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AGENDA

Pwyllgor PWYLLGOR SAFONAU A MOESEG

Dyddiad ac amser y cyfarfod DYDD MERCHER, 5 RHAGFYR 2018, 5.00 PM

Lleoliad YSTAFELL BWYLLGOR 4 - NEUADD Y SIR

Aelodaeth Aelodau Annibynnol: Richard Tebboth (Cadeirydd)
James Downe, Hollie Edwards-Davies, Hugh Thomas Hollie a
Edwards-Davies
Cynghorwyr: Cunnah, Sandrey a Williams
Cynghorydd Cymunedol: Stuart Thomas

1 Ymddiheuriadau am Absenoldeb

Derbyn ymddiheuriadau am absenoldebau.

2 Aelodaeth y Pwyllgor

I gadarnhau bod y Cyngor ar 21 Mehefin 2018 wedi ailbenodi Hollie Edwards Davies fel Aelod Annibynnol am dymor arall.

3 Datgan Buddiannau

I'w wneud ar ddechrau'r eitem agenda dan sylw, yn unol â'r Cod Ymddygiad Aelodau.

4 Agenda Pwyllgor Safonau a Moeseg 13 Mehefin 2018 *(Tudalennau 3 - 4)*

Cymeradwyo eitemau a gynhwyswyd ar agenda'r cyfarfod a drefnwyd ar 13 Mehefin 2018 a oedd heb gworwm.

4a Cylch Gorchwyl *(Tudalennau 5 - 6)*

Yng Nghyfarfod Blynyddol y Cyngor ar 24 Mai 2018 cytunwyd ar y cylch gorchwyl atodedig.

4b Cofnodion *(Tudalennau 7 - 12)*

Cymeradwyo cofnodion y cyfarfod ar 28 Mawrth 2018 fel cofnod cywir.

- 4c Arolwg Blynyddol Aelodau 2017 (*Tudalennau 13 - 62*)
- 4d Cwynion Cod Ymddygiad Aelodau – Chwarter 4 (*Tudalennau 63 - 66*)
- 4e R (Harvey) v Cyngor Tref Ledbury (2018) – Diweddariad Cyfraith Achosion (*Tudalennau 67 - 70*)
- 5 **Panel Dyfarnu ar gyfer Cymru – Canllaw Sancsiynau** (*Tudalennau 71 - 94*)
- 6 **Ombwdsmon Gwasanaethau Cyhoeddus Cymru - Llythyr Blynyddol 2017/18 ar gyfer Cyngor Caerdydd** (*Tudalennau 95 - 110*)
- 7 **Cwynion Cod Ymddygiad Aelodau – Chwarter 1 a 2 o 2018/19** (*Tudalennau 111 - 114*)
- 8 **Cofrestru rhoddion a lletygarwch a dderbyniwyd gan aelodau etholedig** (*Tudalennau 115 - 128*)
- 9 **Canllawiau ar y cyfryngau cymdeithasol ar gyfer aelodau etholedig** (*Tudalennau 129 - 184*)
- 10 **Adborth o arsylwi cyfarfodydd y Cyngor**
- 11 **Rhaglen Waith 2018/19** (*Tudalennau 185 - 188*)
- 12 **Amllder a Rhaglennu Cyfarfodydd y Dyfodol**
- Y cyfarfod nesaf a drefnwyd ar gyfer y Pwyllgor yw 6 Mawrth 2019 am 5.00pm.
- 13 **Eitemau Brys (os oes rhai)**
- 14 **Dyddiad y cyfarfod nesaf - 6 Mawrth 2019 am 5.00 pm**

Davina Fiore

Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol

Dyddiad: Dydd Iau, 29 Tachwedd 2018

Cyswllt: Kate Rees, 02920 872427, KRees@caerdydd.gov.uk



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AGENDA

THIS MEETING WAS NOT QUORATE

Committee	STANDARDS & ETHICS COMMITTEE
Date and Time of Meeting	WEDNESDAY, 13 JUNE 2018, 5.00 PM
Venue	COMMITTEE ROOM 2 - COUNTY HALL, ATLANTIC WHARF, CARDIFF
Membership	Councillor Richard Tebboth (Chair) Independent Members James Downe (Vice Chair); Lizz Rowe and Hugh Thomas (1 vacancy) Councillors Cunnah, Sandrey and Williams Community Councillor Stuart Thomas

1 **Membership and Terms of Reference** Membership

The Annual Council on 24 May 2018 re-appointed the following Councillors to this Committee: -

Councillors Stephen Cunnah, Emma Sandrey and Joel Williams

Terms of Reference

The Annual Council on 24 May 2018 agreed the terms of reference as attached.

2 **Apologies for Absence**

To receive apologies for absence.

3 **Declarations of Interest**

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

4 **Minutes**

To approve as a correct record the minutes of the 28 March 2018.

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Item	Report	Actions
5	Independent Member Vacancy	Council 22 June 2018 on the recommendation of the Chair of the Committee reappointed Hollie Edwards-Davies as an Independent Member for a second term of office.
6	2017 Member Annual Survey	Report to be considered at Committee 5 December
7	Member Code of Conduct Complaints - Quarter 4	Report to be considered at Committee 5 December.
8	R (Harvey) v. Ledbury Town Council (2018) - Case Law Update	Report to be considered at Committee 5 December.
9	Standards & Ethics Annual Report 2017 - 2018	Submitted to Full Council 29 November.
10	Work Plan 2018 - 2019	Updated Plan to be considered at Committee 5 December.
11	Frequency and Programming of Future Meetings	To be considered at Committee 5 December

Davina Fiore

Director Governance & Legal Services

Date: Thursday, 7 June 2018

Contact: Gill Nurton 02980 872432 g.nurton@cardiff.gov.uk

Committee	Terms of Reference
Standards & Ethics	<p>(a) To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services, and to report to the Council on any matters of concern.</p> <p>(b) To advise the Council on the content of its Ethical Code and to update the Code as appropriate.</p> <p>(c) To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application.</p> <p>(d) To consider and determine the outcome of complaints that Councillors and co-opted members have acted in breach of the Code in accordance with procedures agreed by the Standards Committee, including the imposition of any penalties available to the Committee.</p> <p>(e) To oversee and monitor the Council's whistleblowing procedures and to consider ethical issues arising from complaints under the procedure and other complaints.</p> <p>(f) To grant or refuse requests for dispensations in respect of Members' interests under the Members Code of Conduct in accordance with the relevant statutory provisions.</p> <p>(g) To undertake those functions in relation to community councils situated in the area of the Council and members of those community councils which are required by law</p> <p>(h) To recommend to Council and the Cabinet any additional guidance on issues of probity.</p> <p>(i) To hear and determine any complaints of misconduct by Members or a report of the Monitoring Officer, whether on reference from the Ombudsman or otherwise.</p> <p>(j) To recommend the provision to the Monitoring Officer of such resources as he/she may require for the performance of his/her duties.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>

Mae'r dudalen hon yn wag yn fwriadol

STANDARDS & ETHICS COMMITTEE

28 MARCH 2018

Present: Councillor Richard Tebboth (Chairperson)
Independent Members James Downe, Thora Lewis and Hugh Thomas,
Councillors Thomas, Sandrey, Williams, James Downe and Hugh Thomas

11 : WELCOME TO NEW INDEPENDENT MEMBER

The Chair welcomed Mrs Thora Lewis as an Independent Member of the Committee appointed by Council on 25 January 2018 for a 4 year term.

Members were delighted to receive the news that Hollie-Edwards Davies had become a mother in February, and wished that their congratulations be passed to Hollie, her partner and baby daughter.

The Chair also welcomed Councillor Robson as Vice Chair of Cardiff Bus to the meeting. Sadly Councillor Stubbs the Chair of Cardiff Bus had suffered a recent double bereavement and so was unable to attend.

12 : APOLOGIES FOR ABSENCE

Apologies were received from Councillor Cunnah and Lizz Rowe (Independent Member)

13 : DECLARATIONS OF INTEREST

The following declarations of Interest were received:

Councillor	Item	Interest
Councillor Sandrey	Item 5 – Cardiff Bus Travel Passes	Personal Interest as a Non-Executive Director of Cardiff Bus
Councillor Williams	Item 6 – Functions in Respect of Community Councils	Personal Interest as a Community Councillor
Community Councillor Stuart Thomas	Item 10 – Members Code of Conduct Complaints Quarter 3 2017/18	Personal Interest in relation to a complaint.

14 : MINUTES

The minutes of the meeting 22 November 2017 were approved as a correct record subject to typographical error on Page 9.

15 : CARDIFF BUS TRAVEL PASSES

The Committee received a report detailing further information on the receipt of Cardiff Bus Travel Passes by Cardiff Councillors nominated by the Council as Non-Executive Directors of Cardiff Bus. In addition, the Committee was invited to hear from the Vice Chair of Cardiff Bus, Councillor Robson on the proposed Policy and set out in the report was the Monitoring Officer's advice to the Committee to enable it to consider and determine any recommendations required.

The Chair referred Members to the actions taken since the last meeting contained in the report, and referred in particular to the joint meeting held with the Chair, Deputy Chair and a non-Executive Director who are the Councils representatives on the Cardiff Bus Board. Following the Committee's enquiries about this matter a company policy setting out the terms of usage and ownership of a Cardiff Bus Pass as a non-Executive Director had been agreed with the Council representatives. Councillor Robson in his comments to the Committee on the policy guidance and principles for Elected Members, confirmed that the Cardiff Bus Board at its meeting on 26 March 2018 had approved the policy.

The Monitoring Officer confirmed that the policy as agreed and the recording of the receipt of this benefit in a public register complied with the Council's guidance on gifts and hospitality.

The Committee supported the need for clear policy guidance for Elected Members and the requirement for any benefit to be declared as a gift. The Committee was keen that this policy should be consistent with other travel benefits that might be received by Elected Members such as free parking or membership of the Next Bike scheme. The Monitoring Officer agreed to check this point.

It was noted that an estimated value of £500 had been placed on the pass but that the actual usage would be limited by the policy and the pass would not be used as the Members primary mode of transport. It was considered that it was appropriate to ask Members to estimate the value of the benefit received, but agreed that should they wish to record their usage and amend the value then that was a choice for the individual Member. The Council could not direct Cardiff Bus Board to require Board Members to record usage.

RESOLVED – That

1. The Committee welcomed the work undertaken to clarify the policy with Elected Members and the Cardiff Bus Board and introduction of a clear the policy;
2. The Committee accepted the MO's advice that the receipt of the passes complies with the Council's guidance on gifts and hospitality, and agreed that no further action was necessary.

16 : FUNCTIONS IN RESPECT OF COMMUNITY COUNCILS

The Committee received an update on the Committee's statutory and general functions in relation to Community Councils which principally are the same as its responsibilities and duties for the County Council.

The Monitoring Officer confirmed that the Community Councils Charter fell within the remit of the Cabinet and not this Committee. A positive meeting had taken place on 12 March 2018 between the Leader and Community Council representatives to discuss the Community Councils Charter. The Community Councillor advised that the meeting with the Leader had been a significant step forward and that in June the Clerks would be meeting with the Monitoring Officer, with quarterly meetings scheduled thereafter.

The Chair was keen to work on engagement opportunities between the Committee and the Community Councils and advised that the six-monthly Member Briefing from September 2017 had been shared with Community Councils along with the Committee's last report on the Functions in Respect of Community Council to the last Committee and the 2016/17 Standards and Ethics Committee Annual Report.

It was also important for Committee Members to have a better understanding of the work of Community Councils by attending meetings and providing feedback to the Committee using the standard proforma. Contact details and dates of future meetings of each of the Community Councils was attached to the report. It was recommended that Members advise the relevant Clerk to the Community Council if they were attending a meeting as a matter or courtesy and in case a meeting changes for any reason. Clarification was requested on whether Community Council Clerks had seen the proforma. It was also recommended that Committee Members avoid attending Annual Meetings.

RESOLVED – That

1. The clarification of the functions and responsibilities in respect of the Council for Community Councils was noted and welcomed;
2. Committee Members liaise on attendances at forthcoming meetings of the Community Councils.
3. The Committee Observation Feedback form be circulated to all Community Clerks for their information.

17 : SOCIAL MEDIA GUIDANCE FOR MEMBERS

The Committee at its meeting in November agreed to review the Social Media Guidance for Members to check that it remained up to date and fit for purpose.

It was noted that the WLGA was preparing updated guidance to its 2013 Guidance and had also produced a draft guidance note for Councillors on 'Handling on-line Abuse' which had been circulated for information.

The Committee discussed the Committee's previous recommendation for Councillors to have two accounts to make clear when they are acting in a personal capacity or in the role of Councillor. Some concerns were raised that the distinction was not always clear and that the use of two separate accounts did not help Councillors to remember that they are bound by certain Code of Conduct rules at all times (even when acting

in a personal Capacity). Also that some Councillors felt it was important to 'be human' to connect with the public personally.

RESOLVED – That

1. The recommendation in the guidance regarding the use of separate personal accounts should be changed to an option.
2. Any further comments on the Social Media Guidance for Members be provided By Committee Members to the Legal Officer by 16 April 2018.
3. delegated authority be granted to the MO in consultation with the Chair to finalise the guidance, having regard to comments from Committee Members, and issue it to all Members.

18 : WHISTLEBLOWING REPORTS 2017

The Committee, in accordance with its terms of reference, has responsibility to oversee and monitor the Council's Whistleblowing Policy and procedures and to consider ethical issues arising.

The Committee was advised of three whistleblowing reports notified to the Monitoring Officer in accordance with the policy during 2017. The Committee considered any matters relating to the process and governance or ethical issues arising from these reports. It was noted that one of the cases was ongoing.

The Committee noted the work with Senior Management teams on raising awareness of the procedure and the information available to employees.

The Committee also noted that a review of the Whistleblowing Policy was being scheduled and would be programmed into the Work Plan for 2018/19.

RESOLVED – That

1. The content of the report was noted;
2. It was noted that the Review of the Whistleblowing Policy would be programmed for a future meeting of the Committee in the 2018/19 Work Plan.

19 : MEMBER BRIEFING

The Committee considered the topics and proposed content of the forthcoming Member Brief which would be issued to all Council Members and Community Councils.

The Independent Member who also sits as the Vice Chair of Audit Committee, provided feedback from discussions at the last Audit Committee on the Annual Governance Statement and what the Council does to support and enforce with Councillors the principles set out in the Cardiff Undertaking. The Monitoring Officer confirmed that each Member is required to reaffirm their commitment to the Cardiff

Undertaking at the Annual Council Meeting and this includes all Councillors signing the Cardiff Undertaking.

It was suggested that the introduction to the new Members of the Committee be one of the first items on the Member Brief.

RESOLVED – That

1. The proposed topics and content of the Member Briefing were approved and comments of the Committee were noted;
2. The Monitoring Officer be given delegated authority in consultation with the Chair to finalise the brief for circulation to all Councillors and the six Community Councils.

20 : MEMBERS CODE OF CONDUCT COMPLAINTS - QUARTER 3 OF 2017/18

The Committee received an update on complaints made during Quarter 3 from 1st October 2017 to 31st December 2017 against Members of Cardiff Council or any of Cardiff's Community Councils, alleging a breach of the Members' Code of Conduct. The Committee noted that there was one complaint made in the period.

It was noted that since the Local Election in May 2017 complaints about Members' conduct had significantly reduced with minor incidents being dealt with at the time to avoid any escalation and to ensure appropriate behaviours are maintained. This had been with the support of Leaders, Whips and the three new Councillors on this Committee who champion ethical standards; and the roll-out of a successful Member Induction Programme.

RESOLVED – That the contents of the report be noted.

21 : WORK PLAN

The Committee received the revised Work Plan for 2018 and Members were invited to make comments and suggestions on the Work Plan.

The Committee was advised that the Standards Annual Wales Conference was scheduled for 14 September in Aberystwyth. Local Authorities would be invited to send two representatives.

It was noted that the Leaders and Whips had been invited to meet with the Committee for 30 minutes prior to the start of the next Committee.

RESOLVED – That the Work Plan 2018 was noted.

22 : DATE OF NEXT MEETING.

The next programmed meeting was Wednesday 13 June 2018 at 5.00pm

The meeting terminated at 6.20 pm

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REPORT OF THE DIRECTOR GOVERNANCE & LEGAL SERVICES

2017 MEMBERS ANNUAL SURVEY

Reason for this Report

1. To provide the Standards and Ethics Committee with the analysis of information gathered from the 2017 Members Annual Survey that fall within the remit of the Committee.
2. For the Committee to consider any trends or matters that should be further considered by the Committee.

Background

2. In 2016, the Chairs of the Standards and Ethics Committee and the Democratic Services Committee agreed that a Member Exit Survey be undertaken to enable lessons to be learned about the experiences of Councillors during their five year term of office, and reasons for leaving or not standing for re-election.
3. All Elected Members (81) who had held the Office of Councillor during the period 2012 to 2017 were invited to participate in the Exit Survey in early 2017.
4. The Standards & Ethics Committee 22 March 2017 (Min No: 30) considered the responses from the Exit Survey 2017 and one of the recommendations was that a repeat survey of the Elected Members from May 2017 be undertaken at the end of the 2017. This would allow the Committee to review and analyse responses and any trends.
5. The draft 2017 Member Annual Survey 2017 was considered and approved by the Democratic Services Committee 10 October 2017 (Min No: 43) and included questions from the June 2016 Annual Member Satisfaction Survey and the Member Exit Survey March 2017 for comparator analysis.

Issues

6. All 75 Councillors were invited to complete the survey either electronically or in hard copy from 30 November 2017 to 2 January 2018. 47 out of 75 Councillors (63%) answered all or part of the survey. 21 Councillors of the 47 who responded were newly elected in May 2017.

7. The Exit Survey, March 2017 provided Members feedback on the previous five years in office, in particular views of Members who had indicated that they were not standing for re-election or had resigned from the Office of Councillor during the term.
8. The 2017 Annual Survey provided Members feedback mainly on the Members Induction and to establish training and development needs, as well as identify some of the challenges Members may have encountered during the first six months of their term of office.
9. The 2017 Annual Survey had again encouraged Members to give feedback and have an opportunity to raise issues around their views on behaviours within the Council setting and the support provided when incidents may occur.
10. A detailed analysis of 2017 Annual Survey questions 19 – 26 *Knowledge and/or experience of unacceptable behaviour* are set out in **Appendix A**.
11. **Appendix A** (*Charts 10 – 18*) provides detailed analysis of Elected Members experiences by gender and age profile. The Committee will note that more female respondents in both Exit and Annual Survey experienced bullying, discriminatory or some form of unacceptable behaviour than their male colleagues.
12. The results in Chart 9 show that the number of Members elected in May 2017 who have experienced bullying is 7, experienced discrimination is 5 and experienced other unacceptable behaviours 7. During the previous administration (as shown in the Exit Survey 2017), the number of Members indicated that they had experienced bullying was 14 and / or discrimination was 12.
13. When asked whether Members (both male and female) reported incidents they have witnessed or experienced (Chart 18), the majority of respondents indicated that they did not report these, and reasons for not reporting included: -
 - Political environment reinforces the prevalence of bullying.
 - Part of the culture.
 - Covert nature of behaviour difficult to report.
 - Did not result in any change.
 - Incidents happened in presence of Monitoring Officer and other Members who were in the position to act on such displays of poor behaviour.
14. The results from the 2017 Annual Survey showed that 2 respondents who *had experienced an incident* had reported this to the Group Whip. Other respondents in this category reported their experience to the Monitoring officer (1 respondent) and/or to an undisclosed person (1 respondent).
15. The 4 respondents who *had experienced an incident* had differing levels of satisfaction with the responses. The one reported to Monitoring Officer was satisfied and of the two who reported to the Group Whip, one was not satisfied and the other did not provide a response.

16. Two respondents in this current term who had *witnessed an incident* cited that they had reported this to the Monitoring Officer. Of these two respondents, one stated that they were satisfied with how this was dealt with, however the other respondent did not provide a response.
17. As only a very small proportion of respondents (4 out of 15) in the new term chose to report incidents, the Committee may wish to explore the reasons or constraints as to why most (11 out of 15) chose not to report these to their Group Leader or Whip, or the Monitoring Officer and whether there is a need to clarify existing processes or whether there are any other concerns around reporting.
18. Set out in **Appendix B** are the key themes arising from the responses and comments and potential action/s that the Monitoring Officer suggests or can assist with, along with comments received from Party Group Whips on what can be put in place to address issues raised from the 2017 Annual Survey.

Legal Implications

19. There are no direct legal implications arising from the content of this report.

Financial Implications

20. There are no direct financial implications arising from this report.

Recommendations

The Committee is recommended

- (1) to consider the analysis of the responses received from the 2017 Member Annual Survey that fall within the remit of this Committee;
- (2) to consider potential actions to support responses received; and
- (3) to consider whether any areas require further consideration by the Committee as part of its 2018/19 Work Programme.

DAVINA FIORE

Director of Governance & Legal Services

6 June 2018 v1.0

Appendix A – Member Survey Autumn 2017 Results

Appendix B – Action Sheet 2018

Background papers

Member Survey Autumn 2017

Minutes of Standards & Ethics Committee 22 March 2017

Mae'r dudalen hon yn wag yn fwriadol

ADDENDUM ITEM 4c 2017 MEMBER ANNUAL SURVEY

NOTE FROM ANNUAL MEETING WITH POLITICAL GROUP LEADERS AND WHIPS

The Committee invites Group Leaders and Whips to meet with it informally, on an annual basis, to discuss issues relating to Members' conduct and ethics. A meeting was held on 13th June 2018, and issues and observations discussed included:

- The observed improvement in Members' conduct and the quality of debate at Council meetings was welcomed.
- The reduction in the number of formal complaints was very encouraging.
- The results of the Members Survey 2017 in relation to Member conduct issues indicated some positive trends, but also identified some level of bullying and behavioural issues.
- Many of the reported incidents appeared to relate to culture and atmosphere rather than overt discrimination, but the survey provided an opportunity to get to grips with these issues and consider how to raise awareness and address issues constructively.
- A range of different avenues were needed to address issues.
- Bullying, behavioural and discrimination matters needed to be dealt with appropriately and effectively.
- Many incidents were unintentional and resolved with an apology; and some responses appeared to relate to historical issues, and may not accurately reflect current issues.
- Some incidents appeared to relate to political group meetings, so groups should consider what support arrangements etc. they have in place for Members.
- It was suggested that the All Party Council Women's Group may wish to consider the outcomes of the Member Survey and provide feedback.
- Arrangements for separate group refreshments during Council meetings had been raised as an issue, with a suggestion that communal refreshments would facilitate better cross party working relationships. This issue had been discussed at Group Whips meetings; and it was agreed this was a matter for Group Whips to agree.
- The Committee was thanked for its time and commitment; and it was agreed that Committee Members' attendance at Council and Committee meetings was welcomed.

Mae'r dudalen hon yn wag yn fwriadol

2017 MEMBERS' ANNUAL SURVEY 2017

OUTCOMES REPORT



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1. Background and introduction

In 2016, the Committee Chairs of the Standards and Ethics Committee and the Democratic Services Committee commissioned a Members' Exit Survey to seek the views of all Elected Members who had held the Office of Councillor on their experiences during their term in office (which for most members was five years up to May 2017). As part of this survey, Members were asked about their experiences of bullying, discrimination, and any other unacceptable behaviours.

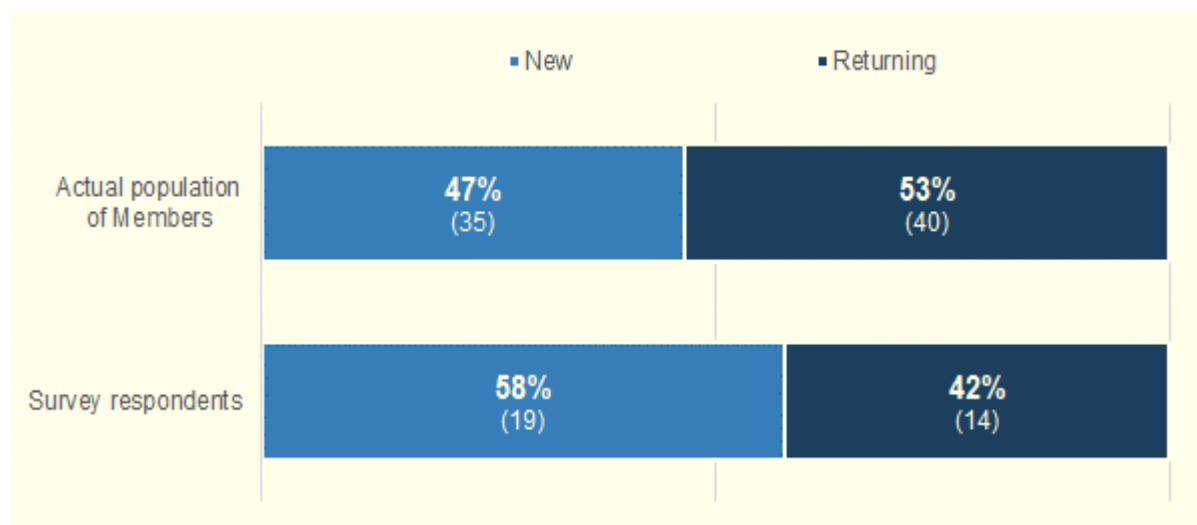
Following the Local Elections in May 2017, an Annual Survey of Members was undertaken in November 2017 to establish their training and development needs, as well as identify some of the challenges that they have encountered during the first six months of their term in office. In this survey, Members were also asked about their experience of bullying, discriminatory and unacceptable behaviours. To allow for comparability of responses, the 2017 Annual Survey on this subject area made use of the same questions that were used during the Exit Survey. In addition to the questions on "*Member's experience*" that used in the Exit Survey, a question on whether "*Members have witnessed*" an incident of bullying, discrimination and other unacceptable behaviours was also included in the Annual Survey.

To inform their work programme for 2018-2019, the Standards and Ethics Committee commissioned a short briefing paper that would provide a comparative analysis of the previous and recent Members' experiences of bullying, discriminatory behaviour, and other unacceptable behaviours during their term in office.

The data from the Members' Exit Survey in 2017 and the 2017 Members' Annual Survey will be the basis for this comparative analysis. The findings from cross-tabulation of the data using variables such as gender, age or political party have been presented where this is relevant.

2. Member Respondents' Profile

Chart 1. May 2017, Member Population by Number of “Returning” and “New” Council Members

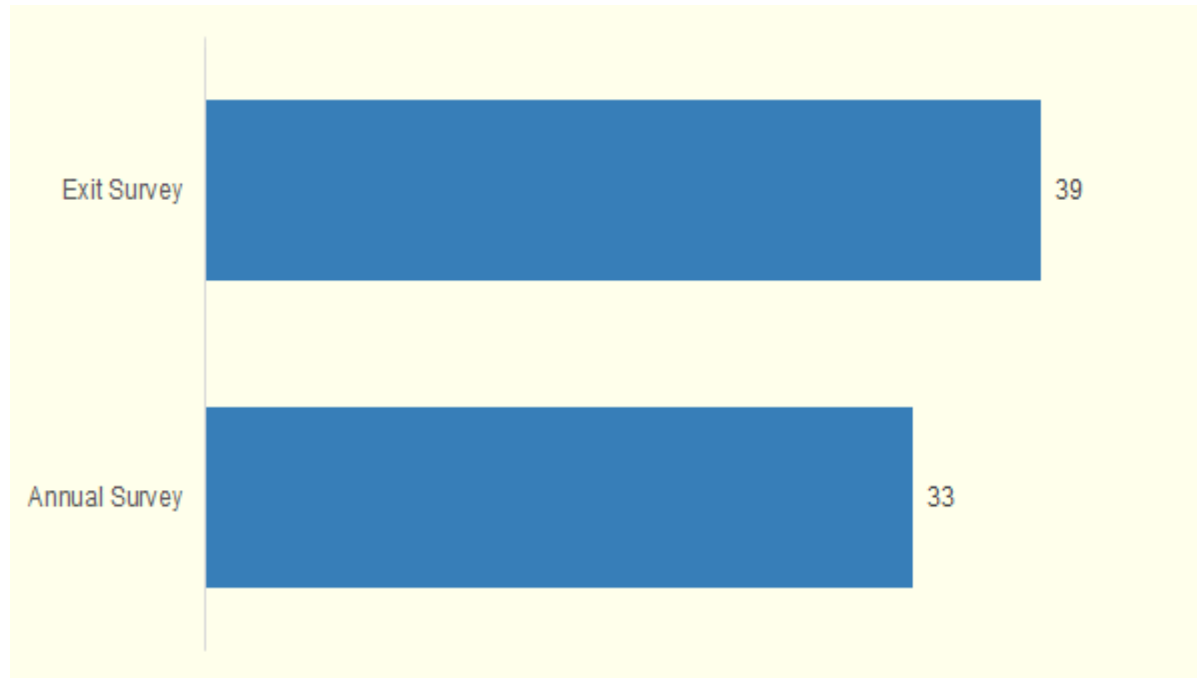


More than half of Members who were elected in the May 2017 election, (40) are “returning” (re-elected) Councillors from the previous administration and all others (35) are “newly elected” to this current term.

Of the 75, Elected Members, a total of 47 responded to the Annual Survey. Of this number, 33 Members (44%) responded to the 2017 bullying discriminatory and unacceptable behaviours questions.

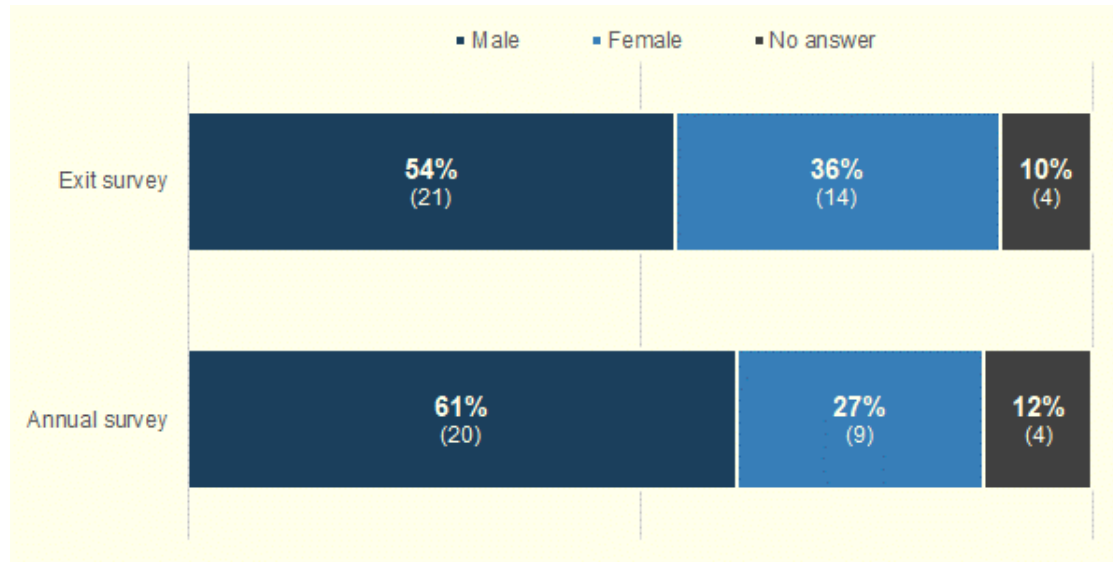
The majority (58%) of those who completed these questions are Members (19) who have been “newly elected”. The “returning” Councillors (14) who completed the survey account for 42% of total respondents.

Chart 2. Respondents to Bullying and Unacceptable Behaviour questions in 2012 – 2017 Exit Survey and 2017 Annual Survey



The results in Chart 2, above show that a smaller number of Members (33) during this administration, completed the questions on their experience of bullying, discrimination and other unacceptable behaviours in the 2017 Annual Survey, compared to the number of Members (39) who completed these questions during the Exit Survey 2017.

Chart 3. Exit Survey and 2017 Annual Survey Respondents by Gender type



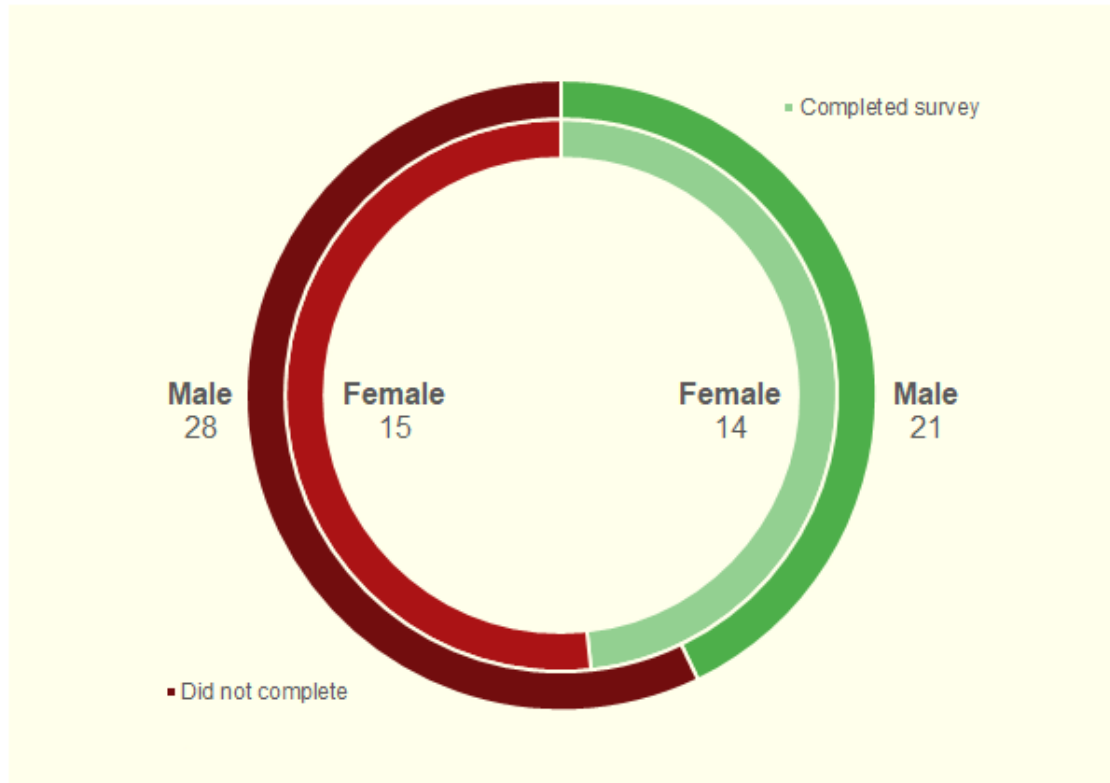
The result in Chart 3 above, show most respondents to the Exit Survey and the Annual Survey are “Male”.

Nearly two-thirds (61%) of respondents to the 2017 Annual Survey are “Male”, and just over a quarter (27%) are “Female”.

Similarly, most respondents to the Exit survey are “Male” (54%). There is a greater proportion (36%) and number of “Females” (in total 9 respondents) who completed the Exit survey compared to the 2017 Annual Survey.

In both surveys, a few respondents did not disclose their gender category.

Chart 4. Male and Female Respondents to Bullying Questions in Exit survey



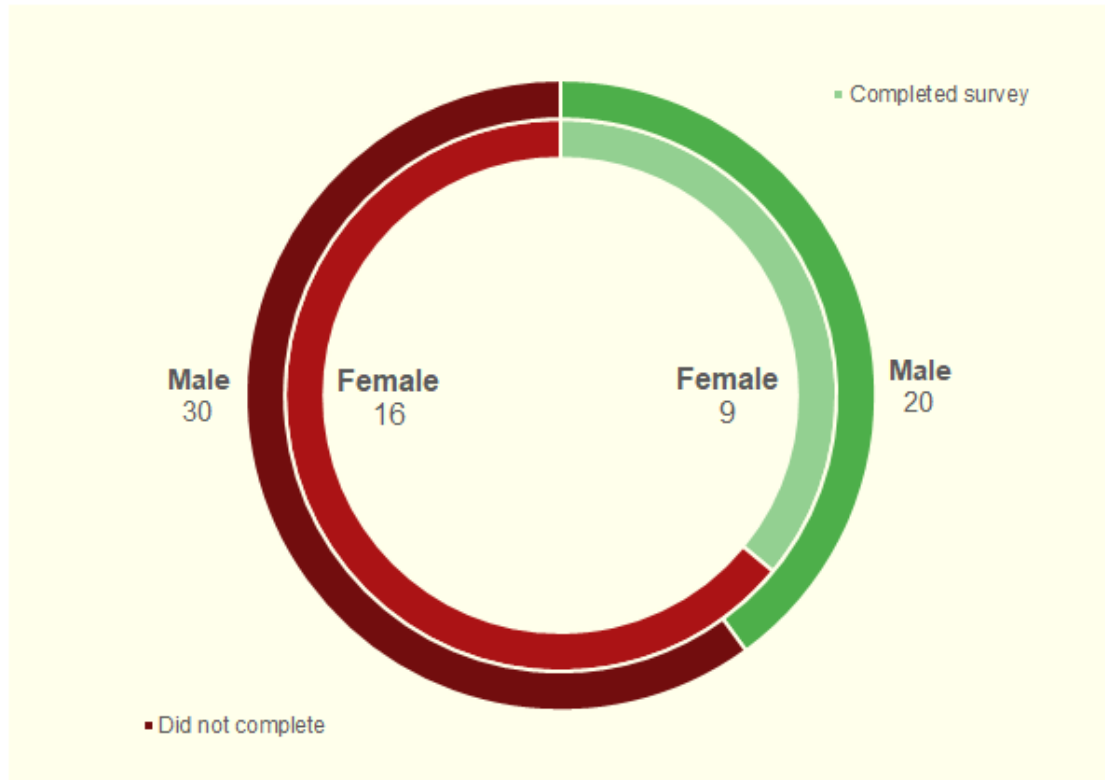
The total number of Members who were invited to complete the Exit Survey was 81. This included 6 former Elected Members who had left the Council before the end of their term.

Chart 4 above shows that less than half of all elected Members in the previous administration completed the bullying and questions survey. Most of those who responded are “Male” Members.

These “Male” respondents (21 out of 49 total “Male” Members), account for 43% of all “Male” Members in the previous term who were invited to complete the survey.

In the Exit survey, there was a greater proportion of “Female” Members (14 out of 29 total “Female” Members) who completed the survey. They account for 49% of all “Female” Members in the previous term who were invited to complete the survey.

Chart 5. Male and Female Respondents to Bullying Questions in 2017 Annual Survey



All of the 75 Members in the current administration were invited to complete the survey.

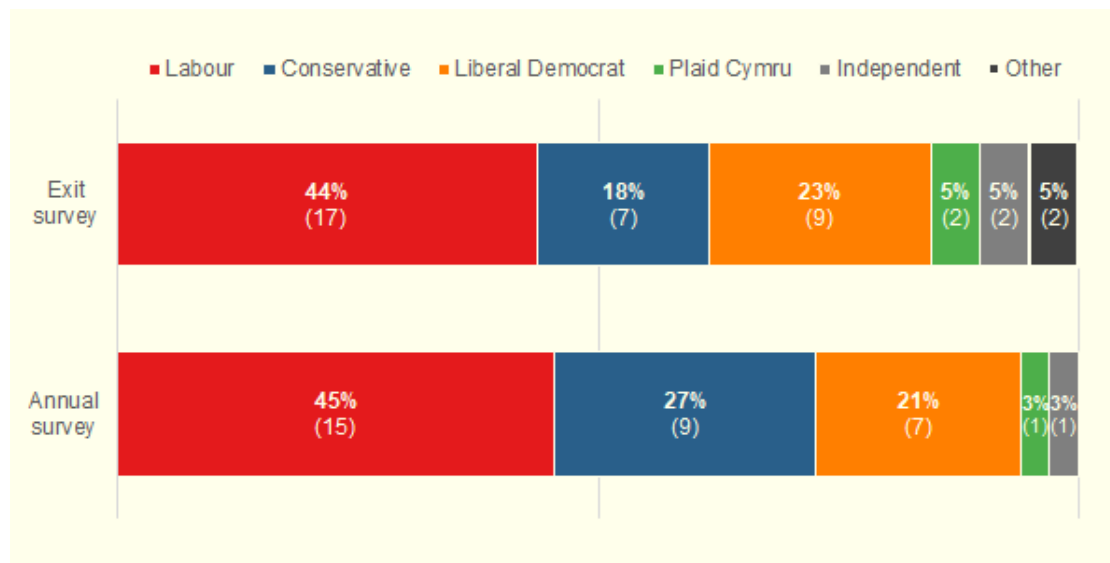
20 “Males” and 9 “Females” completed the survey, and 4 Members who did not provide details of their gender type.

Chart 5 above shows that less than half all elected Members in the current administration, completed the survey. Of those who responded, most of them are “Male” Members.

The total number of “Male” respondents who completed the survey (20 out of a total 50 “Male” Members) account for 40% of total number of Members in this current administration who are Male.

The total number of “Female” respondents who completed the survey (9 out of 25 “Female” Members) account for 36% of total Members in this current administration who are “Female”.

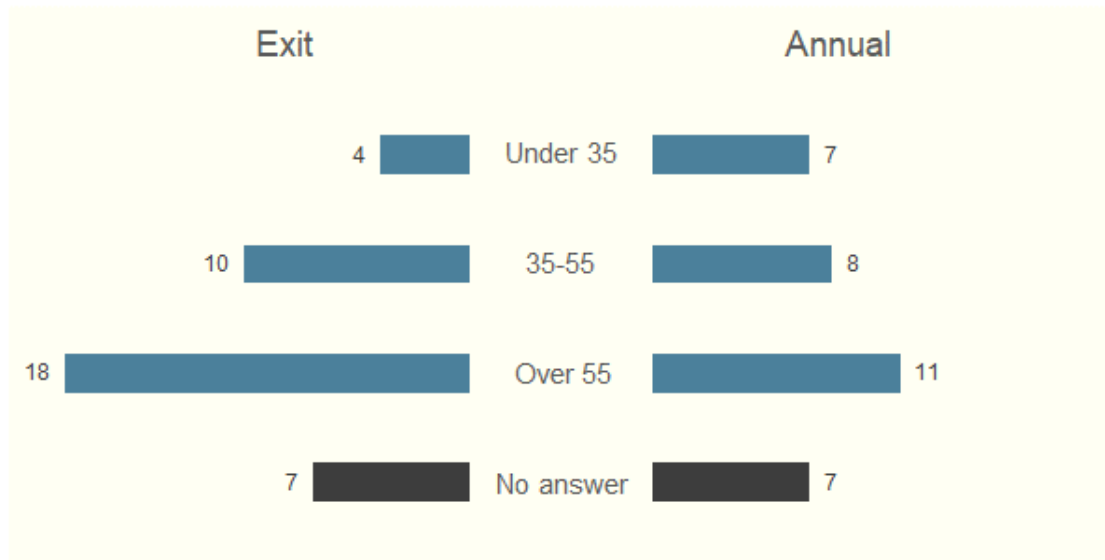
Chart 6. Distribution of respondents by political group



More respondents to bullying and other discriminatory behaviour questions in the Exit Survey (44%) and the 2017 Annual Survey (45%) are from the Labour group.

There was also more respondents from the Conservative group in the 2017 Annual survey (27%) compared to the number of Conservative group respondents (17%) in the Exit survey. This would be as a result of the increase in Conservative Councillors from 11 to 20 after May 2017.

Chart 7. Number of respondents by age group



The Chart above illustrates the age distribution of Members who responded to the Exit Survey and the 2017 Annual Survey.

Just over a third (36%) of respondents to the Exit Survey were under 55, while nearly half (46%) were over 55.

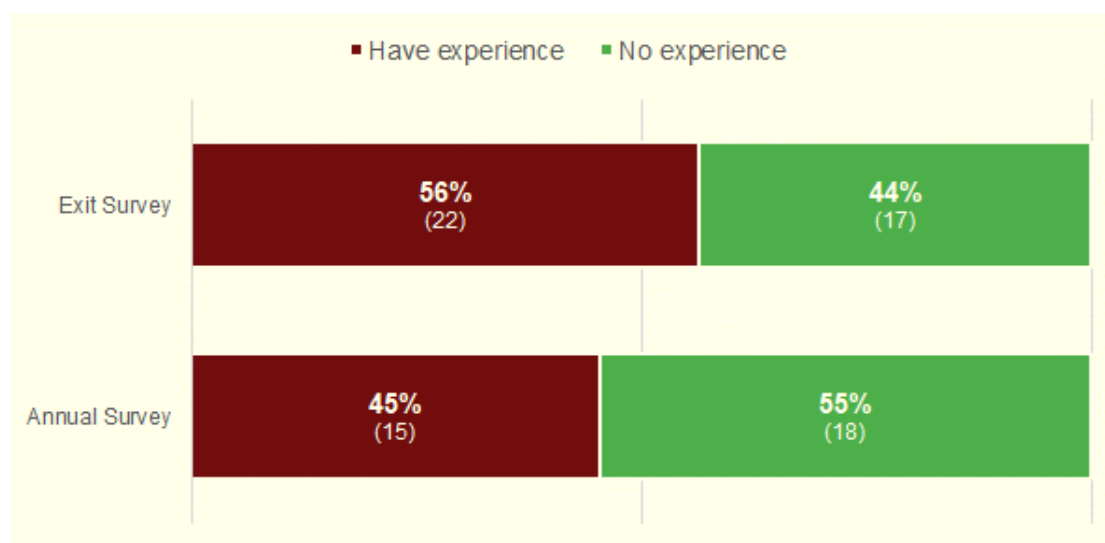
In comparison, the age distribution of respondents to the 2017 Annual survey show that most of the respondents (45%) to this section of the survey are under 55 years old. Those who are over 55 years old account for 33% of total respondents.

In both the Exit Survey (18%) and the 2017 Annual Survey (15%), several respondents have not disclosed their age.

3. Comparative analysis of Exit and 2017 Annual Survey

3.1. Respondents' experience of unacceptable behaviours

Chart 8. Respondents who had experienced bullying, discrimination, or other unacceptable behaviours

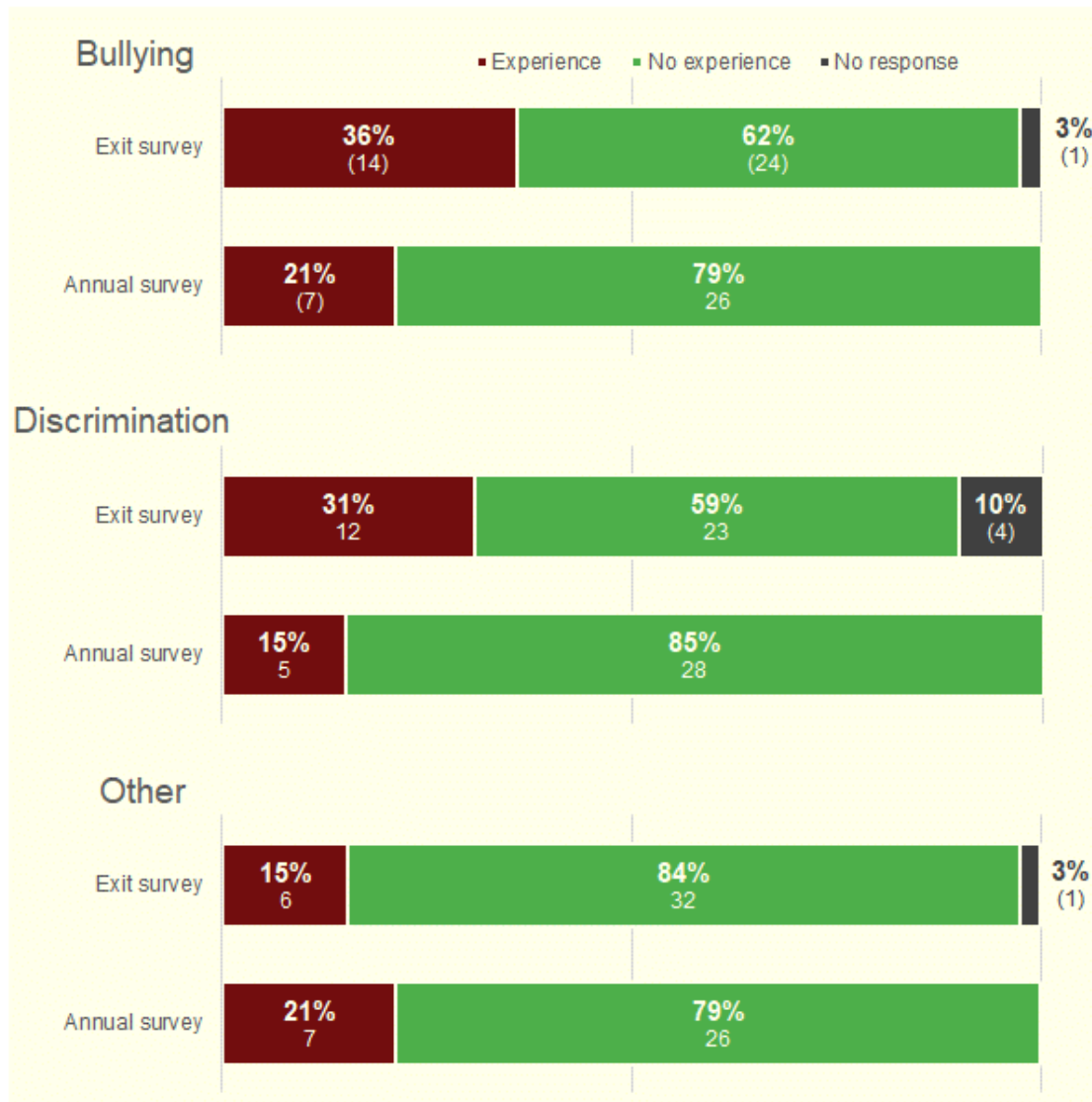


As part of the outgoing Members' Exit Survey and the 2017 Annual Survey, respondents were asked, "During your term in office have you personally experienced bullying, discriminatory behaviours or any other unacceptable behaviours?"

The results above show that a substantial proportion (in the range of 45% - 56%) of Members indicated that they have experienced either bullying, discriminatory or other unacceptable behaviours. A higher proportion of respondents (56%) in the Exit Survey confirmed that they have experienced an incident compared to respondents in the 2017 Annual Survey (45%) who indicated the same response.

Those who responded to the 2017 Annual Survey have only been in office for six months when the 2017 Annual Survey was conducted and this may account for the difference in their experiences.

Chart 9. Comparison of respondents' experiences by type of unacceptable behaviour



The results above show that only a small proportion of all Members elected during the 2017 election have experienced bullying (21%) and discrimination (15%) other unacceptable behaviours (21%).

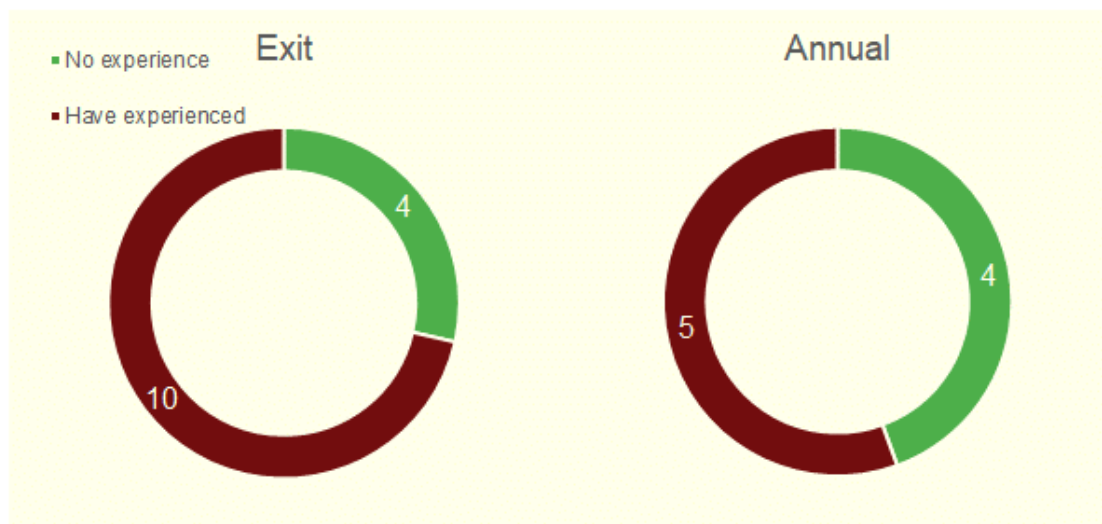
During the previous administration, (as shown by results of the Exit Survey), a comparatively higher proportion of Members indicated that they have experienced bullying (36%) and or discrimination (31%).

3.2. Experience of bullying, discrimination and other unacceptable behaviours by gender type

The following Charts illustrate the variation in respondents' experience of bullying and discriminatory behaviour by gender type.

3.2.1. Experience of Female respondents.

Chart 10. Number and distribution of female respondents who stated they have experienced bullying and other types of unacceptable behaviours

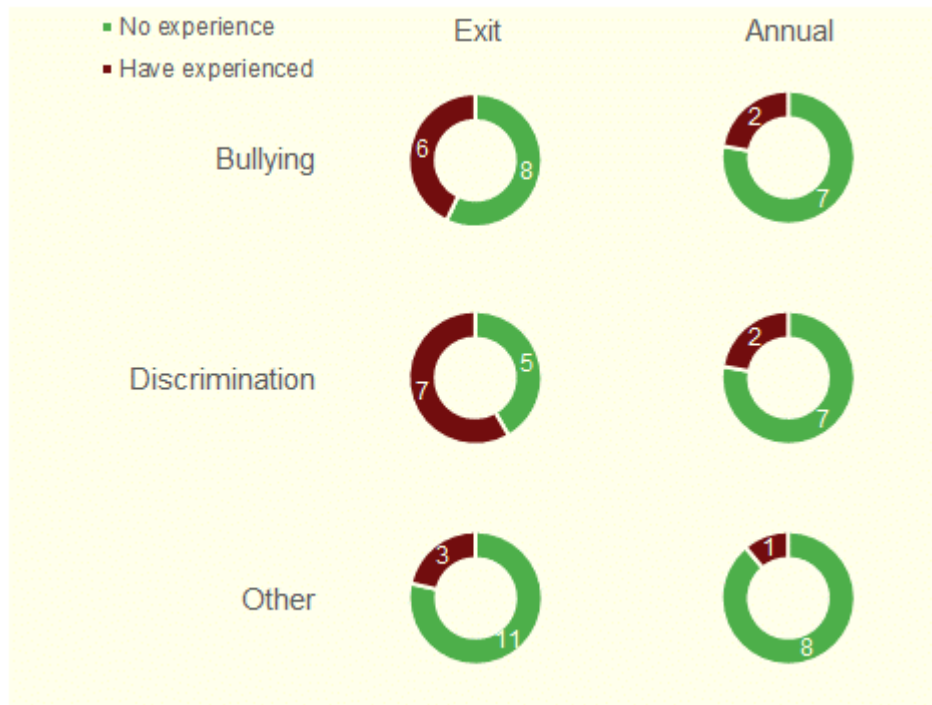


The results from the two surveys show that majority of the female respondents experienced bullying, discrimination, or other unacceptable behaviour.

In the Exit Survey, as many as 10 (71%) female respondents experienced such incidents. There is a slightly smaller proportion 5 (56%) of female respondents in the 2017 Annual Survey who had similar experiences. Although the figures are lower in the 2017 Annual Survey, the results from both surveys would suggest that most female Elected Members have experienced either bullying, discrimination or other unacceptable behaviours.

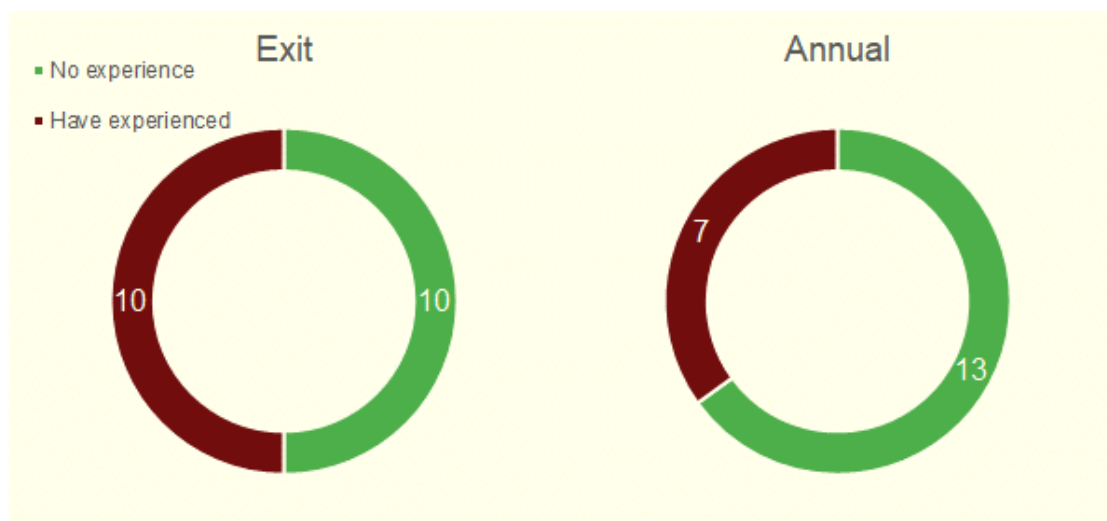
Chart 11 below illustrates in more detail the distribution of female respondents who have experienced bullying and other types of unacceptable behaviours.

Chart 11. Types of incidents experienced by female respondents



3.2.2. Experience of Male respondents.

Chart 12. Number and distribution of Male respondents who have experienced an incident



The results in Chart 12 above show that half of male respondents (50%) in the Exit Survey have experienced bullying or other unacceptable behaviours.

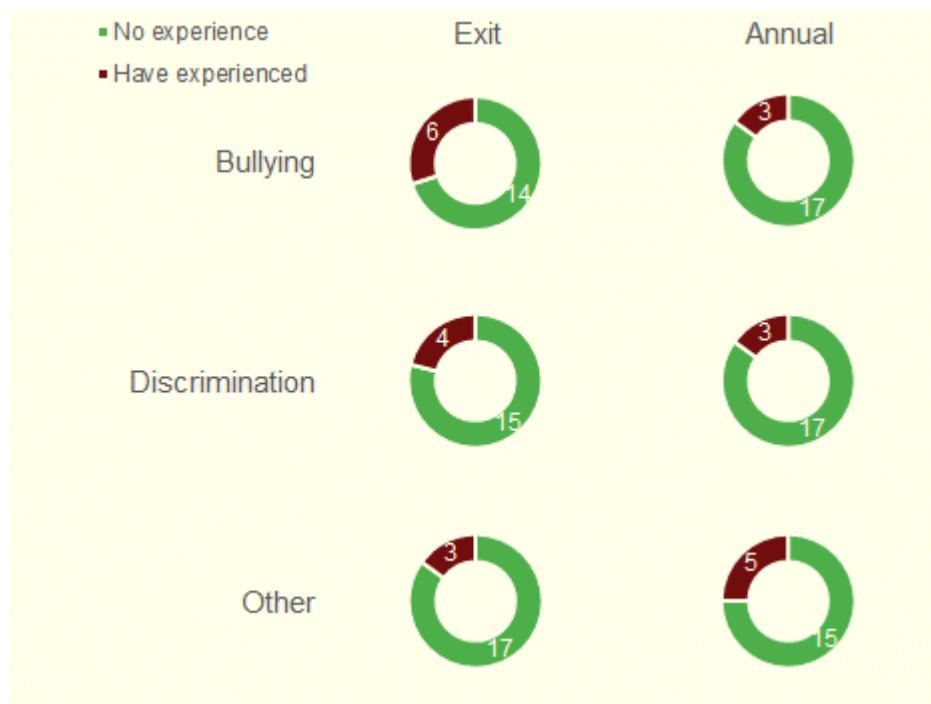
There is a smaller proportion of male respondents (35%) in the 2017 Annual Survey who have experienced similar incidents.

A comparison of the results on the experience of female respondent's vs male respondents (Chart 7 vs Chart 9) would suggest that female Members are more likely to experience bullying or any other type of unacceptable behaviours.

The Charts below illustrate in more detail the number and distribution of male respondents who have reported experiencing various types of unacceptable behaviours.

The results show in the Exit Survey that a greater number and proportion of male respondents have experienced bullying and other unacceptable behaviours compared with the male respondents in the 2017 Annual Survey

Chart 13. Types of incidents experienced by male respondents

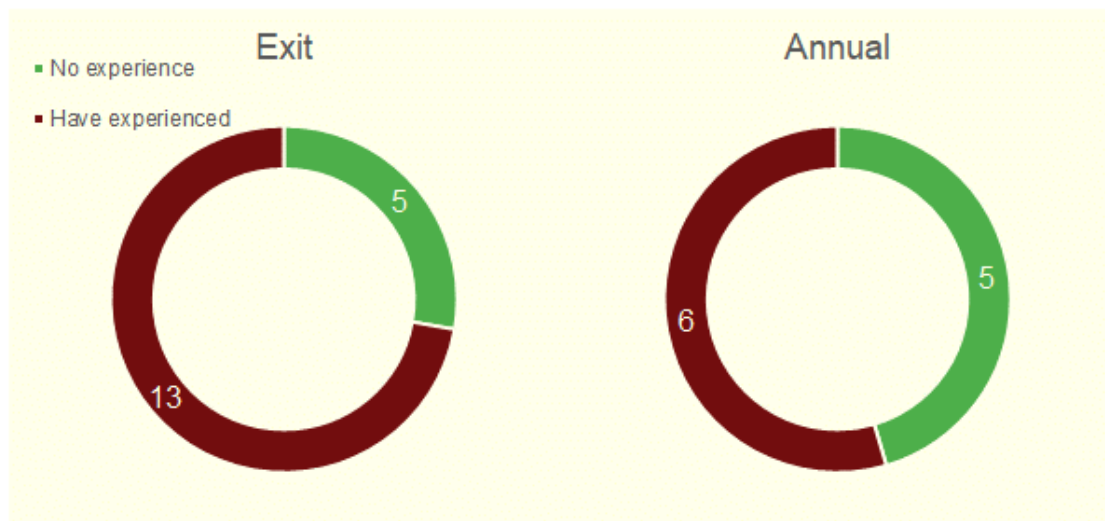


3.3. Experience of unacceptable behaviours by age group (under 55 years old vs over 55 years old)

The results in the Charts that follow will illustrate the distribution of respondents and their experience by age group.

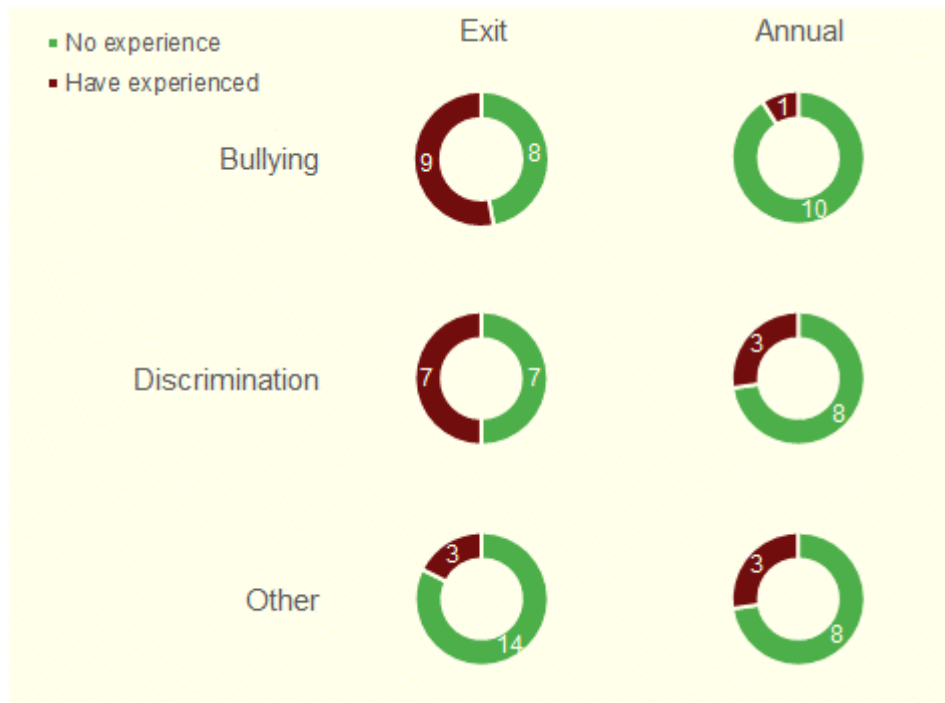
3.3.1. Experience of respondents over 55 years of age

Chart 14. Respondents over-55 years old who had experienced an incident



The Chart above shows that the majority of respondents over the age of 55 have experienced an incident of bullying, discrimination, or other unacceptable behaviour. In the Exit survey, this accounts for 72% of respondents while in the 2017 Annual survey 54%.

Chart 15. Types of incidents experienced by respondents over-55 years old



The results in the Chart above illustrates in more detail the number and proportion of male respondents who have experienced bullying and other types of unacceptable behaviours.

The results also show that during this term (as shown in the 2017 Annual survey) a smaller number and proportion of male respondents over 55 years old have so far experienced bullying or unacceptable behaviours.

3.3.2. Experience of respondents under 55 years old

Chart 16 below shows the number and proportion of respondents in Exit Survey (36%) and 2017 Annual Survey (33%) under 55 years of age who stated that they have experienced bullying and other unacceptable behaviours are not hugely dissimilar.

Chart 16. Respondents under-55 years old who reported experiencing an incident

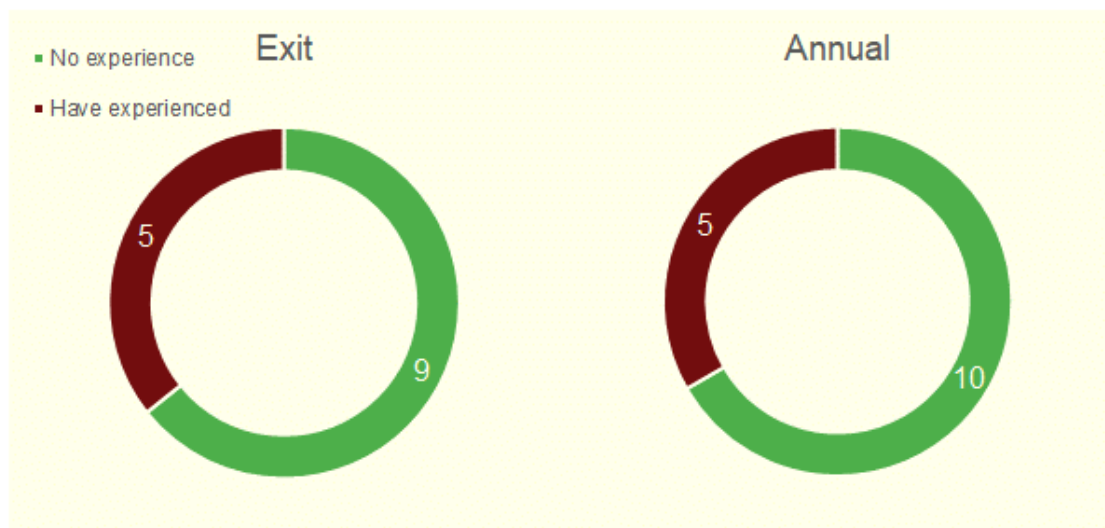
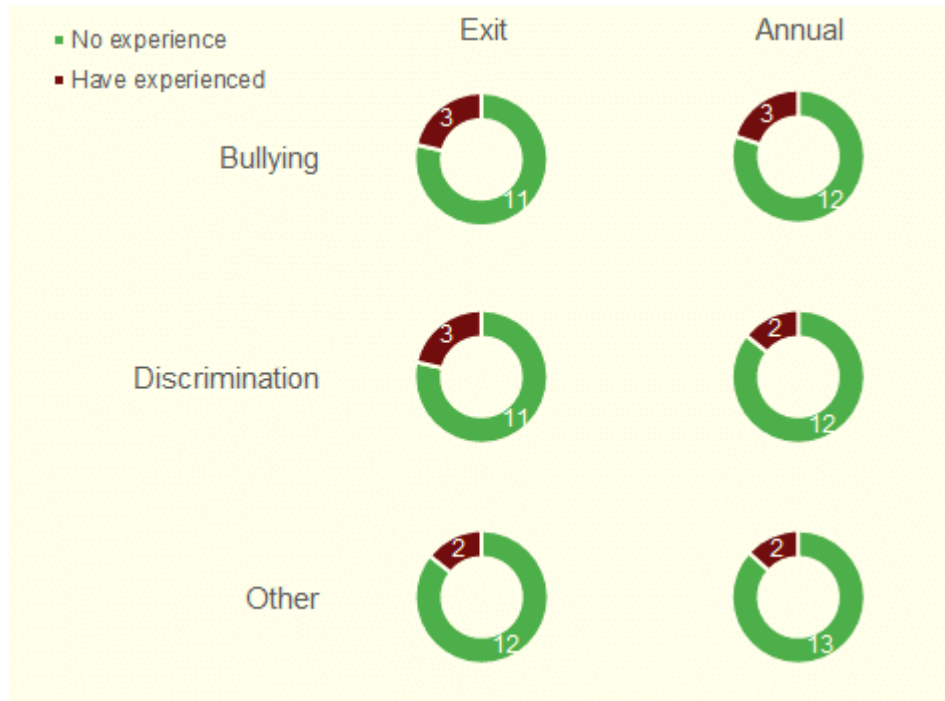


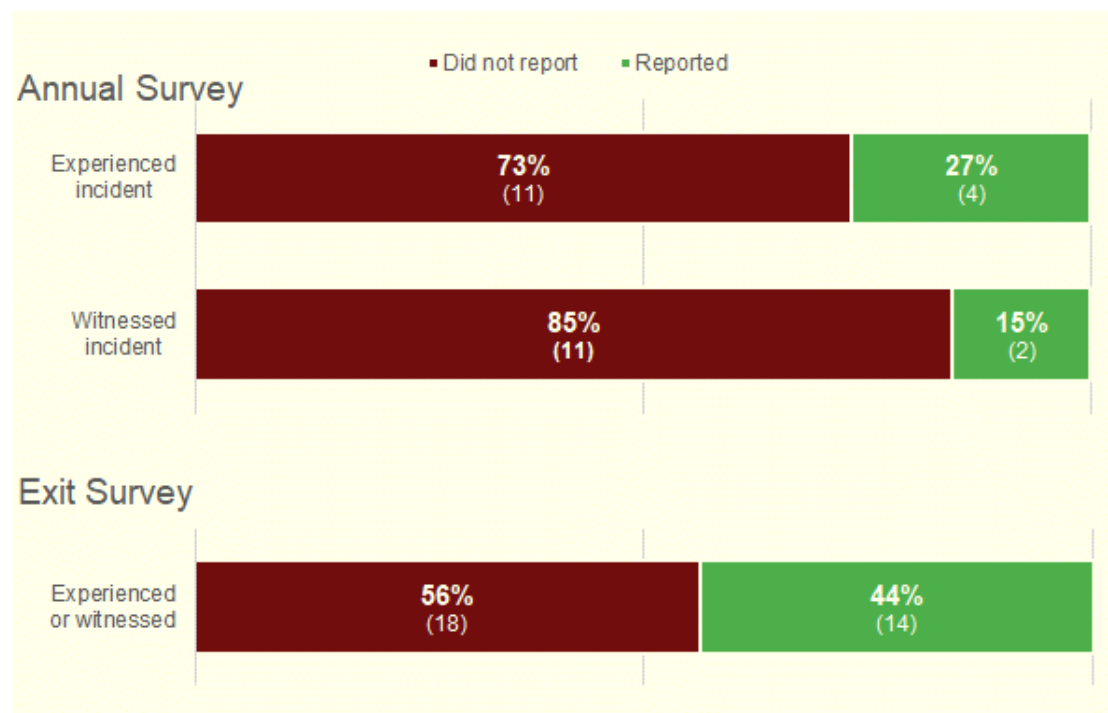
Chart 17. Types of incidents experienced by under-55s



3.4. Reporting of incident

3.4.1. Respondents reporting incidents

Chart 18. Respondents reporting bullying and other unacceptable behaviours, Exit Survey vs. 2017 Annual Survey



When asked whether they reported incidents that they have witnessed or experienced, the results Chart 18 above show that the majority of respondents in both the Exit Survey (56%) and the 2017 Annual Survey (in the range of 73% - 85%) did not report this.

Compared with the Exit Survey, there is a greater proportion of respondents to the 2017 Annual survey did not report the incidents that they have either experienced (73% of respondents) or witnessed (85% of respondents).

3.4.2. Reason for not reporting incidents experienced and witnessed

Respondents who did not report the bullying and discriminatory behaviours that they have been exposed to, have cited various reasons. An outline of these responses are in Appendix 1 of this document.

Three respondents to the Exit survey stated that the nature of the political environment reinforces the prevalence of bullying. There is a suggestion that such kind of behaviours are “prevalent in the political context” and is described by another as “part of the culture – quite laddish”

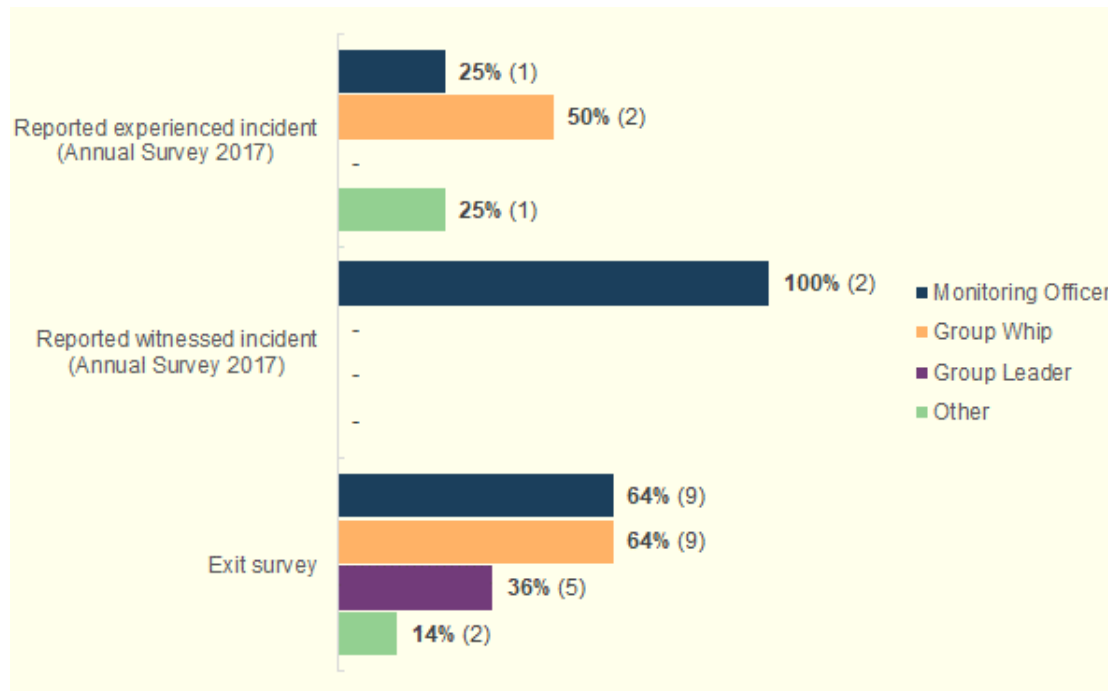
In both the Exit and 2017 Annual Surveys, there were respondents who cited that the covert nature of bullying and discriminatory behaviour makes it difficult to report.

There is also a widely shared belief by some respondents the Exit Survey and by many in the 2017 Annual Survey, that reporting of incidents will not result in change. Some Members cited their previous experience where bullying and unacceptable behaviours have not been effectively dealt with, due to a belief that there is no “sufficient impartiality” and a belief that there is “ruling group favouritism”.

Some respondents in the Exit Survey also felt that there was no need for them to reporting the incident as this had happened “publicly” in the presence of the Monitoring Officer and other Member colleagues who were in the position to later on act on such displays of unacceptable behaviours. It is possible that action will have been taken as those who witnessed the behaviour would not necessarily be aware of.

3.5. To whom incident was reported to

Chart 19. To whom respondents have reported the incident



When asked who they reported the incident to (incidents experienced and witnessed) *most* respondents in the Exit Survey and the 2017 Annual survey stated that they reported this to the Monitoring Officer and/or the Group Whip.

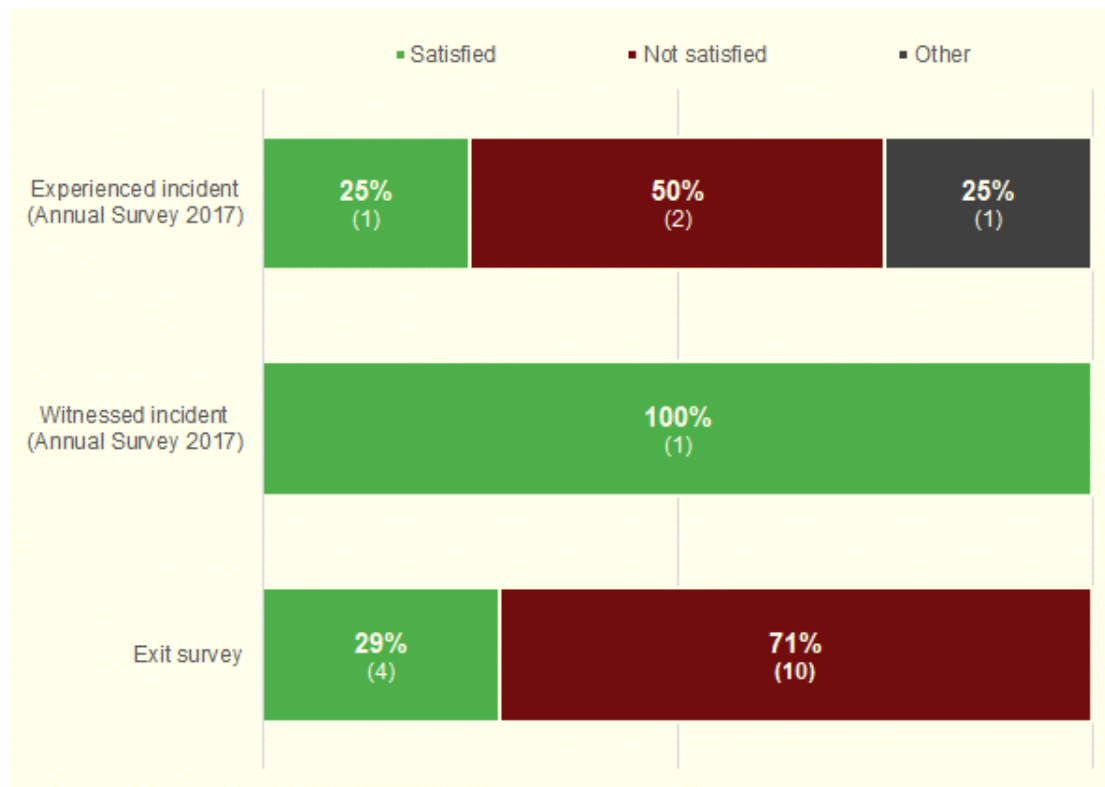
Although 45% of respondents (15 out of 33 in Chart 8) in this political term have either experienced or witnessed an incident, only 27% (4 out of 15) of respondents *who experienced incident* have chosen to report this to persons of authority or individuals who have responsibility for dealing with this matter. Of those who *witnessed an incident*, only 13% (2 out of 15) of respondents have chosen to report this.

The results from the 2017 Annual Survey also show that only 2 respondents who have *experienced an incident* indicated that they have reported this to the Group Whip. Other respondents in this category reported their experience to the Monitoring Officer (1 respondent) and to an undisclosed person (1 respondent).

Those Members (2 respondents) in this current term who have *witnessed an incident* cited that they have reported this to the Monitoring officer.

3.6. Satisfaction with how incident was dealt with

Chart 20. Respondent satisfaction of how incident was dealt with



Respondents were asked, “When you reported the incident, were you satisfied with how it was dealt with?”

The four respondents in the 2017 Annual Survey who experienced an incident had different views on their satisfaction with how the incident was dealt with.

The respondent (1) who reported to the Monitoring Officer was satisfied with how the incident was dealt with. Of the (2) respondents who reported to their Group Whip, one stated that they were not satisfied with how the incident was dealt with while the other respondent did not provide any response. It must be noted that the number of respondents who have reported an incident as with the number of respondents who confirmed their satisfaction of how this was dealt with are very small.

Two respondents in the 2017 Annual Survey who have witnessed the incident have reported this to the Monitoring Officer. Of these (2) respondents, one stated that they were satisfied with how this was dealt with, however the other respondent did not provide a response.

Due to the very small number of responses to these questions, the results shown above may not be representative of the views of Members who are currently serving in this political term.

3.6.1. Reasons for dissatisfaction of how reported incident was dealt with

Respondents cited various reasons why they were dissatisfied with how the incident they reported was dealt with. A number of respondents to the Exit survey shared the view that “no effective action was taken to address the matter”. This view is also shared by at least 1 Member in this current term. On a similar note, there was also 1 Member who felt that “action took too long” and the lack of victim support from their political Group members.

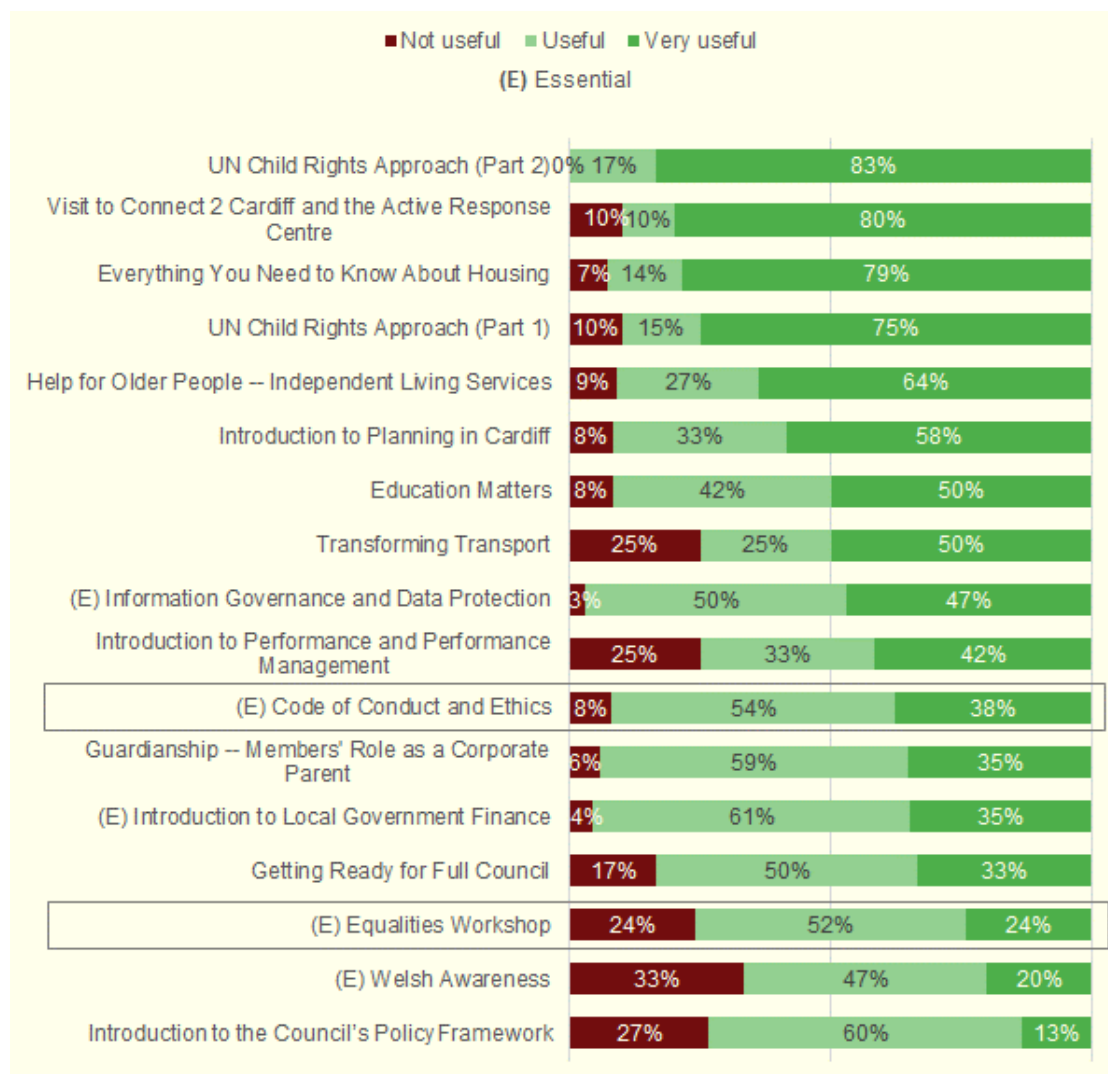
Some Members expressed concern that in raising these types of incidents, they have been subjected to further harassments or felt that they were not taken seriously. This sentiment is also shared by other Members who felt that these incidents were tolerated and is part of the pervading “culture” in politics.

3.7. How to prevent future incidents of unacceptable behaviour

Councillors were asked what they thought should be done to prevent bullying and discriminatory behaviours.

There was shared view from respondents to both surveys that attitudes among Councillors needed to change. Additionally, some respondents believe that Members need to be aware and be reminded of behaviours that are unacceptable in their role as an elected representative in the Council. In developing this awareness, several Members in both surveys highlighted the need to provide training “as part of induction” to members, which some suggested should be made “compulsory”. Members in this current political term specifically suggested that training on “communication skills” and on “how behaviours impact on others” and how to “deal with these types of behaviour” will be useful. Members also highlighted the need to challenge the display of these types of behaviours.

Chart 21. Percentage of respondents who rated induction sessions



These comments support a finding, shown in the chart above, that the Code of Conduct and Ethics event and the Equalities Workshop were given fewer “very useful” ratings than other training sessions. Officers have restructured the Equalities Workshop in response to comments on the 2017 Annual survey, including that the session should offer guidance that is more practical.

Many (12) respondents to the exit survey said that penalties for misbehaviour should be stronger. Although this attitude was expressed in the 2017 Annual survey, it was less common – only two written answers were given that fit this theme. One respondent to each survey suggested that, instead of officially reporting incidents, informal alternatives, such as discussions with Group Whips or education/warnings should be available.

Annex 1. Outline of reasons why Members did not report incident experienced or witnessed from Free Text Boxes

Exit Survey	2017 Annual Survey	
	<i>Experienced incidents</i>	<i>Witnessed incidents</i>
<p>Part of accepted culture “The discriminatory behaviour and bullying was so prevalent in a political context, its almost not perceived as the same as in a standard working environment.”</p>	<p>Part of accepted culture “Discriminatory behaviour is often unintentional. E.g. networking at a football match. Not a reportable issue but exclusive.”</p>	<p>Part of accepted culture “This is not a specific incident just a collection of small incidents which on their own are insignificant but collectively are concerning.” “Part of the culture - quite laddish, and women are excluded from the group if you are not a massive football or rugby fan”</p>
<p>Behaviour was covert “much of the discriminatory behaviour, including between Cllrs and officers was often not overt, and so difficult to report.”</p>		<p>Behaviour was covert “Discriminatory behaviour is often subtle and below the radar for reporting e.g. stating objection in a meeting, to signing a charter supporting women's equality.”</p>
<p>It would not result in change “Because I think it would have been a waste of time.” “The perpetrator is a serial offender who is impervious to censure.”</p>	<p>It would not result in change “No point” “it would not be taken seriously” “I do not feel that there is sufficient impartiality for reporting an issue not to</p>	<p>It would not result in change “Because experience tells me that it doesn't result in anything changing” “Would not be dealt with effectively.” “Ruling group favouritism”</p>

Exit Survey	2017 Annual Survey	
	<i>Experienced incidents</i>	<i>Witnessed incidents</i>
	make the current situation worse”	
<p>Occurred in the open “It was in the public arena in the presence of Monitoring Officer” “There were plenty of people present to witness this [incident in Council chamber]. I wonder if anyone has since been reprimanded or been pulled aside for a quiet word?” “They were carried out in full view of the monitoring officer, chief executive and cabinet members” “I consider the behaviour towards the mayor at January’s council meeting to have been a form of bullying. It was visible to all and didn’t, I feel, need direct reporting.”</p>		
<p>Reported by another “It was reported by the victim cllr” “It was reported by others.” “Already been logged by others.”</p>		

Exit Survey	2017 Annual Survey	
	<i>Experienced incidents</i>	<i>Witnessed incidents</i>
“Thought it a matter for the group and member concerned.”		
“Lack of proof and a desire not to sour member/officer relationship.”		
“My ward colleague sought advice. Whilst it was unpleasant and unreasonable, I'm not sure if it was a breach of code of conduct. Waiting to see if Data Protection is breached.”		
“The behaviour occurred within the group. When appropriate I challenged it. On other occasions I let party officers deal with it.”		
	“Only happened a few days ago and not yet spoken to anyone.”	“See previous answer [only happened a few days ago]”
	“I felt the discrimination came from Officers.”	
	“I took informal advice and dealt with to myself”	

Annex 2. Reasons for dissatisfaction on how the incident was dealt with taken from Free Text Box

Exit Survey	2017 Annual Survey
<p>Culture of silence</p> <p>“I was told in some instances to put up or shut up.”</p> <p>“No action was taken or follow-up fizzled out so culture of acceptance”</p> <p>“Scrutiny attendees need not always turn up and at my first year, the Conservative and Labour and Scrutiny Advisor (Officer) colluded often when imbalanced to vote down anything I suggested which resulted in a farce.”</p>	
<p>No effective action taken</p> <p>“In others ignored and others still had fruitless meetings which did not resolve the issue.”</p> <p>“Whip did not act upon the incidents.”</p> <p>“No action was taken regarding the incident when I felt I was bullied.”</p> <p>“No action was taken or follow-up fizzled out so culture of acceptance”</p> <p>“The incident XXXXXX was bullied has still, nearly two years later, not been resolved to XXXX satisfaction.”</p> <p>“The monitoring officer was informed of this incident, the name of the councillor and she did not act. I assume she was scared to do so”</p> <p>“Pressure was on the Monitoring Officer to refute or play down my complaints”</p>	<p>No effective action taken</p> <p>“Officers said nothing. Only fellow councillors got involved.”</p>
<p>Duration of action loo tong</p> <p>“others still had fruitless meetings which did</p>	

Exit Survey	2017 Annual Survey
<p>not resolve the issue.”</p> <p>One took 18 months to resolve and one still not resolved</p>	
<p>Resulted in further harassment of victim</p> <p>“When I reported the comments made by xxxxx regarding the xxxxx to the Chief Whip, he advised me to take the issue to a xxxxx Group meeting. I experienced considerable difficulty in getting the item included on an agenda. When it was, I was subjected to an angry xxx by xxx.”</p> <p>“I felt intimidated and threatened, especially as I was aware of the violence which has been shown to the xxx. This is a very serious issue, the police subsequently contacted me (unsolicited) to ask if I felt safe.”</p> <p>“I advised the officer at the time that a member of my group chased me across the car park resulting in me falling over and grazing my knee. The Cllr then followed me into the lift, to my office where I had to lock the door. He then returned to my office at the end of the day and followed me into the lift, into the car park until I got in my car and shut the door. “</p>	
<p>No support from other Group Members</p> <p>“Not one member of the xxx Group spoke up to support me and I had to ask the chair to intervene during xxxxx tirade”</p>	

Exit Survey	2017 Annual Survey
<p>Difficulty in managing pervading “culture” and practice in the system</p> <p>“I am xxxx so this question is difficult to answer. There is such an inbuilt bullying culture within politics that try as I might, it has been virtually impossible to control”</p>	
<p>“Do not wish to elaborate”</p>	
<p>“The Chief Executive did, however, take action regarding false information regarding an issue raised with the protocol office.”</p>	

Annex 3. Preventing bullying and unacceptable behaviours in the future.

Exit Survey	2017 Annual Survey
<p>Offenders need to change</p> <p>“Mind sets need to change.”</p> <p>“It's about respect. When you have Cllrs who have taken each other to court it is very difficult for them to put that aside outside the Council. Could more have been done to encourage those who genuinely dislike each other to put that aside when in the chamber?”</p> <p>“Officers and Members should recognise the value of each other's views and respect those views even if they do not conform to theirs; not discriminate against the set up 'minority' ”</p> <p>“Mutual respect! These behaviour patterns appear in a particular generation & type of person.”</p>	<p>Offenders need to change</p> <p>“I think perhaps it's a combination of things. Getting people out of "old school" behaviour - more appropriate to older councillors - making councillors aware of the hurt it can cause, and an understanding of what bullying, discriminatory and inappropriate behaviour is.”</p>
<p>Clear expectations</p> <p>“I think there needs to be a very clear expectation of members that aggressive behaviour is not appropriate and that being an elected member places an additional responsibility in terms of their behaviour.”</p> <p>“Councillors need to understand their role and responsibility. They need to understand that if an officer can't help because of the policy then they need to make the case why something should be treated as exceptional or review the policy and not blame officers”</p>	<p>Clear expectations</p> <p>“Continuing to highlight that this behaviour is unacceptable”</p> <p>“Needs to be made clear in induction and in enrolment packs”</p> <p>“Clear expectations of the relationship between Elected Members and Officers, making both parties aware of 'the line'.”</p>

Exit Survey	2017 Annual Survey
<p>Training to change attitudes</p> <p>“Regular training on this – for example Induction has Equality Training and then no refresher. Once a year make it compulsory for a refresher besides compulsory induction.”</p> <p>“There should be compulsory training for all councillors”</p> <p>“Compulsory training Better commitment from political parties to do this at selection stage as well”</p>	<p>Training to change attitudes</p> <p>Awareness raising of how behaviours impact on others”</p> <p>“Communication skills training”</p>
<p>Challenging behaviour</p> <p>“Calling out behaviour”</p>	<p>Challenging behaviour</p> <p>“Constantly reiterate. Challenge bad behaviour.”</p> <p>“Peer pressure, effective chairing”</p>
<p>Training in dealing with others</p> <p>“Training councillors to develop strategies to deal with these behaviours is essential as these people won't change. Standing up to bullying & discriminatory behaviours is the key to stopping it. But Cllrs need specialist training on this. I have done this privately”</p>	<p>Training in dealing with others</p> <p>“training in managing behaviours of others”</p>
<p>Sanctions for behaviour</p> <p>“Should be dealt with harshly and constructively”</p> <p>“there should be agreed and established protocols by which they can be dealt.”</p>	<p>Sanctions for behaviour</p> <p>“Take very strong action against anyone found guilty of this behaviour”</p> <p>“full and proper sanctions when they occur”</p>

“Standards and Ethics needs to be given or start to use powers to address this. Seems to be a toothless com'tee and its role and future questionable.”

“More harsh consequences if proved.”

“Consequences management from the monitoring officer”

“Stronger penalties for those who frequently ignore the rules laid down”

“The council never takes action. The council needs to take action.”

“People who break rules being immediately suspended until an investigation takes place, rather than being present as though nothing had happened. Investigations are drawn out and ineffective. Unless action is taken immediately people will go on behaving badly.”

“strict discipline should be imposed so that bad behaviour is dealt with effectively and not allowed to escalate.”

“Action (not long winded) when behaviour is reported”

“real concerted follow-through and investigations, so that those reporting concerns believe that the system is 'listening and acting'.”

“give Standards and Ethics/ Monitoring officer some powers to deter this behaviour”

Exit Survey	2017 Annual Survey
Name and shame	Name and shame
"Name and shame."	"naming and shaming."
Reporting	Reporting
<p>"Encourage reporting with assurance it will be addressed immediately."</p> <p>"There should be member of council staff who is a named contact for councillors so they know who to go to for advice and support if they have any complaints regarding bullying and discrimination."</p> <p>"More openness to reporting behaviour."</p> <p>"Officers should be able to report bullying by Councillors, and not fear any effect on their job."</p>	<p>"Ensuring an transparent, confidential and independent mechanism for issues to be reported"</p> <p>"Support colleagues to report issues and ensure that all reports are investigated"</p>
Informal action	Informal action
<p>"There should be clearer ways for concerns/issues to be raised without necessarily it reaching formal complaint - perhaps through the whips?"</p> <p>"Regular one to ones with an objective outsidee"</p> <p>"Strong officer advice is needed."</p>	<p>"For minor matters informal education/warnings may help alleviate/address concerns before they escalate to more serious behaviour."</p>
<p>"Tensions are caused by austerity and an insufficiency of Council financial capacity. In</p>	

Exit Survey	2017 Annual Survey
<p>part, the solution for the eradication of the problem lies at core funding level from Westminster by a Welsh Government; that is not to excuse behaviour but is in part to explain what may allieviate it.”</p>	
<p>“A greater distribution of decision making roles and power across the authority. The current system effectively creates a Cabinet of Super Councillors that officers surround. The vast majority of councillors are backbench councillors with limited input into decision making hence huge frustration, rivalry and jealousy are fostered.”</p>	
	<p>“Prevent untrue statements and councillors telling lies.”</p>
	<p>“offer better protection to the accused as well as the accuser.”</p>
	<p>“Fairness across the Council”</p>

Mae'r dudalen hon yn wag yn fwriadol

POTENTIAL ACTIONS TO SUPPORT OUTCOMES FROM 2017 MEMBER ANNUAL SURVEY

WITHIN THE REMIT OF THE STANDARDS & ETHICS COMMITTEE

Themes	Comments from the Monitoring Officer	Comments from Party Whips
Clear Expectations		
(i) Member induction and ongoing learning and development to be used to continue to raise awareness of expectations and the ethical standards and principles Councillors must follow.	All 75 members have carried out Code of Conduct training as part of the member induction. I have noticed an improvement in behaviour at public meetings during this Council. I take every opportunity to challenge inappropriate behaviour.	<p>Agree with comments and recognise the need to continue to promote Members involvement and participation</p> <p>Induction programme has been well received.</p> <p>Party Groups and Whips have a role in party specific inductions.</p>
(ii) Training to be used to help influence (change) attitudes e.g. communication skills; chairing meetings and managing challenging behaviour.	<p>The member development programme will include these sessions, but at the moment there is no agreement in place for them to be compulsory.</p> <p>My experience is that challenging inappropriate behaviour when it occurs or soon after is the most productive way of dealing with it. As a Council officer I am not present at political group meetings to do so, however members of Standards and Ethics Committee, supported by their Group Leaders and Whips, could take this role.</p>	<p>Training to help influence attitudes (e.g. communication skills; chairing meetings and managing challenging behaviour) be agreed compulsory training for Members, including for returning Members.</p> <p>Agree that respectfully challenging inappropriate behaviour when it occurs (or as close as reasonably possible) is productive and is everyone's responsibility.</p>

Themes	Comments from the Monitoring Officer	Comments from Party Whips
		<p>Agree leadership from Standards and Ethics Committee Members, supported by Group leaders and Whips would reinforce this expectation.</p> <p>Agree with Monitoring Officer comment.</p>
(iii) Ensure a good understanding of what bullying, discriminatory and inappropriate behaviour is.	This should be covered in the next Standards and Ethics newsletter and at future training sessions.	<p>Agree with Monitoring Officer comment.</p> <p>In addition, incorporate a good understanding of what bullying, discriminatory and inappropriate behaviours is into equalities training.</p> <p>Agree with Monitoring Officer comment.</p>
(iv) Tackle the perceptions raised that things won't change.	Things have changed for the better during this Council and I believe they will continue to do so.	Agree things have changed for the better
(v) Cultural perceptions – e.g. laddish behaviours	This needs to be challenged appropriately when it occurs.	<p>Agree regarding appropriate and respectful challenge should this behaviour occur.</p> <p>Also, equalities training to positively reinforce inclusive behaviours & approaches.</p> <p>Agree with Monitoring Officer comment.</p>

Themes	Comments from the Monitoring Officer	Comments from Party Whips
(vi) Need for clear guidelines and protocols between Elected Members and Officers.	There is a Protocol on Member/Officer Relations in the Council's Constitution.	Agree with Monitoring Officer comments
Dealing with Incidents		
(i) Self-regulation through peer pressure and challenges of bad behaviour.	This is a good first step, but not everyone feels able to do this and so it is important that incidents can be raised with others.	<p>Agree with 'Dealing with Incidents' (i)</p> <p>Continue developing supportive and respectful culture.</p> <p>Encourage issues to be raised/discussed with Group Whips and/or trusted Member.</p> <p>Councillors need to raise issues with whips and leaders</p>
(ii) Informal action such as requirement to undertake essential training; or informal warnings to be used to address behaviours before they escalate to more serious behaviours.	As Monitoring Officer I do take informal action to address issues I am aware of.	<p>'Dealing with Incidents' (ii) seems quite a jump to formal action.</p> <p>Informal action to include Member/s discussion with Whips (and/or Officer) to establish issues. Exploration of what the Member/s would like to see happen (expectations). Reduce likelihood of escalation of identified behaviours through appropriate early/rapid intervention.</p>

Themes	Comments from the Monitoring Officer	Comments from Party Whips
		<p>Relevant Whips to be informed of issues raised and action taken by Monitoring Officer (reported anonymously as appropriate)</p> <p>Action stipulated in 'Dealing with Incidents' (ii) could be a possible option following discussions etc, although this is not an exhaustive list.</p> <p>Councillors need to raise issues with Whips and Leaders</p>
(iii) Clear, full and proper sanctions to be imposed on breaches of the Code of Conduct.	For serious breaches of the Code of Conduct suspension or disqualification from the role of councillor are the sanctions.	<p>Agree 'Dealing with Incidents' (iii) and Monitoring Officer comments. Follow procedures as required.</p> <p>Councillors need to raise issues with Whips and Leaders</p>
(iv) Elected Members who behave unacceptably should be named.	When Members are found to be in breach of the Code of Conduct after an investigation this is made public.	<p>Details of Elected Members who are found to be in breach of the Code of Conduct after an investigation will be published</p> <p>Agree with Monitoring Officer comment.</p>

Themes	Comments from the Monitoring Officer	Comments from Party Whips
(v) Signposting Members to how to report incidents and the support mechanisms available.	This was done during Code of Conduct training, and will be repeated and included in the next Standards Committee newsletter.	Agree, highlighting the approaches mentioned above
		Agree with Monitoring Officer comment.
Reporting		
(i) Ensure transparent, confidential and independent mechanism for reporting issues to ensure that Councillors feel that they can report incidents, and that they will be investigated.	This is in place, any suggestions for improvement are welcomed. There can be a conflict between it being transparent and confidential. In dealing with issues I am guided by the wishes of the complainant. In some circumstances complainants wish to make me aware of an issue in case it happens again, or to someone else, or becomes continuing behaviour, but they do not want any action initially.	Reporting (i) should be split into 2: Ensure transparent, confidential and independent mechanism for discussing and reporting issues. Ensure that Councillors feel that they can discuss or report incidents, and their concerns will be listened to, appropriately investigated and a way forward identified.
		No comment
(ii) Ensure fair treatment for all	This is an important principle of natural justice and is what the Code of Conduct processes are designed to achieve.	This is supportive for all involved in the process.
		No comment

Mae'r dudalen hon yn wag yn fwriadol

**CYNGOR CAERDYDD
CARDIFF COUNCIL**



**STANDARDS AND ETHICS
COMMITTEE**

13th JUNE 2018

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES & MONITORING OFFICER**

**MEMBERS' CODE OF CONDUCT COMPLAINTS – QUARTER 4 OF
2017/18**

Reason for Report

1. To provide the Committee with an update on complaints made during Quarter 4 of 2017/18 (the period running from 1st January 2018 to 31st March 2018) against Members of Cardiff Council or any of Cardiff's Community Councils, alleging a breach of the Members' Code of Conduct.

Background

2. The Committee receives regular reports from the Monitoring Officer on complaints made against Members of Cardiff Council and Community Councils within its area, alleging a breach of the Members' Code of Conduct. (There are six Community Councils in Cardiff: Lisvane; Old St. Mellons; Pentyrch; Radyr and Morganstown; St. Fagans; and Tongwynlais.) These reports provide information to assist the Committee to discharge its functions, in particular:
 - i. To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services, and to report to the Council on any matters of concern;
 - ii. To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application; and
 - iii. To undertake those functions in relation to community councils situated in the area of the Council and members of those community councils which are required by law',

(paragraphs (a), (c) and (g) respectively, of the Committee's terms of reference).

3. The Committee considers the number of complaints made and any themes or patterns emerging, but does not consider the specific details of each individual case, unless the complaint is formally referred to the Committee for a decision.
4. Complaints received during Quarter 3 of 2017/18 were considered at the Committee's last meeting, in March 2018.

Issues

5. Two complaints alleging a breach of the Members' Code of Conduct were received by the Monitoring Officer during Quarter 4 of the current financial year, 2017/18, covering the period running from 1st January 2018 to 31st March 2018.
6. The table below shows the type of complaint received in Quarter 4 of this year and provides comparative figures for the previous 4 quarters.

	Q4 Jan, Feb, Mar 2017	Q1 Apr, May, Jun 2017	Q2 Jul, Aug, Sept 2017	Q3 Oct, Nov, Dec 2017	Q4 Jan, Feb, Mar 2018
Total	7	4	1	1	2
Member on Member	2	2	0	0	0
Public on Member	5	2	1	1	1
Officer on Member	0	0	0	0	1
Community Councillors	0	0	0	1	0

7. The complaint received from a member of the public related to comments made by a Councillor on social media, which the complainant considered were inappropriate. The Monitoring Officer's view was that there was no evidence of a breach of the Code of Conduct, but the complainant was informed of their right to complain to the Ombudsman if they remained dissatisfied.
8. The complaint received from a member of staff related to the tone of an email sent by a councillor which was considered to be unacceptable. The Monitoring Officer raised the concern with the Member who immediately apologised for any offence caused. The complainant agreed that no further action was necessary.

9. The Committee will note that the number of complaints received during Quarter 4 remains low; and that no breaches of the Members' Code of Conduct have been found.

Legal Implications

10. There are no legal implications arising from the recommendations of this report.

Financial Implications

11. There are no direct financial implications arising from this report.

Recommendation

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

Davina Fiore

Director of Governance and Legal Services, and Monitoring Officer

23 May 2018

Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints, Quarter 3 of 2017/18', 28th March 2018.

Mae'r dudalen hon yn wag yn fwriadol

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

R (HARVEY) v. LEDBURY TOWN COUNCIL (2018) – CASELAW UPDATE**Reason for this Report**

1. To provide the Committee with information about a recent High Court judgement concerning the lawfulness of sanctions imposed by a Town Council against a Councillor following a complaint about her conduct.

Background

2. Councillor Harvey was a member of Ledbury Town Council and came into conflict with the town clerk who brought a grievance alleging that Councillor Harvey had bullied, intimidated and harassed staff. The grievance was heard by a panel of senior councillors. Councillor Harvey did not attend, stating that she did not recognise the authority of the Panel, and she requested that the matter be properly investigated under the standards procedure. However, the Panel upheld the grievance in her absence, and the town council then resolved to impose a number of restrictions on Councillor Harvey, including that she should not sit on any committees, sub-committees, panels or working groups nor represent the council on any outside body, and that all communications between her and its clerk and deputy clerk should go through the mayor.
3. Councillor Harvey referred herself to the Monitoring Officer of Herefordshire Council as a Code of Conduct complaint. Herefordshire Council advised the Town Council that the complaint was sufficiently serious to require further investigation, and so it was making arrangements for the complaint to be investigated by an external investigator. The Monitoring Officer advised the Town Council that although these allegations were made under the grievance procedure, they were in fact allegations that a member had failed to comply with the authority's Code of Conduct and so had to be dealt with in accordance with the standards regime (for English authorities this regime is made under s.28(6) of the Localism Act 2011).
4. Nonetheless, the town council maintained its restrictions on Councillor Harvey; and subsequently decided that the restrictions should not only continue, but should also be expanded to prevent her from communicating with all staff.
5. The external Code of Conduct investigation was then concluded; and Herefordshire Council advised that the investigator had found no breach by

Councillor Harvey of the Town Council's Code of Conduct and so it would be taking no further action on the standards complaint.

6. Councillor Harvey then applied for judicial review to challenge the Town Council's decision to impose sanctions under its grievance procedures on the basis that (1) the restrictions were 'ultra vires' (unlawful) as they constituted sanctions which could only be imposed as a result of a standards process; and (2) the decision making process was unfair, substantively and procedurally.
7. The town council argued that its decision was not ultra vires, because it said that the standards regime set under the Localism Act 2011 did not prohibit it from instigating proceedings under its grievance procedure where what was in issue was a matter involving internal relations between its employees and staff. It also rejected the complaints that its decision making process was substantively and procedurally unfair.

Issues

8. The High Court judge ruled in favour of Councillor Harvey on both grounds of challenge. The judge said the Town Council's decision must be quashed. (The full judgement is accessible here:
<http://www.bailii.org/ew/cases/EWHC/Admin/2018/1151.html>)
9. Although the case related to a Town Council and the standards regime applicable in England, the key points from the case are relevant here in Wales, those being that:
 - i. The council were not able to sanction Councillor Harvey other than going through the procedural safeguards of a Code of Conduct process. The council's restrictions on Councillor Harvey (continued even after she was found not to have been in breach of the code) were an unlawful sanction; and
 - ii. The conduct of the grievance process through which the restrictions were imposed was unfair.
10. This case makes clear that a council cannot run a grievance procedure against a councillor alongside, or as an alternative to, a standards regime procedure, and that complaints regarding a councillor's conduct have to be dealt with under the authority's standards arrangements.
11. It also provides a reminder that any process must be fair and in accordance with the principles of natural justice, i.e. the right to a fair hearing by an unbiased and impartial body requires that individuals should have been given prior notice of the allegations made against them, a fair opportunity to answer them, and the opportunity to present their own side of the story. The right to a fair hearing is also guaranteed by Art.6(1) European Convention on Human Rights, which complements the common law rather than replaces it.
12. It should be noted that the issue of Councillor Harvey's conduct was not in dispute in this case, rather it was the process used to consider it.
13. Notwithstanding this judgment, it is clear that local authorities must continue to be mindful of their responsibilities to protect their employees from bullying,

intimidation and harassment, since the authority may be liable for the actions of its councillors (this was established in the case of *Moore v Bude-Stratton Town Council* [2000] EAT 313/99). However, the proper course for the investigation of behaviour of councillors is under the Code of Conduct and the statutory standards framework; and authorities must ensure that any hearing is fair and any informal action is proportionate in all the circumstances of the case.

Legal Implications

14. The relevant legal provisions are set out in the body of the report.

Financial Implications

15. There are no direct financial implications arising from the report.

RECOMMENDATIONS

That the Committee note the information set out in the report.

Davina Fiore

Director Governance and Legal Services and Monitoring Officer

6th June 2018

Background papers

Local Government Lawyer, Article 'Councillor succeeds in High Court challenge to imposition of sanctions', 21/05/18

https://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=35349%3Acouncillor-succeeds-in-high-court-challenge-to-imposition-of-sanctions&catid=59&Itemid=27

Bevan Brittan, Commentary 'Use of grievance procedures to impose sanctions for councillors' misconduct' 24/05/18 [https://www.bevanbrittan.com/insights/articles/2018/ledbury-use-of-grievance-procedures/?utm_source=Bevan%20Brittan%20LLP%20&utm_medium=email&utm_campaign=9514423_Alert%3A%20Use%20of%20grievance%20procedures%20to%20impose%20sanctions%20for%20councillors%27%20misconduct&utm_content=Ledbury20180524&dm_i=1DMN,5NXDJ,OMKGLU,M1AOV,1](https://www.bevanbrittan.com/insights/articles/2018/ledbury-use-of-grievance-procedures/?utm_source=Bevan%20Brittan%20LLP%20&utm_medium=email&utm_campaign=9514423_Alert%3A%20Use%20of%20grievance%20procedures%20to%20impose%20sanctions%20for%20councillors%27%20misconduct&utm_content=Ledbury20180524&dm_i=1DMN,5NXDJ,OMKGLU,M1AOV,1&utm_source=Bevan%20Brittan%20LLP%20&utm_medium=email&utm_campaign=9514423_Alert%3A%20Use%20of%20grievance%20procedures%20to%20impose%20sanctions%20for%20councillors%27%20misconduct&utm_content=Ledbury20180524&dm_i=1DMN,5NXDJ,OMKGLU,M1AOV,1)

Mae'r dudalen hon yn wag yn fwriadol



**CARDIFF COUNCIL
CYNGOR CAERDYDD**

**STANDARDS AND ETHICS
COMMITTEE**

5TH DECEMBER 2018

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

ADJUDICATION PANEL FOR WALES – SANCTIONS GUIDANCE

Reason for this Report

1. To allow Members to consider the Sanctions Guidance issued by the Adjudication Panel for Wales (APW).

Background

2. The ethical framework set under Part III of the Local Government Act 2000 included the establishment of the Adjudication Panel for Wales (APW) as an independent, judicial body with powers to form tribunals to deal with alleged breaches of the Members' Code of Conduct. The operation of the Panel is governed by Regulations issued by the Welsh Government.
3. The APW has recently undertaken an exercise to improve and modernise its Sanctions Guidance, following consultation with Monitoring Officers, the Public Services Ombudsman for Wales and the Welsh Government.

Issues

4. The Adjudication Panel for Wales has issued new Sanctions Guidance which takes effect for cases heard by the APW after 1st September 2018. A copy of the Sanctions Guidance is attached as **Appendix A**.
5. The Guidance describes:
 - i. the role of the ethical framework and Code of Conduct in promoting high public standards amongst members of councils, fire and rescue authorities, and national park authorities in Wales;
 - ii. the role of the Adjudication Panel for Wales (APW) and the purpose of the sanctions regime; and
 - iii. the approach to be taken by APW tribunals in determining sanctions following a finding that the Code has been breached.
6. The Guidance aims to assist tribunals to reach fair, proportionate and consistent decisions on the sanctions that should be applied in relation to an individual's breach of the local Code of Conduct. However, it will be of

broader interest to all those involved in promoting and maintaining high standards of Member conduct.

7. The APW has indicated that it views the new Sanctions Guidance as a living document, and would welcome any comments or feedback from Standards Committees, so that it may consider and make improvements to the guidance.

Legal Implications

8. There are no direct legal implications arising from the report.

Financial Implications

9. There are no direct financial implications arising from the content of this report.

Recommendations

The Committee is recommended to note the new Sanctions Guidance issued by the Adjudication Panel for Wales; and provide any comments or feedback, if appropriate.

DAVINA FIORE
DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING
OFFICER

22 November 2018

APPENDICES

Appendix A – Adjudication Panel for Wales, Sanctions Guidance, issued 31st
August 2018

Sanctions Guidance

Issued by the President of the Adjudication Panel for Wales under Section 75(10) of the Local Government Act 2000.

Foreword by the President

I am pleased to introduce our new *Sanctions Guidance* which sets out the approach to be taken by case, appeal and interim case tribunals of the Adjudication Panel for Wales in order to reach fair, proportionate and consistent decisions on the sanctions that should be applied in relation to an individual's breach of the local Code of Conduct.

The Guidance has been developed by members of the Adjudication Panel for Wales in consultation with the Public Services Ombudsman for Wales, Monitoring Officers and other interested parties. I would like to thank everyone for their contributions. In publishing this Guidance, I hope it will help all those with whom we share an interest in the Code - most importantly members of county and community councils, fire and rescue authorities, and national park authorities in Wales. I hope it reflects the importance we attach to the role of local members, the value of local democracy and the Adjudication Panel's commitment to promoting the highest standards in public life in Wales.

Claire Sharp
President, Adjudication Panel for Wales

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Introduction

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- the status, purpose and intended use of the Guidance, and its relevance to the public, individual members, Monitoring Officers and Standards Committees of councils, fire and rescue authorities, and national park authorities in Wales, the Public Services Ombudsman for Wales and the Adjudication Panel for Wales.

Standards in Public Life

page 3

- the Code of Conduct, expectations for local members and the process to be followed when a breach of the Code is alleged.

The Adjudication Panel for Wales

page 5

- the role of the Adjudication Panel for Wales, the purpose of the sanctions regime and sanction powers available to case, appeal and interim tribunals of the Adjudication Panel for Wales.

The Tribunals' Approach: underlying principles

page 7

- an overview of the general principles that underpin the broad approach of case, appeal and interim case tribunals, specifically fairness, public interest, proportionality, consistency, equality and impartiality, and Article 10 of the European Convention on Human Rights.

Case and Appeal Tribunals: determining sanction

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- the specific sanctions available to case and appeal tribunals and the five stage process to be used to assess the seriousness of a breach, relevant mitigating and aggravating circumstances and any wider factors, and guidance on how to determine the specific sanction and duration; it also addresses the tribunal's power to make recommendations.

Interim Case Tribunals: determining sanction

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- the distinct aims of interim case tribunals to facilitate an ongoing investigation and the specific powers available in response to a report, and any recommendation, from the Ombudsman.

Annex: other relevant documents and guidance

page 21

Introduction

1. This Guidance is issued by the President of the Adjudication Panel for Wales (APW) using powers available to her under the Local Government Act 2000¹. Its primary purpose is to assist the APW's case, appeal and interim case tribunals when considering the appropriate sanction to impose on a member, or former member, who is found to have breached their authority's Code of Conduct.
2. This Guidance describes:
 - i. the role of the ethical framework and Code of Conduct in promoting high public standards amongst members of councils, fire and rescue authorities, and national park authorities in Wales;
 - ii. the role of the Adjudication Panel for Wales (APW) and the purpose of the sanctions regime;
 - iii. the approach to be taken by its tribunals in determining sanction following a finding that the Code has been breached.
3. The purpose of sanctions and this Guidance are built on the values that underpin the Code of Conduct, in particular the fundamental importance of promoting the highest standards in local public life. The Guidance aims to assist tribunals in determining sanctions that are, in all cases, fair, proportionate and consistent.
4. The Guidance is not prescriptive and recognises that the sanction decided by an individual tribunal will depend on the particular facts and circumstances of the case. Any examples should be considered to be by way of illustration and not exhaustive. Tribunals have ultimate discretion when imposing sanctions and can consider in addition to this Guidance other factors that they consider necessary and appropriate. Nor does the Guidance affect the responsibility of the legal member of a tribunal to advise on questions of law, including the specific applicability of relevant sections of this Guidance.
5. In setting out the factors to be considered by a tribunal in its determination of an appropriate sanction, the Guidance offers a transparent approach for the benefit of all parties involved tribunal proceedings. It aims to ensure that everyone is aware, from the outset, of the way in which the tribunal is likely to arrive at its decision on sanction.
6. The Guidance seeks to fulfil a wider role and support all those with an interest in maintaining, promoting and adjudicating on the Code of Conduct. It aims to complement the statutory Guidance published by the Public Services Ombudsman for Wales², confirming the expectations on local members in

¹ Section 75(10) of the Local Government Act 2000 ("the 2000 Act") provides a power for the President of the Adjudication Panel for Wales to issue guidance on how its tribunals are to reach decisions

² The Code of Conduct for members of county and county borough councils, fire and rescue authorities, and national park authorities: Guidance (August 2016) and The Code of Conduct for members of community councils:

terms of their conduct and emphasising the central importance of public confidence in local democracy. It should be of value to individual members, Monitoring Officers and Standards Committees of county and county borough councils, fire and rescue authorities, and national park authorities in Wales, and the Public Services Ombudsman for Wales.

7. This Guidance comes into effect on 1 September 2018. It is a living document that will be updated and revised as the need arises, following consultation.

Standards in Public Life

The Code of Conduct

8. The Local Government Act 2000 introduced an ethical framework to promote high standards of conduct in public life in Wales. The framework's central mechanism is the Code of Conduct. All local authorities, community councils, fire and rescue authorities and national park authorities in Wales must have in place a Code of Conduct. All elected members and co-opted members (with voting rights) must, on taking office, sign an undertaking to abide by their authority's Code for the duration of their term of office.
9. The Welsh Government has issued a model Code of Conduct³ in order to ensure consistency across Wales and to give certainty to members and the public as to the minimum standards expected. The model Code is consistent with ten core principles of conduct⁴ prescribed by the National Assembly for Wales in 2001, which are themselves derived from the Nolan Committee's Principles for Public Life⁵:
 - i. Selflessness
 - ii. Honesty
 - iii. Integrity and Propriety
 - iv. Duty to Uphold the Law
 - v. Stewardship
 - vi. Objectivity in Decision-making
 - vii. Equality and Respect
 - viii. Openness
 - ix. Accountability
 - x. Leadership

Guidance (August 2016), issued by the Public Services Ombudsman for Wales under Section 68 of the Local Government Act 2000

³ The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2008, as amended by the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016

www.legislation.gov.uk/wsi/2016/84/pdfs/wsi_20160084_mi.pdf and
www.legislation.gov.uk/wsi/2016/85/pdfs/wsi_20160085_mi.pdf

⁴ The Conduct of Members (Principles) (Wales) Order 2001 SI 2001 No.2276 (W.166)

http://www.legislation.gov.uk/wsi/2001/2276/pdfs/wsi_20012276_mi.pdf

⁵ Nolan Report "Standards of Conduct in Local Government in England, Scotland and Wales"

Local codes must incorporate any mandatory provisions of the model Code and may incorporate any optional provisions of the model Code. At this time, all provisions of the model Code are mandatory.

Expectations on local members

10. Members of county councils, county borough councils, community councils, fire and rescue authorities and national park authorities in Wales must abide by their authority's Code:
 - whenever they are acting or present at a meeting of their authority, claiming to act or giving the impression of acting in an official capacity in the role of member to which they were elected or appointed or as a representative of their authority;
 - at any time, if they are conducting themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute, or if using or attempting to use their position to gain an advantage or avoid a disadvantage for anyone or if they misuse the authority's resources.
11. Members are expected to engage in any training and access ongoing advice, as the need arises, from their local Monitoring Officer and Standards Committee. Members are also expected to be familiar with and have regard to the Public Services Ombudsman's statutory guidance on the Code⁶. It addresses each of the Code's requirements in order to help members understand their obligations in practical terms. It offers advice on the fundamental ethical principles that many members need to consider on a regular basis – for example, declarations of interest, confidentiality and whether their actions constitute bullying or harassment– in addition to those less frequently encountered.
12. Ultimately, members must use their judgment in applying the Code and the Principles to their own situation. They cannot delegate responsibility for their conduct under the Code.

Allegations of breach

13. There are non-statutory local protocols in place for low-level member-on-member complaints which do not result in case or appeal tribunals. Allegations that a member's conduct is in breach of the Code can be made to the Ombudsman, who will decide whether to investigate a complaint. If, following an investigation, the Ombudsman finds that there is evidence of a breach of the Code, he can refer his report to the relevant local Standards Committee or to the President of the Adjudication Panel for Wales. The Ombudsman may also refer reports from an ongoing investigation to the President for consideration by an interim case tribunal.

⁶ The Code of Conduct for members of county and county borough councils, fire and rescue authorities, and national park authorities: Guidance (August 2016) and The Code of Conduct for members of community councils: Guidance (August 2016), issued by the Public Services Ombudsman for Wales under Section 68 of the Local Government Act 2000

The Adjudication Panel for Wales

14. The introduction of the ethical framework included the establishment of the Adjudication Panel for Wales⁷ as an independent, judicial body with powers to form tribunals to deal with alleged breaches of the Code. The Panel's operation is subject to regulation by the Welsh Government.

Case tribunals

15. Case tribunals are appointed by the President of the Adjudication Panel for Wales in order to consider a report from the Ombudsman following an investigation into an allegation of a member's misconduct. Case tribunals are responsible for deciding whether a local member has breached the Code of Conduct of their authority and, if so, for determining an appropriate sanction (if any).

Appeal tribunals

16. Appeals tribunals are appointed by the President to consider appeals from members against a decision of a local Standards Committee. Appeal tribunals are responsible for reviewing the decision that a local member has breached the Code of Conduct and any sanction imposed. They may uphold and endorse any sanction imposed or refer the matter back to the Standards Committee with a recommendation as to a different sanction or overturn the determination of the Committee that there has been a breach of the Code. An appeal tribunal cannot recommend a sanction which was not available to the Standards Committee.

Interim case tribunals

17. Interim case tribunals are appointed by the President to consider a report, and any recommendation to suspend a member, from the Ombudsman during an ongoing investigation into alleged misconduct. The tribunal is responsible for determining the need to suspend, or partially suspend, the member or co-opted member from the authority or a role within the authority. The maximum duration of the suspension or partial suspension is 6 months. Unlike case and appeal tribunals, suspension by an interim case tribunal is a neutral act, given the ongoing nature of the Ombudsman's investigation.

The sanctions regime

18. The Committee on Standards in Public Life⁸ had a key role in developing the ethical framework and identified the need for mechanisms to enforce and punish public office holders who breached the standards expected of them, if the ethical framework was to command public credibility. The purpose of the sanctions available to Adjudication Panel for Wales case and appeal tribunals are to:

⁷ Part III, Local Government Act 2000

⁸ Reference to the report on enforcement

- provide a disciplinary response to an individual member’s breach of the Code;
- place the misconduct and appropriate sanction on public record;
- deter future misconduct on the part of the individual and others;
- promote a culture of compliance across the relevant authorities;
- foster public confidence in local democracy.

19. The sanctions available to a case tribunal that has found a breach of the Code are⁹:

- a. to take no action in respect of the breach;
- b. to suspend or partially suspend the member from the authority concerned for up to 12 months;
- c. to disqualify the member from being, or becoming, a member of the authority concerned or any other relevant authority to which the Code of Conduct applies for a maximum of 5 years.

The sanctions available to an appeal tribunal that has found a breach of the Code are:

- d. censure;
- e. to suspend or partially suspend the member from the authority concerned for up to 6 months.

20. The different types and scope of duration of sanction are designed to provide tribunals with the flexibility to apply sanctions of considerable difference in impact and enable a proportionate response to the particular circumstances of an individual case. This Guidance does not propose a firm tariff from which to calculate the length of suspension or disqualification that should be applied to specific breaches of the Code. Instead, it offers broad principles for consideration by all tribunals whilst respecting the details that make each and every case different.

⁹ Section 79, Local Government Act 2000

The Tribunal approach – underlying principles

21. Tribunals must always have in mind that every case is different and requires deciding on its own particular facts and circumstances. Following a finding that the Code of Conduct has been breached, tribunals must exercise their own judgment as to the relevant sanction in line with the nature and impact of the breach, and any other relevant factors. They must also ensure that the sanctions take account of the following underlying principles in order to ensure that their decisions support the overall ambitions of the ethical framework, fulfilling the purpose of the sanctions, and are in line with the tribunal's wider judicial obligations.

Fairness

22. The tribunal should take account and seek to find an appropriate balance between the various interests of the Respondent/Appellant, the Complainant, other interested parties to a case, the Ombudsman, the authority, the electorate and the wider public.

Public interest

23. Whilst seeking to ensure that the sanction imposed is appropriate, fair and proportionate to the circumstances of the case, the tribunal should consider the reputation of and public confidence in local democracy as more important than the interests of any one individual.

Proportionate

24. Tribunals will take account of the good practice identified in the Ombudsman's Guidance and Code of Conduct Casebook¹⁰ in order to assist their sense of proportionality when determining the sanction appropriate to the scale and/or nature of the breach.

Consistent

25. Tribunals will aim to achieve consistency in their sanctions in order to maintain the credibility of the ethical framework. They will take account of the good practice identified by the Ombudsman (para.24) in addition to this Guidance and its own previous decisions. Where a tribunal panel has reason to depart from the Guidance, it should clearly explain why it has done so.

Equality and impartiality

26. Fair treatment is a fundamental principle for the Adjudication Panel for Wales and is embedded within individual members' judicial oath. Tribunals must ensure that their processes and practices safeguard their capacity for objective, independent and impartial decision-making, free from prejudice and partiality, in order to uphold their judicial responsibilities.

¹⁰ <http://www.ombudsman-wales.org.uk/en/publications/The-Code-of-Conduct-Casebook.aspx>

Human Rights (Articles 6 and 10)

27. Tribunals must ensure that their processes and practices respect human rights. This Guidance aims to support those principles. In particular, tribunals must ensure that they consider the relevance of Articles 6 and 10 of the European Convention on Human Rights in their deliberations. These articles enshrine the right to a fair hearing and freedom of expression.

28. Article 10 is a key provision when considering possible breaches of the Code. It provides that:

“10(1) Everyone has the right to freedom of expression. The right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority regardless of frontiers...”

10(2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

29. Enhanced protection of freedom of expression applies to political debate, including at local government level. Article 10(2) has the effect of permitting language and debate on questions of public interest that might, in non-political contexts, be regarded as inappropriate or unacceptable. This protection does not extend to gratuitous or offensive personal comment, nor to ‘*hate speech*’ directed at denigrating colour, race, disability, nationality (including citizenship), ethnic or national origin, religion, or sexual orientation.

30. In their consideration of Article 10, tribunals should apply the three-stage approach established by Mr Justice Wilkie¹¹ in the case of *Sanders v Kingston (No1)* and which applies to both decision about breach and sanction, as follows:

- i. Can the Panel as a matter of fact conclude that the Respondent’s conduct amounted to a relevant breach of the Code of Conduct?
- ii. If so, was the finding of a breach and imposition of a sanction *prima facie* a breach of Article 10?
- iii. If so, is the restriction involved one which is justified by reason of the requirement of Article 10(2)?

¹¹ Wilkie J in the case of *Sanders v Kingston No (1)* [2005] EWHC 1145

Case and Appeal Tribunals – determining sanction

31. A tribunal will decide whether or not a sanction is appropriate after considering the facts of a case and finding that an individual has breached the Code of Conduct. In determining any appropriate sanction, the tribunal's approach should be sufficiently broad so as to accommodate its consideration of the various interests of those involved in the case, any specific circumstances of the individual respondent/appellant, the intended purpose of the sanctions available (in particular, the wider public interest) and the tribunal's wider judicial responsibilities.
32. Case tribunals will decide on the appropriate sanction to impose, if any, and the duration of any such sanction; appeal tribunals will consider the appropriateness of the sanction imposed by the Standards Committee.

The five-stage process

33. Case and appeal tribunals will follow a five step process in determining sanction:
- 33.1 assess the seriousness of the breach and any consequences for individuals and/or the council (para.34 - 38)
 - 33.2 identify the broad type of sanction that the Tribunal considers most likely to be appropriate having regard to the breach; (para.39)
 - 33.3 consider any relevant mitigating or aggravating circumstances and how these might affect the level of sanction under consideration; (para.40 to 42)
 - 33.4 consider any further adjustment necessary to ensure the sanction achieves an appropriate effect in terms of fulfilling the purposes of the sanctions; (para.43)
 - 33.5 confirm the decision on sanction and include, within the written decision, an explanation of the tribunal's reasons for determining the chosen sanction in order to enable the parties and the public to understand its conclusions. (para.53)

Assessing the seriousness of the breach

34. The relative seriousness of the breach will have a direct bearing on the tribunal's decision as to the need for a sanction and, if so, whether a suspension or partial suspension (of up to 12 months) or disqualification (up to 5 years) is likely to be most appropriate. It is important to bear in mind though that appeal tribunals can only recommend a suspension (partial or full) for up to 6 months and cannot recommend disqualification due to the constraints upon its powers.
35. The tribunal will assess seriousness with particular reference to:
- the nature and extent of the breach, and number of breaches;

- the member’s culpability, their intentions in breaching the Code, and any previous breaches of the Code;
- the actual and potential consequences of the breach – for any individual(s), the wider public and/or the council as a whole;
- the extent to which the member’s actions have, or are likely to have the potential to, bring his/her office or the relevant authority into disrepute.

36. Examples of the way in which tribunals might weight seriousness include:

- a breach involving deliberate deception for personal gain or discrimination is likely to be regarded as more serious than that involving the careless use of a council email address on a personal social media profile;
- a breach involving the systematic harassment or bullying of a junior officer is likely to be regarded as more serious than instances of disrespectful language in the course of a council debate;
- a breach of confidentiality that results in the disclosure of the address of a looked after child is likely to be regarded as more serious than the disclosure of a planning officer’s confidential advice;
- a breach resulting in significant negative reputational damage to the office or authority is likely to be regarded as more serious than an inappropriately worded email to a member of the public.

37. Breaches involving the blatant disregard of specific, authoritative advice given as to a course of conduct and/or the Code (particularly by the relevant authority’s monitoring officer), the deliberate abuse of confidential, privileged or sensitive information for personal gain or that of a close personal associate, and sexual misconduct, criminal, discriminatory, predatory, bullying and/or harassing behaviour are all likely to be regarded as very serious breaches.

38. A member who is subject to a term of imprisonment for three months or more without the option of paying a fine in the previous five years before their election or since their election is automatically subject to disqualification¹².

Choosing the potential sanction

39. Having assessed the relative seriousness of the member’s breach of the Code, the tribunal will consider which of the courses of action available to it is most appropriate¹³. In line with the principles of fairness and proportionality, the tribunal should start its considerations of possible sanctions with that of least impact.

No action

39.1 The tribunal may decide that, despite the member having failed to follow the Code of Conduct, there is no need to take any further action in terms of sanction. Circumstances in which a tribunal may decide that no action is required may include:

¹² Section 80(1)(d), Local Government Act 1972

¹³ Section 79, Local Government Act 2000

- an inadvertent failure to follow the Code;
- an isolated incident with extremely limited potential for consequential harm;
- an acceptance that a further failure to comply with the Code on the part of the member is unlikely, nor are there any wider reasons for a deterrent sanction;
- specific personal circumstances, including resignation or ill health, which render a sanction unnecessary and/or disproportionate.

39.2 A tribunal that finds a breach of the Code but decides that no action is necessary in terms of sanction, should consider whether there is a need to warn the member as to their conduct and/or seek assurances as to future behaviour. This provides an effective means of placing the member's behaviour on record, reflected in the tribunal's written decision, so that the warning and/or reassurance may be taken into account in the event of the same member being found to have breached the Code in the future. A failure to comply with any assurances given to the tribunal may be brought to the attention of the tribunal in any future hearings.

Suspension for up to 12 months

39.3 A case tribunal may suspend the member for up to 12 months from the authority(ies) whose Code/s has/have been breached.

39.4 Suspension is appropriate where the seriousness of the breach is such that a time-limited form of disciplinary response is appropriate in order to deter such future action, temporarily remove the member from the authority/a role within the authority, safeguard the standards set by the Code and to reassure the public that standards are being upheld.

39.5 A suspension of less than a month is unlikely to meet the objectives of the sanctions regime and risks undermining its overall ambitions. Tribunals are also reminded that the highest sanction available to local Standards Committees is 6 months' suspension. They should bear this in mind when considering an Ombudsman's referral to the Adjudication Panel, in preference to the local Standards Committee, and when considering an appeal against a local Standards Committee sanction. It is possible for appeal tribunals to recommend an increase in the sanction originally imposed by the Standards Committee.

39.6 Circumstances in which a tribunal may decide that a suspension is appropriate may include:

- the member's action has brought the member's office or authority into disrepute but they have not been found in breach of any other paragraph of the Code (though the most appropriate sanction will depend on the specific facts of each case);

- the breach merits a disciplinary response but, in view of the circumstances of the case, it is highly unlikely that there will be a further breach of the Code;
- the member has recognised their culpability, shown insight into their misconduct, and apologised to those involved.

Partial Suspension for up to 12 months

- 39.7 The tribunal may impose a partial suspension, preventing the member from exercising a particular function or role (such as being a member of a particular committee or subcommittee or the holder of a particular office) for up to 12 months.
- 39.8 Partial suspension is appropriate where the seriousness of the breach merits a suspension (see above) but the circumstances of the case are such that the member is permitted to continue in public office except for the role/function/activity specifically limited by the suspension.
- 39.9 In the case of a partial suspension, the tribunal will need to decide from what role/function/activity the member is to be suspended and, in the case of membership of more than one authority, the impact of the partial suspension in each relevant authority.
- 39.10 Circumstances in which a partial suspension may be appropriate include:
- the member is capable of complying with the Code in general but has difficulty understanding or accepting the restrictions placed by the Code on their behaviour in a specific area of council/authority activity;
 - the misconduct is directly relevant to and inconsistent with a specific function or area of responsibility held;
 - the member should be temporarily removed or prevented from exercising executive functions for the body to which the Code applies.

Disqualification for a maximum of 5 years

- 39.11 A case tribunal may disqualify the member from being, or becoming, a member of the authority concerned or any other relevant authority to which the Code of Conduct applies for a maximum of 5 years.
- 39.12 Disqualification is the most severe of the sanctions available to a tribunal. It is likely to be appropriate where the seriousness of the breach is such that a significant disciplinary response is appropriate in order to deter repetition, make clear the unacceptable nature of such conduct in public office, underscore the importance of the Code and to safeguard the public's confidence in local democracy. A disqualification of less than 12 months is unlikely to be meaningful (except in circumstances when the term of office of the member is due to expire during that period or is no longer a member).

39.13 Circumstances in which a tribunal may decide that a disqualification is appropriate may include:

- deliberately seeking personal gain (for her/himself, a family member or personal associate) by exploiting membership of the authority and/or the authority's resources;
- deliberately seeking to disadvantage another by exploiting membership of the authority and/or the authority's resources;
- deliberately disregarding or failing to comply with the provisions of the Code and continuing to assert the right so to do;
- repeatedly failing to comply with the provisions of the Code and demonstrating the likelihood of continuing the pattern of behaviour;
- deliberately seeking political gain by misusing public resources or power within the authority;
- a second or subsequent breach, despite a warning and/or having given an assurance as to future conduct in a previous case before an Adjudication Panel for Wales tribunal;
- conduct that calls into question the Respondent's fitness for public office;
- bringing the relevant authority into serious disrepute.

Mitigating and aggravating circumstances

40. The tribunal will go on to consider how any particular circumstances of the member may mitigate and/or aggravate the level of sanction under consideration. This stage is designed to take account of any personal circumstances affecting the member's conduct including inexperience, capacity, insight, responsibility (for the breach), remorse, reparation and any previous findings. This process is likely to have significant bearing on the duration of the sanction, varying the term down or up in line with the mitigating or aggravating factors. Such factors may at times be sufficient to persuade a tribunal that a suspension (if any) may be more appropriate than a disqualification, and vice versa.

41. Tribunals are encouraged to work through the examples set out below but are reminded that these are not exhaustive. Where any mitigating/aggravating factor relates directly to the nature or seriousness of the breach and the tribunal has already considered that factor in its choice of appropriate sanction, care should be taken as to the extent to which that factor is included in mitigation/aggravation. For example:

- if the sanction under consideration is a suspension because the conduct is regarded as a 'one off', this factor should not also be regarded as mitigating unless the 'one off' nature of the breach is so exceptional that it should have a direct bearing on the length of the suspension;

- if the breach is regarded as serious because it includes ‘bringing the authority into disrepute’, this factor should not also be regarded as aggravating unless the disrepute is so exceptional as to have a direct bearing on the length of the disqualification.

42. Tribunals should also take care to respect a member’s legitimate right to appeal and to distinguish protestations or assertions made in the course of exercising that right from those actions that might be regarded as aggravating factors designed to obstruct the processes of the Ombudsman or Adjudication Panel.

Mitigating circumstances

- i. substantiated evidence that the misconduct was affected by personal circumstances, including health and stress;
- ii. a short length of service or inexperience in a particular role;
- iii. a previous record of good service (especially if over a long period of time);
- iv. the misconduct was a one-off or isolated incident;
- v. that the member was acting in good faith, albeit in breach of the Code;
- vi. the misconduct arose from provocation or manipulation on the part of others;
- vii. the breach arose from an honestly held, albeit mistaken, view that the conduct involved did not constitute a failure to follow the Code, especially having taken appropriate advice;
- viii. the misconduct, whilst in breach of the Code, had some beneficial effect for the public interest;
- ix. political expression of an honestly held opinion, albeit intemperately expressed, or a political argument (see paragraphs 27-30 above and Aggravating factor xii below);
- x. self-reporting the breach;
- xi. recognition and regret as to the misconduct and any consequences;
- xii. an apology, especially an early apology, to any affected persons;
- xiii. co-operation in efforts to rectify the impact of the failure;
- xiv. co-operation with the investigation officer and the standards committee/APW;
- xv. acceptance of the need to modify behaviour in the future;
- xvi. preparedness to attend further training;
- xvii. commitment to seeking appropriate advice on the Code in the future;
- xviii. compliance with the Code since the events giving rise to the adjudication.

Aggravating factors

- i. long experience, seniority and/or position of responsibility;
- ii. seeking to unfairly blame others for the member's own actions;
- iii. deliberate conduct designed to achieve or resulting in personal (for her/himself, a family member or close personal associate) benefit or disadvantage for another;
- iv. deliberate exploitation of public office and/or resources for personal (for her/himself, a family member or close personal associate) or political gain;
- v. abuse or exploitation of a position of trust;
- vi. repeated and/or numerous breaches of the Code, including persisting with a pattern of behaviour that involves repeatedly failing to abide by the Code;
- vii. dishonesty and/or deception, especially in the course of the Ombudsman's investigation;
- viii. lack of understanding or acceptance of the misconduct and any consequences;
- ix. refusal and/or failure to attend available training on the Code;
- x. deliberate or reckless conduct with little or no concern for the Code;
- xi. deliberately or recklessly ignoring advice, training and/or warnings as to conduct;
- xii. the expression of views which are not worthy of respect in a democratic society, are incompatible with human dignity and conflict with the fundamental rights of others (see paragraphs 27 – 30 above);
- xiii. obstructing and/or failing to co-operate with any Ombudsman's investigation, Standards Committee, and/or the Adjudication Panel for Wales's processes;
- xiv. refusal to accept the facts despite clear evidence to the contrary;
- xv. action(s) that has/have brought the relevant authority and/or public service into disrepute;
- xvi. failure to heed previous advice and/or warnings and to adhere to any previous assurances given as to conduct relevant to the Code.
- xvii. Previous findings of failure to follow the provisions of the Code.
- xviii. Continuing to deny the facts, despite clear evidence to the contrary.

Fulfilling the purpose of the sanctions regime

43. The tribunal may need to consider further adjustments to the chosen sanction or length of sanction in order to achieve an appropriate deterrent effect, for the

individual and/or the wider council membership, or to maintain public confidence. Tribunals will also need to have regard to external factors that may exacerbate or diminish the impact of the chosen sanction.

Public interest

44. The overriding purpose of the sanctions regime is to uphold the standards of conduct in public life and maintain confidence in local democracy. Tribunals should review their chosen sanction against previous decisions of the Adjudication Panel for Wales and consider the value of its chosen sanction in terms of a deterrent effect upon councillors in general and its impact in terms of wider public credibility. If the facts giving rise to a breach of the code are such as to render the member entirely unfit for public office, then disqualification rather than suspension is likely to be the more appropriate sanction.

Eligibility for public office in other relevant authorities

45. Disqualification will automatically apply to a Respondent's current membership of all authorities to which the Local Government Act 2000 applies, irrespective of whether the other authorities' Codes have been breached. Disqualification will also prevent the Respondent from taking up public office, through election or co-option, on any other authorities to which the Act applies until the expiration of the disqualification period.

46. A suspension will preclude the member from participating as a member of the authority whose Code s/he has been found to have breached but not necessarily any other authorities of which the Respondent/Appellant is a member. Where the facts of a case call into question the member's overall suitability to public office, a disqualification may be more suitable than a suspension.

Former members

47. In circumstances where the tribunal would normally apply a suspension but the Respondent is no longer a member, a short period of disqualification may be appropriate (this can only apply in case tribunals). This will ensure that the Respondent is unable to return to public office, through co-option for example, sooner than the expiry of the period of suspension that would have been applied but for their resignation or not being re-elected. For appeal tribunals, a censure remains an option.

Financial impact

48. Tribunals should take into account the financial impact on members of a sanction: during suspension and disqualification, a member will be denied payment of their salary and allowances. The financial impact varies from an annual expenses reimbursement for community councillors to a basic salary

plus expenses for county councillors to the higher salaried paid to leaders of larger councils¹⁴.

Impact on the electorate

49. The High Court has recognised that Parliament has expressly provided case tribunals with a power to interfere with the will of the electorate and that such ‘interference’ may be necessary to maintain public trust and confidence in the local democratic process. Tribunals should be confident in their right to disqualify members whose conduct has shown them to be unequal to fulfilling the responsibilities vested in them by the electorate.
50. Suspension has the effect of temporarily depriving the electorate of local representation whereas disqualification triggers a process, either by-election or co-option, to replace the disqualified member.

Timing of local elections

51. In general, the length of a disqualification should be determined in relation to the nature of the breach and circumstances of the case, and be applied irrespective of the imminence or otherwise of local elections. There may be exceptional times when the duration of a disqualification might have a particularly disproportionate effect on the member. For example: a disqualification of 18 months, imposed in December 2020, would prevent a member from standing for local government election until May 2027, as the period of disqualification would overlap the May 2022 elections by one month. Tribunals should be willing to hear submissions as to why the length of disqualification should be varied, whilst bearing in mind the overriding public interest principle.

Automatic disqualifications

52. The law imposes an automatic disqualification for five years on any member who is subject to a term of imprisonment for three months or more (whether suspended or not). That a Court has imposed a lesser sanction does not mean that a five-year disqualification is inappropriate. If the case tribunal is of the view that the member concerned is unfit to hold public office and is unlikely to become fit over the next five years, then it may well be appropriate to impose such a disqualification.

Confirming the sanction

53. Tribunals should confirm their final determination on sanction, notifying the hearing and recording it in the decision notice. Tribunals will make sure that the reasons for their determination, including any significant mitigating and aggravating factors, are included in the full written record of proceedings in order to ensure that the parties and the public are able to understand its conclusions on sanction.

¹⁴ <http://gov.wales/irpwsb/home/?lang=en>

Recommendations

54. Case tribunals also have the power to make recommendations¹⁵ to the relevant authority whose Code it has considered about any matters relating to:

- the exercise of the authority's functions
- the authority's Code of Conduct;
- the authority's Standards Committee.

55. The authority to whom the recommendations are made is under a duty to consider them within three months and then prepare a report for the Ombudsman outlining what the action it, or its Standards Committee, has taken or proposes to take. If the Ombudsman is not satisfied with the action taken or proposed, he/she has the power to require the authority to publish a statement giving details of the recommendations made by the case tribunal and of the authority's reasons for not fully implementing them. As such, tribunals are advised to consider their use of this power with care.

Interim case tribunals – determining sanction

56. Interim case tribunals will decide, after considering a report (including any recommendation) from the Ombudsman on an ongoing investigation into alleged misconduct, whether to suspend or partially suspend, the member or co-opted member from the authority or a role within the authority.

57. Unlike case and appeal tribunals, interim case tribunals are not disciplinary. Interim case tribunals aim to:

- facilitate the Ombudsman's effective and expeditious investigation of the respondent's conduct;
- minimise any disruption to the business of the authority concerned during the investigation;
- maintain the reputation of the authority concerned;
- protect the authority concerned from legal challenge.

58. The powers available to an interim case tribunal¹⁶ are to suspend the Respondent, wholly or partially from being a member or co-opted member of the authority concerned, for not more than six months (or, if shorter, the remainder of the member's term of office). In the case of a partial suspension, the interim case tribunal will need to decide from what activity the respondent is to be suspended.

Purpose and process

59. Interim case tribunals recognise that no definitive finding has yet been made on the validity of the allegations about the Respondent and that any form of suspension can have a significant impact on a member's role, credibility and finances.

¹⁵ Section 80, <http://www.legislation.gov.uk/ukpga/2000/22/section/80>

¹⁶ Section 78(1), Local Government Act 2000

60. Interim case tribunals will therefore seek to take the minimum action necessary to ensure the effective completion of the investigation, the proper functioning of the authority concerned and the maintenance of public confidence. The tribunal will only decide on full suspension if its aims cannot be met otherwise.

The nature of the allegation(s)

61. Interim case tribunals will start by considering the nature of the allegations against the Respondent in order to decide whether, if the allegation were substantiated, a suspension or partial suspension would be an appropriate sanction.

No action

62. If the tribunal concludes that neither suspension nor partial suspension would follow a finding of breach, it is highly unlikely to make such an order without compelling reasons as to why the Ombudsman's investigation cannot effectively proceed without such action.

63. If the tribunal concludes that a finding on breach would result in a suspension or partial suspension, it will still require a compelling argument that it is in the public interest for a suspension or partial suspension of the Respondent in advance of the Ombudsman completing his investigation and referring a final report to the Adjudication Panel for Wales.

Partial Suspension

64. Partial suspension offers the possibility of safeguarding public confidence in an authority and enabling it to function effectively without depriving the member's constituents of ward representation. Interim case tribunals may wish to draw on the principles that apply to case and appeal tribunals' approach to partial suspension.

65. Partial suspension may be appropriate in circumstances where the allegations are directly relevant to and inconsistent with a specific function or area of responsibility held or the Respondent exercises executive functions for the authority whose Code s/he is alleged to have breached or – the Respondent may be excluded from their specific or executive responsibilities in order to reassure the public whilst not undermining the authority's ability to function effectively or depriving the electorate of their division/ward representation.

Suspension

66. Suspension is likely to be appropriate if there is a legitimate concern as to any of the following:

- the Respondent may interfere with evidence or with witnesses relevant to the matter under investigation;
- the business of the authority concerned cannot carry on effectively if the Respondent were to continue in office whilst the allegation against him or her

remained unresolved – the tribunal will have particular regard to any breakdown or potential breakdown in relations between the Respondent, other members and/or key staff of the authority;

- the allegations raise issues of such gravity that they jeopardise public confidence in the authority concerned if the Respondent were to continue in office whilst the allegations remained unresolved.

Annex: other documents and guidance relevant to tribunals

Adjudication Panel for Wales : Members Handbook (2017)

Public Services Ombudsman for Wales –The Code of Conduct for members of county and county borough councils, fire and rescue authorities, and national park authorities: Guidance (August 2016) and The Code of Conduct for members of community councils: Guidance (August 2016)

Equal Treatment Bench Book, Judicial College (as amended)

The Adjudications by Case Tribunals and Interim Case Tribunals (Wales Regulations 2001 No. 2288 (W.176), as amended by the Local Authorities (Case and Interim Case Tribunals and Standards Committees) (Amendment) (Wales) Regulations 2009 2578 (W. 209)

The Local Government Investigations (Functions of Monitoring Officers and Standards Committee) (Wales) Regulations 2001 No. 2281 (W171), as amended by the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 No. 85 (W.39)



**CARDIFF COUNCIL
CYNGOR CAERDYDD**

STANDARDS AND ETHICS COMMITTEE

5TH DECEMBER 2018

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

**PUBLIC SERVICES OMBUDSMAN FOR WALES – ANNUAL LETTER
2017/2018 FOR CARDIFF COUNCIL**

Reason for this Report

1. To allow Members to consider the Annual Letter 2017/18 for Cardiff Council issued by the Public Services Ombudsman for Wales ('the Ombudsman').

Background

2. The Ombudsman has two specific roles:
 - (i) To consider complaints about public services providers in Wales; and
 - (ii) To consider complaints that members of local authorities have breached their Code of Conduct.
3. The Ombudsman produces an Annual Report in relation to the performance of his functions, which is laid before the National Assembly for Wales (under paragraphs 14,16 and 17 of Schedule 1 of the Public Services Ombudsman (Wales) Act 2005).
4. The Ombudsman also sends letters on an annual basis ('the Annual Letter') to county and county borough councils and local health boards/NHS trusts concerning the complaints he has received and considered during the year. The aim of the Annual Letter is to provide the relevant bodies with information to help them improve both their complaint handling and the services that they provide.

Issues

5. The Annual Letter (2017/18) for Cardiff Council issued by the Ombudsman is attached as **Appendix A**.
6. The Annual Letter provides an overview of all complaints considered by the Ombudsman during the year 2017/18 followed by an analysis of the complaints received in relation to Cardiff Council.

7. Members should note that the information about complaints relating to service performance is to be considered by the Cabinet to inform its review of the Council's performance.
8. It is only the information about complaints relating to Code of Conduct matters which falls within the remit of the Standards and Ethics Committee.
9. Members may wish to note that further information in relation to the Code of Conduct complaints considered by the Ombudsman during 2017/18 is contained within the Ombudsman's Annual Report 2017/8. An extract from the relevant section of the Annual Report is attached, for Members' information, at **Appendix B**. (A link to the full report is given under Background Papers below.)

Legal Implications

10. There are no direct legal implications arising from the report.

Financial Implications

11. There are no direct financial implications arising from the content of this report.

Recommendations

The Committee is recommended to note the Annual Letter (2017/18) for Cardiff Council issued by the Ombudsman and the information set out in the report; and provide any comments or observations, as appropriate.

DAVINA FIORE
DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING OFFICER

22 November 2018

APPENDICES

Appendix A – Ombudsman's Annual Letter (2017/18) for Cardiff Council
Appendix B – Ombudsman's Annual Report 2017/18 – Extract in relation to Code of Conduct Complaints

[Background papers](#)

[Ombudsman's Annual Report and Accounts 2017/18](#)

Our Ref: NB/CW/MA



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15 October 2018

Councillor Huw Thomas

Sent by email: huw.thomas@cardiff.gov.uk

Annual Letter 2017/18

Following the recent publication of my Annual Report, I am delighted to provide you with the Annual Letter (2017/18) for **Cardiff Council**.

Despite a challenging complaints context, I am delighted to be able to report positive progress in the activities of the office over the past year.

Four public interest reports have been published in the past year, but none related to local authorities.

A new Public Services Ombudsman Bill has been introduced to the National Assembly and is currently at the second stage in the legislative process. This means that Members have agreed the general principles of the Bill and a Financial Resolution was agreed on 17 July 2018. This new legislation will help drive up public service standards as it is important that Wales continues to adopt best practices in complaints handling and public service improvement. If the Bill progresses I will be engaging with public bodies in Wales in preparation for the introduction of the new powers within the Bill.

Overview of complaints

Overall the number of complaints and enquiries received by my office has increased by 5% this year, this is attributed to an 8% rise in enquiries.

This year my office saw a 4% decrease in public body complaints. Despite complaints against NHS bodies increasing by 7%, we have seen a 10% reduction in complaints against councils.

After Health, which comprises 41% of all complaints, housing (11%), social services (9%) and planning and building control (8%) remain significant areas of complaint.

The number of Code of Conduct complaints increased by 14% in the past year, this is attributed to a 33% increase in Code of Conduct complaints involving Community Councils. Many of these complaints have arisen following changes in the membership of councils.

42% of Code of Conduct complaints received were with regards to the promotion of equality and respect, 19% were with regards to disclosure and registration of interests and 16% were with regards to integrity.

We are pleased to report that the number of complaints received by the Ombudsman concerning Cardiff Council has decreased in the past year by 24% from 143 to 109. With 28 complaints, Housing continues to be the most complained about subject, however, this has decreased from 33. Complaints concerning Environment and Environmental Health and Children's Social services have halved from 15 to 8 and 16 to 8 respectively. Despite this, we would like to draw your attention to complaints regarding Planning and Building Control which have increased from 10 to 16.

You will find below a factsheet giving a breakdown of complaints data relating to your Local Authority. This year we have included a new set of statistics regarding Ombudsman interventions. These include all cases upheld by my office as well as early resolutions and voluntary settlements.

Please would you present my annual letter to the Cabinet to assist Members in their review of the Council's performance.

This correspondence has been copied to the Chief Executive of the Council and to your Contact Officer within your organisation. I would again reiterate the importance of this role. Finally, a copy of all annual letters will be published on my website.

Yours sincerely,

Nick Bennett

Public Services Ombudsman for Wales

CC: Paul Orders, Chief Executive

Rory Williams, Contact Officer

Factsheet

A. Complaints Received and Investigated with Local Authority average adjusted by population

Local Authority	Complaints Received	Average	Complaints Investigated	Average
Blaenau Gwent County Borough Council	10	17	0	0
Bridgend County Borough Council	40	36	1	1
Caerphilly County Borough Council	40	45	1	1
Cardiff Council	109	90	5	3
Carmarthenshire County Council	25	46	3	1
Ceredigion County Council	35	18	5	1
City and County of Swansea	62	61	1	2
Conwy County Borough Council	36	29	3	1
Denbighshire County Council	20	24	3	1
Flintshire County Council	50	39	6	1
Gwynedd Council	29	31	2	1
Isle of Anglesey County Council	29	17	2	0
Merthyr Tydfil County Borough Council	13	15	2	0
Monmouthshire County Council	16	23	0	1
Neath Port Talbot County Borough Council	35	35	2	1
Newport City Council	37	37	2	1
Pembrokeshire County Council	34	31	0	1
Powys County Council	39	33	3	1
Rhondda Cynon Taf County Borough Council	36	60	0	2
Torfaen County Borough Council	15	23	0	1
Vale of Glamorgan Council	30	32	4	1
Wrexham County Borough Council	41	34	3	1

B. Complaints Received by Subject

Cardiff Council	Complaints Received
Adult Social Services	8
Benefits Administration	4
Children s Social Services	8
Community Facilities. Recreation and Leisure	1
Complaints Handling	8
Education	2
Environment and Environmental Health	8
Finance and Taxation	6
Housing	28
Planning and Building Control	16
Roads and Transport	12
Various Other	8

C. Comparison of complaint outcomes with average outcomes for Local Authorities, adjusted for population distribution

County/County Borough Councils	Out of Jurisdiction	Premature	Other cases closed after initial consideration	Early Resolution/Voluntary settlement	Discontinued	Other Report - Not upheld	Other Report Upheld - in whole or in part	Public Interest Report	Total Cases closed
Cardiff	22	21	41	36	1	1	1	0	123
Cardiff (adjusted)	16	25	32	12	0	1	2	0	88

D. Number of cases with PSOW intervention

	No. of complaints with PSOW intervention	Total number of closed complaints	% of complaints with PSOW interventions
Local Authority			
Blaenau Gwent County Borough Council	3	11	27
Bridgend County Borough Council	5	39	13
Caerphilly County Borough Council	3	39	8
Cardiff Council	37	123	30
Carmarthenshire County Council	1	24	4
Ceredigion County Council	4	35	11
City and County of Swansea	11	62	18
Conwy County Borough Council	4	32	13
Denbighshire County Council	1	15	7
Flintshire County Council	11	47	23
Gwynedd Council	1	26	4
Isle of Anglesey County Council	2	26	8
Merthyr Tydfil County Borough Council	3	13	23
Monmouthshire County Council	1	14	7
Neath Port Talbot County Borough Council	4	31	13
Newport City Council	8	34	24
Pembrokeshire County Council	3	32	9
Powys County Council	6	38	16
Rhondda Cynon Taf County Borough Council	6	36	17
Torfaen County Borough Council	1	16	6
Vale of Glamorgan Council	3	32	9
Wrexham County Borough Council	8	41	20

E. Code of Conduct Complaints Closed

County/County Borough Councils	Closed after initial consideration	Discontinued	No Evidence of Breach	No Action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Cardiff	2		1					3

F. Town / Community council Code of Conduct Complaints

Town/Community Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Taffs Well CC	2							2
Pentrych CC	1							1

Appendix

Explanatory Notes

Section A compares the number of complaints against the Local Authority which were received and investigated by my office during 2017/18, with the Local Authority average (adjusted for population distribution) during the same period.

Section B provides a breakdown of the number of complaints about the Local Authority which were received by my office during 2017/18. The figures are broken down into subject categories.

Section C compares the complaint outcomes for the Local Authority during 2017/18, with the average outcome (adjusted for population distribution) during the same period.

Section D provides the numbers and percentages of cases received by the PSOW in which an intervention has occurred. This includes all upheld complaints, early resolutions and voluntary settlements.

Section E provides a breakdown of all Code of Conduct complaint outcomes against Councillors during 2017/18.

Section F provides a breakdown of all Code of Conduct complaint outcomes against town or community councils.

Feedback

We welcome your feedback on the enclosed information, including suggestions for any information to be enclosed in future annual summaries. Any feedback or queries should be sent to catrin.wallace@ombudsman-wales.org.uk or matthew.aplin@ombudsman-wales.org.uk

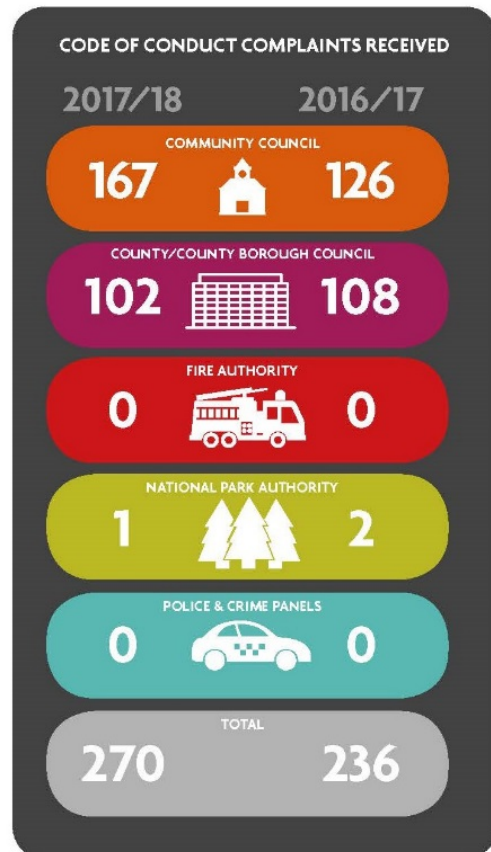
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Code of Conduct Complaints

The number of code of conduct complaints received increased to 270, an increase of 14% compared with 2016/17.

The increase relates entirely to Code of Conduct complaints involving Community Councils which have increased by 33%.

It is difficult at this stage to say exactly why there has been a significant rise in complaints about members of Town and Community Councils. Many of the complaints have arisen following changes in the membership of these council and difficulties have arisen between long established and new members. I am continuing to promote the concept of local resolution which has been adopted by a significant number of Town and Community councils, and I am encouraged by the efforts of One Voice Wales in this area which has, in collaboration with my office, created a model process for its members.



Nature of Code of Conduct complaints received

As in previous years, the majority of Code of Conduct complaints received during 2017/18 related to matters of ‘promotion of equality and respect’. These accounted for 42% of complaints (37% in 2016/17). Disclosure and registration of interests (19%) and integrity (16%) were the second and third most common types of complaint, which is consistent with the previous year. Chart 1.2 below provides a full breakdown of the nature of Code of Conduct Complaints received.

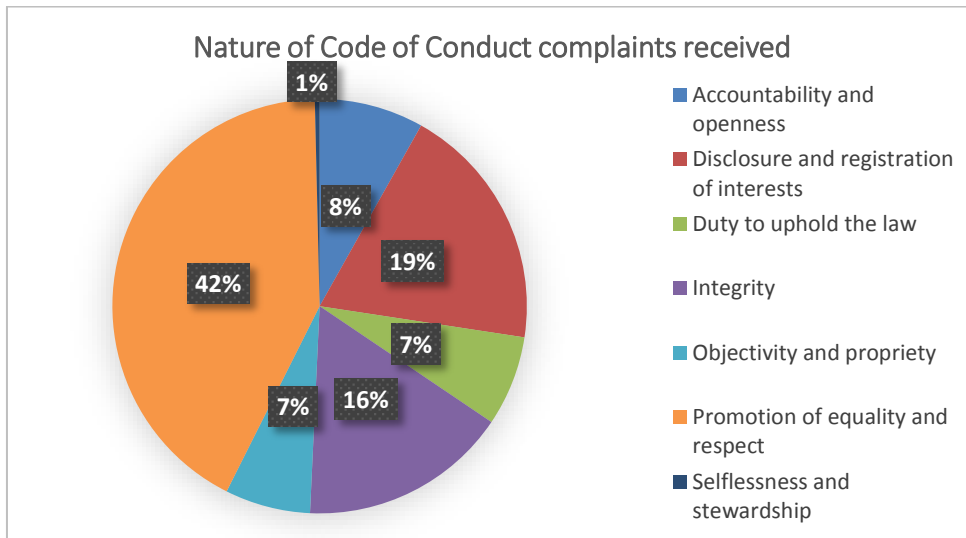


Chart 1.2

Summary of Code of Conduct complaint outcomes

The most common outcome is ‘Closed after initial consideration.’ Of the 247 complaints in 2017/18, the majority were closed (213) under this outcome. These include decisions where:

- there is no ‘prima facie’ evidence of a breach of the Code, and
- it is not in the public interest to investigate.

Fewer complaints were closed after full investigation in 2017/18 (26) than in 2016/17 (34). This is because I have continued to apply a public interest test when deciding whether to investigate Code of Conduct complaints. This means that I investigate only the more serious complaints where an investigation is required in the public interest.

In 2017/18 I received nine complaints which raised potential whistleblowing concerns about alleged breaches of the Code of Conduct. These complainants either did not provide ‘prima

facie' evidence of a breach of the code or did not warrant investigation in the public interest.

However, of the cases I investigated and closed this year, three cases were referred to the Adjudication Panel for Wales. The Adjudication Panel for Wales considers the evidence I prepare, together with any defence put forward by the member concerned. The Panel then determines whether a breach has occurred and, if so, what penalty, if any, should be imposed. Two of these cases were considered by the Panel during the year and in both cases serious breaches of the Code were found on the basis of my investigations and reports. Both cases involved councillors making derogatory remarks and unfounded allegations against staff and engaging in bullying, harassment, intimidation and malicious behaviour. As a result, a former member of [Flintshire County Council](#) was disqualified from holding office for 14 months and a former member of [Conwy County Borough Council](#) was disqualified from holding office for 18 months.

A summary of outcomes is below, with a detailed breakdown showing the outcomes of Code of Conduct complaints, by authority, provided in Annex B:



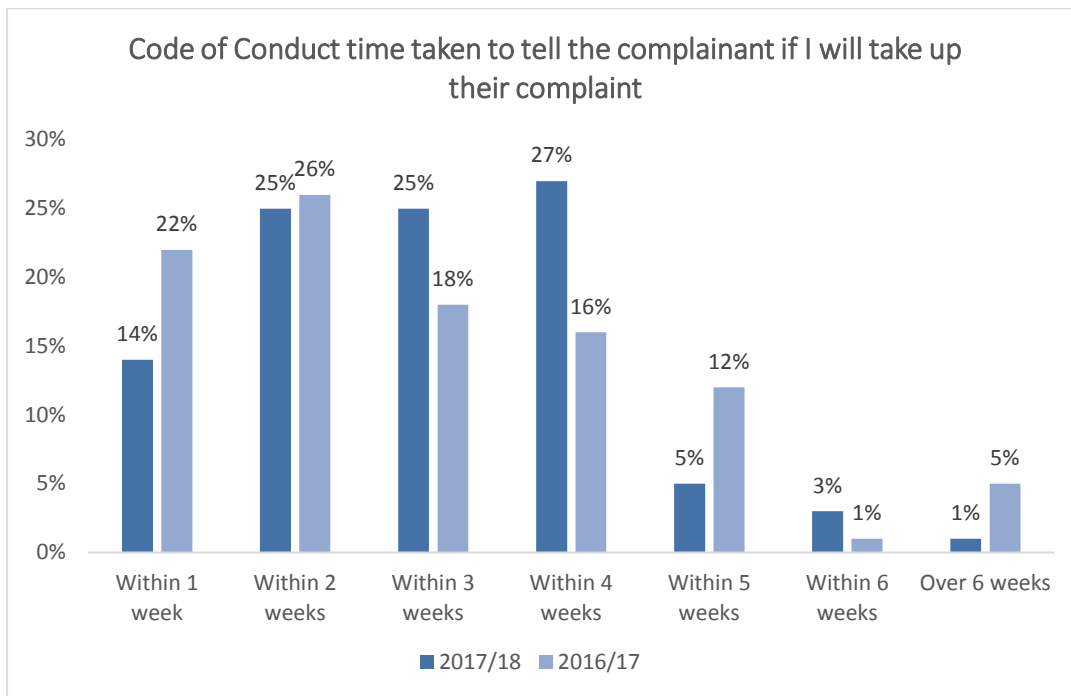
Decision times

Time taken to tell the complainant if I will take up their complaint

In respect of Code of Conduct complaints, 91% of complainants were informed within four weeks of the date I received sufficient information of whether I would take up their complaint. I am pleased to report that this is considerably higher than during 2016/17 where 82% were informed within four weeks.

Further details on these decision timescales are shown below.

Code of Conduct time taken to tell the complainant if I will take up their complaint



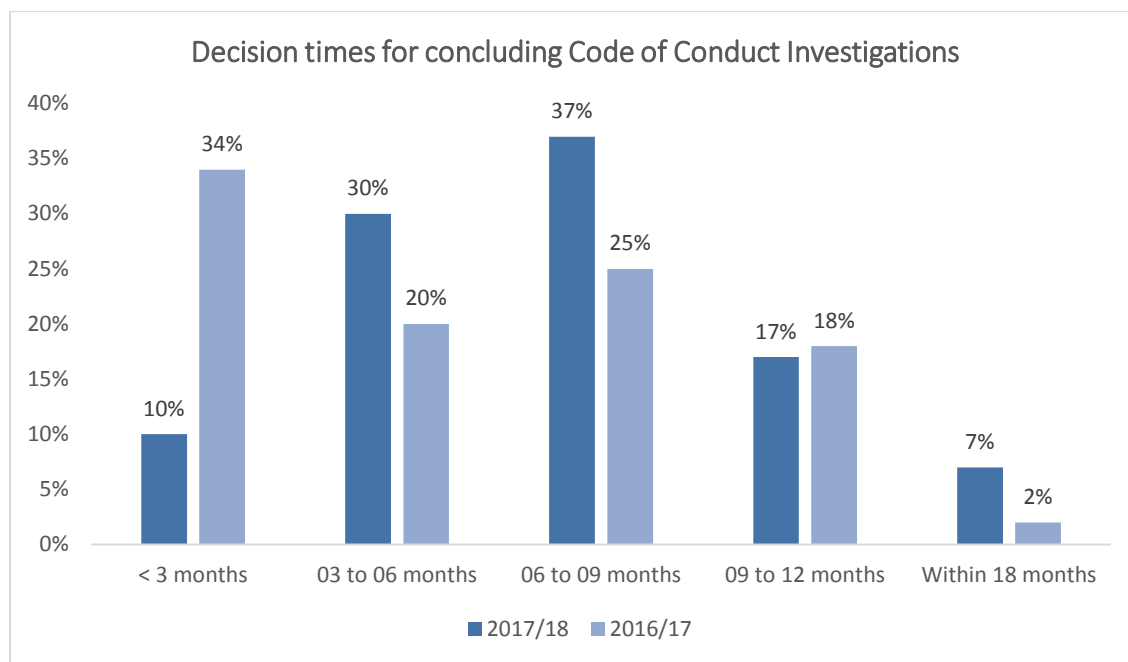
Graph 1.5

Decision times for concluding Code of Conduct investigations

The overall number of decisions on Code of Conduct complaints in 2017/18 was similar to that in the previous year. However, due to the fact that the cases which require investigation are often complex, coupled with external factors beyond our control and the pressures of the “health heavy” investigation caseload, fewer cases were concluded within three months – 10% compared with 34% in 2016/17.

I recognise the implications of longer decision times in these cases, for the complainant, for the councillors complained about and for the wider public interest. I will continue to work to reach timely conclusions in these cases in the year ahead.

Graph 1.6 below shows decision times for Code of Conduct complaints for 2017/18 compared with 2016/17.



Graph 1.6

Mae'r dudalen hon yn wag yn fwriadol

**STANDARDS AND ETHICS
COMMITTEE**

5TH DECEMBER 2018

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES & MONITORING OFFICER**

**MEMBERS' CODE OF CONDUCT COMPLAINTS – QUARTERS 1 & 2
OF 2018/19**

Reason for Report

1. To provide the Committee with an update on complaints made during Quarters 1 and 2 of 2018/19 (the period running from 1st April 2018 to 30th September 2018) against Members of Cardiff Council or any of Cardiff's Community Councils, alleging a breach of the Members' Code of Conduct.

Background

2. The Committee receives regular reports from the Monitoring Officer on complaints made against Members of Cardiff Council and Community Councils within its area, alleging a breach of the Members' Code of Conduct. (There are six Community Councils in Cardiff: Lisvane; Old St. Mellons; Pentyrch; Radyr and Morganstown; St. Fagans; and Tongwynlais.) These reports provide information to assist the Committee to discharge its functions, in particular:
 - i. To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services, and to report to the Council on any matters of concern;
 - ii. To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application; and
 - iii. To undertake those functions in relation to community councils situated in the area of the Council and members of those community councils which are required by law',

(paragraphs (a), (c) and (g) respectively, of the Committee's terms of reference).

3. The Committee considers the number of complaints made and any themes or patterns emerging, but does not consider the specific details of each individual case, unless the complaint is formally referred to the Committee for a decision.
4. Complaints received during Quarter 4 of 2017/18 were reported to the Committee's last meeting, in June 2018.

Issues

5. In Quarter 1, one complaint; and in Quarter 2, two complaints alleging a breach of the Members' Code of Conduct were received by the Monitoring Officer; amounting to a total of 3 complaints received during Quarters 1 and 2 of the current financial year, covering the period running from 1st April 2018 to 30th September 2018.
6. The table below shows the type of complaints received in Quarters 1 and 2 of this year and provides comparative figures for the previous 4 quarters.

	Q1 Apr, May, Jun 2017	Q2 Jul, Aug, Sept 2017	Q3 Oct, Nov, Dec 2017	Q4 Jan, Feb, Mar 2018	Q1 Apr, May, Jun 2018	Q2 Jul, Aug Sept 2018
Total	4	1	1	2	1	2
Member on Member	2	0	0	0	0	2
Public on Member	2	1	1	1	1	0
Officer on Member	0	0	0	1	0	0
Community Councillors	0	0	1	0	0	0

7. The single complaint received in Quarter 1 was notified to the Monitoring Officer by the Ombudsman. The complaint was made by a member of the public alleging intimidating and bullying behaviour by a Member. The Ombudsman is considering this complaint and his decision is awaited.
8. The two complaints received during Quarter 2 were both Member on Member complaints, which have been resolved informally by the Monitoring Officer. One complaint alleged abusive behaviour and language by another Member. The other complaint related to social media comments which implied that a Member's decision was biased. In each case an apology was offered and accepted.
9. The Committee will note that the number of complaints received during Quarters 1 and 2 remains low; and that 2 of the 3 complaints have been informally resolved, with a decision awaited from the Ombudsman on the one remaining case.

Legal Implications

10. There are no legal implications arising from the recommendations of this report.

Financial Implications

11. There are no direct financial implications arising from this report.

Recommendation

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

Davina Fiore

Director of Governance and Legal Services, and Monitoring Officer

22 November 2018

Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints, Quarter 4 of 2017/18', 13th June 2018.

Mae'r dudalen hon yn wag yn fwriadol



REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING OFFICER

REGISTRATION OF GIFTS AND HOSPITALITY RECEIVED BY MEMBERS

Reason for this Report

1. To enable the Committee to consider the gifts and hospitality received by Members, which have been registered in accordance with rules set under the Members' Code of Conduct; and to make any appropriate comments or recommendations in this regard.

Background

2. The Standards and Ethics Committee's terms of reference include the following:
 - a. To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services.
 - b. To report to the Council on any matters of concern. To advise the Council on the content of its Ethical Code and to update the Code as appropriate.
 - c. To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application.
3. The Members' Code of Conduct (paragraph 17), requires Members to register the receipt of any gifts, hospitality or other benefits where the value of the item or benefits exceeds a threshold determined by the Council from time to time.
4. The Council's threshold for registration of gifts and hospitality received by Members has been set, on the recommendations of this Committee (in October 2007), at £25 (in line with the threshold then applied to all local authorities in England by the Standards Board for England).
5. The Committee has requested regular reports on the registration of gifts and hospitality received by Members. At its meeting on 22nd November 2017, the Committee considered gifts and hospitality registered during the period from 1st October 2016 to 30th September 2017.

Issues

6. The Register of Members' Gifts and Hospitality held by the Democratic Services on behalf of the Monitoring Officer shows the registrations for
 - Members' Gift & Hospitality set out in **Appendix A**; and
 - Civic Hospitality set out in **Appendix B**;for the period from 1st October 2017 to 16 November 2018.
7. For Members' information, the Council's Guidance on Hospitality, Gifts and Other Benefits Received by Members (with the Members' Registration Form) is attached as **Appendix C**.

Legal Implications

8. There are no legal implications arising directly from the recommendations of this report.

Financial Implications

9. There are no financial implications arising from this report.

RECOMMENDATION

The Committee is recommended to note the information supplied at **Appendix A** on the registration of hospitality, gifts and other benefits received by Members during the period from 1st October 2017 to 16 November 2018. and make any comments considered appropriate.

Davina Fiore

Director of Governance & Legal Services and Monitoring Officer

26 November 2018

APPENDICES

Appendix A	Register of Member's Hospitality, Gifts & Other Benefits, 1 st October 2017 to 16 November 2018.
Appendix B	Guidance on Hospitality, Gifts and Other Benefits Received by Members (with Members Registration Form)

Background papers

Report to Standards & Ethics Committee, 'Members' Gifts and Hospitality Register', 22nd November 2017

MEMBERS HOSPITALITY 2018

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg.

Councillor	Date of hospitality/gift	Provider of hospitality/gift	Nature/purpose of hospitality	Capacity in which hospitality/gift received
Ali, Dilwar	13/5/18	Cardiff City Football Club	Two tickets to Premier league celebration reception	Councillor
Bale	17/10/17	Sherman Theatre	Two tickets to The Cherry Orchard (did not attend)	Councillor
Bale	6/12/17	Muslim Council of Wales	Interfaith dinner and awards evening	Councillor
Bale	1/3/18	Cartref Cymru Co-Op	Conference and Accommodation and return train	Co-op ward member
Bale	1/3/18	Cartref Cymru Co-	Conference, accommodation,	Co-op ward member
Bradbury	11/11/17	Welsh Rugby Union	Wales vs Australia hospitality	Cabinet Member for Culture and Sport
Bradbury	11/11/17	Urdd	Wales vs Australia hospitality	Cabinet Member for Culture and Sport
Bradbury	13/5/18	Cardiff City Football Club	Two tickets to Premier league celebration	Cabinet Member
Bradbury	26/5/18	Caerau Ely RFC	Annual club dinner	Ward Councillor
Bradbury	20/6/18	Wales Sports Hall of Fame	Dinner	Cabinet Member (receiving award)
Bradbury	28/7/18	Welsh Proms, St David's Hall	Ticket	Cabinet Member
Carter	26/6/18	Community Housing Cymru	Ticket for PAC dinner	Liberal Democrat housing spokesperson
Goddard	18/7/18	Constituent	Bouquet of flowers	Ward councillor
Goodway	25/4/18	Parmer Innovation Centers	Invitation to launch of Parmer Cardiff Office Campus	Cabinet Member for Investment and Development

MEMBERS HOSPITALITY 2018

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg.

Goodway	20/7/18	Honorary Consulate of India, Wales	Official flag-raising ceremony	Cabinet Member
Henshaw	13/5/18	Cardiff City Football Club	Two tickets to Premier league celebration	Councillor
Henshaw	10/6/18	Artichoke Procession	Two tickets to VIP reception (gave tickets to daughter)	Ward member
Howells	13/5/18	Cardiff City Football Club	Two tickets to Premier league celebration reception	Councillor
Howells	31/5/18	NoFit State Circus	Two tickets to performance of Lexicon, drinks reception before and after	Ward Councillor for Adamsdown
Howells	18/10/18	Sherman Theatre	Two tickets for press performance of Lord of the Flies	Councillor
Jacobsen	5/11/18	RSPCA	Three-course lunch	Councillor
Jones, Keith	24/11/17	Chairman of Cardiff City Football Club	Official opening of Cardiff City House of Sport dome. Match ticket and hospitality.	Representative of the Council
Kelloway	13/5/18	Cardiff City Football Club	Two tickets to Premier league celebration reception	Councillor
Lister	12/3/18	Duke of Edinburgh Award -- Wales and Cardiff Business Club	Ticket to lecture and dinner at Cardiff Business Club	Assistant Cabinet Member for Youth Services
Lister	13/5/18	Cardiff City Football Club	Two tickets to Premier league celebration reception	Councillor
Lister	26/6/18	Residential Landlords Association (Wales)	Public Affairs Cymru Dinner 2018	Ward member

MEMBERS HOSPITALITY 2018

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg.

Lister	29/6/18	Welsh Government Education Directorate	Youth Work Excellence Awards 2018 dinner	Assistant Cabinet Member for Youth Services
Mackie	17/10/17	Sherman Theatre	Tickets to the Cherry Orchard	Ward Member
McEvoy	13/5/18	Cardiff City Football Club	Two tickets to Premier league celebration reception	Councillor
Michael	1/12/17	Viridor	Pre-drinks and dinner for CIWM Cymru Wales Christmas event	Chair of Prosiect Gwyrdd Joing Committee and Cabinet Member for Clean Streets, Recycling, and Environment
Michael	13/5/18	Cardiff City Football Club	Two tickets to Premier league celebration reception	Cabinet Member
Michael	6/6/18	Learning and Work Institute	Annual Inspire! Adult Learning Awards 2018 - Waste Services	Cabinet Member for Environment
Michael	7/6/18	Volvo Ocean Race SLU	Lunch	Cabinet Member for Environment
Michael	8/6/18	Volvo Ocean Race SLU	Volvo Award Dinner	Cabinet Member for Environment
Michael	5/9/18	Football Association of Wales	Ticket to Wales vs Ireland	Cabinet Member attending on behalf of the Leader
Rees	13/5/18	Cardiff City Football Club	Two tickets to Premier league celebration	Councillor
Robson	13/5/18	Cardiff City Football Club	Two tickets to Premier league celebration reception	Councillor
Thomas, Huw	11/11/17	Welsh Rugby Union	Pre-match lunch, two match tickets, post-match reception.	Leader
Thomas, Huw	27/3/18	Sustrans	Business dinner	Leader

MEMBERS HOSPITALITY 2018

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg.

Thomas, Huw	11/5/18	Prof. Saleem Kidwai, Secretary General, Muslim Council of Wales	Ramadan celebration dinner	Leader
Thomas, Huw	15/9/18	Welsh National Opera	Performance of War and Peace. One ticket.	Leader
Thomas, Huw	5/10/18	ARUP	Lunch	Leader
Wild	3/10/17	Sherman Theatre	Guest night – Cherry Orchard	Councillor
Wild	27/3/18	Sustrans	Business dinner	Cabinet Member for Strategic Planning and Transport
Williams	19/4/18	Honourary Consul for Israel in Wales, C/O Embassy of Israel, UK	Dinner, alcohol, pin badge	Elected Member

MEMBERS HOSPITALITY 2018

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg.

Councillor	Date of hospitality/gift	Provider of hospitality/gift	Nature/purpose of hospitality	Capacity in which hospitality/gift received
De'Ath	21/10/17	Worshipful Livery Company of Wales	Worshipful Livery Company of Wales Annual Installation dinner	Deputy Lord Mayor
Derbyshire	1/11/17	Rotary Club, Cardiff	100th Charter Night Dinner	Lord Mayor
Derbyshire	2/11/17	Chartered Institute for Securities and Investments	CISI Wales branch dinner	Lord Mayor
Derbyshire	4/11/17	Royal British Legion	Wales Festival of Remembrance, VIP concert ticket	Lord Mayor
Derbyshire	9/11/17	National Assembly for Wales	Flanders Hedd Wyn centenary commemoration, VIP reception	Lord Mayor
Derbyshire	11/11/17	Wales Rugby Union	Wales vs Australia match	Lord Mayor
Derbyshire	15/11/17	Royal College of Nursing Wales	RCN Wales Nurse of the Year Awards 2017, dinner	Lord Mayor
Derbyshire	17/11/17	Care Forum	Wales Care	Lord Mayor
Derbyshire	27/11/17	Cardiff Metropolitan University	Graduation Ceremony, lunch	Lord Mayor
Derbyshire	5/12/17	Cardiff Metropolitan University	Honorary Past Presidents Lunch	Lord Mayor
Derbyshire	6/12/17	Cardiff County and Vale of Glamorgan	Xmas showcase	Lord Mayor
Derbyshire	8/12/17	Cardiff Philharmonic Orchestra	A night at the movies concert	Lord Mayor

MEMBERS HOSPITALITY 2018

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg.

Derbyshire	9/12/17	Cardiff Community Plus	Xmas party for senior citizens	Lord Mayor
Derbyshire	11/12/17	Romanian Embassy	Courtesy call by the Romanian Ambassador and inauguration of	Lord Mayor
Derbyshire	10/1/18	Embassy of Ireland	Reception by the Ambassador of Ireland	Lord Mayor
Derbyshire	15/1/18	Cardiff Business Club	Cardiff Business Club dinner in honour of Liz Nicholl	Lord Mayor
Derbyshire	18/1/18	Castle Bingo	Lord Mayor's charity cheque presentations, dinner	Lord Mayor
Derbyshire	31/1/18	Peruvian Embassy	Peruvian Ambassador courtesy call	Lord Mayor
Derbyshire	3/2/18	Welsh Rugby Union	Wales vs Scotland match, pre-match VIP lunch and match ticket	Lord Mayor
Derbyshire	12/2/18	Cardiff Business Club	Dinner in Honour of Carolyn Fairbairn	Lord Mayor
Derbyshire	28/2/18	National	St David's	Lord Mayor
Derbyshire	13/3/18	CCVG Music Service	Music Service Spring Showcase concert and reception	Lord Mayor
Derbyshire	19/4/18	South Wales Jewish Community	Israel 70th Anniversary event	Lord Mayor
Derbyshire	22/4/18	Vale of Glamorgan Council	RAF Centenary Baton Relay, afternoon tea	Lord Mayor
Derbyshire	23/4/18	Cardiff-Nantes Exchange	Dinner	Lord Mayor
McKerlich	9/8/18	Youth Brass Band Hofen from	German wine and confectionary	Deputy Lord Mayor

MEMBERS HOSPITALITY 2018

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg.

McKerlich	13/10/18	Believe Charity	Believe Ball 2018 dinner	Deputy Lord Mayor
McKerlich	14/10/18	Pentyrch Community Council	Civic reception, buffet	Deputy Lord Mayor
Rees	2/5/18	Qatar Airways	Inaugural gala dinner	Lord Mayor
Rees	9/5/18	European	Europe Day	Lord Mayor
Rees	17/5/18	Royal Air Force Benevolent Fund	RAF Centenary Dinner	Lord Mayor
Rees	18/5/18	City of	Volvo Ocean Race	Lord Mayor
Rees	23/5/18	Cardiff Business Club	Dinner with HE Simon Smits, Dutch Ambassador to the UK	Lord Mayor
Rees	23/5/18	Royal Institution of Chartered Surveyors	RICS Wales Awards dinner	Lord Mayor
Rees	7/6/18	Volvo Ocean Race	Cardiff Awards Night dinner	Lord Mayor
Rees	20/6/18	Cardiff Business Club	Dinner with Justine Roberts	Lord Mayor
Rees	30/6/18	Welsh Singers	Welsh Singers Showcase Final Concert VIP tickets	Lord Mayor
Rees	1/7/18	British Warships Association	Annual Garden Party	Lord Mayor
Rees	2/7/18	Rotary Club Cardiff	Rotary Hanover and Inaugural Dinner	Lord Mayor
Rees	3/7/18	Cardiff Business Club	Breakfast event with Ross McEwan RBS	Lord Mayor
Rees	7/7/18	Royal British Legion and Everyman Theatre	Dad's Army gala reception and performance	Lord Mayor
Rees	12/7/18	Cardiff Metropolitan University	Annual Dinner 2018	Lord Mayor

MEMBERS HOSPITALITY 2018

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg.

Rees	15/7/18	Noah's Ark Charity	Charity tea party event	Lord Mayor
Rees	23/7/18	MAE Cymru	Networking lunch	Lord Mayor
Rees	17/8/18	Honorary Consul for the Slovak Republic	Welcome dinner for Poprad Ice Hockey Team	Lord Mayor
Rees	22/9/18	Money for Madagascar	Wales/Madagascar bicentenary concert, VIP ticket	Lord Mayor
Rees	28/9/18	South Wales Fire and Rescue Service	SWFRS Challenge dinner	Lord Mayor

GUIDANCE ON HOSPITALITY, GIFTS AND OTHER BENEFITS RECEIVED BY MEMBERS FROM EXTERNAL ORGANISATIONS, BUSINESSES OR INDIVIDUALS

Introduction

1. This guidance is issued in accordance with the statutory Code of Conduct for Members and applies to Elected Members and Co-opted Members of Cardiff Council. It sets out the threshold or minimum value level determined by the Council under the Code, which is **£25**.
2. **All hospitality, gifts and other benefits received by Elected Members and Co-opted Members, which are estimated to exceed this value, must be notified to, and registered by, the Council's Monitoring Officer via Democratic Services.**

Definitions

3.

Term	Definition
Hospitality received	Any entertainment beyond the offer of non-alcoholic drinks and light refreshments, which would reasonably be regarded as normal social congress, offered to Members in an official capacity or in the course of, or arising from, their official duties as Members. Hospitality received can include (but not exclusively) meals, travel opportunities, hotel accommodation, invitations to events, sport and theatre tickets.
Gift	Any tangible item given to Members in the course of, or arising from, their official duties and position held within the Council.
Other benefits	Any other benefit offered to Members in the course of, or arising from, their official duties and position held within the Council, not covered by the definitions listed above.

Statutory and Council Framework

4. Paragraph 7 of the Council's Code of Conduct for Members states that:

"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."

5. Paragraph 9(b) of the Council's Code of Conduct for Members also states that:

"You must...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."

6. Paragraph 17 (Registration of Gifts and Hospitality) of the Council's Code of Conduct for Members further states that:

"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."

Acceptance and Refusal

7. Whatever the value of the hospitality, gift or other benefit offered to a Member by an external organisation, business or individual, if its acceptance may place you under an improper obligation to the donor, or may reasonably appear to do so, it should always be refused.

8. It is not possible to describe all the situations where an improper obligation may arise. However, these are some examples of circumstances in which offers to Members are likely to be seen as suspect:

- The offer of hospitality, gifts or other benefits which do not appear to have any proper purpose connected with the Council (e.g. the offer of private holidays or the use of holiday accommodation; personal gifts of substantial value or other benefits offered to Members at substantially below the price they would normally be offered to the public);

- Hospitality, gifts or other benefits offered to Members who are closely involved, or who will participate, in decision making relating to an external organisation, business or individual seeking to do business with the Council and, for example, is involved in negotiating a contract; the sale or acquisition of a property; or has submitted a tender for a Council project;
- Regular and repeated hospitality, gifts or other benefits which are either offered or received from the same external organisation, business or individual;
- Hospitality, gifts or other benefits offered where a Member would be the sole guest on an essentially private occasion;
- Hospitality, gifts or other benefits offered for purely sporting or social occasions away from the Council's administrative area, where there would be no general expectation that the Council should be represented, nor any clear connection with Council business or functions.

It should be stressed that the above are examples only, and are not exhaustive. Each offer and its appropriateness should be considered on its merits and it will be necessary for Members to make a personal judgement as to whether it is appropriate to accept it.

8. Members must strike a balance between, on the one hand, taking an active part in the life of the community and ensuring that the Council is properly represented when it needs to be in a position to receive or impart information, and, on the other hand, the need to avoid the appearance of improper obligations.
9. In circumstances where it is necessary for the Council to be represented at events where hospitality is offered by an external organisation, business or individual, it is appropriate to accept unless there are circumstances which clearly suggest that an improper obligation may be seen to arise.
10. If, for example, the external organisation, business or individual offering hospitality is at a sensitive stage in contractual negotiations with the Council, it will not be appropriate for those who are directly or indirectly involved with those negotiations to accept hospitality. If the matter is a major project which affects many Council services, all invitations received during such negotiations should be refused.
11. If, however, the matter is relatively minor and confined to one service area or a small group of individual Members or employees, it may be appropriate for those Members not involved directly or unconnected with the matter to accept invitations, if it is believed that the event concerned is particularly relevant to Council business or functions.

12. The offer of hospitality from other public bodies or organisations (e.g. UK Government, National Assembly for Wales, Welsh Government, Local Health Boards and other Councils) will normally be appropriate for acceptance as the implication of improper obligation would rarely arise in those circumstances and such events are generally arranged for proper public purposes. However, those Members who are offered hospitality, gifts or other benefits by such organisations would still need to consider whether acceptance is appropriate and likely to further the Council's interests. In addition, if the organisation is involved in the process of negotiating a contract or other arrangement with the Council, careful consideration should be given before accepting any hospitality, gifts or other benefits.
13. There may be rare occasions when Members may be offered gifts in the form of bequests by local residents, as a result of their undertaking official duties. Such offers of bequests should be discouraged wherever possible in order to avoid Members being subject to any accusations of impropriety and undue influence or persuasion having been brought to bear on the testator. However, if a bequest is made then the acceptance of small bequests by Members, which represent only a minor proportion of the estate in each individual case, will generally be considered as acceptable.
14. Elected Members and Co-opted Members are not required to obtain authorisation before accepting hospitality, gifts or other benefits offered in connection with their official role. However, Elected Members and Co-opted Members will be responsible for any decision they take to accept any hospitality, gift or other benefit.

Registration

15. **Elected Members and Co-opted Members are required to register any hospitality, gifts or other benefits exceeding an estimated value of £25 for each occasion, item or payment.**
16. If there is any doubt about whether the item exceeds the threshold value, you are advised to register its receipt. However, for the avoidance of any doubt, items below the threshold values do not need to be registered by Members. The threshold value will be reviewed by the Council as necessary and appropriate, in consultation with the Standards and Ethics Committee.
17. Under the Members' Code of Conduct, Elected Members and Co-opted Members are required to make such registrations **within 28 days of receipt**. Members should use the applicable Member Registration Form ([4.C.039](#)), which must be completed and returned to the Democratic Services Manager for registration purposes. The register will be made available for public inspection.

**REPORT OF DIRECTOR OF GOVERNANCE & LEGAL SERVICES
AND MONITORING OFFICER**

SOCIAL MEDIA GUIDANCE FOR COUNCILLORS

Reason for this Report

1. To allow the Committee to consider the Social Media Guidance for Councillors issued by the Welsh Local Government Association ('WLGA').

Background

2. The growing use of social media presents varied opportunities and challenges for Councillors. In recognition of this, in July 2014 the Standards and Ethics Committee issued Social Media Guidance for Councillors ('the Council's Guidance'), following consultation with political Group Leaders and Whips .
3. The Committee reviewed its Social Media Guidance in July 2016 and again in March 2018.
4. In March 2018 the Committee noted that a number of amendments were required to update the Guidance to reflect changes in the social media landscape. It was agreed that an updated draft would be prepared with advice from the Council's Head of Communications and circulated to all Committee members for any further comments. The Monitoring Officer was given delegated authority, in consultation with the Chair, to update the Guidance, having regard to Committee members' comments and to issue it to all Members.
5. An updated draft of the Guidance was circulated to Committee members in June 2018 for comments.

Issues

6. The WLGA has also produced guidance for Councillors on Social Media. In the March 2018 report to Committee on this issue, it was noted that the WLGA's guidance (2013) was being updated, but there was, at that time, no indication of the timescale for issue of their revised guidance.
7. In July 2018 the WLGA issued a draft of their updated social media guidance; and the finalised WLGA 'Social Media: A Guide for Councillors' was issued in October 2018. The WLGA Guidance is attached as **Appendix A**.

8. Members will note that the WLGA Social Media Guidance is very comprehensive and well presented, with lots of helpful tips for Councillors. It also has the advantage of being national guidance, having been produced in consultation with a wide range of individuals and bodies across Wales and the UK.
9. The Committee has previously discussed the advice regarding use of separate social media accounts to differentiate a Councillor's personal comments from those relating to their role as Councillor. In this regard, Members may wish to note that the WLGA guidance (at the bottom of page 16) notes the different views on this issue and advises Councillors to consider and take their own view. This accords with the advice previously agreed by the Committee.
10. Members are invited to consider the WLGA Social Media Guidance and agree whether to circulate it to all Cardiff Councillors instead of the draft guidance previously emailed to the Committee, which is appended as **Appendix B**.

Legal Implications

10. There are no direct legal implications arising from the recommendations of this report.

Financial Implications

11. There are no financial implications arising from the recommendations of the report.

RECOMMENDATION

The Committee is recommended to consider the WLGA's 'Social Media: A Guide for Councillors' (October 2018) attached as **Appendix A**; and agree to circulate it to all Cardiff Councillors, and to reach a view as to whether to do so instead of the Committee's updated guidance (**Appendix B**), as they cover the same material.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

26th November 2018

APPENDICES

- | | |
|------------|--|
| Appendix A | WLGA 'Social Media: A Guide for Solicitors, October 2018 |
| Appendix B | Cardiff Council, updated draft Social Media Guidance for Councillors |

Background papers

Standards and Ethics Committee report 'Social Media Guidance for Councillors', 28 March 2018



CLILC • WLGA

Social Media

A Guide for Councillors



Contact

Welsh Local Government Association

The WLGA's primary purposes are to promote a better local government, its reputation and to support authorities in the development of policies and priorities which will improve public service and democracy.

It represents the 22 local authorities in Wales with the 3 fire and rescue authorities and 3 national park authorities as associate members.

Welsh Local Government Association

Local Government House

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CF10 4LG

Tel: 029 2046 8600

www.wlga.wales

We are indebted to the officers and members who have contributed to this guide, particularly in Denbighshire, Flintshire County Council on behalf of North Wales Local Authority Emergency Information Team Chairs. Lawyers in Local Government, the Heads of Democratic Services, Chairs of Democratic Services Committees, the MSO and Lead Members Network, guidance from the LGA and Scottish Improvement Service and The Office of the Welsh Language Commissioner. Also, to Kevin O'Keefe, then of Excelsa Interim Management & Consultancy Ltd, who contributed to the 2013 first edition of this guide.

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Introduction

Social media is changing the world.

It is changing the way we communicate, the way we receive our news and, increasingly, the way we think about ourselves and others. Social media is transforming politics too; it makes politicians and public institutions more accessible, allows individuals to have their voices heard and helps share ideas or promote campaigns, potentially to millions, in an instant.

It is a powerful tool that can do much good but, in the wrong hands, can cause harm too. The growth of online abuse or trolling is a concern, as is the mounting evidence that organisations or even foreign agencies can exploit social media or use 'fake news' to influence public opinion or even affect democratic contests¹.

Social media's influence is growing, not only are the number of active users increasing but it is also being used more effectively as a medium to communicate, engage and mobilise.

Social media has therefore become a vital tool for councils and councillors to inform and engage with the communities they serve.

Many councillors already use social media and many more are thinking about using it. As a councillor, there are additional things to consider when using it, including the Code of Conduct and managing expectations and workload.

This guidance offers advice for those councillors who are new to social media and some tips for those already using it. Social media is rapidly evolving, so this guidance offers a general overview, some key pointers and principles and references to step-by-step resources online.

¹ <https://www.bbc.co.uk/news/uk-39830727> and <https://www.bbc.co.uk/news/world-us-canada-41355903>

1. What is social media?

Social media is a vast blanket term applied to a range of online multimedia tools; in short, social media allows you to communicate, broadcast or publish to millions in an instant, usually for free and all from a small device in the palm of your hand.

Social media can be set up and accessed via your smartphone, PC, laptop, tablet or smart TV. Social media applications (apps) or platforms allow you to communicate (either with individuals, specific groups or everyone), share information, share photos, create, edit and share audio or videos and play games with others.

Councils now use social media as a matter of course to communicate and consult with their residents who now expect this to be another communication channel, especially for urgent information. Council Twitter feeds include information on community events, school and road closures, job vacancies, sporting events and consultations, as well as details and, occasionally, detailed accounts of council meetings, including links to webcasts. Council scrutiny committees may also be using social media to promote and consult on their activities and undertake service reviews, such as in [Monmouthshire](#) and [Swansea](#).

Although there are some risks to using social media, which will be covered later in this guide, social media can be fun and innovative and can be used as an alternative method of communication and engagement, it can also break down barriers and stereotypes. Councils and other public bodies have used it for positive public relations, for example, it is worth looking at Swansea's [Faces of Swansea](#) social media campaign or the Twitter account [Love the Lagoon](#), or Torfaen's '[In the Depot](#)' video.

Some councils [have asked the public to name snow ploughs](#).

We have social media to thank for [Boaty McBoatface](#)!

Social media has a massive reach and some individuals (typically celebrities or national politicians) have many millions of followers. Social media is growing in usage too, an Office of National Statistics survey in 2017² showed that 66% of people in the UK had used social media in the last 3 months. It's not just younger people who use social media, further research by the ONS showed that that there is significant use across all age groups:

²<https://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/adhocs/007401socialnetworkingbyagegroup2011to2017>

Age	16-24	25-34	35-44	45-54	55-64	65+	All
%	96	88	83	68	51	27	66

According to Ofcom³, in 2017:



84%
OF WELSH HOUSEHOLDS
HAD ACCESS TO THE
INTERNET



74%
OF ADULTS USED
A SMARTPHONE



21 Hours
ON AVERAGE SPENT
ONLINE EVERY WEEK BY
WELSH INTERNET USERS

Facebook and Twitter are the most widely used social media platforms and therefore the most relevant to councillors. According to Twitter⁴, and Facebook⁵ there are:



AN ESTIMATED
17.1m
TWITTER USERS
IN UK



30m
FACEBOOK USERS IN THE UK
ON MOBILES ALONE...
AND OVER 2.20bn MONTHLY
ACTIVE USERS WORLDWIDE

This guide will therefore focus on Facebook and Twitter for councillors, and will touch on other platforms too.

³ https://www.ofcom.org.uk/_data/assets/pdf_file/0027/104985/cmr-2017-wales.pdf

⁴ <https://www.statista.com/statistics/271350/twitter-users-in-the-united-kingdom-uk/>

⁵ <https://zephoria.com/top-15-valuable-facebook-statistics/>

Blogs

A blog (an abbreviation of “web-log”) is essentially an online journal with your latest posts appearing first. It can be a journal of diary entries, thoughts or ideas or somewhere to publish more detailed articles on particular issues. Anyone can add comments to your blog and you can use the site to link or draw attention to other online comments or sources of information. Blogs are most effective when they are regularly maintained and updated.

Blogs tend to be included as part of an existing website or via Facebook, which means it’s easier to promote and encourage broader feedback.

Some leaders or chairs produce blogs via their council websites, for example in [Caerphilly](#), [Rhondda Cynon Taf](#), and [Chairman of Denbighshire County Council](#).

Other councillors publish their own, for example:

- [Cllr Peter Black](#)
- [Deputy Lord Mayor of Swansea 2018-2019](#)
- [Cllr Neil Prior](#)

Keep at it!

As with all social media, if you start blogging, it’s best to keep it up and keep it up-to-date; all it takes is for someone to find your last blog entry of some years ago and they can criticise you by saying ‘you have nothing else to say’ or ‘you have no new ideas’. If you do stop blogging, think about archiving the material or moving it over to a new social media platform.



Twitter is technically a micro-blog. Twitter allows you to post information, news, photos or videos in messages that are known as **tweets**. Twitter enables you to **follow** people, organisations, news or information that you are interested in and post information and messages of your own. People or organisations in turn can follow you, so they can see all of your tweets; you can even adjust the settings to allow you to be alerted when someone you’re particularly interested in tweets.

Tweets on the same theme are drawn together using **hashtags**. People use the hashtag symbol (#) before a relevant keyword or phrase in their tweet to categorise those tweets and help them show more easily in a Twitter search. Clicking on a hash tagged word in any message shows you other Tweets that include that hashtag.

You can have a private conversation or create a group conversation with anyone who follows you by using the **Direct Message** option. Anyone you do not follow can also send you a Direct

Warning

As a politician, others may consider your tweets 'fair game'. A good rule of thumb is not to commit anything to social media that could at some point be used against you. Even your retweets can be perceived as something you endorse or support.

As with emails, although Direct Messages are private and you may trust the recipients, they can become public if leaked!

Here are some examples of councillors' Twitter accounts:

[@LeaderNewport](#)

[@CllrRobJames](#)

[@PeterFox61](#)

[@Cllrjuliefallon](#)

[@CllrSaif](#)

[@CllrFionaCross](#)

[@elinmwj](#)

[@DebbieWallice](#)

[@Alun_Williams](#)

[@CllrJoshuaPlaid](#)

[@CllrLisaMytton](#)

[@PriorNeil](#)

And some useful organisations:

[@WelshLGA](#)

[@LGAComms](#)

[@WelshGovernment](#)

[@WG_localgov](#)

[@AssemblyWales](#)

[@BBCWalesNews](#)

Message, if you have opted to receive Direct Messages from anyone or you have previously sent that person a Direct Message.

You can **block** or **mute** accounts on Twitter. Once an account has been blocked, those accounts cannot follow you and you cannot follow them. However, even those you have blocked can still access your account through a third party who follows you.

All the details about how twitter works and how you can set up an account can be found [here](#).



Facebook is the most extensively used social network in the world. Essentially, it allows you to easily create your own webpage or group, or an interactive newsletter about you, your life, your interests and friends.

Have a look at these councillors' pages

- [Councillor Neil Prior](#)
- [Councillor Dhanisha Patel](#)
- [Councillor Matthew Dorrance](#)
- [Councillor Steve Churchman](#)

And these authority pages:

- [Wrexham Council](#)
- [Isle of Anglesey County Council](#)
- [Blaenau Gwent County Borough Council](#)
- [Snowdonia National Park](#)
- [Flintshire County Council](#)
- [Vale of Glamorgan Council](#)

To use Facebook, you'll need to create a profile - a **Timeline** where you might add a photo, describe yourself, what you do and your interests. You can also describe your **Status** which would inform your friends about how you are feeling or what you are doing at any given time. You can update this as often as you like.

On Facebook, you can invite people to be your **Friends** and set different levels of access to your account. Some people can see all the information about you or you can make less detail available to others. You can also use Facebook to communicate with groups or individuals. People who find your page, comments or proposals of interest can **Like** you or your latest post, which encourages further use, and is a useful way of taking a straw poll of your ideas. People can also add a **Comment** on your post or **Share** your post on their own timelines.

You may wish to set up a Facebook page about your community, to promote events, announcements or your council activities; many councils and councillors do this and it can be a very effective method to engage and seek views from the community. You should be prepared to receive challenge and criticism however, as it is an open forum and not everyone will agree with your ideas or views; you can however set rules, moderate and edit other people's posts if their language or content is offensive or inappropriate.

You can also set up a Facebook group. When you [create a group](#), you can decide whether to make it publicly available for anyone to join, require administrator approval for members to join or keep it private and by invitation only.

You can send private notes to any "friend" you're connected with on Facebook; they can only be seen by the person to whom they're sent; Facebook's **Messenger** app is increasingly popular. You can also 'Live Chat' on Facebook. This is a real-time conversation with any of your Facebook friends who happen to be online and signed in at the same time as you are.

Crucially, Facebook lets each user control who can see their personal information and what they post on the network. You can set the level of privacy for different categories of your information and posts and extend different levels of permission to different people who view your site. As a member you might want to differentiate between what you show your close friends and family and members of the public. Find out more and join Facebook [here](#).



WhatsApp is a free messaging app which also allows you to have traditional 'phone conversations'. It is very popular as it allows you to set up groups of friends or colleagues to keep them updated on a particular theme. It may be a quick and easy way, for example, of keeping your political group up to date on key issues. You can download the app from various app stores or visit [the website](#).



YouTube is a video sharing platform. Videos are easy to record via a smartphone and are more easily distributed via Twitter or Facebook, however, some people prefer to use YouTube and it is increasingly being used by councils to post information. Here are some examples:

[Cardiff](#)

[Conwy](#)

[Gwynedd](#)

[Monmouthshire](#)

[Powys](#)

2. Why you may find social media useful

Social media will allow you to open new conversations with the people you represent, and the potential for councillors using social media is huge. Social media allows you to be innovative and responsive as well as providing links to useful sources of information or sign-posting to other organisations.

Don't ignore social media – it's there and won't go away! People are already online and it's growing, and people increasingly expect their councillors to be contactable via social media. If you're not involved people may bypass you or may even 'talk about you' and you'll be missing out on a useful source of intelligence.

- It's a useful way of finding out what people are talking about locally, their concerns and interests.
- It's useful for finding out about breaking news, the latest research or publication or the latest policy announcements from political parties.
- It's a good way of making the electorate more aware of the work you do personally.
- It can help make you appear more human and down-to-earth! People often don't understand what councillors do and may have negative perceptions, but social media can give people a taste of your personal life and remind them that you are just like them, with similar interests – you do need to consider balance though and how much of your personal life you want in the public domain: for example - do you want strangers to be able to identify your family and friends?
- It's an effective way of coordinating campaigns, for example, mobilising support and interest and gathering followers, you can also allow campaign workers access to your Facebook account to post on your, or your campaign's, behalf to share the workload.
- It allows you to have a conversation with a range of people that you would never be able to physically meet and who do not traditionally seek out their local representatives.
- It allows for immediate communication. You can pass on information and receive opinions in minutes. You can forward information from other people equally quickly. "Going Viral" refers to a mass spreading of a piece of information around the world – but be careful, only share information you are confident is correct, Fake News is damaging and there is the risk of defamation if you spread falsehoods.

- The local and sometimes national press will follow councillors on Twitter or Facebook. Social media is a growing source for stories for news outlets as each tweet or comment is effectively a mini-press release. Journalists will know what you are talking about the minute you talk about it.
- Social media is mobile. You can take it around your community, on the train, or to a coffee shop. You can upload pictures and videos, showing for example your role in local events, pictures of potential sites for development, new buildings, local eyesores - a picture tells a thousand words.
- It's free and you probably already have the equipment you need. All you need is time.
- You can receive immediate feedback on your ideas and manifesto to allow you to modify your proposals in line with local thinking.
- Above all, it can be a lot of fun!

What are the drawbacks?

- Having a social media presence means that people can contact you 24/7. This is great in terms of accessibility but means that they may expect you to reply immediately. Technology and social media has raised expectations, people often expect a speedy response and resolution to their query; this expectation, coupled with the fact that social media shows everyone how responsive you are, can create more pressure.
- Using social media can become addictive, many people find themselves answering messages late into the night because they just can't put it down.
- Similarly, too much weight can be given to what goes on in the 'Twittersphere'; sections of Twitter are often described as 'echo chambers' – it may only be a couple of people with a limited number of followers with strong views on a subject who are 'bouncing' off each other – they may be in the minority and not be representative - the rest of the community or the rest of society may be blissfully unaware or may not think in the same way!
- People can post false information, insults or messages that you would not want to be associated with on your social media platforms. These can be spread rapidly via social media.

- Some people say things via social media that they would not say to your face, it's an easy way of taking personal pot shots at councillors. People making these comments are often called 'Trolls' and may not be interested in facts, just in attacking you.
- Councillors, and in particular women councillors, are increasingly the subject of online abuse, bullying and harassment on social media.
- The WLGA has produced a [separate guide](#) on how to deal with online abuse.

It's easier said than done, but try not to get too concerned about what's said online...

You are likely to receive criticism at some point and trolls may try to rile you, but often they will have few followers and their comments may not be seen by many people. Keep calm and the best advice is to ignore, often trolls will crawl back under their bridge...if it does get serious, you can report it

Are you controlling your social media use or is it controlling you?

Recent research has recognised that some people feel out of control in their use of social media⁶.

Ask yourself how comfortable you feel if you cannot access your social media accounts. It is important for councillors to bear in mind that even if the rest of the world seems to be online 24/7, you don't have to be. Being a councillor is a professional role and you can decide how available you want to make yourself. There are some common recommendations for managing your time in front of a screen and you may want to consider some of these:

Top tips to manage social media use

- Establish a routine, check your messages at the same time every day rather than responding to the 'ping' of every new message arriving
- Looking at a screen can disrupt your sleep patterns, consider turning off all screens two hours before going to bed and make the bedroom a screen free zone
- When you are with your residents face to face, give them your undivided attention to help you focus on what's happening where you are and not appear rude.

⁶ <http://www.bbc.com/future/story/20180118-how-much-is-too-much-time-on-social-media>

3. Getting started

A good place to start is to contact your Democratic Services officers and find out what support and training is available.

Choose your medium and sign up. Signing up is very straightforward and will take you less than five minutes! Facebook and Twitter are good places to start.

If you don't already have an account, ask a colleague, friend or family member for advice, ask them to show you how they use social media. You might want to begin with a trial personal account (rather than calling yourself "Councillor Jones") and experiment with family and friends. Make sure that you understand how people find you and who can access your material.

Remember:

On Facebook you can control who has access to different parts of your account. You can manage what the world sees and what your "friends" see.

On Twitter the whole world can see everything you tweet. You can '**Protect my Tweets**', which essentially makes your tweets private to only your current followers, but that defeats the object of using Twitter to engage more widely.

When you are ready to set up your final account, consider the identity you use. The name you give yourself online is important as it allows people to find you. Prefacing your Twitter account with Cllr lets people know exactly who you are and indicates that the Code of Conduct will apply.

Consider:

- Different councillors have different views, but you might want to consider setting up a separate personal and "councillor" account, at least at first - you can talk about the amazing food in the restaurant around the corner to your friends and followers in your informal account, and the plans for the new bypass to your friends and followers on your councillor account.

Separate accounts can help you manage some of the online trolling that is likely to come your way as a councillor – it can be a way of keeping your home life and councillor life separate.

However, many councillors think that some of their personal comments about food, places they've visited, football matches or TV helps break down perceptions of councillors and proves that they are normal like everyone else!

- Make it easy for people to find you online. Many people will start their search for the area that you represent, so make sure you mention your location frequently as this will then be picked up by search engines. You will also want to make sure that your social media account details are on your business cards, posters and flyers.
- Increase your social media following by following other people, retweeting other people's tweets, liking tweets or posts or commenting on people's Facebook posts. Find people on Twitter with links to your community, county or region or with similar interests by searching using the 'hashtag' (#) symbol to prefix your search term for example #llandrindod, #powys #midwales.
- Reach more people on Twitter by timing your tweets when the audience you want to reach are online. Ask your friends for a retweet, use hashtags and include photos for a larger and more noticeable post.
- Be disciplined about making time available to write new content and answer your "friends" and "followers" at a regular time each week to update your Facebook status and throughout the day to check Twitter. If you use your mobile phone, you can set notifications to alert you each time you are mentioned in a tweet.
- If you do not want to be available every hour of the day or night, tell people when your account will be checked, for example you might add "available 9.00-7.00 weekdays" on your profile.
- Decide on what you are going to talk about and how. This could be
 - Weekly updates of your own activities as a councillor - don't forget your pictures! This works better on Facebook as you can include more detail. Remember a tweet is only 280 characters and tends to be more instant and timely.
 - Regular updates on council policies and actions of interest to your community.
 - Links and re-tweets of other relevant national activities.
 - Issues on which you would like feedback.
 - Notice of events and public meetings.

- Using social media is all about two-way communication, it's good for providing information to your community or flagging up press statements, but it's better as a tool to get useful feedback. You will get feedback and you should expect some people to challenge your ideas or enter into a debate with you online. This is part and parcel of social media.
- Keep your communications clear, positive, polite and professional. Plain language helps. Many people use abbreviations on Twitter – you'll pick these up as you go along!
- On Facebook, you will need to monitor and, if necessary, censor the contributions that other people make to your page; or group and delete them if they do not match your required standards of behaviour or language. Defamatory and offensive language could be attributed to the publisher (that's you!) as well as the original author and could incur financial liability. It is up to you to decide if you want to remove posts that disagree with your political position, however if you do remove them you may be accused of censoring contributions on political grounds.
- It is up to you to decide if you want to remove posts that disagree with your political position, however if you do remove them you may be accused of censoring contributions on political grounds.
- Bear in mind that constituents may find party political point scoring tedious and prefer to hear information about what you are achieving.
- If appropriate, consider setting up an account for your ward with your fellow ward members – this way you can share the administrative tasks.
- If you don't have anything to say...don't say anything. Even though it's tempting to let your followers know how busy you are they will soon become bored with constant updates on your day without some relevant or interesting information.

Monitoring social media

It can be difficult to keep on top of what's happening online; people are posting and tweeting all the time and if you are following many people or organisations, social media can become 'noisy' and you could miss things of interest or significance.

A quick way to check up on things on Twitter is to visit the Twitter page of some of your favourite people, organisations or news outlets to see what they've been saying. You could also search for a particular theme or issue with a hashtag#.

If you're keen to find out what people are saying about you, your local area or local council for example, there are social media management applications that you can use such as [Hootsuite](#) or [Buffer](#). These are simple to set up and use and can allow you to see how often people read or retweet your tweets. It also allows you to schedule tweets, for example, to send a pre-prepared tweet at a certain time of day.

The Welsh Language

As a councillor you will want to use and promote the Welsh language and culture as much as possible. There are also legal requirements which apply to the use of the Welsh language on social media. How these rules apply, depends on the type of work you are doing and which of the Welsh Language Standards apply to your local authority.

When you are representing your local authority, the same standards will apply to you as they do to officers. So, if you are, for example, a cabinet member tweeting about a new policy decision, a mayor blogging about your recent activities on behalf of the council, the chair of a scrutiny committee undertaking a formal consultation on behalf of the committee or letting people know about the forward work programme of the committee, then you may be subject to the standards which apply to the officers in your authority.

This may mean that your communication, including responses to messages, must be translated and the content and format of the message must treat the Welsh language no less favourably than the English language. Your authority will provide you with guidelines for how your local Welsh language standards apply when you are representing the authority – if you are in any doubt, it's best to contact the council for guidance.

If you are acting in the capacity of a ward member, acting on behalf of individuals or communities then the same rules apply as if you were a member of the public. So, regardless of your role on the council, if you are tweeting about a local fete, commenting on a council decision in, for example, your role on a local pressure group, or retweeting a complaint about pot holes then you may communicate in the language of your choice.

The exception to this is when you are communicating in relation to an activity for which you are using council resources (beyond the standard remuneration and equipment provided to you as a member) for example council buildings for a community meeting.

Some of the [practical guidance](#) in the Welsh Language Commissioner's guide for businesses and charities about using Welsh on social media may be useful.

4. Staying safe and dealing with trolls

Some form of online disagreement and criticism is inevitable and, if you're not online, you or your policies may already be subject to debate without you. Disagreement and challenge is a key feature of democratic debate, however, online it can easily spill over into abuse or harassment.

You will therefore need to prepare yourself for some uncomfortable reading, which may cause some upset. You cannot prevent online abuse, but you can take control of how and whether you respond and, if it becomes serious, you can report it.

The WLGA has produced separate guidance on dealing with online abuse which you may find useful. You can read it [here](#).

Some advice

- **Take Control**

Decide for yourself and make it clear on your homepage what you expect from people who are engaging with you on social media. You might say, for example, that whilst you welcome an open and frank exchange of views, any inappropriate comments will be removed and that any comment which is libellous or threatening or becomes harassment will be reported.

- **Remember that you don't have to put up with abuse or harassment just because you are a political figure**

Be prepared to 'Mute', 'Block' or 'Unfriend' abusive users from your account or ask them to remove comments. If a comment crosses the line into abuse or harassment you can report this to Facebook or Twitter or even the police.

- **Respond or ignore?**

When faced with an abusive comment give yourself some time to decide whether to respond or ignore it. Trolls often have few followers or few followers of significance – if you reply it can lead to a tit for tat argument fuelling further confrontation and provides the troll with the "oxygen of publicity" or the satisfaction of seeing you riled. Chances are you'll have far more followers than the troll, so if you reply, all of your followers will be aware of the troll's original tweet. Ignoring the comment can lead to short term allegations of dodging an issue but may succeed in the long term.

Don't feed the troll!

- **Stay calm and polite**

Not every criticism is from a troll – sometimes a frustrated member of the public may be critical or angry with you initially on social media, particularly if they are trying to resolve a council service issue. If you respond constructively, their tone will change and they may even apologise or show you appreciation online.

Bear in mind that for every troll there will be many more legitimate and sensible followers. Think of them when you respond. One approach is to respond with facts only or to refer the troll to a longer factual statement about the situation or a set of “frequently asked questions” that you can post to pre-empt queries. You might want to invite the troll to a public meeting. They may find it harder to be abusive in public. You may also want to remind the troll that you are more than happy to have a political debate in your role as a councillor but that personal comments about you or your family are unacceptable.

The [Facebook](#) and [Twitter Help Pages](#) have full details about how to block users and how to report abuse

A Criminal Offence?

If someone sends threatening, abusive or offensive messages they may be committing an offence. If you receive a message which you consider falls into this category, do not respond to it, check out the guidance provided by the [police](#) and [CPS](#) and if appropriate report it.

5. Support from the council

A good place to start is to contact your Democratic Services officers and find out what support and training is available

Councillors are generally provided with the ICT equipment that they need to do their job. The Independent Remuneration Panel expects that this will include equipment, support and training.

It is also reasonable to expect that you should have access to social media sites via council ICT equipment to enable you to carry out your councillor role more effectively. You do not need the council to set you up with a personal social media account, but you should take advantage of any training or guidance provided to help you use it properly.

Most councils have a social media policy. You will need to abide by this and any social media protocols that may have been agreed when using your "councillor" account.

It's worth remembering that the council is responsible for any information provided on its website and is subject to legal responsibilities. **You** are personally responsible for the material that you broadcast via your own social media accounts or websites – but more of this later.

Advice will be available to you from a number of council officers. The Monitoring Officer, Head of Democratic Services, the Communications Team and the ICT Manager are likely to have useful advice.

Using social media in an emergency

During emergencies (such as severe weather events, pollution incidents or major fires) partner agencies such as local authorities, police, health, Natural Resources Wales and fire and rescue services will use social media to provide information to help people prepare, keep them informed and to signpost where they can get help.

It's important during these situations that the most up to date and correct information is communicated to the public and the partner agencies will coordinate the content and timing of the information to be provided.

In an emergency situation, the council will also identify an official spokesperson - an officer or a senior member - who will use the approved information to speak on behalf of the council.

It's always best in these circumstances to restrict your own social media activity to sharing official communications from the partner agencies responding to the situation.

For more information about how your council operates in these circumstances please contact your council's civil contingencies team so that you know what to do in an emergency.

6. Social media and council meetings

Your council's social media policy and/or council constitution will provide you with guidance about if and when you can use social media during council meetings. Other than what your constitution or social media policy says, there is no legal reason why you shouldn't use social media during meetings. However, some common sense does need to apply.

Tweeting on meeting progress and receiving comments from the community can be helpful for transparency and engagement BUT excessive use of Twitter may give people the impression that you are not concentrating on the business in hand or are even relying on guidance from outside the meeting. For that reason, it is probably sensible not to use Twitter during a planning or licensing debate. Committee chairs may want to decide how to address this in their meetings and you should abide by the rules set out in your constitution.

Many politicians tweet their contributions or questions to meetings or debates to keep their followers informed of how they're representing their communities' interests. Remember, you may not need to tweet about the detail of a meeting if the meeting is being webcast. Your council may have official" twitter feeds for live on-line conversations to run alongside the meeting webcast.

Remember that you should not tweet or communicate in any way the content of exempt or confidential business dealt with by local authorities in closed session such as when making formal appointments.

7. Golden rules

- Think before you tweet or post on Facebook. Do not say anything, post views or opinions that you would not be prepared to:
 - Discuss face to face with the person you are speaking about.
 - Write on a placard and carry down your high street and discuss and defend with anyone who sees it.
 - Be prepared to have minuted in a public meeting – remember, Twitter or Facebook effectively publicly minutes everything for you as you go along!
- Remember that once you have said something it may be seen by millions - friends, supporters, political opponents and the press and could be re-tweeted around the world in minutes.
- Keep your messages professional, polite and positive.
- Remember to try to keep tweets and texts separate – many people tweet comments that they would have texted to someone privately before the advent of social media; this may be about meeting up later (do you want all your followers knowing your plans and gate-crashing your lunch!?) through to 'in' jokes or banter that could be misinterpreted.
- Exercise discretion when choosing who to follow on Twitter or 'befriend' on Facebook, for example, some council employees might find it a bit uncomfortable or inappropriate to have a councillor hanging on their every word. If you follow or are Facebook "friends" with council employees, contractors who have been procured to provide services to the council, a company or member of the public making a planning application or pressure groups, this might be construed as having a close personal association with them and therefore a personal interest.
- If you make a mistake admit it. Mistakes happen so don't try to cover it up as there will always be a record of what you've said.

Warning

Don't discuss casework on social media or encourage people to contact you about issues that might be personal to them.

Encourage them to use more secure channels.

- Don't tweet or post on Facebook when you are "tired or emotional"! It's probably sensible to turn off your phone at any time when you think your judgement may be impaired. Even if you exercise social media control, other people will still have their smart phones, so may post a photo or video of you 'enjoying yourself'; you need to let your hair down, but it's just one extra thing to consider as a councillor in the age of social media.
- As with your own leaflets or newsletters, ask permission before taking a picture that you intend to use. NEVER take photos of children without the express permission of their parents based on an understanding of what you intend to use the picture for. Your council will have a policy on taking pictures of children, take advice on this before taking or using pictures.
- Do not allow anyone else access to your social media accounts. Protect your passwords and use robust, unique passwords and change them regularly especially if you use a public or shared computer.
- Just like email, you can be hacked on social media! Be wary about direct messages via Twitter, even from people you know, with messages such as 'Hi, have you seen this photo of you on Twitter?' Delete these before opening, as the spam could then be sent to all of the people you are following. Do not open videos or links on, for example, Facebook Messenger if you are not expecting them. It could be a hack.
- If you had a social media account **before you were elected as a councillor**, it may be sensible to review your historical posts through the lens of your new 'political reputation' as well as the expectations of the code of conduct. You may have posted personal photos of social occasions, shared jokes, retweeted videos or made or re-posted political views that you may no longer agree with. If people see such historical posts, it may cause embarrassment or reputational damage not only to yourself but also to the council. It could even be referred to the Ombudsman as a potential breach of the Code of Conduct. Bear in mind that although you posted your comments before you were a councillor, your social media account is essentially still broadcasting them, and they may still be re-posted by other people.

THINK before you post; even if you later delete your post, someone may have already taken a screen shot.

CHECK before you share or retweet information. Is it true? Who said it and why?

Do you trust the source?

8. Keep on the right side of the law...

Councillors new to social media tend to be concerned about the legal implications. It is an important consideration, and some councillors and other politicians have fallen foul of the law, but with careful use and following some ground-rules you will be fine!

The style of communication employed in the social media environment tends to be fast and informal. Messages can appear lightweight and transitory.

Whenever you post something on social media, it becomes a publication, you have effectively made a broadcast. As it is now in the public domain, it is subject to both the **Code of Conduct** and to various **laws**.

Code of Conduct

If you conduct yourself on Twitter or Facebook as you would in person on the street or in your leaflets, then you will be fine.

Remember that according to guidance from the Ombudsman, the Code of Conduct applies to you whenever you are "Conducting the business of your authority, acting, claiming to act or give the impression you are acting in your official capacity as a member or representative of your authority" Also the Code applies if you "Conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute"⁷

If you can be identified as a councillor when you are using social media, either by your account name or how you describe yourself or by what you comment upon and how you comment, the requirements of the Code of Conduct apply. If you say something that could be regarded as bringing your office or authority into disrepute the Code applies even if you are not apparently acting in your official capacity or do not identify yourself as a member.

Remember that the Ombudsman's guidance states that "Making unfair or inaccurate criticism of your authority in a public arena might well be regarded as bringing your authority into disrepute"

⁷ <https://www.ombudsman.wales/guidance-policies/>

In the same way that you are required to act in council meetings or in your communities you should:

- **Show respect for others** - do not use social media to be rude or disrespectful
- Not disclose confidential information about people or the council
- **Not bully or intimidate others** - repeated negative comments about or to individuals could be interpreted as bullying or intimidation
- Not try to secure a benefit for yourself or a disadvantage for others
- **Abide by the laws of equality** - do not publish anything that might be seen as racist, sexist, ageist, homophobic, anti-faith or offensive to any of the groups with protected characteristics defined in the Equality Act 2010. Even as a joke or "tongue in cheek"

Predetermination

As a councillor, you are aware that when you act in a quasi-judicial capacity, for example on a planning or licensing committee, you should not make up your mind about an issue that is to be formally decided upon before you had heard all the relevant information. You are allowed to be predisposed to a particular view but not to have gone so far as to have predetermined your position.

It is important to remember therefore, that anything relevant you might have said about particular issues on social media could be used as evidence of your having made up your mind in advance of hearing all the relevant information.

Don't become a troll yourself!

Social media is a great tool for councillors to challenge and scrutinise, but always think about what you are saying, how you are saying it, how often and about whom. If you are perceived to be too aggressive or too confrontational or too frequent, it could begin to damage your reputation, undermine your relationship with colleagues or you could risk breaching the Code of Conduct in terms of bullying, intimidation or lack of respect for others.

It's therefore not appropriate for you to use social media to criticise your council's officers, who often will not be in a position to defend or respond publicly.

Many councils have apps or member referral services; it is often best to use these mechanisms to request council services or report local concerns as you are likely to receive a resolution to your request.

Criminal Offences

Don't panic! These generally apply to you already in your conduct as a councillor, but it is worth considering them as they apply to social media:

Harassment - It is a criminal offence to repeatedly pursue a campaign against someone where this is likely to cause alarm, harassment nuisance or distress.

Data Protection and the General Data Protection Regulation. - It is illegal to publish personal data about individuals unless they have given you their consent. This might apply to your constituents or service users. As a councillor you are a data controller in your own right and therefore personally responsible for what you publish. Make sure you understand the requirements of the GDPR and Data Protection Act. There is more information about this [here](#).

Contact the Data Protection Officer in your council for more information.

Incitement - It is a criminal offence to incite any criminal act.

Discrimination and Racially Aggravated Offences (or any other protected Characteristic) - It is a criminal offence to make a discriminatory remark about anyone based on a "Protected Characteristic" as defined in The Equality Act 2010 (such as their race, religion, sexual orientation etc).

Malicious & Obscene Communications - It is a criminal offence to send malicious or obscene communications.

Remember

If you receive a message or someone posts something on your page that you consider to be unsuitable remove it as soon as possible. If you "like" or appear to endorse or retweet a message or image you are regarded as having published it, and will face any legal consequences. It is therefore important to regularly check and moderate any site on which others can post. If you are in any doubt about how to deal with a message you receive, consult your Monitoring Officer.

Civil Law

This is where things get riskier for anyone who uses Twitter or Facebook, whether they are councillors, members of the public or celebrities:

Defamation - It is against the law to make a false statement about someone which damages their personal or professional reputation. **Crucially - even if you simply retweet or pass on information originally posted by others, you may still be held equally as responsible as the original commentator.** This can also apply to publishing images. If found liable to another person, you could be ordered to pay large sums of money as damages.

Copyright - The legal ownership of the contents of documents, photos, videos and music belong to the person who created them. You could be in breach of copyright if you reproduce such material without the owner's permission. Always ask for written consent before you use someone else's material.

Political Comment and Electioneering - Remember that although it is acceptable to make political points or canvass votes via your own social media accounts this will not be permissible if you are using this via council supplied computer equipment, certainly in the run-up to elections. The Electoral Commission has further information about the return on expenditure that candidates need to provide on advertising or campaign literature.

Beware of Fake News!

Social media is breeding ground for fake news or 'click bait' (where a deliberately salacious headline with a link tries to draw you in, often to a very mundane news item accompanied by lots of pop-up adverts); view all news or gossip with a discerning eye – it could be embarrassing if you retweet or promote fake news and, worse, you could be breaking the law if you circulate false statements about someone, even if you are just retweeting something someone else has posted.

9. Further information, interesting sites and sources of help

Bear in mind that information, sites and terminology change quickly. The next big social media platform will soon be on its way. Here are some current examples of information and useful sites but bear in mind that they may be quickly out of date.

Social Media websites

[Sign up to Twitter here](#)

[Sign up to Facebook here](#)

[Social Media Checklist for Councillors](#) (Local Government Association)

[#FollowMe - A guide to social media for elected members in Scotland](#)
(Scottish Improvement Service)

[Nextdoor](#) is a social network for neighbourhoods where people who live within the same or neighbouring communities can share information, organise events and take opinion polls. It's a useful platform for members to raise awareness and tap into what is interesting or concerning local residents.

10. Links

Here is a list of the links that were used in this guide:

Monmouthshire County Council - https://twitter.com/Mon_CC_Scrutiny

Swansea Council - <https://twitter.com/SwanseaScrutiny>

'Faces of Swansea Council 2018' Twitter campaign - <https://twitter.com/hashtag/facesofswansecouncil2018>

Love the Lagoon - <https://twitter.com/lovethelagoon?lang=en>

'In the Depot' campaign, Torfaen County Borough Council - <https://www.youtube.com/watch?v=G6UerjFCLdI>

Naming gritting lorries, BBC News - <https://www.bbc.co.uk/news/uk-england-south-yorkshire-42026485>

Public using social media to choose the name 'Boaty McBoatface', BBC News - <https://www.bbc.co.uk/news/uk-england-36064659>

Blogs

Caerphilly County Borough Council Leader's blog - <http://www.caerphilly.gov.uk/My-Council/Councillors-and-committees/Leader-s-blog>

Rhondda Cynon Taff County Borough Council Leader's blog - <https://www.rctcbc.gov.uk/EN/Council/TheLeadersBlog/RhonddaCynonTafCouncilLeadersBlog.aspx>

Denbighshire County Council Chairman blog - <https://denbighshirecouncilchairman.wordpress.com/>

Cllr Peter Black - <http://peterblack.blogspot.com/>

Deputy Lord Mayor of Swansea 2018-19 - <http://swanseamayoralmusing.blogspot.com/>

Cllr Neil Prior - <https://www.linkedin.com/pulse/year-county-councillor-surviving-thriving-elected-life-neil-prior/?published=t>

Councillor Twitter accounts

Cllr Debbie Wilcox - <https://www.twitter.com/LeaderNewport>

Cllr Rob James - <https://twitter.com/CllrRobJames>

Cllr Peter Fox - <https://twitter.com/PeterFox61>

Cllr Julie Fallon - <https://twitter.com/Cllrjuliefallon>

Cllr Saifur Rahaman - <https://twitter.com/CllrSaif>

CLlr Fiona Cross - <https://twitter.com/CLlrFionaCross>
CLlr Elin Walker Jones - <https://twitter.com/elinmwj>
CLlr Debbie Wallice - <https://twitter.com/DebbieWallice>
CLlr Alun Williams - https://twitter.com/Alun_Williams
CLlr Joshua Davies - <https://twitter.com/CLlrJoshuaPlaid>
CLlr Lisa Mytton - <https://twitter.com/CLlrLisaMytton>

Useful organisations' Twitter accounts

Welsh Local Government Association - <https://www.twitter.com/WelshLGA>
Local Government Association - <https://www.twitter.com/LGAComms>
Welsh Government - <https://www.twitter.com/WelshGovernment>
Local Government Section, Welsh Government - https://www.twitter.com/WG_localgov
National Assembly for Wales - <https://www.twitter.com/AssemblyWales>
BBC Wales News - <https://www.twitter.com/BBCWalesNews>

Councillor Facebook pages

CLlr Neil Prior - <https://www.facebook.com/cllrneilprior/>
CLlr Dhanisha Patel - <http://www.facebook.com/dhanisha4ogmore/>
CLlr Matthew Dorrance - <https://www.facebook.com/CLlrMatthewDorrance/>
CLlr Steve Churchman - <https://www.facebook.com/councillorstevechurchman/>

Local Authority Facebook pages

Wrexham Council - <http://www.facebook.com/wrexhamcouncil/>
Isle of Anglesey County Council - <http://www.facebook.com/IOACC/>
Snowdonia National Park - <https://en-gb.facebook.com/visitsnowdonia>
Flintshire County Council - <https://www.facebook.com/Flintshire-County-Council-124912774260207/>
Vale of Glamorgan Council - <https://www.facebook.com/valeofglamorgancouncil/>

Council YouTube pages

Cardiff Council - <https://www.youtube.com/user/cardiffcouncil/featured>

Conwy County Borough Council - <https://www.youtube.com/user/ConwyWeb>

Gwynedd Council - <https://www.youtube.com/user/CyngorGwynedd>

Monmouthshire County Council -

https://www.youtube.com/channel/UCZHCKKCI7DqtxDabOkj_Esg/featured

Powys County Council - https://www.youtube.com/channel/UCop_U-YVW7OB0jRIt3b8f1Q

Social media support pages

Facebook support pages - <https://en-gb.facebook.com/help/tools>

Twitter support pages - <https://help.twitter.com/en/safety-and-security/cyber-bullying-and-online-abuse>

Welsh Language

Welsh Language Commissioner guidelines on using the Welsh language on social media -

<http://www.comisiynyddygydraeg.cymru/hybu/SiteCollectionDocuments/Using%20Welsh%20on%20Social%20Media%20SA.pdf>

Guidelines

WLGA Councillors' Guide to Handling Online Abuse -

<http://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=1504>

Police social media guidelines - <https://www.askthe.police.uk/content/Q770.htm>

Crown Prosecution Service guidelines on social media communications -

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

The General Data Protection Regulation - Information for Councillors, WLGA -

<https://www.wlga.wales/gdpr-information-for-councillors>

Local Government Association (LGA) social media guidelines -

<https://www.local.gov.uk/our-support/guidance-and-resources/comms-hub-communications-support/digital-communications/social-1>

Scottish Improvement Service Social Media guide for elected members -

http://www.improvementservice.org.uk/documents/elected_members/follow-me-guide-to-social-media-for-elected-members.pdf

Useful links for social media websites

Twitter - <https://twitter.com/>

Facebook - <https://en-gb.facebook.com/>

Nextdoor - https://nextdoor.co.uk/about_us/

WhatsApp - <http://www.whatsapp.com/>

Hootsuite - <https://hootsuite.com/>

Buffer - <https://buffer.com/>

Mae'r dudalen hon yn wag yn fwriadol

Cardiff Council

Social Media Guidance for Councillors

Section 1 – Introduction

Section 2 – Social Media – an Introduction

Section 3 – How to avoid trouble when using Social Media

Section 4 – Social Media issues that are specific to Councillors

Section 5 – References to other relevant Council Policies, Acknowledgements and Further Materials

DRAFT

Section 1

Introduction – Why Social Media is Important

Nowadays many people are using social media as a place to find out everything from information and entertainment to shopping and making connections with friends and colleagues. People expect to be able to comment and contribute on everything; from stories on online versions of newspapers to items they purchase from retailers.

Residents increasingly expect that local government too will be able to provide its services online, with the same level of interactivity that they find everywhere else. Already many Councillors and most, if not all, Councils are interacting with the people they represent online through social media..¹

However, there are challenges that may discourage Councillors and the Council from engaging in social media use. For example, inappropriate use (which may occur inadvertently) can cause significant damage to a Councillor's (or even the Council's) reputation and can lead to legal claims. In addition new social media platforms are coming onstream all the time. This can mean that it is hard to keep up and lead to concerns about which platforms offer the best opportunities for interacting with residents of different age groups and demographics.

The problem for Councils though, is that not engaging now represents a far greater risk than engaging. Citizens will still use these networks to talk about us, whether we add our voice to the conversation or not. The national infrastructures being built to improve government and public services will still exist, and Councils will be expected to engage with them. Citizens will expect their council to engage with them on their terms, via their channels, and to be openly available online. In fact, it is becoming increasingly clear that if councils don't use these tools, the citizens will do it for them, and bypass the council entirely.²

In response to these new opportunities and challenges this guidance is intended to:

- Introduce various forms of social media;
- Give guidance in relation to the basic use of social media by Councillors;
- Highlight sections of the Members' Code of Conduct that relate to the use of social media; and
- Highlight some of the pitfalls to be aware off.

The Members Code of Conduct

It is vital to remember that Members must follow the Code of Conduct at all times. This includes your online activities – there are many aspects of the Members' Code of Conduct that will apply to your online activities in the same way it does to your offline life.

¹ Extracted from 'Connected Councillors – A guide to using social media to support local leadership' LGA

² Extracted from 'Local by Social – how Local Authorities can use social media to achieve more for less' I&DeA

Why should and how can Social Media be used?

The Home Office has produced a guide on the use of social media and highlights the following uses and benefits of social media:³

Communicate with citizens where they are

Many of Cardiff's citizens are already on social media, and expect to find you there too. Britons are the most prolific social networkers in Europe, with over 45m of the UK population now using Facebook. For many, it's already the place to go for debate, information and to find contact information.

However, the use of social media is not simply a numbers game. The quality of interaction and audience demographics should influence your choice of how and when to use social media. It's also important to know who is using different channels so you can better target your audience.

It's also important to remember that despite the growth of social media, some citizens are not on social media and likely never will be so traditional methods of communication should not be abandoned.

Consult and engage

Social media can be a great way to disseminate or gather information to many people quickly and cheaply. This could include asking questions to crowd-source views, but also something as simple as raising awareness of roundtables and consultation events.

Social media can be used to have discussions with service users or the people whose behaviour you want to change. Social media is one of the few ways you can directly and instantly receive feedback on your policies and decisions

Increase the impact of your communications

Most social media users will testify to the fact that you will get far greater traction with your audience if you add a social media layer to your communications - whether in an emergency, for one-off or more regular events.

Buzz generated around communications on Twitter can very quickly escalate. Stories and discussions start on Twitter but are quickly picked up via news websites and often make it onto the front pages of newspapers 12-24 hours later. You have a real chance to either reinforce or prevent those front-page headlines with the effective use of social media.

Also, communicating 1-to-many rather than repeatedly 1-to-1 directly, quickly and cheaply is one of the major opportunities that social media offers.

Be more transparent and accountable

³ Based on extracts from 'Social Media Guidance for Civil Servants' Home Office

Explaining what Council and Councillors do (and why and how they do it) is already embedded in our culture through the use of public meetings, consultations and the publication of information online and in hard copy. Social media can add a further level of transparency and accountability to the public.

It allows citizens to input into decisions, to question them and for replies to be broadcast to many instead of 1-2-1. So you can hear direct from those affected by your decisions – the positive and negative – and explain and/or defend decisions.

Be part of the conversation

Most commentators will agree that there is more value to be gained from engaging in the social media conversation than not - whether you are aiming for better service delivery or behaviour change. Being present in the conversation means engaging and a core part of any good conversation is listening.

If you are not aware of rumours circulating within a particular citizen group who use a particular service regularly, you cannot address that rumour. But if you are, you can respond there quickly and easily.

To bring people together

Using social media can be a great way to connect with individuals and organisations who want the same things as you do. Social media is a quick, easy and effective way to network. Bringing together like minded people can have a multitude of benefits and have a real impact on the quality of services offered by the Council.

Section 2

Social Media – an Introduction

Social media describes a range of online services that provide easy ways to create and publish on the internet. People generally use the term to describe how content (i.e. text, video and pictures) can be shared and discussed online.

It is transforming the way that business is done and how individuals interact with each other. It is providing a voice for those who might otherwise struggle to get a platform. As a result social media will change the way that councillors and councils interact with local people.

A lot of the language used can initially seem like impenetrable jargon. However, the important thing to remember about social media is that it's social. It's about communication. It's about putting the transformative power of the printing press into the hands of the people. Just like the ability to publish political pamphlets and talk about them in public was the foundation of our democracy, social media will have just as big an effect on the way we govern and do business.

Now anyone can publish and share their views, and more importantly can engage in conversation with others about those views, with just a few clicks of a mouse or the swipe of a mobile phone screen. It's the political leaflet and public meeting all rolled into one. The new letterbox.⁴

Types of Social Media

It's impossible to list all the types of social media, but the following is a very brief summary of the main popular social media platforms commonly used at the moment:

- Facebook – this is the biggest social media channel in the world and in the UK. It used to be a service mainly used for telling people what you like and what you've done. Nowadays it's a key news source, one of the biggest advertising companies in the world, a one-stop shop for keeping in touch with people, finding out what's happening and sharing your thoughts. You can upload video, livestream events, pictures and stories to the channel. There are 45.2m UK users alone and you can use Facebook to reach much of the adult population of Cardiff. There are 2.3m active Facebook users in Wales. 30m people use it every day in the UK on their phones and it has a 74% UK market share for daily usage in the UK.
- Twitter – this channel has a sense of immediacy, of conversations happening right now. It is also used to share information via links and you can live stream video on it and upload normal video too. Twitter allows you to use only 280 characters to get your point across. It is the fourth largest social media channel in the UK with 12.6m followers, but it has 12% of the UK market share for daily usage.
- Linked In – this site has a UK audience of 21m, but UK market share for daily usage is below 1%

⁴ Based on material in 'Connected Councillors – A guide to using social media to support local leadership' by the Local Government Association.

- Instagram for showing people your pictures and sharing content is now owned by Facebook and is the third largest social media channel in the UK with 16.7m monthly users. It continues to grow its audience at a steady pace but currently only manages 0.92% the UK market share for daily usage.
- You Tube – for showing people your videos.

It's fair to say that by concentrating on Facebook and Twitter you are likely to reach the widest possible audience in your area without stretching yourself too thinly across multiple channels.

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Section 3

Staying out of trouble on Social Media⁵

Any form of communication is rife with the possibility of misunderstandings. But Social media is especially vulnerable to this risk. For example, it's very difficult to convey irony in the 280 characters of a Twitter post. So a comment that would be seen as harmlessly humorous in normal conversation could be seen as seriously offensive on Twitter.

The serious legal bits and actual guidelines are at the end of this section and you should read and make sure you understand these. However, the following is intended to be a more practical guide to ensuring you stay on the straight and narrow when using social media. As a general rule, all of the below will seem like common sense – and a lot of it is.

Don't rush in!

The problems that arise from social media often stem from users forgetting two key characteristics of social media:

1. What you are saying is **permanently published, to the world** – once you say something online, it's nearly impossible to take it back. Before you know it, the off-hand comment you made when you were angry could have gone global. As it's attributed to you, your name (and that of the Council or your party if you are a Councillor) could be forever tarnished.
2. You're just using text or pictures and people reading or viewing them may not be aware of the background to the issue you're discussing. Because of this **posts can easily be misinterpreted or taken out of context**. Yes, social media is interactive, but not in the same way as a face to face conversation. Therefore, an ambiguous comment may have already done its damage before you realise it and get the chance to explain what you really meant.

Be secure

Officers of the Council and Councillors, just like anyone else, should be careful about internet security. If you lose control of a social media account to a hacker, you could suddenly find all sorts of inappropriate comments being published to the world in your name.

Use secure passwords (generally over eight characters long and using a mix of letters, numbers and symbols) and never share your password with anyone. If you are using shared IT equipment, don't store your password on the computer.

Allow disagreement but don't get into arguments

As you begin to use social media, you'll find that there are some argumentative users out there. You need to be aware that getting into an online argument rarely results in either party looking good.

⁵ This section adapts and adds to principles from the LGA publication "Connected Councillors – a guide to using social media to support local leadership".

Some comments may be out of line, but on the other hand deleting the comments of people who disagree with you will often backfire. You can't stop them from posting the same comment elsewhere, and then linking back to your site and saying you are "gagging" those who disagree with you. It's best not to get bogged down. You don't have to respond to everything – it's OK to ignore comments if necessary.

It's also worth bearing in mind that people will have a lot more confidence to say things behind the protection of their keyboard than they would in a face-to-face conversation. So you'll probably need to have an even thicker skin than normal.

Moderate your account

You will need to take note of the comments that other people make. It may be a fine line to tread, but if you allow offensive or disrespectful comments to stand then it can put off other members of the community. The easiest way to handle this is to "moderate" comments.

The process of moderation involves identifying, deleting or reporting comments or content that is inappropriate. If you do so, it's best to clearly set out somewhere on your account the reasons why comments may be rejected.

A couple of sample Moderation Policies can be found here:

The BBC's very detailed Moderation Policy -
<http://news.bbc.co.uk/1/hi/help/4176520.stm>

Welsh Government's shorter Moderation Policy –
https://gov.wales/terms_and_conditions_subs/?lang=en

For Facebook or other social networks, including multi-media sites like YouTube and Flickr where people can post public or semi-public messages to your profile, you will need to regularly check on messages or, far less preferably, disable message posting. It is worth noting that you cannot moderate Twitter as such but you can 'block people' who are posting inappropriate comments or report them to Twitter.

Think about who you contact and engage with

Some of the terminology in social media, like 'friending' can imply an intimacy or support that's not really there. Both terms just mean you have linked your account to someone else so you can share information.

Savvy internet users are used to this, but some people may find it obtrusive if their council or councillor begins following them online. It's probably best to let other people initiate online contact with you, and then to respond rather than actively trying to "friend" or otherwise make contact with residents.

Most social media platforms restrict or limit use by minors, however these rules are hard to monitor and are therefore often breached. You should be very careful about contacting, 'liking', or 'friending' those who are or appear to be under the age of 18. If you have any doubt at all about whether it's appropriate to engage in any sort of online contact with a minor, it's probably best to err on the side of caution.

Equally, you should be aware that creating a social media account rarely involves any checks on identity. Therefore, people may not always be who they say they are.

Beware the irony

Very few writers are able to communicate sarcasm or irony well through short online messages. It's probably best to assume that you're among the vast majority who can't.

Own up

Social media is great at transparency. The best users admit mistakes rather than try to cover them up (which isn't normally possible anyway).

Amending your text and acknowledging your mistake – perhaps by putting a line through the offending words and inserting a correction or providing an update section at the bottom of a post – shows you are not pretending it didn't happen, and is much better than just deleting it when dealing with online misfires.

Legal considerations⁶

This section does not purport to be a complete assessment of all the legal pitfalls that may catch out a social media user, but it highlights some of the main concerns. If you have any questions or concerns in relation to a particular issue please contact the Council's legal services team.

It's worth remembering that most of these pitfalls can be avoided if you make sure that everything you say online is objective, balanced, informative and accurate.

Libel

If you publish an untrue statement about a person which is damaging to their reputation they may take a libel action. This will also apply if you allow someone else to publish something libellous on your website if you know about it and don't take prompt action to remove it.

A successful libel claim may result in an award of damages.

Copyright

Placing images or text on your site from a copyrighted source (for example extracts from publications or photos) without first seeking proper permission is likely to breach copyright. Avoid publishing anything you are unsure about, or seek permission in advance.

Breach of copyright may result in an award of damages.

⁶ This section is adapted from CivicSurf's Legal Guidance for councillor blogs. Included here under Creative Commons attribution, non-commercial license.

Data Protection and Confidentiality

Avoid publishing the personal data of individuals unless you have their express written permission.

In addition, some information that you receive in your role as a Councillor will be confidential. Obviously, this sort of material should not be published online.

Further guidance can be sought from the Council's Improvement & Information Management Team or Monitoring Officer.

Obscene or offensive material

It goes without saying that you should avoid publishing anything that people would consider obscene or offensive. Publication of obscene material (and some types of offensive material) is a criminal offence.

The Council's use of Social Media

Material published by the Council itself is, for obvious reasons, restricted in terms of content. It must not:

- contain party political material;
- persuade the public to a particular political view;
- promote the personal image of a particular councillor or party; or
- promote an individual councillor's proposals, decisions or recommendations, or personalise issues.

In addition, the Council should not assist (such as by re-tweeting) in the publication of any material that does any of the above.

What does the Council consider to be inappropriate or offensive?

The Council will not tolerate inappropriate or offensive use of social media and will take action against anyone found to have made any such comments. For Councillors, this could result in comments being reported to the Standards & Ethics Committee or the Public Services Ombudsman for Wales.

It's impossible to write a list of everything that could be seen as inappropriate or offensive. Below is a list of examples of the type of comment or material that might fall into this category, but you should be aware that this is not an exhaustive list.

You should not use social media in a way that:

- is illegal;
- breaches confidentiality, for example by:
 - revealing confidential or commercially sensitive information belonging to the Council;

- giving away personal or confidential information about an individual (such as a fellow Councillor, officer or a service user) or organisation (such as a service provider or partner authority); or
- improperly discussing the Council's internal workings (such as agreements that it is reaching or its future plans that have not been communicated to the public) or;
- does anything that could be reasonably considered insulting, threatening, discriminatory against, or bullying or harassment of, any individual, for example by:
 - making offensive or derogatory comments (in particular in relation to any of the Protected Characteristics contained in the Equality Act 2010, being: age, disability, gender reassignment, marriage or civil partnership, pregnancy, race, religion or belief, gender or sexual orientation);;
 - using social media to bully another individual (such as an officer or service user of the Council); or
 - posting images or comments that are offensive, obscene or links to such content or;
- brings the Council into disrepute, for example by:
 - making defamatory comments about the Council, officers, individuals, organisations or groups;
 - promotes illegal activity or is intended to deceive; or
- breaches copyright, for example by:
 - using someone else's images or written content without permission; or
 - failing to give acknowledgement where permission has been given to reproduce something.

If you have any doubt at all about whether content is appropriate, it probably isn't.

Section 4

Social Media Issues that are Specific to Councillors

As you get started in social media and build your online profile, there are a few things to bear in mind. While there's no additional legal or ethical burden around using social media, the usual rules still apply and you need to think about them in this new context.

In the main, Councillors have the same legal duties online as anyone else, but failures to comply with the law may have more serious consequences. There are some additional duties around using social media websites for electoral campaigning and extra care needs to be taken when writing on planning, licencing and other regulatory matters.

Use of social media by members of planning, licensing or other regulatory committees is not permitted during the course of such meetings.

This section looks at some issues that are particularly relevant to the life and work of a Councillor and builds on the principles set out in Section 3.

Bias and pre-determination

If you are involved in determining planning or licensing applications or other quasi-judicial decisions, avoid publishing anything online that might suggest you don't have an open mind about a matter you may be involved in determining.

If not, the decision runs the risk of being invalid.

Interaction with Councillors by the Council Online

Whilst it is important to remember the principles set out in this guide in relation to the Council itself not promoting political views, the Council must acknowledge that social media channels are now used for communication and finding information by many residents. Therefore, Council materials may make reference to the social media accounts of Councillors as a means of contacting that Councillor.

Electoral periods

The Electoral Commission requires that candidates provide a return of expenditure on any form of advertising or campaign literature and that includes web advertising. And there are additional requirements, such as imprint standards for materials which can be downloaded from a website. Full guidance for candidates can be found at www.electoralcommission.org.uk. In particular you should also read the useful guidance that can be found here: www.electoralcommission.org.uk/guidance/those-we-regulate/candidates-and-agents

The Members' Code of Conduct⁷

Aspects of the Members' Code of Conduct will apply to your online activity in the same way it does to other written or verbal communication you undertake.

⁷ This section is adapted from CivicSurf's Legal Guidance for councillor blogs. Included here under Creative Commons attribution, non-commercial license.

The nature of a Councillor's hours and work on local issues may mean that the line between work life and home life is not always clear. Councillors can have 'blurred identities'. This means you may have a social media account where you comment both as a Councillor and as an individual. For example a Facebook account where you've posted about a great night out (personal) and another time explained the Council position on pothole repair (Councillor). It may be clear in your mind when you are posting in a private capacity or as a Councillor, but it could be less clear to others.

Whilst there are a number of factors which will come into play which are more a question of judgment than a hard and fast line, it is worth assuming that any online activity can be linked to your official role. This is because the judgment of whether you are perceived to be acting as a Councillor will most likely be taken by someone else. Unless you've gone to significant effort to keep an online persona completely separate from your Councillor identity, you are unlikely to be able to claim that you were acting in a completely private capacity.

You may wish to consider using separate social media accounts for Council and private business. Whilst this will not always protect comments that you intended to be "private", it will help to keep your identities separate; and reduce the risk of a comment you intended to be private as being viewed as having been made in a public capacity.

Such blurred identities might also have implications where your views are taken as those of your organisation or political party, rather than your personal opinion. There is a need therefore to get your position on social media accounts/profiles clear so that it cannot be misinterpreted that you are acting as the corporate voice for the Council. Indeed, there is an important difference between communicating on behalf of the Council, or as a Councillor or as a private citizen and the former will be held to a higher standard than the latter.

With this latter point in mind, you need to be aware that how you use your online identity will also determine how online content will be treated in respect of the Members' Code of Conduct. Councillors are expected to communicate politically. The key, however, to whether your online activity is subject to the Code of Conduct is whether you are giving the impression that you are acting as a Councillor. And that stands whether you are in fact acting in an official capacity or simply giving the impression that you are doing so.

As has already been mentioned, aspects of the Members' Code of Conduct will apply to your online activity in the same way it does to other written or verbal communication you undertake. Members should comply with the general principles of the Code in what they publish and what they allow others to publish.

You will need to be particularly aware of the following sections of the Code:

- Treat others with respect. Avoid personal attacks and disrespectful, rude or offensive comments.
- Comply with equality laws.
- Refrain from publishing anything you have received in confidence.
- Ensure you don't bring the Council, or your Councillor role, into disrepute.

If you have any doubt about any online issues, please contact the Monitoring Officer.

“Although these warnings may seem stark, they shouldn't put you off engaging online. Use your common sense. The things that can get you in hot water anywhere else are the same things to avoid in social media. Most councillors who are using social media engage with citizens in entirely constructive and often colourful fashions without ever engaging the Code of Conduct or running foul of the law”⁸

Whilst social media has become a powerful tool for councillors to engage with their communities, it also has a darker side. The Welsh Local Government Association (WLGA) has noted that ‘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.’ The WLGA has produced a ‘Councillors Guide to Handling Online Abuse’ to assist Councillors to deal with any such issues (there is a link to this guidance under Further Reading Materials).

⁸ Connected Councillors, Social Media Handbook.

Section 5

References to other relevant Council Policies, Acknowledgements and Further Materials

Further Reading Materials

You may also wish to look at:

- The Welsh Local Government Association 'Social Media: A Guide for Councillors'
<http://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=344>
And 'Councillors Guide to Handling Online Abuse'
<http://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&fileid=1504&mid=665>
- LocalGov, Local government guide to social media

<https://www.localgov.co.uk/Local-government-guide-to-social-media/44659>

- The Local Government Association's webpages on Social Media:
<http://www.local.gov.uk/socialmedia>
And Checklist for Councillors, How can you most effectively use social media as a councillor?
<https://www.local.gov.uk/our-support/guidance-and-resources/comms-hub-communications-support/digital-communications/social-1>

Other Council Policies

The Council's IT policies are also relevant: They can be found here:

<http://vmweb4.cardiff.gov.uk/ictportal/documentindex.php>

Acknowledgements

Material in this Policy has been based on and/or reproduced with thanks from the following publications:

- Connected Councillors – A guide to using social media to support local leadership' Local Government Association
- Local by Social – how Local Authorities can use social media to achieve more for less' Improvement and Development Agency
- CivicSurf's Legal Guidance for councillor blogs. Included here under Creative Commons attribution, non-commercial license
- Social Media policies in use by other Local Authorities including Cheshire East, Lincolnshire and Devon

- Social media guidance for civil servants. Published by the Cabinet and Home Offices and reproduced under the terms of the Open Government Licence

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Mae'r dudalen hon yn wag yn fwriadol

CYNGOR CAERDYDD CARDIFF COUNCIL



STANDARDS AND ETHICS COMMITTEE:

5 DECEMBER 2018

REPORT OF THE DIRECTOR OF GOVERNANCE & LEGAL SERVICES AND MONITORING OFFICER

WORK PROGRAMME 2018 – 19

Reason for this Report

1. To consider the Committee's Work Plan and agree the items for consideration by the Standards and Ethics Committee in 2018/19.

Background

2. The Standards and Ethics Committee's Terms of Reference set out the remit of the Committee to monitor, review and advise on matters relating to the Ethical code; Members Code of Conduct; matters of governance and probity; and compliance of Members in completing the essential Code of Conduct session.
3. To enable the Committee to fulfil its role an annual work plan is developed to reflect the Council's Annual Governance Statement; give consideration to standard monitoring reports; and any issues arising from the Committee's work in promoting high standards of conduct and managing complaints. The views of this Committee assist in the development of an ongoing work plan.

Issues

4. Attached **as Appendix A** is the Work Plan for 2018/19 which reflects ongoing priorities and standard reports and the frequency of reporting. The Committee is invited to review the plan taking into account available resources, and add or remove items and agree the frequency of reporting.

Legal Implications

5. There are no direct legal implications arising from the content of this report. However, the Committee is reminded of its statutory role contained in the extract from the Local Government Act 2000 set out below which should be considered alongside its terms of reference when setting the Forward Plan:

54 Functions of standards committees

- (1) *The general functions of a standards committee of a relevant authority are--*
- (a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and*
 - (b) assisting members and co-opted members of the authority to observe the authority's code of conduct.*
- (2) *Without prejudice to its general functions, a standards committee of a relevant authority has the following specific functions—*
- (a) advising the authority on the adoption or revision of a code of conduct,*
 - (b) monitoring the operation of the authority's code of conduct, and*
 - (c) advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.*

6. The Committee has the same statutory functions in relation to Community Councils and Community Councillors as it has in relation to the County Council and County Councillors (pursuant to section 56(1) of the Local Government Act 2000).

Financial Implications

7. There are no direct financial implications arising from this report.

RECOMMENDATION

The Committee is recommended to consider the Work Plan as set out in Appendix A, and, taking into account its terms of reference and available resources, to agree with the Director of Governance and Legal Services and Monitoring Officer any amendments and how it wishes to progress the various items or topics contained therein.

Davina Fiore
Director of Governance and Legal Services and Monitoring Officer
27 November 2018

Appendix

Appendix A Work Programme V1.1 November 2018

Background Papers
Standards & Ethics Committee Annual Report 2016/17.

STANDARDS AND ETHICS COMMITTEE – WORK PLAN – 2018/19

APPENDIX A

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	STATUS	REPORT TO COMMITTEE
(1) Gifts and Hospitality <i>Frequency of reporting – annual</i>	(1) To monitor and review the acceptance of gifts and hospitality by Members; and (2) To monitor and review the Councils procedures for the acceptance and provision of gifts and hospitality by Officers, and their implementation.	Monitoring Officer	Medium	(1) Scheduled	(1) November (2) Next meeting, 5 March 2018
(2) Code of Conduct Complaints <i>Frequency of reporting – quarterly</i>	To receive information on complaints made against Members of the Council alleging breaches of the Code of Conduct.	Monitoring Officer	Medium	Ongoing	Quarterly
(3) Member Briefings <i>Frequency of briefing - twice a year</i>	To publish biannual Member Briefings on the work of the Committee and member conduct issues	Chair / Monitoring Officer	Medium	Ongoing	Spring 2019
(4) Training <i>Frequency of monitoring - twice a year</i>	To consider refresher training on the Members’ Code of Conduct	Monitoring Officer	High	Ongoing	As necessary.

TOPIC	OBJECTIVE/OUTCOME	WHO IS RESPONSIBLE?	PRIORITY	STATUS	REPORT TO COMMITTEE
(5) Feedback from Observation of Council & Committee meetings	Independent Members to attend Council, Committee and Community Council meetings to become more acquainted with the work of the Councils; and report feedback for consideration by the Committee	Independent Members of the Committee	Medium	Ongoing	Periodically, after receipt of feedback
(6) Whistleblowing Policy <i>Frequency of monitoring – annual</i>	To monitor and review the operation of the Council's whistleblowing arrangements; and consider any ethical issues arising.	Monitoring Officer	Medium	Scheduled	Next meeting, 5 March 2018
(7) Officers Personal Interests	To review the Councils procedures for managing officers personal interests	Monitoring Officer / HR	Medium	Scheduled	Next meeting, 5 March 2018
(8) Annual Meeting with Group Leaders and Whips	To facilitate ongoing engagement with representatives from all political groups.	Elected Members	Medium	To be scheduled	June 2019
(9) Annual Report	Prepare Annual Report	Committee Chair/ Monitoring Officer	Medium	Scheduled	June 2019