anyone, or information acquired which you believe is of a confidential nature, without the consent of a person authorised to give it, or unless you are required by law to do so;
- prevent another person from gaining access to information to which that person is entitled by law.

Disclosing confidential information may also contravene other parts of the Code e.g. it may be regarded as bringing the office of Councillor or the Council into disrepute; may compromise the impartiality of people who work for the Council; may improperly confer or secure an advantage or disadvantage for you or any other person.

Managing Conflicts of Interest

In general terms the purposes of the outside body and what it wants to do often coincide with your Council's interest and so conflicts may be rare. However, there may be difficulty in some circumstances, for example if the body is not complying with the terms and conditions of a funding agreement between the Council and the body; or the organisation wishes to appeal against a planning decision made by the Council; or where the organisation has wider objects than the reason behind the Council's appointment and wishes to pursue activities which would conflict with Council policy

You will need to manage the conflicts that will arise appropriately and in certain circumstances may feel that your only option is to resign from the company or body. Similarly, if the Council does not feel that a representative on an outside body is properly fulfilling their role and responsibilities, e.g. the person is not attending meetings or is voting in ways which may be inappropriate, then the Council could choose to change its representation on the outside body. Clearly there is a greater scope for conflicts to arise where you hold an office in the outside body, e.g. Chair, Vice-Chair, Secretary or Treasurer, than if you are a general member.

Members Allowances

Your Council may have authorised attendance at meetings of outside bodies as an approved duty for Members, allowing travelling and/or subsistence allowances in connection with meetings of the body. Alternatively, any expenses may be defrayed by the body itself, in accordance with its own rules. If the body does pay expenses, you may not claim from the Council. For further information on allowances contact the relevant officer in the Council

Indemnity

In some instances members who represent the Council on outside bodies may carry personal liability for decisions they make and actions which they take in their representative capacity. This is most likely to arise if you have been appointed as director of a company, or a trustee of a charity or onto the management board of an organisation. The outside body may have insurance to cover your liability in these cases and you should check with the organisation. Alternatively, your Council may have agreed to provide an indemnity to cover any liabilities incurred by members acting in a representative capacity. The Monitoring Officer will be able to provide further information on this.

This page is intentionally left blank

MONMOUTHSHIRE COUNTY COUNCIL

REPRESENTATION ON OUTSIDE BODIES (MAY 2017)

Appendix A

Category A - Regional/National

No.	Body	Term of Office	Source of Members Allowances / Expenses	No. of Reps	Name of Councillor Appointed	Appointed at Council on
1	Brecon Beacons National Park Authority	Term of Council	National Park	2	Cllr. A.E. Webb Cllr. M. Feakins	18 th May 2017 18 th May 2017
2	Appointments Panel for East Wales Valuation Tribunal	Term of Council	Council	3	Cllr. R.J. Higginson Cllr. M. Feakins Cllr. R.P. Jordan	18 th May 2017 18 th May 2017 18 th May 2017
3	Oldbury Power Station Stakeholder Group	Term of Council	Council	1	Cllr. D.L. Dovey	18 th May 2017
4	Gwent Police and Crime Panel	Term of Council	Police & Crime Commissioner	2	Cllr P.R. Clarke Cllr A. Easson	18 th May 2017 18 th May 2017
5	Joint Council For Wales (Previously Provincial Council for Wales)	1 Year	Council	2 plus 1 Sub.	Cllr. P. Murphy Cllr. R.J.Higginson (Substitute: none appointed)	18 th May 2017 18 th May 2017
6	National Resources Wales / Caldicot and Wentlooge advisory group / Lower Wye advisory group.	Term of Council	Drainage Board	9	Cllr. A.E. Easson Cllr. J. Watkins (substitute) Advisory Group: Cllr. M. Feakins Cllr. A.E. Webb Cllr. L. Jones Cllr. R. Edwards Cllr. A. Davies Cllr. J. Watkins	18 th May 2017 18 th May 2017

Page 27

No.	Body	Term of Office	Source of Members Allowances / Expenses	No. of Reps	Name of Councillor Appointed	Appointed at Council on
7	Cardiff Capital Region Joint Cabinet Committee	1 Year		2	Leader Deputy Leader	18 th May 2017 18 th May 2017
8	Regional Transport Authority	1 year		1	Responsible Cabinet Member: Cllr. S.B. Jones	18 th May 2017
9	Local Government Association	1 Year	L.G.A.	2	Leader Deputy Leader	18 th May 2017 18 th May 2017
10	Local Government Association-Rural Commission	1 Year	L.G.A	2	Cllr. R. Edwards Cllr A.E. Webb	18 th May 2017 18 th May 2017
11	South Wales Fire Authority	Term of Council	Council	2	Cllr. V.E. Smith Cllr. L. Brown	18 th May 2017 18 th May 2017
12	Wye Valley Area of Outstanding Natural Beauty Joint Committee	Term of Council	Council	4	Cllr. D. Dovey Cllr. M. Lane Cllr. A. Webb Cllr. L. Jones	18 th May 2017 18 th May 2017 18 th May 2017 18 th May 2017
13	Welsh Local Government Association	Term of Council	W.L.G.A.	2	Leader Deputy Leader	18 th May 2017 18 th May 2017
14	W.L.G.A. Co-ordinating Committee	Term of Council	Council	1	Leader	18 th May 2017
15	Flood Risk Mangt Committee Wales				See Category G-WLGA Appointments	
16	Welsh Centre for International Affairs	Term of Council	Council	1	Chairman of Council	18 th May 2017
17	Institute of Welsh Affairs	Term of Council	Council	1	Chairman of Council	18 th May 2017
18	Reserve Forces and Cadets Association for Wales	Term of Council	The Association	1	Cllr. S. Jones	18 th May 2017
19	S.E. Wales Strategic Planning Group	Term of Council	Council	2	Cabinet Member for Resources: Cllr P.Murphy Chairman of Planning	18 th May 2017 18 th May 2017
20	Welsh Books Council	Term of Council	Council	1	Cllr. R. Greenland	18 th May 2017

No.	Body	Term of Office	Source of Members Allowances / Expenses	No. of Reps	Name of Councillor Appointed	Appointed at Council on
21	Scrutiny Champions Wales Network	Term of Council	Council	1	Cllr L. Jones	18 th May 2017
22	Monmouthshire Adoption Panel	Term of Council	Council	1	Cllr. P. Jones	18 th May 2017
23	Monmouthshire Fostering Panel	Term of Council	Council	1	Cllr. R.G. Harris	18 th May 2017

Category 'B' – Joint Committees - Appointments made by the Cabinet

No.	Body	Term of Office	Source of Members Allowances	No. of Reps	Name of Councillor Appointed	Appointed at Cabinet
1	Gwent Joint Records Committee	Term of Council	Council	2	Councillor D. Edwards Councillor R.J.Higginson	6 th June 2012 6 th June 2012
2	Gwent Joint Cremation Committee	Term of Council	Council	2	Councillor S.B.Jones Councillor K.G.Williams <i>Note: at least one Cabinet member necessary</i>	6 th June 2012 5 th June 2013
3	Wales Purchasing Consortium	Term of Council	Council	1	Councillor P.Murphy	6 th June 2012
4	Prosiect Gwyrdd Joint Committee	Term of Council	Council	2	Councillor S.B.Jones Councillor P.Murphy	6 th June 2012

Category ‘C’ – Joint Committees and Local Authority Companies – Appointments Made By The Council

No.	Body	Term of Office	Source of Members Allowances	No. of Reps	Name of Councillor Appointed	Date Appointed at Council
1	Pension Fund Management Group (Joint Committee with Torfaen)	Term of Council	Council	3	Cllr. P. Jordan Cllr. P. Clarke Cllr. J. Watkins	18 th May 2017 18 th May 2017 18 th May 2017
2	Aneurin Bevan Community Health Council	Term of Council	Council	3	Cllr. A. Davies Cllr. K. Williams Cllr. V.E. Smith	18 th May 2017 18 th May 2017 18 th May 2017
3	Aneurin Bevan Local Health Board-Stakeholder Reference Group	Term of Council	Council	1	Cllr. P. Pavia	18 th May 2017
4	Board of Monmouthshire Housing Association	Term of Council		2	Cllr. D. Batrouni Cllr. A.E. Webb	18 th May 2017 18 th May 2017
5	Education Achievement Service	Term of Council	Council	2	Cllr R. John - Cabinet Member for Schools and Learning-as representative member of JEG. Cllr R. Greenland -to Board of Directors	18 th May 2017 18 th May 2017
6	SRS Business Solutions Ltd	Term of Council	Council	2	County Councillor P. Murphy (Cabinet Member with portfolio responsibility for finance) appointed as the representative member to the company and County Councillor R.J.W. Greenland to the Company’s Board of Directors.	18 th May 2017
7	SRS Public	Term of Council	Council	1	County Councillor P Murphy (Cabinet Member with portfolio for Resources).	18 th May 2017
8	Y Prentis	Term of Council	Council	1 member 1 officer	County Councillor R.J.W. Greenland to the Company’s Board of Directors.	18 th May 2017

No.	Body	Term of Office	Source of Members Allowances	No. of Reps	Name of Councillor Appointed	Date Appointed at Council

Category 'D' - Voluntary Organisations

No.	Body	Term of Office	Source of Members Allowances	No. of Reps	Name of Councillor Appointed	Date Appointed at Council
1	Borough Theatre Voluntary Management Committee	Term of Council	Council	1	Cllr R. Greenland	18 th May 2017
2	Monmouthshire and Brecon Canal Working Party	Term of Council	Council	1	Cllr. R. Roden	18 th May 2017
3	Wales Council for the Blind	Term of Council	Council	2	Cllr. J. Treharne Cllr. R.P. Jordan	18 th May 2017 18 th May 2017
4	Disability Wales (previously known as Wales Council for the Disabled)	Term of Council	Council	2	Cllr. S. Jones Mr. A. James	18 th May 2017 18 th May 2017
5	Severn Estuary Partnership	Term of Council	Council	2	Note: should have the same two members as ASERA(see above)	

Category 'E' Local Interest

No.	Body	Term of Office	Source of Members Allowances	No. of Reps	Name of Councillor Appointed	Date Appointed at Council
5	Monmouthshire County Citizens Advice Bureau	Term of Council	Council	2	Cllr P. Murphy Cllr B. Strong Two observers at trustee board meetings	18 th May 2017
6	Chepstow Senior Citizens Centre Welfare Trust	Term of Council	Council	3	Cllr D. Dovey 2 Vacancies	18 th May 2017
7	Llandogo Village Hall Committee	Term of Council	Council	1	Cllr. D. Blakebrough	18 th May 2017
8	Llanellen Village Hall Committee	Term of Council	Council	1	Cllr. G. Howard	18 th May 2017
9	Llanfoist Villagers Association	Term of Council	Council	1	Cllr. G. Howard	18 th May 2017
10	Raglan Community Centre Committee	Term of Council	Council	1	Cllr. P. Jones	18 th May 2017
11	Monmouth School and Haberdashers' Monmouth School for Girls	Term of Council	Council	1	Cllr. R. Roden	18 th May 2017
12	Abergavenny Educational Foundation of King Henry VIII- Governors	Term of Council	Council	5	Mr. C.D. Woodhouse Cllr. S. Woodhouse Cllr. M. Lane Cllr.R.P. Jordan Cllr. M. Powell	18 th May 2017 18 th May 2017 18 th May 2017 18 th May 2017 18 th May 2017
13	Wye Navigation Advisory Committee	Term of Council	Council	1	Cllr. A Webb	18 th May 2017
15	Pratts Charity, Mathern	4 years from appointment	Council	2	Cllr G.L. Down Cllr P. Murphy	21 st June 2012 18 th May 2017
16	Gwent Police Animal Welfare Committee	Term of Council	Council	1	Cllr. \L. Dymock	18 th May 2017
17	Monmouthshire Local Access Forum	Term of Council	Council	1	Cllr. A. Webb	18 th May 2017
18	Clydach Ebenezer Chapel Fund	Term of	Council	1	Simon Howarth	18 th May 2017

No.	Body	Term of Office	Source of Members Allowances	No. of Reps	Name of Councillor Appointed	Date Appointed at Council
	Committee	Council				

Category 'F' - Other

No.	Body	Term of Office	Source of Members Allowances	No. of Reps	Name of Councillor Appointed	Date Appointed at Council
1	Best Kept Village Competition	Term of Council	Council	6	Cllr. P.R. Clarke Cllr. D. Evans Cllr. B. Strong Cllr. L. Dymock Cllr. L. Jones Cllr. R. John	18 th May 2017 18 th May 2017
2	Gwent Association of Voluntary Organisations	Term of Council	Council	1	Cllr. J. Watkins	18 th May 2017
3	Monmouthshire Sportlot Community Chest Committee	2 years	Council	3	Cllr B. Strong Cllr. S. Howarth Cllr. L. Jones	12 th May 2016 12 th May 2016 18 th May 2017
4	Local Government Flood Forum	Term of Council	Council	1	Cllr. P.R. Clarke	18 th May 2017
5	Armed Forces Champion	Term of Council	Council	1	Cllr. L. Jones	18 th May 2017

Category 'G' - Appointments Determined by W.L.G.A

No.	Body	Term of Office	Source of Members Allowances	No. of Reps	Name of Councillor Appointed	Nominated at Council
1	Flood Risk Management Committee Wales (in rotation with Powys and Torfaen)	Term of Council	WLGA	1	Councillor S.B.Jones	18 th May 2017

This page is intentionally left blank

SUBJECT: ANNUAL REPORT OF THE ADJUDICATION PANEL FOR WALES 2016/17

MEETING: STANDARDS COMMITTEE

DATE: 19TH MARCH 2018

DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

To consider the annual report of the Adjudication Panel for Wales (APW) for 2016 -2017.

2. RECOMMENDATIONS:

To note the contents of the annual report of the APW.

3. KEY ISSUES:

The APW was established under Part III of the Local Government Act 2000. It has 2 primary functions in respect of breaches of the code of conduct for members:-

- to form case or interim case tribunals (“Case Tribunals”) to consider references from the Public Service Ombudsman for Wales (PSOW), following the investigation of allegations that a member has failed to comply with their authority’s code of conduct; and
- to consider appeals from members against the decisions of local authority standards committees that they have breached the code of conduct (“Appeal Tribunals”).

The APW annual report is attached as appendix 1 to the report. This is the second annual report of the current President of the APW, Claire Sharp. During the tribunal year, from the 1st April 2016 to 31st March 2017, the APW received 1 reference and 2 appeals, whilst 2 references and 2 appeals were decided.

Over a five year period from 2012 to 2017, 15% of the alleged breaches of the code considered by the APW were under paragraph 4 - failure to show respect/ equality and bullying; 13% of breaches were under paragraph 6(1)(a) - bringing the office/ authority into disrepute and 11% under paragraphs 11 and 14 for failing to properly disclose interests and withdraw.

The summaries of the cases considered by the APW during the year can be found within the report. Where the APW considers an appeal, the process is that the matter is referred back to the Standards Committee to conclude the matter. Interestingly, for the 2 appeals considered by the APW, the APW recommended in the first appeal that the suspension of the member be increased from 2 to 3 months, whilst for the 2nd appeal the recommendation to the Standards Committee was for the suspension to be reduced from 5 to 3 months.

The President’s comments are illuminating in her foreword to the report:

“The other point of note from the previous past twelve months is the increased public and press attention faced by the Panel, combined with attacks upon its integrity. As a judicial body, the

Panel is unable to comment on individual cases - its decisions are the only method of communication to explain why particular steps were taken. That said, the Panel is independent of both the Welsh Government and National Assembly for Wales, as well as political parties, and it will carry out fair hearings on the basis of the evidence and relevant law. Interested readers may view the information on our website about the Panel and its processes. It is positive more people have heard of our work.”

4. REASONS:

The APW is the highest tier of tribunal in Wales considering allegations of breaches of the members' code of conduct. It is hoped that members of the Standards Committee will find the contents of the report useful and interesting. As the President's comments suggest, it is positive for democracy and society in general that more people are aware of the work of the APW.

5. RESOURCE IMPLICATIONS:

None.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

There are no significant equality impacts that arise as a result of this report.

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS:

NONE.

8. CONSULTEES:

None.

9. BACKGROUND PAPERS:

None

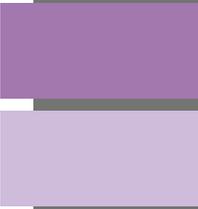
10. AUTHOR:

Robert Tranter, Monitoring Officer

11. CONTACT DETAILS:

Tel: 01633 644064

E-mail: roberttranter@monmouthshire.gov.uk



Adjudication Panel for Wales Annual Report

Year 2016 – 2017

Contents

Foreword		3
Section 1	About Us	4
Section 2	Performance and Progress	7
Section 3	Case Summaries	11
Section 4	Our Customers	14
Section 5	Business Priorities	15
Section 6	Expenditure	15

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Foreword

This is my second annual report as President of the Adjudication Panel for Wales. The report covers the period 1 April 2016 – 31 March 2017.

We aim to ensure that the Panel serves the interests of all those in Wales falling within our jurisdiction, by dealing with any disputes both efficiently and effectively. Specifically, we make every effort to ensure that all those involved in the dispute ultimately feel that the dispute has been fairly resolved within as short a timescale as is reasonable. We also are conscious that the wider public must have confidence that any breaches of the Code of Conduct by members will be dealt with fairly and in a timely way in order to uphold trust and confidence in local democracy.



As can be seen from the Report, there is no particular theme arising from the wide range of disputes considered by the Panel during the past year. This was the first year where the President had the power to grant applications for appeal arising from decisions from standards committees. The power has been exercised on two occasions; each time saw permission refused to appeal some of the grounds raised on the basis that there was no reasonable prospect of success. This has ensured hearings concentrate on the live issues of the case and used resources more efficiently.

The other point of note from the previous past twelve months is the increased public and press attention faced by the Panel, combined with attacks upon its integrity. As a judicial body, the Panel is unable to comment on individual cases - its decisions are the only method of communication to explain why particular steps were taken. That said, the Panel is independent of both the Welsh Government and National Assembly for Wales, as well as political parties, and it will carry out fair hearings on the basis of the evidence and relevant law. Interested readers may view the information on our website about the Panel and its processes. It is positive more people have heard of our work.

Any questions or comments arising as to any aspect of the workings of the Panel, or as to the contents of the Report, are most welcome and should in the first instance be addressed to the Registrar.

A handwritten signature in blue ink, which appears to read 'C Sharp'.

Claire Sharp
President, Adjudication Panel for Wales

Section 1 – About Us

In this section:

- Basis for the APW
- The APW's Function
- The APW's Regulations
- The APW's Process
- Members of the APW
- Appointments
- Training
- Contacting the APW
- Accessing the APW

Basis for the APW

The Adjudication Panel for Wales (APW) is an independent tribunal that has been set up to determine alleged breaches against an authority's statutory Code of Conduct by elected and co-opted members of Welsh county, county borough and community councils, fire and national park authorities.

The APW was established under Part III of the Local Government Act 2000.

The APW's Function

The Code of Conduct for an authority provides its members with a set of standards expected of them in public life. The code of conduct covers various requirements as to how members should conduct themselves and includes requirements in relation to equality, personal and prejudicial interests, confidential information, their authority's resources and the need to avoid bringing their office or authority into disrepute.

The APW has two statutory functions in relation to breaches of the Code of Conduct:

- to form case or interim case tribunals ("Case Tribunals") to consider **references** from the Public Service Ombudsman for Wales (PSOW), following the investigation of allegations that a member has failed to comply with their authority's Code of Conduct; and
- to consider **appeals** from members against the decisions of local authority standards committees that they have breached the Code of Conduct ("Appeal Tribunals").

The APW's Regulations

The APW operates in accordance with its procedural regulations and other associated legislation. The regulations ensure that all cases heard by the APW are treated fairly, consistently, promptly and justly. They ensure that everyone who comes before the APW clearly understands the steps they must take so that the facts of the dispute and the relevant arguments can be presented effectively to the APW. They also ensure that every party to a case understands the arguments of the other party and can respond to them.

APW's procedures are governed by the following legislation:

- The Local Government Act 2000 (as amended).
- The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001 (as amended).
- The Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001 (as amended).

The APW's Process

Anyone wishing to respond to a reference from the PSOW or to make an application for permission to appeal to the APW must complete and send the relevant form to the APW.

At an APW hearing the panel is composed of a legally qualified chairperson and 2 lay members. Legally qualified members can also sit as a lay member. APW hearings are normally held in public and take place near to the authority area.

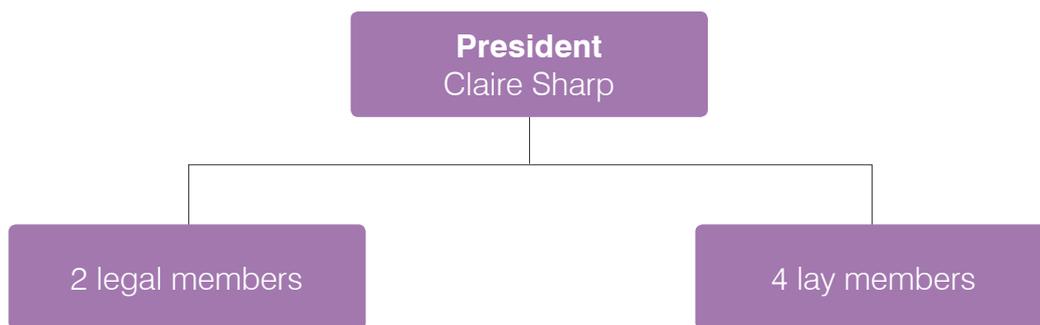
The APW publishes its decisions on the website for the APW. Decisions of Case Tribunals can be appealed on limited grounds to the High Court. Permission to appeal to the High Court must first be sought from the High Court.

Full information and guidance about the APW and its procedures, are provided on the website for the APW. Alternatively please contact the APW secretariat for further information or if you would like to receive publications in a different format. The contact details can be found on page 6.

Members of the APW

Appointments to the APW are made by the First Minister after consideration of recommendations made by the Judicial Appointments Commission.

President	The President has judicial responsibility for the APW and its members.
Legal Members	Legal members are lawyers and have responsibility for conducting proceedings at hearings and advising the Secretariat on matters of law. Legal members write APW decisions and give directions where necessary.
Lay Members	Lay members have a wide range of knowledge and experience relevant to the work of the APW.
Secretariat	The day-to-day administration is largely delegated to the secretariat which deals with all the preliminary paperwork and the processing of applications to the APW. The secretariat consults the President and/or legal members on all legal points arising during the preliminary pre-hearing stages of the proceedings and passes on any rulings and directions in writing to the parties. The secretariat acts as a point of contact for chairpersons, members and APW users and attends hearings to help with the efficient running of proceedings.



Appointments

No appointments were made during this period, though it was decided to commence the process to appoint a Deputy President to act on behalf of the President should she become unable to perform her duties.

Training

A training seminar was held during June 2017. A regular programme of performance appraisal for APW members has been completed over previous years. It is anticipated that the next round of performance appraisal for APW members will start during the course of the 2017/18 year.

Contacting the APW

To contact the APW Secretariat:

APW Address:	Adjudication Panel for Wales Government Buildings Spa Road East Llandrindod Wells Powys LD1 5HA
APW Helpline:	03000 259805
APW Fax:	03000 259801
APW E-mail:	adjudication.panel@gov.wales

Accessing the APW

The APW is happy to communicate with you in Welsh or English. If a Welsh speaker is not immediately available then we will arrange for a Welsh-speaking member of staff to phone you back.

You can choose to have your hearing conducted in Welsh or English. If your first language is not Welsh or English and you wish to speak in your first language during the hearing, we can arrange for an interpreter to be present. If you need a sign language interpreter to attend the hearing we will arrange this.

If you or anyone you are bringing to the hearing has any other access requirements that may affect our arrangements for the hearing, provisions will be made.

To enable arrangements for interpreters or to make provisions for any additional needs of attendees, sufficient notice must be given to the secretariat.

Section 2 – Performance and Progress

In this section:

- Numbers and statistics
- Hearings Data
- Onward appeals
- Achievement against key performance indicators
- Complaints

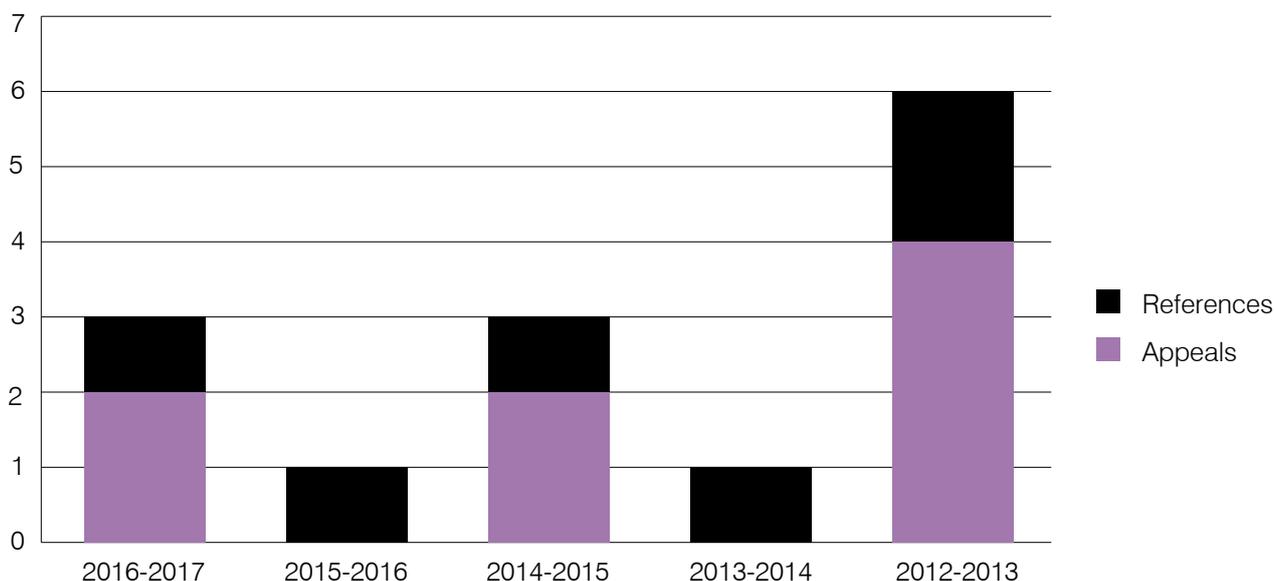
Numbers and Statistics

A Tribunal year runs from April to March. As the numbers of cases received are relatively low, figures are given for a 5 year period to allow for comparison.

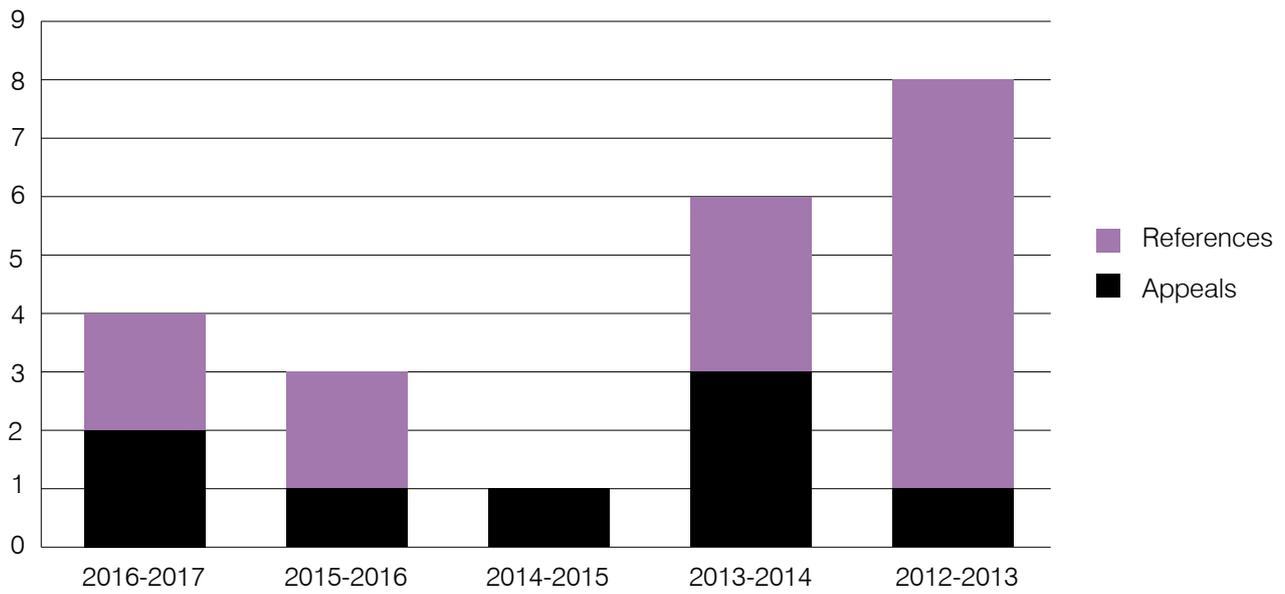
The following statistics are collated:

- Number of references and appeals received
- Type of applications received and registered
- Number of applications finalised
- Outcome of applications

Graph 2.1: Number of references and appeals received by year

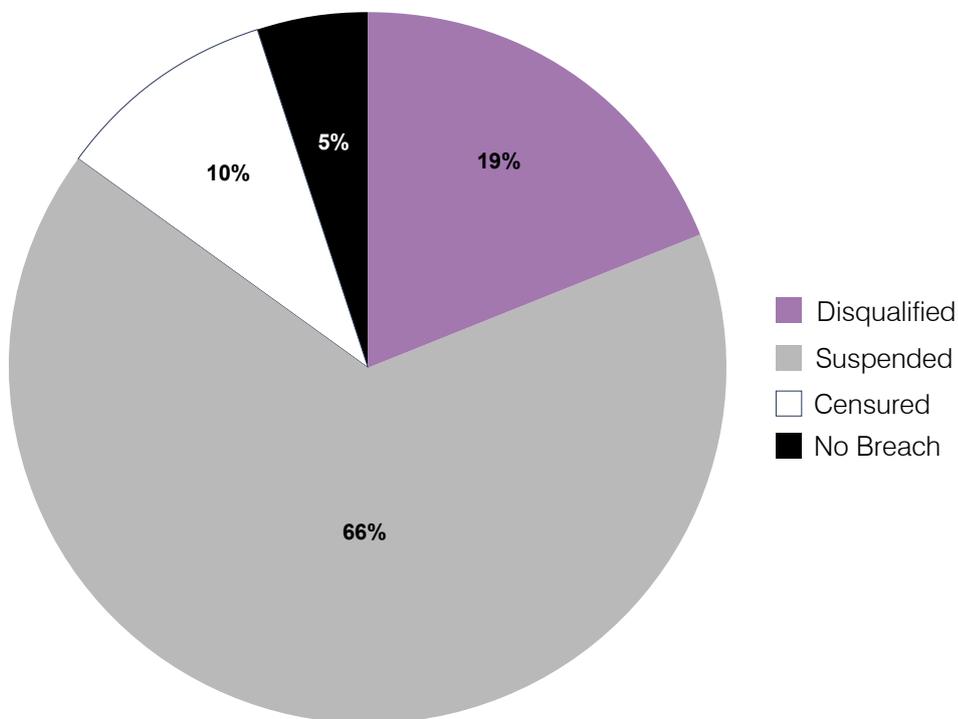


Graph 2.2: Number of references and appeals decided by year April 2012-March 2017

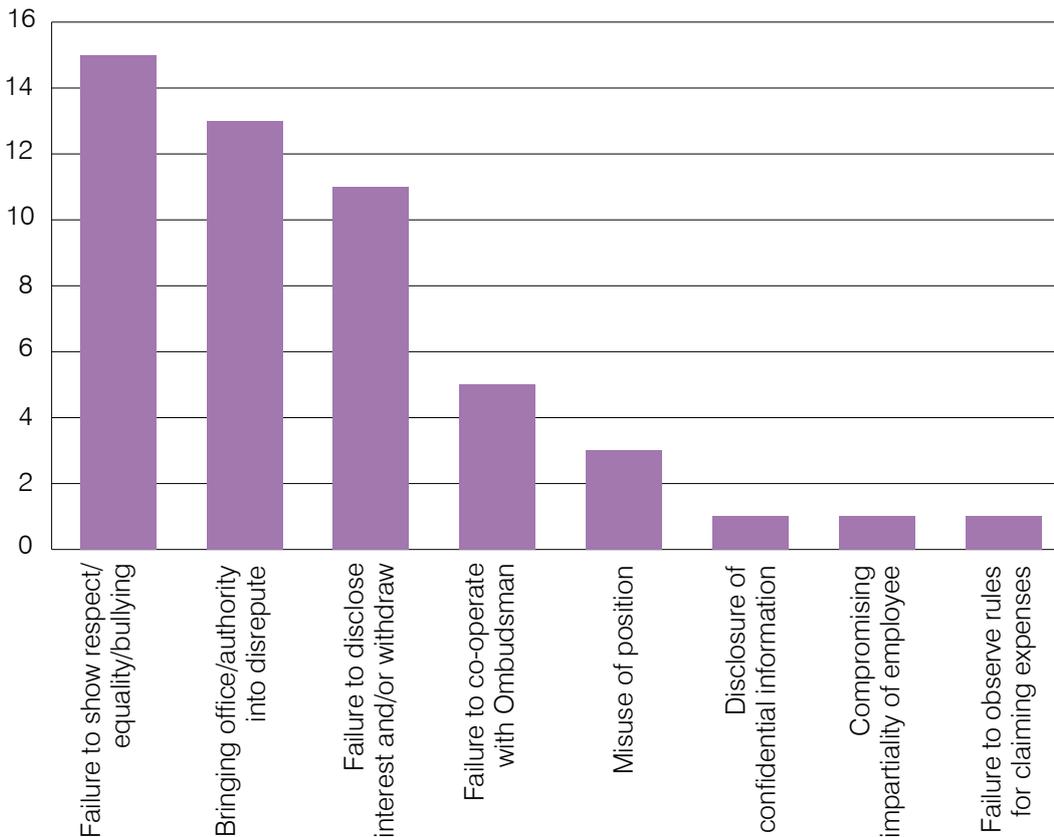


Charts 2.3: Outcomes of references and appeals April 2012-March 2017

The chart below shows the outcome of references and appeals decided by the Adjudication Panel over the last 5 years.



Graph 2.4: Percentage of breaches by type April 2012-March 2017



Hearings data

During 2016 – 2017, 2 referrals from the PSOW and 2 appeals against the determination of standard committees proceeded to hearing, resulting in a total of 6 hearing days:

Type	Length (in days)
Reference	3 hearing days
Appeal	3 hearing days

There were also 3 telephone conferences which took place in relation to these cases.

Onward appeals

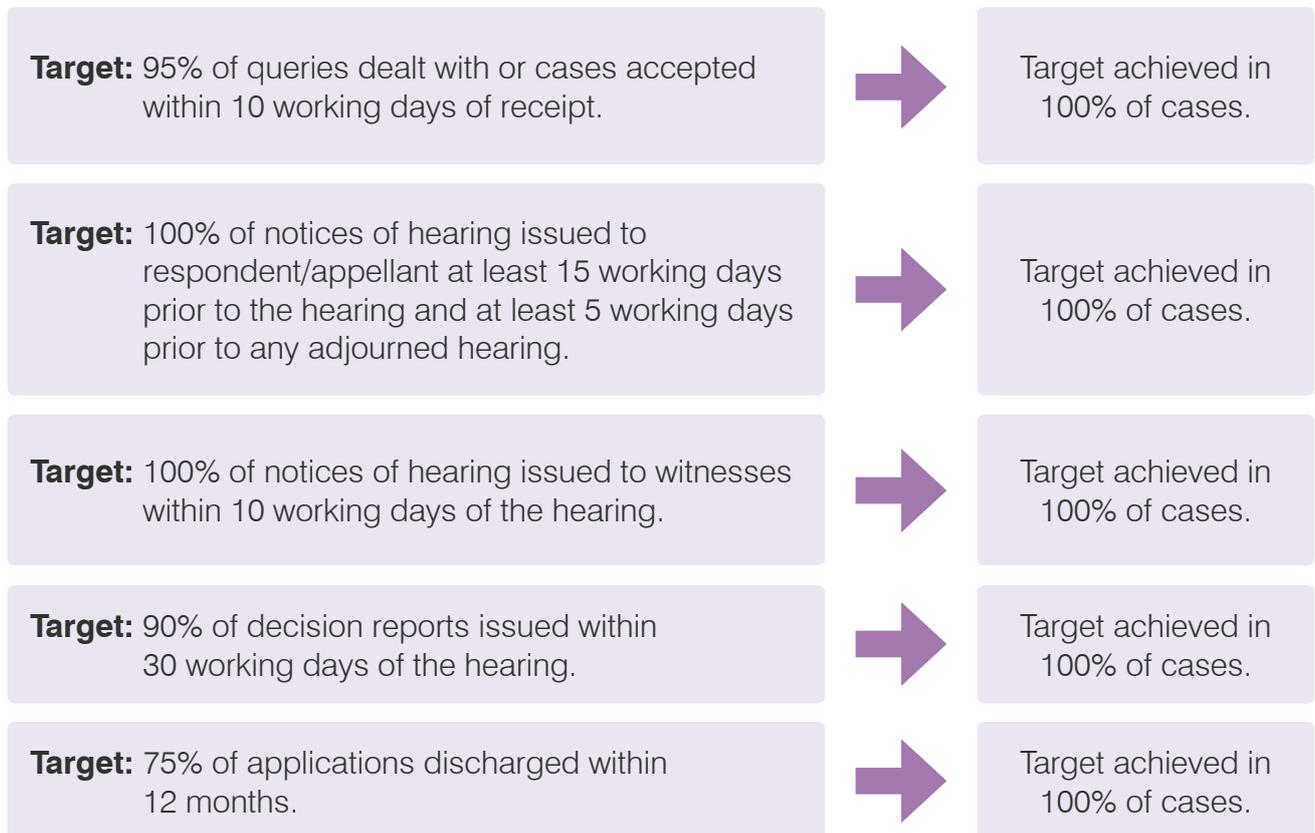
Applications for permission to appeal a decision of a Case Tribunal of Interim Case Tribunal can be made on limited grounds to the High Court. Over the period of this report, 1 application for permission was made, but later withdrawn in the following financial year.

Achievement against key performance indicators

To monitor how effectively services are delivered, we have key performance indicators aimed at measuring two key aspects of our business; the speed of our service and the quality of service through customer satisfaction.

To measure the speed of our service, we have a series of primary performance indicators based on the time taken to process an application – from receipt to the hearing or disposal (see below). To measure customer satisfaction, we use an indicator that is derived from feedback forms that are issued when a case is complete (see section 4).

Speed of our service 2014-2016



Complaints

The APW received 1 formal complaint during the reporting period from a member of the public which was resolved.

Section 3: Case summaries

In this section:

- References
- Appeals

References

During the reporting period 2 case tribunal hearings took place resulting from references from the Ombudsman. Summaries of the cases determined by the APW appear below.

APW/002/2015-016/CT

Vale of Glamorgan Council and Barry Town Council

The allegations were that the councillor had breached the Code of Conduct of the Vale of Glamorgan Council and Barry Town Council by bringing the office of councillor or the authority into disrepute by his actions.

The incident arose when the councillor acting in his personal capacity touched the leg of a female with whom he was bird-watching in a bird hide on Skomer Island. He was convicted on 27 May 2015 of common assault.

The Case Tribunal found by unanimous decision that the councillor had failed to comply with the Vale of Glamorgan Council and Barry Town Council's Code of Conduct as follows:

- You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute (paragraph 6 (1) (a)).

The Case Tribunal concluded by unanimous decision that the councillor should be suspended from acting as a member of the Vale of Glamorgan Council and Barry Town Council for a period of 3 months.

APW/002/2016-017/CT

Cardiff Council

The allegations were that the councillor had breached the Code of Conduct of Cardiff Council by saying words to a council official following a contentious court hearing. The Ombudsman's position was that the councillor had bullied the official, failed to show respect and brought the office or authority into disrepute due to his actions.

The incident arose while the councillor attended court to assist his constituent as part of his duties as a councillor.

The Case Tribunal found by unanimous decision that the councillor had failed to comply with Cardiff Council's Code of Conduct as follows:

- You must show respect and consideration for others (paragraph 4 (b)).
- You must not use bullying behaviour or harass any person (paragraph 4 (c)).

The Case Tribunal concluded by unanimous decision that the councillor should be suspended from acting as a member of Cardiff Council for a period of 1 month.

Appeals

During the reporting period 2 appeal tribunal hearings took place resulting from appeals by members of decisions by Local Authority Standards Committees. Summaries of the cases determined by the APW appear below.

APW/001/2016-017/AT

Manorbier Community Council

An appeal was received against the determination of the standards committee that the councillor had breached the Manorbier Community Council's Code of Conduct and should be suspended from office for 2 months and was required to undergo training.

The standards committee had found that the councillor had breached the following paragraphs of the Code of Conduct by failing to declare a prejudicial interest in a planning application on which she spoke and voted during a community council meeting on 5 January 2015:

- 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, withdraw from the room, chamber or place where a meeting is considering the business is being held (paragraph 14(1)(a)).
- 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, you must not seek to influence a decision about that business (paragraph 14(1)(c)).
- 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, you must not make any oral representations in respect of that business (paragraph 14(1)(e)).

The councillor applied for permission to appeal to the President. The appeal was permitted to proceed on the basis that the standards committee was incorrect in holding that she had a prejudicial interest in the planning application and the sanction imposed was too severe.

The Appeal Tribunal found by unanimous decision that the councillor did have a prejudicial interest and had breached the Code of Conduct. It referred the matter back to the standards committee with a recommendation that the councillor should be suspended from office for 3 months.

An appeal was received against the determination of the standards committee that the councillor had breached Powys Council's Code of Conduct and should be suspended from office for 5 months.

The standards committee had found that the councillor had breached the following paragraphs of the Code of Conduct by sending a letter to a former employee incorrectly and unfairly portraying the proceedings of a grievance appeal hearing:

- You must show respect and consideration for others (paragraph 4 (b)).
- You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute (paragraph 6 (1) (a)).

The councillor applied for permission to appeal to the President. The appeal was permitted to proceed on the basis that the standards committee was incorrect to find the councillor had breached the Code of Conduct and the sanction imposed was too severe.

The Appeal Tribunal found by unanimous decision that the councillor had incorrectly and unfairly portrayed the proceedings of a grievance appeal hearing and had breached the Code of Conduct. It referred the matter back to the standards committee with a recommendation that the councillor should be suspended from office for 3 months.

Section 4 – Our Customers

In this section:

- Customer satisfaction survey

Customer satisfaction survey

The APW strives to improve customer service delivery and its aim is to put our customers at the heart of everything we do.

During 2016-2017 the APW distributed a customer satisfaction survey on case completion. The feedback from the survey enables us to gain a better understanding of our customers' needs and gives a valuable insight into what the APW is doing well, as well as highlighting those areas where the APW needs to improve.

We received 2 completed forms during 2016-2017. Of those:

- 100% of completed responses said the APW was prompt to respond
- 100% of completed responses said the APW was polite and helpful
- 100% of completed responses said they were satisfied with the information they received
- 100% of completed responses said they were able to understand the process
- 100% of completed responses said they found the information in the guidance forms useful
- 100% of completed responses said we processed the case efficiently.

Section 5 – Business Priorities

In this section:

- Business priorities for 2017-2018

It is important that the APW continues to develop in order to deliver the best possible service for our customers. This section is about how the APW will build on its achievements through focusing on business priorities and our commitment to our customers.

Business Priorities 2017-2018

- To address the requirement for new legal members to the APW with a view to increasing the diversity of its membership.
- To appoint a Deputy President to the APW.
- Plan and deliver an all-members training event.
- Implement a new appraisal system for all members.
- Continue to monitor and update the APW website to include non-written forms of communication.
- Deliver an effective and efficient service, meeting key performance indicators and responding to feedback on customer satisfaction surveys.

Section 6 – Expenditure

In this section:

- Expenditure for 2016-2017

Expenditure for 2016-2017

Content	Amount
Members Fees and Expenses for tribunal proceedings*	£32,000
Tribunal events (hearing costs)	£6,000
Total	£38,000

* rounded to the nearest £1,000

This page is intentionally left blank