SECTION 19

19. CODE OF CONDUCT FOR MEMBERS

Part 1 - Interpretation

19.1 Interpretation

19.1.1 In this code:

"Co-Opted Member" ("Aelod Cyfetholedig")	in relation to a relevant authority, means a person who is not a Member of the Authority but who: (a) is a member of any committee or sub-committee of the Authority; or (b) is a member of, and represents the Authority on, any joint committee or joint sub-committee of the Authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;
"meeting" ("cyfarfod")	means any meeting: (a) of the relevant authority; (b) of any Cabinet or board of the relevant authority; (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any Cabinet or board of the Authority; or (d) where Members or Officers of the relevant authority are present other than a meeting of a political group constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990(1). and includes circumstances in which a Member of the Cabinet or board or an Officer acting alone exercises a function of an Authority.

“Member” (“Aelod”)	includes, unless the context requires otherwise, a Co-Opted Member;
“register of Members’ interests” (“cofrestr o fuddiannau’r Aelodau”)	means: the register established and maintained under Section 81 of the Local Government Act 2000
“registered society”	means a society, other than a society registered as a credit union, which is— (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;
“relevant authority” (“awdurdod perthnasol”)	means: (a) a county council; (b) a county borough council; (c) a community council; (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(2) or a scheme to which section 4 of that Act applies; (e) a National Park authority established under section 63 of the Environment Act 1995(3);
“you” (“chi”)	means you as a Member or Co-Opted Member of a relevant authority; and
“your authority” (“eich awdurdod”)	means the relevant authority of which you are a Member or Co-Opted Member.

19.1.2 In relation to a community council -

(a) "Proper Officer" (Swyddog Priodol") means an officer of that council within the meaning of Section 270(3) of the Local Government Act 1972 and

(b) "Standards Committee" ("Pwyllgor Safonau") means the Standards Committee of the county or county borough council which has functions in relation to the community council for which it is responsible under Section 56(1) and (2) of the Local Government Act 2000.

Part 2 – General Provisions

19.2 **General Provisions**

19.2.1 Save where paragraph 19.2.3 applies, you must observe this Code of Conduct:

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of Member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 19.2.6(a) and 19.2.8.

19.2.2 You should read this Code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

19.2.3 Where you are elected, appointed or nominated by your authority to serve:

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the Code of Conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its Members, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

19.2.4 You must:

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person;

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority; and

(e) Members should be aware that the above obligations apply equally to all online activity, including the use of social media platforms. Members must ensure that their online conduct reflects the same standards of respect, honesty and professionalism expected in all other aspects of their role.

19.2.5 You must not:

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

19.2.6 You must:

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

Conduct on social media that includes abusive behaviour, the spreading of misinformation, or engagement with hostile or anonymous accounts may reasonably be regarded as bringing the office of Member or the Authority into disrepute. Members are therefore expected to take particular care when engaging on online platforms.

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another Member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to your authority's Monitoring Officer any conduct by another Member which you reasonably believe breaches this Code of Conduct;

(d) not make vexatious, malicious or frivolous complaints against other Members or anyone who works for, or on behalf of, your authority.

19.2.7 You must comply with any request of your authority's Monitoring Officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

19.2.8 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.

19.2.9 You must:

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest, having regard to any relevant advice provided by your authority's Officers, in particular by:

(i) the authority's Chief Executive;

(ii) the authority's Chief Finance Officer;

(iii) the authority's Monitoring Officer;

(iv) the authority's Chief Legal Officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

19.2.10 You must:

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a Member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

19.2.11 If you are a leader of a political group, you must

(a) take reasonable steps to promote and maintain high standards of conduct by the members of the group; and

(b) co-operate with the Council's Standards Committee (and any sub-committee of the Committee) in the exercise of the Standards Committee's functions.

(c) In complying with (a) and (b) above, you must have regard to any guidance issued by the Welsh Ministers.

Part 3 - Interests

19.3 **Interests**

19.3.1 Personal Interests

(a) You must consider in all matters whether you have a personal interest, and whether this Code of Conduct requires you to disclose that interest.

(b) You must regard yourself as having a personal interest in any business of your authority if:

(i) it relates to, or is likely to affect:

(A) any employment or business carried on by you;

(B) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(C) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a Member;

(D) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(E) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director or a body of the description specified in paragraph (D) above;

(F) any land in which you have a beneficial interest and which is in the area of your authority;

(G) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which

you are a remunerated director, or a body of the description specified in paragraph (D) above;

(H) any body to which you have been elected, appointed or nominated by your authority;

(I) any:

1 public authority or body exercising functions of a public nature;

2 company, registered society, charity, or body directed to charitable purposes;

3 body whose principal purposes include the influence of public opinion or policy;

4 trade union or professional association; or

5 private club, society or association operating within your authority's area,

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

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

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

(A) your wellbeing or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(B) any employment or business carried on by persons as described in (A);

(C) any person who employs or has appointed such persons described in (A), any firm in which they are a partner, or any company of which they are directors;

(D) any corporate body in which persons as described in (A) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(E) any body listed in paragraphs 19.3.1(b)(i)(I)(1) to 19.3.1(b)(i)(I)(5) in which persons described in (A) hold a position of general control or management,

to a greater extent than the majority of:

1 in the case of an authority with electoral divisions or wards, other Council taxpayers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

2 in all other cases, other Council taxpayers, ratepayers or inhabitants of the authority's area.

19.3.2 Disclosure of Personal Interests

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

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

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

(ii) oral representations (whether in person or some form of electronic communication) to a Member or Officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest..

(c) Subject to paragraph 19.3.5(a)(ii) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(d) You must, in respect of a personal interest not previously disclosed, give written notification to your authority in accordance with any requirements identified by your authority's Monitoring Officer, or in relation to a community council, your authority's Proper Officer, from time to time but, as a minimum containing:

(i) details of the personal interest;

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

(iii) your signature.

(e) Where you have agreement from your Monitoring Officer that the information relating to your personal interest is sensitive information, pursuant to

paragraph 19.4.2(a), your obligations under this paragraph 19.3.2 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your Monitoring Officer has agreed that the nature of such personal interest is sensitive information.

(f) For the purposes of paragraph 19.3.2(d), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a Member of your authority.

(g) For the purposes of paragraph 19.3.2(c), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

19.3.3 Prejudicial Interests

(a) Subject to paragraph 19.3.3(b) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(b) Subject to paragraph 19.3.3(c), you will not be regarded as having a prejudicial interest in any business where that business:

(i) relates to:

(A) another relevant authority of which you are also a Member;

(B) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(C) a body to which you have been elected, appointed or nominated by your authority;

(D) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(E) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(ii) relates to:

(A) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(B) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in fulltime education, unless it relates particularly to the school which that child attends;

(C) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(D) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;

(iii) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

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

(c) The exemptions in paragraph 19.3.3(b)(i) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

19.3.4 Overview and Scrutiny Committees

You also have a prejudicial interest in any business before a Scrutiny Committee where:

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

(b) at the time the decision was made or action was taken, you were a Member of the Cabinet, board, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph 19.3.4(a) and you were present when that decision was made or action was taken.

19.3.5 Participation in Relation to Disclosed Interests

(a) Subject to paragraphs 19.3.5(b) (c), (e) and (f), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's Standards Committee:

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

(A) where paragraph 19.3.5(b) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and, in any event, before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

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

(ii) not exercise Cabinet or board functions in relation to that business;

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

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

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

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

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

(d) When submitting written representations under sub-paragraph (c) you must comply with any procedure that your authority may adopt for the submission of such representations.

(e) Paragraph 19.3.5(a) does not prevent you attending and participating in a meeting if:

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

(ii) you have the benefit of a dispensation provided that you state at the meeting that you are relying on the dispensation.

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

Part 4 – The Register of Members' Interests

19.4 Registration of Personal Interests

Registration of Financial and Other Interests and Memberships and Management Positions

19.4.1 Registration of Personal Interests

(a) Subject to sub-paragraph 19.4.1(d), you must, within 28 days of—

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

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

register your personal interests, where they fall within a category mentioned in paragraph 19.3.1(b)(i), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(b) Subject to sub-paragraph 19.4.1(d), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 19.3.1(b)(i), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(c) Subject to sub-paragraph 19.4.1(d), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 19.3.1(b)(i), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(d) Sub-paragraphs 19.4.1(a), (b) and (c) do not apply to sensitive information determined in accordance with paragraph 19.4.2(a).

(e) Sub-paragraphs 19.4.1(a) and (b) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(f) You must, when disclosing a personal interest in accordance with paragraph 19.3.2 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer."

19.4.2 Sensitive information

(a) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 19.4.1.

(b) You must, within twenty eight days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph 19.4.2(a) is no longer sensitive information, notify your authority's Monitoring Officer, or in relation to a community council, your authority's Proper Officer asking that the information be included in your authority's register of Members' interests.

(c) In this Code, "sensitive information" ("gwybodaeth sensitif") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

19.4.3 Registration of Gifts and Hospitality

You must, within twenty eight 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, or in relation to a community council, to your authority's Proper Officer of the existence and nature of that gift, hospitality, material benefit or advantage,,,the thresholds being:

- For gifts, material benefits or advantages the threshold is £25 or totalling £100 over a year from a single source.
- For hospitality the threshold is £25 or totalling £100 over a year from a single source.

APPENDIX 1 TO SECTION 19

CONDUCT OF MEMBERS – THE PRINCIPLES

1. **SELFLESSNESS**

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

2. **HONESTY**

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

3. **INTEGRITY AND PROPRIETY**

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

4. **DUTY TO UPHOLD THE LAW**

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

5. **STEWARDSHIP**

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

6. **OBJECTIVITY IN DECISION-MAKING**

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

7. **EQUALITY AND RESPECT**

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

8. **OPENNESS**

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

9. **ACCOUNTABILITY**

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

10. **LEADERSHIP**

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

APPENDIX 2 TO SECTION 19

PROTOCOL - STANDARD OF CONDUCT EXPECTED BY MEMBERS

This protocol sets out the standards of conduct expected from Members within the Vale of Glamorgan Council in dealing with each other. It should be read in conjunction with the Members' Code of Conduct and the Member/Officer Protocol. It adds to these documents and does not detract from them.

The protocol will be interpreted widely and applies to all oral and written communications, which may include (but is not limited to) e-mail, text messages, and comments appearing on any social media websites such as Twitter and Facebook and/or appearing in the press.

Members are expected to:

1. PUBLIC BEHAVIOUR

1.1 show respect to each other;

1.2 not to make personal abusive comments about each other;

1.3 not to publish anything insulting about each other;

1.4 not to make malicious allegations against each other;

1.5 not to publish or spread any false information about each other;

1.6 show respect to diversity and equality.

2. BEHAVIOUR IN MEETINGS

2.1 behave with dignity;

2.2 show respect to the Chair and obey his/her decisions;

2.3 not to use indecent language nor make racial remarks or remarks which prejudice any section of society.

3. CONFIDENTIALITY

3.1 keep the confidentiality of exempt papers and any other documents which are not public;

3.2 not to release confidential information to the press or the public;

3.3 not to use confidential information for purposes other than intended.

4. LOCAL MEMBERS

4.1 work with Members of adjoining electoral divisions for the benefit of the locality;

4.2 if dealing with any matter relating to another electoral division:

4.2.1 explain to anyone seeking assistance that he/she is not the local Member;

4.2.2 inform the local Member, unless it would lead to a breach of confidentiality.

5. SOCIAL MEDIA CODE OF PRINCIPLES

Social media is an important tool for engaging with residents and contributing to public debate. However, it also presents challenges, including the deliberate spread of untrue information. These principles set out the standards expected of Members when using social media and supplement the requirements of the Members' Code of Conduct, Section 19.2 of this Constitution.

5.1 Promote respectful and honest communication:

Councillors should encourage kind, truthful and constructive discourse both online and offline.

5.2 Support robust but respectful debate:

Healthy discussion, challenge and scrutiny are essential to democracy but must occur without personal abuse or harassment.

5.3 Recognise the risks of online abuse:

Councillors should be mindful that social media can be an aggressive environment where individuals often face abusive behaviour, which can harm their wellbeing.

5.4 Not deliberately share untrue information:

Councillors should refrain from the deliberate sharing of information they know to be untrue.

5.5 Discourage abuse:

Councillors should be aware that accounts frequently contribute to harmful or abusive discourse and should avoid engaging with or amplifying such behaviour.

APPENDIX 3 TO SECTION 19

LOCAL DISPUTE RESOLUTION PROCEDURE FOR DEALING WITH LOW LEVEL ALLEGATIONS OF BREACHES OF THE MEMBERS' CODE OF CONDUCT AND THE VALE OF GLAMORGAN COUNCIL'S PROTOCOL - STANDARD OF CONDUCT EXPECTED BY MEMBERS

INTRODUCTION

1. The Public Services Ombudsman for Wales' Guidance on the Code of Conduct for Members of Local Authorities in Wales (May 2021) expects Local Authorities throughout Wales to implement a Local Dispute Resolution Procedure (LDRP) to deal with complaints which are made by a Member against a fellow Member which may not otherwise be investigated by the Public Services Ombudsman for Wales ('the Ombudsman') having regard to the Ombudsman's two-stage test.

2. The Vale of Glamorgan Council ('the Council') introduced a Local Dispute Resolution Procedure ('the Procedure') in 2014 to meet the Ombudsman's above expectations, and the Procedure was amended in 2018. The Procedure was subsequently reviewed and amended by the Standards Committee Working Group and presented to the Vale of Glamorgan Council for approval in 2026.

3. Typically the following complaints will fall within the category of complaints dealt with under this Procedure:

   - failure to show respect and consideration for others contrary to paragraph 19.2.4(b) of the Members' Code of Conduct ("the Code") and
   - making vexatious, malicious or frivolous complaints against other Members under paragraph 19.2.6(d) of the Code.

4. Other breaches of the Code may also be determined by the Monitoring Officer to be appropriate complaints to be dealt with under the Procedure.

5. The Procedure is to be read in conjunction with the Code (Section 19) and the Council's Protocol - Standard of Conduct Expected by Members ("the Protocol") (Section 19, Appendix 2).

6. The Protocol establishes the behaviour which is acceptable and unacceptable between Members. It sits alongside the Code and fills the gap between behaviour which possibly in itself is not serious, but creates unpleasantness between Members, and behaviour that is approaching the threshold and serious enough for the Ombudsman to hold an investigation. Breaches of the Protocol will also be dealt with under this Procedure.

7. The Ombudsman assumes that where a Member repeatedly breaches this Procedure, the Monitoring Officer will refer the matter to the Ombudsman. Members will continue to be able to complain directly to the Ombudsman where a breach of the Code has occurred. Should the complainant exercise that right then this Procedure will not be used, and any efforts to resolve a complaint using this

Procedure will be stopped. The process will only resume if the matter is referred back for local resolution.

8. The Procedure applies to Vale of Glamorgan Council Member complaints against a fellow Vale of Glamorgan Council Member, and not Members of Town and Community Councils or Council Officers. Complaints made by the public and staff will not be dealt with under this Procedure.

9. The key objectives of the Procedure are to:

- resolve allegations of breaches of the Code and Protocol locally and quickly,
- avoid unnecessary escalation of the situation which might impact on personal relationships within the Council and damage the Council's reputation, and
- avoid unnecessary involvement of the Ombudsman so that their resources are devoted to the investigation of more serious or repeated complaints.

GENERAL PRINCIPLES

10. Members will make all reasonable efforts to resolve disputes via the Procedure.

11. Group Leaders individually and collectively will encourage the use of the Procedure in line with the Council's Constitution.

WORKING TO AVOID PROBLEMS

12. To minimise the number of instances of alleged breaches the Council has committed to:

- a Member Development Strategy;
- a Member Induction and Development Programme;
- a programme of Member Briefing events; and
- ad hoc Member training events.

STAGE 1 OF THE PROCEDURE

13. Any Member who wishes to submit a complaint under the Procedure ("the Complainant") is to complete the LDRP Complaint Form ('the Complaint Form') attached at Appendix A to this Procedure and send it to the Monitoring Officer. Following receipt of the Complaint Form, the Monitoring Officer or the Deputy Monitoring Officer will indicate whether the complaint may be dealt with under this Procedure, whether it should be referred to the Ombudsman or whether it is rejected on the basis that there is no case to answer.

14. A decision to reject a complaint by the Monitoring Officer or Deputy Monitoring Officer will be subject to consultation with the Chair or Vice-Chair of the Standards Committee or, in their absence, an Independent Member of the Standards Committee as nominated by the Chair or Vice-Chair of the Standards Committee.

15. If the complaint is to be dealt with under this Procedure the Monitoring Officer or Deputy Monitoring Officer will forward the complaint (including the identity of the

Complainant) to the Member who is the subject of the complaint within **seven working days** of submission of the complaint.

16. The Member who is the subject of the complaint will submit to the Monitoring Officer a written response to the complaint within **ten working days** thereafter (having been advised by the Monitoring Officer of the commencement date of the ten working days period) and the Monitoring Officer will forward the same to the Complainant.

17. The Monitoring Officer or Deputy Monitoring Officer will determine whether a Mediation Meeting is convened or whether the complaint is referred directly to a Hearing at Stage 3 of the Procedure.

STAGE 2 OF THE PROCEDURE

MEDIATION MEETING

18. A Mediation Meeting will be held between the Complainant, the Member who is the subject of the complaint, the Leader of the political group for the Complainant and the Member who is the subject of the complaint (for Members that are not in a group they may be accompanied by a colleague or friend) and the Chief Executive (or a nominated Director as determined by the Chief Executive) within **thirty working days** of the Complaint Form being sent to the Member who is the subject of the complaint. The purpose of the Mediation Meeting will be to attempt to resolve the matter. If deemed necessary the Chief Executive or the nominated Director may call on the Monitoring Officer or the Deputy Monitoring Officer for advice and assistance.

19. Where the complaint is made by or concerns a Group Leader the Mediation Meeting will be attended by the Complainant, the Member who is the subject of the complaint, the Chief Executive (or a nominated Director as determined by the Chief Executive) and the Monitoring Officer or the Deputy Monitoring Officer.

20. If the matter is not resolved at Stage 2, the Complainant may elect to stop the Procedure or proceed to Stage 3 of the Procedure subject to notifying the Monitoring Officer in writing within **seven working days** of the Mediation Meeting.

21. Anything said at the Mediation Meeting is privileged and cannot be referred to at Stage 3 of the Procedure.

STAGE 3 OF THE PROCEDURE

HEARING

22. The Hearing will be before three Members of the Standards Committee ("Hearing Panel"), with at least two members being Independent Members of the Committee, nominated by the Chair or Vice-Chair of the Standards Committee. The Hearing Panel shall be chaired by an Independent Member of the Standards Committee.

23. The designated Democratic and Scrutiny Services Officer (DSSO) will arrange for the Hearing to take place within **six working weeks** following the Complaint being referred to Stage 3 of the Procedure

24. Members involved in the complaint have the right to appear before the Hearing Panel and call witnesses. Once names of witnesses are provided to the DSSO, the witnesses will be given an overview of the complaint.

25. Only witnesses who have given statements will be able to give evidence at the Hearing and witnesses that provide statements will be required to attend the Hearing, unless both parties agree with the content of the witness' statement and that the witness is not required to attend (the Monitoring Officer is to be advised in writing in such circumstances).

26. The parties, if calling witnesses, must let the DSSO know not less than **five clear working days** prior to the Hearing of the name of the witness(es) and provide a copy of any witnesses' statements to the DSSO not less than **five clear working days** prior to the Hearing, who will provide copies of the witness statement(s) to the other party in advance of the Hearing. Further evidence may be submitted within five working days of the Hearing at the discretion of the Panel. Support for witnesses in formatting and typing statements may be provided by officers of the Council as appropriate.

27. Witnesses will not be permitted to be present in the Hearing room at the outset but will be called individually to give their evidence at the appropriate time and will be required to leave following their evidence.

28. The procedure to be followed during the Hearing is set out below. It being noted that the Independent Member chairing the Hearing has discretion to vary or supplement the procedure as deemed appropriate.

29. The parties will have the right to be accompanied by only one representative which may be a legal representative or otherwise a colleague, friend, family member or Group Leader. It will be for each of the parties to make their own arrangements regarding representation. The Council will not meet the costs of representation. If either party decides to have legal representation at the Hearing, the Monitoring Officer is to be notified in advance of the Hearing in order to inform the other party to ensure that the opportunity is available to seek legal representation.

30. If either party decides to have legal representation at the Hearing, the Monitoring Officer is to be notified not less than **five clear working days** in advance of the Hearing in order to inform the other party to ensure that the opportunity is available to seek legal representation.

31. Neither a representative nor person accompanying a Member will be permitted to give evidence as a witness at the Hearing. However for the avoidance of doubt, a representative or person accompanying a Member will be permitted to speak on behalf of the Member that they are representing/accompanying including asking questions and summing up.

32. If either side wishes not to be present or fails to attend the Hearing the Hearing may be held and determined in their absence.

The Hearing Panel may, in determining the matter on the balance of probabilities, come to one of three conclusions, namely –

(1) there is no basis to the complaint;

(2) there is a basis to the complaint but that no further action is required; or

(3) there is a basis to the complaint and that the Member be asked to make a formal apology.

33. The Hearing Panel may also make recommendations to the Council regarding changing any procedures or taking any further action and that the Member who is the subject of the complaint attends further training within a specified timescale.

34. Should an apology be directed, this to take the form of a formal apology and to be made in the same way (including the place) as the dispute arose (an apology will only be made in private and confidentially if the Complainant so wishes).

35. A failure by the Member, who is the subject of the complaint, to make an apology in the specified manner is to be referred back to the Standards Committee for consideration, who then may direct that the lack of apology be published.

SUPPLEMENTARY MATTERS

36. Publicity will not be given to the name(s) of the Complainant(s) in any circumstances.

37. Publicity will not be given to the name of the Member who is the subject of the complaint unless the Member is asked to apologise (hearing outcome (3)).

38. Should the Hearing Panel's conclusion be that there is a basis to the complaint and that the Member be asked to apologise (conclusion (3)), then a statement on the Council's website will be issued for not less than twenty eight calendar days. Such publicity will take the form of a notice being posted on the Council's website within seven working days of the decision letter being issued which will detail the name of the Respondent, the fact that the Respondent has been asked to apologise pursuant to the Procedure, when the hearing decision was made and a summary of the facts as deemed appropriate by the Hearing Panel.

39. Should the Hearing Panel determine conclusion (1) or (2) as outlined above, all parties will be reminded that no publicity will be given to the name of the Members involved in the complaint or any details of the complaint.

40. If a formal apology is not provided as resolved by the Hearing Panel, reference will be made in the notice posted on the Council's website to the date when the matter will be referred to the Standards Committee for consideration.

41. The Monitoring Officer or Deputy Monitoring Officer will provide advice and support at Stages 2 and 3 of the Procedure but will not determine the matter.

42. The Hearing at Stage 3 will be dealt with in private, and in-person, unless directed otherwise by the Chair of the Standards Committee, on prior application.

43. Hearings may be recorded for the purposes of record keeping but all content will remain confidential.

44. There is no right of appeal against the decision made by the Hearing Panel at Stage 3 of the Procedure.

45. The timescales within the Procedure are a guide to ensure that complaints under the Procedure are dealt with quickly in order to minimise the impact of the complaint; Members and Officers are therefore requested to adhere to the timescales.

LOCAL DISPUTE RESOLUTION PROCEDURE

CONDUCT OF STAGE 3 HEARING

It is to be noted that:

Hearings are to be held in private, and in-person, unless directed otherwise by the Chair of the Standards Committee, on prior application.

Hearings may be recorded for the purposes of record keeping but all content will remain confidential.

The Member who is the subject of the complaint ('the Respondent') will have received a copy of the Complaint Form in line with paragraph 15 of the Local Dispute Resolution Procedure (LDRP) ('the Procedure').

The parties will have the right to be accompanied by only one representative which may be a legal representative or otherwise a colleague, friend, family member or Group Leader.

Prior to the commencement of the Hearing, the Standards Committee Hearing Panel will elect a Chair for the Hearing ('the Chair') from the Independent Members of the Standards Committee (as nominated by the Chair or Vice-Chair of the Standards Committee).

The Chair will have the discretion to supplement or vary the procedure to be followed at the Stage 3 Hearing as deemed appropriate.

Witnesses will not be permitted to be present in the Hearing room at the outset but will be called individually to give their evidence at the appropriate time and will be required to leave following their evidence.

Where witnesses are to be called, the parties will be required to notify the Democratic and Scrutiny Services Officer (DSSO) not less than **five clear working days** prior to the Hearing. Both parties will need to ensure that their witnesses are in attendance. If both parties agree with the written evidence of a witness, the witness is not required to attend (and the Monitoring Officer will be advised of this in writing). Witnesses are required to provide a statement prior to the Hearing and for the statement to be provided to the DSSO not less than **five clear working days** prior to the Hearing.

The Monitoring Officer or Deputy Monitoring Officer will provide advice and support to the Hearing Panel but will not determine the matter.

The decision of the Hearing Panel will be based on the standard of proof of the balance of probabilities.

STEP 1 – INTRODUCTIONS

At the Hearing those present will include the three Hearing Panel Members, the Monitoring Officer or Deputy Monitoring Officer, a representative from Democratic Services, the Complainant, the Respondent and their single representative or person accompanying each party (if required).

The Chair will open the Hearing and establish the identity of all present and will outline the order of proceedings for the Hearing.

The Chair will seek confirmation that all parties have received the relevant documentation and will specify the complaint(s) against the Respondent.

STEP 2 – COMPLAINANT'S CASE

The Chair will commence by requesting the Complainant (or their representative) to present their case following which questions may be asked by the Respondent (or Respondent's representative) and the Hearing Panel.

Complainant's witness(es) to be called to give evidence following which questions may be asked by the Respondent (or their representative) and the Hearing Panel. The Complainant (or their representative) may seek clarification from their witness(es) on any points arising from the questioning.

STEP 3 – RESPONDENT'S CASE

The Respondent (or their representative) will then be afforded the opportunity to present their case followed by questions from the Complainant (or their representative) and the Hearing Panel.

Respondent's witness(es) to be called to give evidence following which questions may be asked by the Complainant (or their representative) and Hearing Panel. The Respondent (or their representative) may seek clarification from their witness(es) on any points arising from the questioning.

Throughout the Hearing the Hearing Panel, Monitoring Officer or Deputy Monitoring Officer may also seek clarification or ask relevant questions of both parties. The DSSO may also raise points of clarification during proceedings.

STEP 4 – SUMMING UP

The Chair will then afford both parties (Complainant and Respondent respectively) the opportunity to sum up. A party's representative or person accompanying them may sum up on their behalf.

STEP 5 – PRIVATE DELIBERATION

Following the summing up from both parties or their representative(s), both parties will be asked to vacate the room in order that the Hearing Panel may deliberate and decide, in private, whether the complaint is proved or not proved. The Hearing Panel will be accompanied only by the Monitoring Officer or Deputy Monitoring Officer and the DSSO. The role of officers is to offer advice to the Hearing Panel but not to determine the outcome of the matter.

The Hearing Panel's decision will be by majority vote, where necessary the Chair shall have a casting vote.

STEP 6 – OUTCOME ON WHETHER COMPLAINT IS PROVED

The parties will be called back in and the Chair will advise whether the complaint is proved or not proved. If proved, the Respondent will be asked to give any mitigation which might affect the Hearing Panel's final decision.

The Chair, at the end of the Hearing, will remind parties that there is no right of appeal against the decision made by the Hearing Panel at Stage 3 of the Procedure.

Both parties and / or their Representatives will then vacate the hearing room.

STEP 7 – HEARING DECISION

It will be at the discretion of the Chair whether the Hearing Panel will reach a decision on the day of the Hearing and how the decision will be communicated (either face-to-face or by telephone). The Complainant and Respondent will both be advised orally of the decision.

The Chair will aim for a written decision to be issued within **seven working days** of the decision being made. The written decision will set out the decision of the Hearing Panel and the reasons for the decision. A copy of the decision letter will be sent to both parties.

The Hearing Panel may come to one of three conclusions, namely:

(1) There is no basis to the complaint;

(2) There is a basis to the complaint but that no further action is required; or

(3) There is a basis to the complaint and that the Member be asked to apologise.

The Hearing Panel may also make recommendations to the Council regarding changing any procedures or taking any further action and that the Member who is the subject of the complaint attends further training within a specified timescale.

Should an apology be directed the apology is to take the form of a formal apology and to be made in the same way (including the place) the dispute arose within the timescale specified by the Hearing Panel. An apology will only be made in private and confidentially if the Complainant so wishes.

Should the Hearing Panel determine conclusion (1) or (2) as outlined above, all parties will be reminded that no publicity will be given to the name of the Members involved in the complaint or any details of the complaint.

Should the Hearing Panel's conclusion be that there is a basis to the complaint and that the Member be asked to apologise (conclusion (3)), then a statement on the Council's website will be issued, ideally within **seven working days** of the decision letter being issued which will detail the name of the Respondent, the fact that the Respondent has been asked to apologise pursuant to the Procedure, when the hearing decision was made and a summary of the facts as deemed appropriate by the Hearing Panel.

If a formal apology is to be provided, the date when such an apology is provided will be included in the notice.

If a formal apology is not provided, as resolved by the Hearing Panel, reference will be made in the notice to the date when the matter will be referred to the Standards Committee for consideration. The statement will appear on the Council's website for not less than **twenty eight calendar days**.

PRIVACY NOTICE

This procedure is subject to the Council's Corporate Privacy Notice:

https://www.valeofglamorgan.gov.uk/en/our_council/Website-Privacy-Notice.aspx

The Privacy Notice linked above explains how and why the Council uses information about individuals and the ways in which the Council protects their privacy, it explains how an individual may access their information, what new rights they have in relation to information, and how to exercise those rights.

For independent advice about data protection, privacy, and data sharing issues, you may contact the Information Commissioner's Office (ICO) at www.ico.org.uk

For further information regarding this procedure please contact:
Democratic Services via email – Democratic@valeofglamorgan.gov.uk

Address: Vale of Glamorgan Council, Civic Offices, Holton Road, Barry, CF63 4RU

Phone Number: 01446 709855.