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| Meeting of: | Standards Committee |
| Date of Meeting: | Thursday, 26 March 2026 |
| Relevant Scrutiny Committee: | No Relevant Scrutiny Committee |
| Report Title: | Feedback Report: Standards Committee Procedures Working Group. |
| Purpose of Report: | To present the outcomes of the Standards Committee Procedures Working Group to the Standards Committee to confirm next steps in the review process. |
| Report Owner: | Victoria Davidson, Monitoring Officer/ Head of Legal and Democratic Services. |
| Responsible Officer: | Amy Rudman, Principal Democratic and Scrutiny Services Officer. |
| Elected Member and Officer Consultation: | This report does not involve any consultation with other parties. |
| Policy Framework: | This is a matter for the Standards Committee until such time that a referral is made to the ultimate decision making authority; the Vale of Glamorgan Council. |
| <p>Executive Summary:</p> <ul style="list-style-type: none"> At the Full Council meeting of the Vale of Glamorgan on 2nd December 2024, Council approved a Motion that a review of the Council’s Standards of Conduct Principles, the Vale of Glamorgan Council’s Protocol – Standard of conduct expected by Members, and the Council’s Local Dispute Resolution Procedure (LDRP) for dealing with low level allegations of breaches of the Members Code of Conduct be undertaken. As such, the Standards Committee resolved to establish a Procedures Working Group from its members with an associated Terms of Reference (Appendix 1). After which, the Standards Committee Procedures Working Group met on two occasions: Wednesday 22nd October (Appendix 2) and Wednesday 10th December 2025 (Appendices 3 and 4). As a result, the Group has collated suggested updates to Section 19 of the Vale of Glamorgan Council’s Constitution, for Standards Committee consideration and agreement of next steps. Any amendments to the Council’s Constitution requires the approval of the Vale of Glamorgan Full Council. | |

Recommendations

1. T H A T the Standards Committee notes the changes proposed by the Standards Committee Procedures Working Group, as set out in Appendices 2–4 of this report.
2. T H A T the proposed changes be shared with Political Group Leaders for comment, with any feedback to be reported back to the Monitoring Officer as appropriate.
3. T H A T, subject to the outcome of Recommendation 2 above, the Monitoring Officer be authorised to present the report and proposed amendments to the Constitution to Full Council for approval.

Reasons for Recommendations

1. To ensure that the Standards Committee is fully informed of the work undertaken by the Procedures Working Group and the rationale for the proposed amendments arising from its review.
2. To enable Group Leaders to provide comments on the proposed changes ahead of formal consideration by Full Council, ensuring transparency and cross-party engagement in the review process.
3. To allow the Monitoring Officer to take forward the necessary constitutional amendments for approval by Full Council, subject to feedback received, in accordance with the statutory requirements for updating the Council's Constitution.

1. Background

- 1.1 At the Full Council meeting of the Vale of Glamorgan on [2nd December 2024](#), Council approved a Motion that a review of the Council's Standards of Conduct Principles, the Vale of Glamorgan Council's Protocol – Standard of conduct expected by Members, and the Council's Local Dispute Resolution Procedure (LDRP) for dealing with low level allegations of breaches of the Members Code of Conduct be undertaken.
- 1.2 The Conduct of Members – the Principles, Protocol – Standards of Conduct expected by Members and the Local Dispute Resolution Procedure are appended to [Section 19](#) of the Council's Constitution as Appendix 1, 2 and 3 respectively.
- 1.3 On the 27th March 2025, the Committee considered the Monitoring Officer's Update Report in respect of the following matters, with particular reference to:
 - Arrangements for the Review of Standards Committees Procedures to be undertaken following a Motion at Full Council on 2nd December 2024.
 - A review by the Monitoring Officers' Group in respect of the Local Dispute Resolution procedure in respect of low level complaints.
 - A review of the Procedure for Dealing with Allegations made against Councillors, as agreed by the Standards Committee in January 2016, was also deemed timely.

Following consideration of the report, the Committee resolved:

- (1) T H A T both the contents of the report and the Monitoring Officer's verbal update on the same be noted.
- (2) T H A T the membership of the Standards Procedures Working Group be confirmed as follows:

| Name | Capacity |
|---------------------------|---|
| Richard Hendicott | Independent Member Standards Committee Chair |
| Gerwyn Watkins | Independent Member Standards Committee Member |
| Councillor Phil Summers | Independent Member Standards Committee Member Town and Community Council Representative |
| Councillor Rhiannon Birch | Vale of Glamorgan Elected Member Standards Committee Member |

- (3) T H A T terms of reference (ToR) be drawn up for the Standards Procedures Working Group for future consideration.
- (4) T H A T the conclusions of the Monitoring Officers Group be referred to the established Working Group for consideration when reviewing the Local Dispute Resolution Procedure (LDRP).

Reasons for decisions

- (1) Having regard to the contents of the report and discussions held at the meeting.
- (2&3) In order that a working group of Standards Committee Members can be established to undertake a review of the Council Procedures.
- (4) To assist the review.

- 1.4** At the 15th May 2025 Committee meeting, a draft ToR for the Working Group was presented. During discussion, Independent Members sought clarification regarding the order and ownership of the review, suggesting that Elected Members should lead the initial review and agree on the ToR, with the Standards Committee providing comment and oversight thereafter. This was consistent with the Committee's role to uphold, rather than set, standards. As such, Members were not comfortable with the reference to the Full Council motion being included in full within the ToR (point a), but agreed to retain points (b) and (c), along with the remainder of the document. The Committee subsequently resolved:

T H A T the report be deferred to a future meeting of the Committee.

Reason for decision

To seek further clarification on the order of consultation for conducting the review.

- 1.5** At the 17th July 2025 Committee meeting, the Procedures Working Group ToR was presented to the Committee for a second time and the Monitoring Officer reiterated the Committee's previous agreement in relation to retaining points (a) and (b) under Section 2 of the Terms of Reference document and suggested that the contextual matter of the Vale of Glamorgan Full Council Motion of 2nd December, 2024 be discussed further amongst the Working Group Members, taking in to consideration the interesting and helpful debate that had just been held with Group Leaders earlier in the same meeting. Members of the Working Group indicated that they were content to proceed with the first meeting of the Group and therefore, the Committee subsequently resolved:

- (1) T H A T the contents of the report be noted.
- (2) T H A T the draft Terms of Reference ("ToR") for the revised Standards Procedures Working Group be approved as presented (**Appendix 1**), subject to further consideration of the ToR document at the first meeting of the Working Group, with the first Working Group meeting to be scheduled no earlier than September 2025.

Reasons for decisions

- (1) To inform the Committee of the background and context of the review.
- (2) So that the first meeting of the Working Group may be arranged to formulate the scope and process for the Working Group's review and agree on a reporting timeline and timescale within which to present a further report for consideration by the Standards Committee.

2. Key Issues for Consideration

- 2.1** The Standards Committee Working Group ("the Group") met on two occasions: Wednesday 22nd October and Wednesday 10th December 2025.
- 2.2** The Group began its review by considering each of the principles enunciated in the advice from counsel to the Public Service Ombudsman for Wales, as set out in the Monitoring Officer Working Group 6th March 2025 report. A summary of the Working Groups decisions and commentary can be found at **Appendix 2** to this report.
- 2.3** The Group then shifted its focus on to Appendix 3: Local Dispute Resolution Procedure for dealing with low level allegations of breaches of the Member's Code of Conduct and proposed a variety of tracked changes to the document to either update, consolidate or clarify certain points based on the Group's agreement. Both a tracked and clean copy of the updated document can be found at **Appendix 3** to this report.
- 2.4** The Group then considered pages 188 – 204 of the Council's Constitution, Section 19, including Appendix 1: Conduct of Members – The Principles and

Appendix 2: Protocol – Standard of conduct expected by members. A tracked copy of the Group’s proposed updates can be found at **Appendix 4** to this report.

- 2.5** The Group subsequently agreed to refer its outcomes to the full Standards Committee for consideration and to agree next steps in the review process, with it being noted that any amendments to the Council’s Constitution required the approval of the Vale of Glamorgan Full Council.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The role of the Standards Committee is to promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives. It is intended that the work of the Standards Committee Procedures Working Group, as set out within this report, will aim to promote that role.

4. Climate Change and Nature Implications

- 4.1** None as a result of this report.

5. Resources and Legal Considerations

Financial

- 5.1** None as a result of this report.

Employment

- 5.2** None as a result of this report.

Legal (Including Equalities)

- 5.3** The ethical framework for the conduct of Members is set under Part 3 of the Local Government Act 2000. Under powers granted in the Act, the National Assembly for Wales has made an order specifying principles governing the conduct of Members (‘the Principles of Conduct’ SI 2001/2276); and issued a model code regarding the conduct expected of Members, reflecting the Principles of Conduct.
- 5.4** The model statutory code as adopted by Vale of Glamorgan Council (with permitted variations to clarify certain duties) is enshrined, as the Members’ Code of Conduct, within the Council’s Constitution and available on the Council’s website. Members must comply with the duties set out in the Members’ Code of Conduct. Sanctions may be imposed on any Member found to be in breach of the Code.

- 5.5** Local authorities in Wales are required to maintain an up-to-date Constitution to ensure that their governance arrangements are transparent, lawful and accessible. The Vale of Glamorgan Council's Constitution sets out how decisions are made, the roles and responsibilities of Members and officers, and the procedures that must be followed to discharge the Council's functions. Maintaining a Constitution is a statutory requirement under the Local Government Act 2000, which obliges councils to keep their governance framework under regular review and ensure it reflects current legislation, local procedures and best practice. An effective Constitution supports good governance, accountability and public confidence by providing a clear framework within which the Council operates.

6. Background Papers

[2024-12-02 Full Council Notice on Motion.](#)

[2025-03-27 Monitoring Officer Update Report re Independent Review by PSOW, Review of Standards Committee Procedures and WLGA event held on 5th March 2025.](#)

[2025-05-15 Standards Committee: Procedures Working Group – Terms of Reference.](#)

[2025-07-17 Standards Committee: Procedures Working Group – Terms of Reference.](#)

Appendix 1 – Standards Committee Procedures Group Terms of Reference.

Appendix 2 – Procedures Working Group Minutes: 22nd of October 2025. A summary of the Working Group's decisions and commentary in response to the Monitoring Officer Working Group 6th March 2025 report.

Appendix 3 – Updated copy of Local Dispute Resolution Procedure for dealing with low level allegations of breaches of the Member's Code of Conduct.

Appendix 4 – Updated Section 19 of the Council's Constitution, including appendices 1 and 2.

Standards Committee
Procedures Working Group

The Standards Committee Procedures Working Group (“Working Group”) shall consist of:

- (a) Two “independent” members of the Standards Committee, and
- (b) One Vale of Glamorgan Councillor; and
- (c) A Community Council Committee Member.

1. Scope and Purpose

The purpose of the Working Group is to support the Standards Committee in fulfilling its role and functions under the Local Government Act 2000 and the Council’s Constitution by reviewing the relevant standards related procedures and protocols, advising on improvements in line with current expectations of conduct in public life.

2. Terms of Reference

Following a resolution of Full Council on the motion presented to a meeting of Full Council on the 2nd of December 2024:

Motion on Notice - Debate not Hate

This Council notes with concern the Local Government Association’s “Debate not Hate” survey (August 2024), which found that:

- Over 70% of Councillors experience abuse, threats, and harassment as part of their role.
- While debate and disagreement are essential to a healthy democracy, abuse and intimidation which goes beyond acceptable discourse and pose a serious threat. It is crucial that we engage respectfully and disagree constructively. This Council further notes the Jo Cox Civility Commission’s “No Place in Politics: tackling abuse and intimidation” recognition that:
 - Intimidation: language or actions designed to hinder, manipulate, or discourage participation in public debate, or to cause fear or distress, potentially leading someone to withdraw from public life; and
 - that all elected representatives, particularly those in leadership roles, should model respectful behaviour.

This Council recognises that residents of the Vale of Glamorgan rightly expect high standards of conduct from their elected representatives – whether in how we directly support them, or in the way we interact with each other in meetings, on social media and within this Chamber.

This Council therefore resolves that:

1. Members of this Council should role model respectful political discourse and foster

civility and regard in all interactions with one another and with members of the public;
and

2. The Council undertakes a review of Appendix 2 Protocol ‘Standards of Conduct expected by Members under Section 19 of the Council’s Constitution and the Council’s 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.

The Working Group on behalf of the Standards Committee will:

- (a) Consider the conclusions of the Monitoring Officers Group and any supporting guidance from the Public Services Ombudsman for Wales regarding best practice in handling low-level conduct complaints. The Working Group will review the current LDRP with the aim of aligning it with national expectations and local procedural fairness.
- (b) Review the procedure adopted by the Standards Committee in January 2016 for dealing with allegations of misconduct made against councillors, to ensure it remains clear, accessible, fair, and effective in practice.

3. Reporting and Recommendations

The Working Group will report its findings and draft recommendations to the Standards Committee, who will:

- Review and refine the proposals in line with its statutory remit, and
- Provide formal advice to Council and its political leadership on potential amendments to the relevant constitutional documents and protocols, including through engagement with Group Leaders and independent elected members, as appropriate.

This approach reflects the Standards Committee’s role in promoting and maintaining high standards of conduct, and in supporting and advising members on the Code of Conduct and related protocols, while respecting the democratic responsibility of elected members to own and *implement* constitutional change.

4. Meeting Arrangements

- Meetings of the Working Group shall be held on an ad hoc basis as agreed with the Vale of Glamorgan Monitoring Officer and all Working Group Members.
- The Working Group will elect a Chair from among its independent members.
- Meetings will be supported by the Vale of Glamorgan Monitoring Officer and the Principal Democratic and Scrutiny Services Officer, or their nominated deputies.



STANDARDS COMMITTEE WORKING GROUP

Minutes of an in-person meeting held on 22nd October 2025.

The meeting agenda was circulated in advance via email.

Present: Independent Members: Hendicott and Watkins, Vale of Glamorgan Member: Birch, Town & Community Council Member: Summers.

Also Present: V. Davidson (Monitoring Officer), and A. Rudman (Principal Democratic & Scrutiny Services Officer).

1. APPOINTMENT OF CHAIR

Mr Gerwyn Watkins was duly elected as Working Group Chair for the duration of the project.

2. APPOINTMENT OF VICE-CHAIR

Mr Richard Hendicott was duly elected as Working Group Chair for the duration of the project.

3. APOLOGIES FOR ABSENCE

No apologies were received; all four members of the Working Group were present.

4-6 MEETING 1.

Agenda Item 5(b)

The Group began discussion by considering each of the principles enunciated. in the advice from counsel to the PSOW, as set out within the Monitoring Officer Working Group 6th March 2025 report:

| | Principal | Working Group Commentary |
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| 1 | The LRP should only apply to the following (subject to point 2 below): a. low level complaints - b. complaints only at county/county borough council/city council level c. member-on-member complaints | Agreed. |



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| 2 | The LRP may include the option to permit officers to use/complain under the protocol as well. | The group disagreed with this principle for the following reasons: a) The Vale Council already has an Officer and Member protocol in place within the Council's Constitution (VD). b) Adding to the LDRP would be duplication with the Staff Grievance Policy via HR (PS). c) Officers and Members are not on equal footing when it comes to decision making authority (RB). |
| 3 | The LRP should specify the standards of behavior expected – an aggregate list of behaviors drawn from 8 existing LRP's is attached for suggested inclusion. (Appendix 3) | Deemed not necessary for inclusion within Vale LDRP. Principals of behavior already set out within Section 19 of the Council's Constitution. |
| 4 | Examples of what might be perceived to be high level complaints can be included in the LRP, but it should state that the MO will advise in all circumstances and the complainant will choose which route to adopt. | Deemed not necessary for inclusion within Vale LDRP. |
| 5 | It is difficult for the MO to appear unbiased and to fulfil their statutory role in proceedings if they make a complaint themselves and so the complainant should be urged to refer the matter to the PSOW if warranted rather than the MO performing that task. | Deemed not necessary for inclusion with Vale LDRP, in light of decision for principle (2) above. |
| 6 | The complainant and the member must agree to use the protocol. | Agreed. Suggestion: That Group Leaders be encouraged to use and refer to the LDRP when conducting their own discussions with group members (PS). There is an established culture within the Vale that the LDRP is widely known and available to all Elected Members (VD). The majority of Town & Community Councils will have their own dispute protocols in place and should refer to these in the first instance. However, they |



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| | | are encouraged to approach the Monitoring Officer for dispute advice in the first instance rather than direct to the Ombudsman (VD) if external advice is deemed necessary. |
| 7. | The LRP should not apply to a. complaints from members of the public b. complaints by members about officers because, as employees, the correct measure to use would be the council's disciplinary policy (which may well include an informal resolution stage in any event). | (a) Agreed. (b) Agreed. |
| 8. | Use of the protocol cannot exclude the statutory right of the complainant to complain to the PSOW at any time they choose. | Agreed. Statement already included in Vale LDRP. |
| 9. | The number of stages within the LRP is up to each council but 2 seems to be most common. | Agreed to continue with current structure operated in the Vale, 3 stages: Stage 1 – Establishing the complaint, Stage 2 – Mediation, Stage 3 – Hearing. The mediation stage puts the Monitoring Officer and/or any other Officer involved in a difficult position, as they are required to collaborate with the Elected Member once the matter has concluded (RH). Suggestion: That a trained mediator be instructed to conduct the Stage 2 – Mediation part of the procedure, who is independent of the Vale. Could an SLA be established with other neighboring Local Authorities? (RB) |
| 10. | Whether the LRP includes group leaders is up to each council, but it should be borne in mind that they have a duty to assist the Standards Committee in its duties (relevant extract below). Some LRP's rely upon Group Leaders as the primary agents to resolve complaints, but it is more common for them to be called in | Agreed. *See suggestion at Principle (6) above. Group Leaders are already involved in the process at Stage 2 – Mediation within the |



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| | <p>at the second stage if initial attempts at resolution by the Monitoring Officer have not been successful.</p> | <p>Vale but are advised of matters at earlier stage by the Monitoring Officer (GW).</p> |
| <p>11.</p> | <p>The inclusion of a hearing stage is not recommended because of perceived predetermination (see below) and because without a clear statutory basis it is not possible to interfere with a person's human rights. If a hearing stage is included, then the following should be borne in mind:</p> <p>a. There is no statutory basis for a sanction and even a finding of breach can be regarded as an interference with a councillor's human rights.</p> <p>b. Any "sanctions" should therefore be limited to inviting the member to apologise and/or undertake training.</p> <p>c. The Standards Committee must be cognisant that should the complaint subsequently be made to the PSOW and referred back for a hearing it will need to exclude any members who might be said to have predetermined the matter.</p> <p>d. If an LRP includes a hearing stage, then it should also include a statement about which members will take part and which will be kept in reserve. Some LRPs deal with this by saying a single Independent Member will be engaged as a form of advisory arbiter to the Monitoring Officer in lieu of a hearing.</p> | <p>If Stage 3 – Hearing was removed from the Vale LDRP then there would be no active part for the Standards Committee to play (RH).</p> <p>(a) Agreed. However, if there is no form of sanction within the procedure then its value decreases (RH). The LDRP should be operated on the basis of what 'any reasonable person would think' in relation to the case in question (RB).</p> <p>(b) Agreed. Suggestion: That the wording of the procedure be checked to reflect the fact that there is no statutory basis for a sanction. Remove use of the term 'censure.'</p> <p>(c) Agreed. Suggestion: That the membership of the hearing panel be amended to include a maximum of 2 Independent Members, which would leave 3 other Independent Members of the Standards Committee to sit on any subsequent PSOW referral, who would be impartial.</p> <p>However, Welsh Government have not highlighted any concerns over Independent Member impartiality if involved in both Stage 3 – Hearing and subsequent PSOW referral (VD).</p> <p>(d) Agreed.</p> |



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| | | <p>Elected Members sign a declaration of office to adhere to the Council's Constitution. The LDRP is included within the Constitution and therefore Elected Members would have been sighted and agreed to it in advance of any matters being referred to the Monitoring Officer (RH).</p> <p>The LDRP is also addressed directly as part of the mandatory Code of Conduct Training Session that all Elected Members will attend as part of the Council's Member Induction and Development Programme (VD).</p> |
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Agenda Item 4 –

The Group then focused on Section 19, Appendix 3 of the Council's Constitution and suggested a variety of tracked changes to the document to either update, consolidate or clarify certain points based on the group's agreement.

The Principal Democratic and Scrutiny Services Officer was requested to make the necessary changes to the document for presentation and final approval at the next Group Meeting.

Please see separate tracked changes document for summary of proposed changes

Agenda Item 5(a) –

It was noted that the recommendations set out related to the procedure for dealing with allegations of misconduct made against councillors, as referred to the Vale of Glamorgan Standards Committee by the PSOW, and therefore was not felt necessary to consider at the current time. It was agreed that the document be re-presented at a later date as appropriate.

Agenda Item 6:

(a) Part II - The Group accepted the legal advice as provided.

(b) The report that was provided for context, and previously considered by the Full Standards Committee on the 27th of March 2025, was noted.



(c) **Part II** - The report that was provided for context, and previously considered by the Full Standards Committee on the 27th of March 2025, was noted.

7. DATE AND TIME OF NEXT MEETING(S)

The Group noted that the procedure for dealing with allegations of misconduct made against councillors, as referred to the Vale of Glamorgan Standards Committee by the PSOW, was heavily set in legislation and therefore, until said legislation was under review, the working group would have very little sway in making changes.

Therefore, the Group agreed to look at the Vale of Glamorgan Constitution, Section 19: Code of Conduct for Members; namely pages 207 – 219 of Section 19 and Appendices 1 and 2 at its next meeting.

The Group would also be provided with a copy of Section 19, Appendix 3 at the next meeting, which would include the suggested tracked changes raised by group members to date for approval.

Arrangements were then agreed by all members for the next group meeting as follows:

Wednesday 10th December 2025

2:30pm – 5pm

In-person Meeting: Civic Offices – Southerndown Room.

8. ANY OTHER BUSINESS.

No points were raised.

****MEETING OUTCOMES****

| ACTION | DELEGATE |
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| Calendar Marker to be sent for next Group Meeting. | A.R |
| Group Minutes to be drafted for consideration at next Group Meeting. | A.R |



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| <p>Agenda Item 4 – Amend Section 19, Appendix 3, based on Group comments, for consideration and approval at next Group Meeting.</p> | <p>A.R</p> |
| <p>Agenda Item 5(b) - That Group Leaders be encouraged to use/refer to the LDRP when conducting their own discussions with group members. Monitoring Officer to raise at next Group Leader Meeting.</p> | <p>V.D</p> |
| <p>Agenda Item 5(b) - Town & Community Councils should be encouraged to approach the Monitoring Officer for dispute advice in the first instance rather than direct to the Ombudsman. Monitoring Officer to raise at next Clerks Meeting.</p> | <p>V.D</p> |
| <p>Agenda Item 5(b) - That a trained mediator be instructed to conduct the Stage 2 – Mediation part of the procedure, who is independent of the Vale. Could an SLA be established with other neighbouring Local Authorities? Monitoring Officer to investigate with other Local Authorities.</p> | <p>V.D</p> |
| <p>Agenda Item 5(b) - That the membership of the hearing panel be amended to include a maximum of 2 Independent Members, which would leave 3 other Independent Members of the Standards Committee to sit on any subsequent PSOW referral, who would be impartial. Principal Democratic Officer to reflect point in amended Appendix 3 document for further consideration and approval by the Working Group.</p> | <p>A.R</p> |
| <p>Group Members to gather thoughts ahead of next meeting on Vale of Glamorgan Constitution, Section 19: Code of Conduct for Members; namely pages 207 – 219 and Appendices 1 and 2.</p> | <p>G.W / R.H / R.B / P.S</p> |



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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 2025.
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.
8. 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

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

9. 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.
10. 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

11. Members will make all reasonable efforts to resolve disputes via the Procedure.
12. Group Leaders individually and collectively will encourage the use of the procedure in line with the Council's Constitution.

WORKING TO AVOID PROBLEMS

13. 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

14. 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.
15. 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.

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16. 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.
17. 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.
18. 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

19. 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.
20. 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.
21. 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.
22. 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

23. 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.

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24. 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.
25. 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.
26. 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).
27. 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 5 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.
28. 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.
29. 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.
30. 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.
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.
33. 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,

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(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.

34. 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.
35. 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 privately and confidentially if the Complainant so wishes).
36. 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

37. Publicity will not be given to the name(s) of the Complainant(s) in any circumstances.
38. 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).
39. 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 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. Hearings may be recorded for the purpose of record keeping but all content will remain confidential.
45. There is no right of appeal against the decision made by the Hearing Panel at Stage

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3 of the Procedure.

46. 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.

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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 purpose 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 Hearing Panel will elect a Chair for 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.

At the Hearing:

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

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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 the 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 Democratic and Scrutiny Services Officer 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 of both parties or their representatives, 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

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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 for 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

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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

VALE OF GLAMORGAN COUNCIL

LOCAL DISPUTE RESOLUTION PROCEDURE COMPLAINT FORM

A Your Details

Name in full: _____

B Who are you complaining about?

Name of the member (or members) you consider has (have) broken the Members Code of Conduct ("The Code") and/or The Vale of Glamorgan Council's Protocol – Standard of Conduct Expected by Members ("The Protocol"):

C How do you think they have broken the Code and/or Protocol?

Please detail what evidence you have for claiming that the Member has broken the Code and/or Protocol and specify the particular paragraph numbers of the Code and Protocol which you believe have been breached.

Give as much detail as possible and continue on a separate sheet if you need to. Please attach copies of any relevant correspondence, documents etc.

D When did the incident take place?

**E Are there any witnesses who can confirm what you say?
If so, give their full names and contact details if known.**

I understand and accept that my identity and the details of my complaint will be forwarded on to the Member who I am making a complaint about (within 7 working days of submitting this complaint form to the Monitoring Officer) and such other individuals as referred to in the Council's Local Dispute Resolution Procedure. I also understand and accept that the details of my complaint may become public knowledge. I confirm that I am prepared to give oral evidence in private in support of my complaint.

Signature: _____ Date: _____

Please send to:

Debbie MarlesVictoria Davidson
Monitoring Officer and Head of Legal and Democratic Services
Civic Offices
Holton Road
Barry
CF63 4RU

Email: DMarlesVDavidson@valeofglamorgan.gov.uk
Tel: 01446 7094072

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 2025.
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 198.2.4(b) of the Members' Code of Conduct ("the Code") and
 - making vexatious, malicious or frivolous complaints against other Members- under paragraph 198.2.6(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).
~~Standard of Conduct Expected by Members ("the Protocol").~~
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.
8. 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.

9.8. 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.

10.9. 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

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

12.11. Group Leaders individually and collectively will encourage the use of the procedure in line with the Council's Constitution. ~~work to ensure compliance with the Procedure.~~

WORKING TO AVOID PROBLEMS

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

- a Member Development Strategy, ~~and~~
- a Member Induction and Development Programme,
- a programme of Member Briefing events, and
- ad hoc ~~providing relevant~~ 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 ~~pro-forma Local Dispute Resolution Procedure~~ 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.

~~The Complainant will submit to the Monitoring Officer in writing within **ten working days** of the submission of the Complaint Form any further details relating to the~~

~~complaint which are not already detailed in the Complaint Form. The Monitoring Officer will forward the same to the Member who is the subject 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 Independent 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.
- ~~22.23.~~ The designated Democratic and Scrutiny Services Officer (DSSO) ~~("the Democratic Services Officer")~~ will arrange for the Hearing to take place within **six working weeks**

following the Complaint being referred to Stage 3 of the Procedure.

~~23-24.~~ Members involved in the complaint have the right to appear before the Independent MembersHearing Panel and call witnesses. Once names of witnesses are provided to the DSSO, Democratic Services Officer 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 Democratic Services OfficerDSSO 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 Democratic Services OfficerDSSO 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 5 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.

~~24-27.~~ 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.

~~25-28.~~ The procedure to be followed during the Hearing is set out in Appendix B to this Procedure below. It being noted that the Independent Member chairing the Hearing has discretion to vary or supplement the procedure as deemed appropriate.

~~26-29.~~ 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.

~~27-30.~~ 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.

~~31.~~ If either side wishes not to be present or fails to attend the Hearing the Hearing may be held and determined in their absence.

~~28.~~ 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.

- ~~• The Independent Members may, in determining the matter on the balance of probabilities, come to one of three conclusions, namely:-~~

~~32. 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.~~

~~33. 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).~~

~~29.34. 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.~~

- ~~• there is no basis to the complaint.~~
- ~~• there is a basis to the complaint but that no further action is required. The Independent Members may also make recommendations to the Council regarding changing any procedures or taking any further action and/or may also direct that an apology be offered to the Complainant and that the Member who is the subject of the complaint attends further training within a specified timescale.~~

- ~~• There is a basis to the complaint and that the Member be censured.~~

~~32.~~

- ~~• The Independent Members may also make recommendations to the Council regarding~~

~~changing any procedures or taking any further action and/or may also direct that an apology be offered to the Complainant and that the Member who is the subject of the complaint attends further training within a specified timescale. 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).~~

~~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.~~

SUPPLEMENTARY MATTERS

- ~~30-35. Publicity will not be given to the name(s) of the Complainant(s) in any circumstances.~~
- ~~36. 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 censured (hearing outcome (3)). Such publicity will take the form of a notice being posted on the Council's website.~~
- ~~31-37. 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 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. detailing the name of the Member who is the subject of the complaint, the fact that the Member has been censured pursuant to the Procedure, when the censure decision was made and a summary of the facts as deemed appropriate by the Independent Members presiding at the Hearing. If a formal apology is to be provided, the date when such an apology is provided will be included in the notice.~~
- ~~38. 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.~~
- ~~32-39. 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. the matter will be referred to the Standards Committee for consideration and notification of the same will be posted on the Council's website.~~
- ~~33-40. 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.~~
- ~~41. 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.~~
- ~~34-42. Hearings may be recorded for the purposes of record keeping but all content will remain confidential.~~

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

36.44. 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 ~~and any further submissions by the Complainant~~ in line with paragraph 156 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 3 Independent Members of the Standards Committee~~ Hearing Panel (nominated by the Chair of the Standards Committee) 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 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 ~~Democratic Services Officer~~ 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 ~~Independent Members~~ Hearing Panel but will not determine the matter.

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

At the Hearing

Step 1 - Introductions

At the Hearing, those present will include the ~~three Independent Members~~ Hearing Panel Members, the Monitoring Officer or Deputy Monitoring Officer, a representative from Democratic Services, the Complainant, the Respondent and their single representatives 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 ~~Independent Members~~ 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 ~~Independent Members~~ 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 ~~Independent Members~~ 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 ~~Independent Members~~ the 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 ~~Independent Members~~ Hearing Panel, Monitoring Officer or Deputy Monitoring Officer may also seek clarification or ask relevant questions of both parties. The Democratic and Scrutiny Services Officer 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 and their representative(s), both parties will be asked to vacate the room in order that the ~~Independent Members~~ Hearing Panel may ~~can~~ deliberate and decide, in private, whether the complaint is proved or not proved. The ~~Independent Members~~ Hearing Panel will be accompanied only by the Monitoring Officer or Deputy Monitoring Officer and the ~~Democratic Services Officer~~ DSSO. The role of officers is to offer advice to the ~~Independent Members~~ Hearing Panel but not to determine the outcome

of the matter.

The ~~Independent Members'~~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 ~~Independent Members' 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 ~~Independent Members~~ Hearing Panel at Stage 3 of the Procedure.

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

Step 7 – Hearing Decision

~~The Independent Members will consider the mitigation submitted and come to their decision in private.~~

It will be at the discretion of the Chair whether the ~~Independent Members~~ 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, at the end of the Hearing, will remind parties that there is no right of appeal against the decision made by the Independent Members at Stage 3 of the Procedure.~~

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 ~~Independent Hearing Panel~~ Members and the reasons for the decision. A copy of the decision letter will only be sent to both parties ~~the Respondent~~.

The ~~Independent Members~~ 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. The Independent Members may also make recommendations to the Council regarding changing any procedures or taking any further action and or may also direct that an apology be offered to the Complainant and that the Member who is the subject of the complaint attends further training within a specified timescale;~~

~~(3) There is a basis to the complaint and that the Member be censured asked to apologise. The Independent Members may also make recommendations to the Council regarding changing any procedures or taking any further action and or may also direct that an apology be offered to the Complainant and that the Member who is the subject of the complaint attends further training within a specified timescale.~~

The ~~Independent Members~~ Hearing Panel may also make recommendations to the Council regarding changing any procedures or taking any further action and or may also direct that an apology be offered to the Complainant 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 ~~Independent Members'~~Hearing Panel determine conclusion (1i) or (2ii) 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 ~~Independent Members'~~Hearing Panel's conclusion be that there is a basis to the complaint and that the Member be ~~ensured~~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 Independent Members Hearing Panel, ~~presiding at the Hearing.~~

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

~~I, or alternatively~~ 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

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.

| | |
|--|---|
| <p>“Member” (“Aelod”)</p> | <p>includes, unless the context requires otherwise, a Co-Opted Member;</p> |
| <p>“register of Members’ interests” (“cofrestr o fuddiannau’r Aelodau”)</p> | <p>means: the register established and maintained under Section 81 of the Local Government Act 2000</p> |
| <p>“registered society”</p> | <p>means a society, other than a society registered as a credit union, which is—</p> <ul style="list-style-type: none"> (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; |
| <p>“relevant authority” (“awdurdod perthnasol”)</p> | <p>means:</p> <ul style="list-style-type: none"> (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); |
| <p>“you” (“chi”)</p> | <p>means you as a Member or Co-Opted Member of a relevant authority; and</p> |
| <p>“your authority” (“eich awdurdod”)</p> | <p>means the relevant authority of which you are a Member or Co-Opted Member.</p> |

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; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.
- (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 in all matters consider 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)(1) to 19.3.1(b)(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, and confirm the representation and interest in writing within fourteen days of the representation.

- (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, before or immediately after the close of a meeting where the disclosure is made pursuant to paragraph 19.3.2(a), 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 some other form of electronic communication) in relation to that business; and
 - (v) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.
- (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:
 - (A) state at the meeting that you are relying on the dispensation; and
 - (B) before or immediately after the close of the meeting give written notification to your authority containing:

- 1 details of the prejudicial interest;
 - 2 details of the business to which the prejudicial interest relates;
 - 3 details of, and the date on which, the dispensation was granted; and
 - 4 your signature.
- (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 and, in the latter case, provide written notification to your authority within fourteen days of making the 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 spread of misinformation and increasing levels of online hostility. 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 hostility:
Councillors should be mindful that social media can be an aggressive environment where public figures often face abusive behaviour, which can harm their wellbeing.
- 5.4 Avoid and challenge misinformation:
Councillors should refrain from spreading misinformation and should challenge it when encountered, recognising that false information often triggers abusive behaviour.
- 5.5 Discourage anonymous abuse:
Councillors should be aware that anonymous accounts frequently contribute to harmful or abusive discourse and should avoid engaging with or amplifying such behaviour.