

STANDARDS COMMITTEE

9.30 AM - TUESDAY, 25 OCTOBER 2022

TEAMS/ HYBRID AT COUNCIL CHAMBER - PORT TALBOT CIVIC CENTRE

ALL MOBILE TELEPHONES TO BE SWITCHED TO SILENT FOR THE DURATION OF THE MEETING

PART 1

1. Chair's Announcements
2. Declarations of Interest
3. Minutes of Previous Meeting (*Pages 5 - 10*)
4. Group Leader Invitation (*Pages 11 - 18*)
5. Standards Forum (*Pages 19 - 24*)
6. Town Council Training (*Pages 25 - 44*)
7. Local Resolution Procedure (*Pages 45 - 54*)
8. Member Officer Protocol (*Pages 55 - 70*)
9. Ombudsman Annual Report (*Pages 71 - 86*)
10. Forward Work Programme (*Pages 87 - 90*)
11. Urgent Items
Any urgent items at the discretion of the Chairperson pursuant to Section 100B(4)(b) of the Local Government Act 1972

K.Jones
Chief Executive

Civic Centre
Port Talbot

Monday 17th October

Committee Membership:

Chairperson: C.L.Jones

Vice B.Richards

Chairperson:

Independent L.Fleet, T.Ward and C.Edwards
Members:

NPTCBC W.Carpenter and S.Thomas
Members:

Community C.Edwards
Committee
Member:

Substitutes

NPTCBC A.Lodwig and S.Grimshaw
Substitutes:

Community R.Hill
Committee
Substitute:

- Notes: (a) The Quorum for the Standards Committee is at least three Members including the Chairperson (or in absence Vice Chairperson). At least half the Members present (including the Chair) must be Independent Members. (e.g. if only two Independent Members attend, there must **only** be two other Members of the Committee present.)*
- (b) In view of the above, can all Members please inform the Monitoring Officer/Democratic Services Officer as soon as possible, if there is a problem with attendance.*

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STANDARDS COMMITTEE

(Multi-Location Meeting - Council Chamber, Port Talbot & Microsoft Teams)

Members Present:

13 July 2022

Chairperson: C.L.Jones

Independent Members: L.Fleet and T.Ward

NPTCBC Members: **Councillors** W.Carpenter and S.Thomas

Officers In Attendance: C.Griffiths and T.Davies

1. **CHAIRPERSONS ANNOUNCEMENT/S**

The Chair welcomed everyone to the meeting, and Members introduced themselves.

2. **DECLARATIONS OF INTEREST**

The following Members made Declarations of Interest – these interests were considered prejudicial, so the Members left the meeting at these items, and took no part in the meeting or discussion thereon:

Councillor Sarah Thomas	Agenda Items 9 and 12, Grant of Dispensation under S81(4) of the Local Government Act 2000 (Community Council and County Borough Council), as she was named in both reports as seeking dispensations for her involvement with Canolfan Maerdy and Adult Learning Wales.
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Councillor Wayne Carpenter	Agenda Item 12, Grant of Dispensation under S81(4) of the
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Local Government Act 2000 (County Borough Council), as he was named as seeking dispensations within the report.

3. **FORWARD WORK PROGRAMME 2022-2023**

Members noted the Forward Work Programme for the Standards Committee, which would be a standing item at each meeting going forward.

4. **REMIT OF STANDARDS COMMITTEE**

RESOLVED: That the report be noted.

5. **CODE OF CONDUCT TRAINING TO ELECTED MEMBERS FOLLOWING LOCAL GOVERNMENT ELECTIONS**

RESOLVED: That the report be noted.

6. **INVITATION TO GROUP LEADERS OF NEATH PORT TALBOT COUNTY BOROUGH COUNCIL TO ATTEND STANDARDS COMMITTEE**

Members noted a new addition to the remit of the Standards Committee – specifically the inclusion of the new legislative requirement to invite Group Leaders to attend the Standards Committee.

Members discussed the proposed questions to put to Group Leaders, which were contained within the circulated report.

How the various political groups utilised the Code of Conduct, within their own standing orders, was discussed, as well as any training that the Group Leaders had received re the new duty, and how it had been received.

The proposed set of questions to put to Group Leaders (contained within the circulated report) was discussed, and Members felt it was more appropriate to ask (at question B) 'How appropriate do you think the Code of Conduct is?' as opposed to 'Do you consider that it is still

appropriate to have a Code of Conduct in Wales, which applies to all councillors and co-opted members?’

Members suggested adding a sentence on how to rate the effectiveness of any training given, to question H - ‘What are your views on the Authority’s Code of Conduct training? How could it be improved so as to raise the ethical standards of Councillors /Co-opted Members?’

The Monitoring Officer would include all the points above, prior to sending the questions to the Group Leaders.

RESOLVED: That Members extend an invite to Group Leaders of Neath Port Talbot County Borough Council, to attend a meeting of the Standards Committee, to discuss code of conduct related matters to fulfil the legal obligations under the Local Government and Elections (Wales) Act 2021.

7. **SOUTH WEST WALES CORPORATE JOINT COMMITTEE**

RESOLVED: That the delegation of the Standards Committee function of the South West Wales Corporate Joint Committee to Neath Port Talbot Council Standards Committee be noted, and that reports be brought on a future basis for Members consideration.

8. **TOWN AND COMMUNITY COUNCIL CODE OF CONDUCT MATTERS**

Members discussed the current training arrangements for the Town/Community Councils, including the take up of any training sessions, and the format of the training.

It was noted that ‘your role as Group Leader’ in Question 7 of the questionnaire, should be altered to ‘your role as Clerk’.

The Monitoring Officer extended a welcome to all Standards Members to attend various meetings of Town/Community Councils – dates would be circulated in due course.

RESOLVED: That the Code of Conduct questionnaire (attached at Appendix 1 of the circulated report) be issued to Town/Community Clerks, and a report be brought back to Members at a future meeting of the Standards Committee.

9. **GRANT OF DISPENSATION UNDER S81(4) OF THE LOCAL GOVERNMENT ACT 2000 (COMMUNITY COUNCIL)**

(At this point in the meeting, Councillor S.Thomas reaffirms her interest, and leaves the meeting for the discussion and voting thereon.)

RESOLVED: That Community Councillors Sonia Reynolds and Sarah Thomas be granted a dispensation to speak and vote, on the terms set out in paragraph 9 of the circulated report, and that the dispensation runs to the Standards Committee which follows the Annual Meeting of Council, 2027.

10. **URGENT ITEMS**

No urgent items were received.

11. **ACCESS TO MEETINGS**

RESOLVED: That pursuant to Section 100A(4) and (5) of the Local Government Act 1972, the public be excluded for the following items of business which involved the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A to the above Act.

12. **GRANT OF DISPENSATIONS AND RENEWAL OF GRANTS UNDER SECTION 81(4) LOCAL GOVERNMENT ACT 2000 (COUNTY BOROUGH COUNCIL) (EXEMPT UNDER PARAGRAPHS 12 & 13)**

(At this point in the meeting, Councillor W.Carpenter reaffirms his interest, and leaves the meeting for the discussion and voting thereon.)

Members noted that the reference to 'Neath RFC' should read 'Neath RFC Supporters Club'. Officers explained that this was a typing error, and thanked Members for pointing it out.

RESOLVED:

1. That the applications for dispensation regarding Employment, as set out in paragraph 13 to the private, circulated report, be approved for those members listed in paragraph 16 to speak and vote, and that the dispensations run to the Standards Committee which follows the Annual Meeting of Council 2027.

2. That a general dispensation to speak and vote on all education matters as a result of appointment as a School Governor, be further granted until the Standards Committee which follows the Annual Meeting of Council 2027.

3. That a general dispensation to speak and vote on all School Transport matters be granted until the Standards Committee which follows the Annual Meeting of Council 2027, provided it does not directly financially advantage or disadvantage, or give other direct benefit or disbenefit, to a Member or the Member's family who is employed by the County Borough Council.

4. That the applications for dispensations concerning School Reorganisation Matters, as set out in paragraph 29 of the Private, circulated report, be approved to those members listed in paragraph 31, to speak but not vote, and that the dispensations run to the Standards Committee which follows the Annual Meeting of Council 2027.

5. That a general dispensation be granted to speak and vote on all School Admission Policies until the Standards Committee which follows the Annual Meeting of Council 2027.

6. That a general dispensation be granted to speak and vote on all Parking Policies and Permit Costs until the Standards Committee which follows the Annual Meeting of Council 2027.

7. That a dispensation be granted to all Members to “speak and vote on issues relating to the provision of leisure services within Neath Port Talbot irrespective of membership or usage of current Celtic Leisure services and facilities”, until the Standards Committee which follows the Annual Meeting of Council 2027.

8. That the applications for dispensations concerning Miscellaneous Issues, set out in paragraph 43 to the Private, circulated report, be approved in the circumstances to speak or to speak and vote as set out in the Schedule above and that the dispensations run to the Standards Committee which follows the Annual Meeting 2027.

9. That a general dispensation concerning Voluntary Sector Funding, be further granted to speak only, and that the dispensations cover all matters related to the funding for the voluntary/third sector such dispensations to run to the Standards Committee which follows the Annual Meeting of Council 2027.

CHAIRPERSON



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES – MR CRAIG GRIFFITHS

25th October 2022

Matter for Decision

Wards Affected: All Wards

Invitation to Group Leaders of Neath Port Talbot County Borough Council to attend Standards Committee

Purpose of the Report:

1. To discharge the legal obligation on Standards Committees to ensure leaders of political groups take steps to promote and maintain high standards of conduct by members of their groups.

Background:

New Duty on Group Leaders

2. As indicated in previous reports, the Local Government and Elections (Wales) Act 2021 addresses some new obligations for Standards Committees. The Act imposes specific duties on political leaders to promote and maintain standards of conduct

within members of their group, and to cooperate with the Standards Committee in the exercise of its functions. This requires leaders of political groups to take steps to promote and maintain high standards of conduct by members of their groups.

3. The duty does not make leaders of a political group accountable for the behaviour of their members as conduct must be a matter of individual responsibility. However, they do have a role in taking reasonable steps in maintaining standards, setting an example, using their influence to promote a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues as soon as they arise.
4. Reasonable steps the group leader *may* undertake include:
 - a. demonstrating personal commitment to and attending relevant development or training around equalities and standards;
 - b. encouraging group members to attend relevant development or training around equalities and standards;
 - c. ensuring nominees to a committee have received the recommended training for that committee;
 - d. promoting civility and respect within group communications and meetings and in formal council meetings;
 - e. promoting informal resolution procedures in the council, and working with the standards committee and monitoring officers to achieve local resolution;
 - f. promoting a culture within the group which supports high standards of conduct and integrity;
 - g. attend a meeting of the council's standards committee if requested to discuss Code of Conduct issues;
 - h. work to implement any recommendations from the Standards Committee about improving standards;

- i. work together with other Group Leaders, within reason, to collectively support high standards of conduct within the council.
5. The purpose of the new duties is to build on and support a culture which is proactive, acts on and does not tolerate inappropriate behaviour.
6. A leader of a political group who fails to comply with the new duty in a meaningful way, may potentially be regarded as bringing their office into disrepute, and likely to be in breach of the Code.
7. A political group's internal disciplinary procedures remain a matter for that group or any associated political party's own rules on discipline. However, it is expected that the group leader will take reasonable steps to promote and maintain high standards of conduct by members within group communications and meetings as well as their 'public' conduct outside of the group setting.
8. The provision imposes an additional function on the Standards committee to monitor political leaders' compliance, and to advise, train or arranging to train leaders of political groups about matters relating to the above duties. It is essential the leaders of a political group co-operate, and ensure the members within their group co-operate, with the monitoring officer and standards committee when an issue is referred to the standards committee.
9. Leaders of a political group should build good relations, and work constructively with the monitoring officer, seeking advice from them and the standards committee on matters of behaviour and conduct when required, both promoting positive behaviours and addressing inappropriate ones. Group Leaders should also report compliance with their duty to the standards

committee. This can take the form of a short letter or report at a frequency agreed by the political Group Leaders in the council and its standards committee. Group Leaders should also report any serious concerns about members' behaviour which have not been remedied by informal actions, in line with the requirement in the Code for councillors to report breaches.

Role of Standards Committee

- 10.** The functions of the Standards Committee are now extended to include monitoring compliance by leaders of political groups with the new duty imposed on them to promote and maintain high standards of conduct by members of their group. A council's political Group Leaders and its standards committee should agree on the form and frequency of a report from each group leader to the standards committee to demonstrate how compliance with the duty is achieved. The standards committee should then consider each report and provide feedback to the Group Leaders. A standards committee must also provide advice and training, or arrange to train Group Leaders on the new duty. At the start of each administration this should take place within six months of the election and be reviewed at least annually. It should be noted that such training for Group Leaders took place on the 8th and 9th June 2022
- 11.** The standards committee chair may wish to meet with Group Leaders periodically to review behaviour.
- 12.** Accordingly, the Monitoring Officer would suggest that members of the Standards Committee discharge their new duties by providing a series of set questions to Group Leaders to ask them to provide information for the Standards Committee and that the Standards Committee invite the respective five Group Leaders in Neath Port Talbot Council to attend a

Standards Committee during the 2022-2023 year to provide the Standards Committee with the opportunity to discuss code of conduct matters with them and how such approaches are considered within their political groups.

13. At its meeting in July 2022, Standards Committee agreed to invite one or two Group Leaders to each meeting of the Standards Committee over the coming year.
14. Questions (previously agreed by members) have been provided in advance to Group Leaders to afford the opportunity to consider the issues that the Standards Committee would like to raise.
15. The questions are set out set out below:
 - (a) *Could you please introduce yourself and explain how long you have been a group leader?*
 - (b) *How appropriate do you believe the Code of Conduct is??*
 - (c) *What steps do you take to promote high standards of conduct within your political group?*
 - (d) *What do you understand the role of the Standards Committee to be?*
 - (e) *Is there any work you feel the Standards Committee should be undertaking over the next year to help you with your role as group leader?*
 - (f) *How can the Standards Committee become more active in promoting ethical conduct among Councillors / Co-opted Members?*
 - (g) *The Ombudsman, Adjudication Panel for Wales and the High Court has taken a view on politicians (and in some cases senior officers) having a “thick skin” and on political banter being part of the political landscape. What are your own views and how would you as a Political Group Leader/Committee Chair ensure that the line is not crossed.*

- (h) What are your views on the Authority's Code of Conduct training? How do you rate its effectiveness? How could it be improved so as to raise the ethical standards of Councillors / Co-opted Members?*
- (i) Training for Councillors / Co-opted Members is vitally important. How can the Standards Committee tackle those that do not see training as important?*
- (j) The Authority's Local Resolution Process (LRP)(Cllr v Cllr) is capable of being used by Councillors. In the event of a dispute will you be encouraging your party to use the process? Do you consider the lack of referrals to the LRP demonstrates that councillors are behaving within the Code?*

16. The attendee at today's meeting is Cllr Steve Hunt, Leader of Neath Port Talbot Council and leader of the Independent Democratic Group.

Financial Impacts:

17. No implications.

Integrated Impact Assessment:

18. An Integrated Impact Assessment is not required for this report.

Valleys Communities Impacts:

19. No implications

Workforce Impacts:

20. No implications

Legal Impacts:

21. There are no legal impacts associated with this report.

Consultation:

22. There is no requirement for external consultation on this item

Recommendations:

23. That Members discuss code of conduct related matters with the Group Leader of the Independent Democratic Group and to fulfil the legal obligations under the Local Government and Elections (Wales) Act 2021.

Appendices:

24. None

List of Background Papers:

25. None

Officer Contact:

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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES – MR CRAIG GRIFFITHS

25th October 2022

Matter for Information

Wards Affected: All Wards

Independent Review of the Ethical Standards Framework in Wales and creation of a national forum

Purpose of the Report:

To update Members on the first phase of the Independent Review of the Ethical Standards Framework in Wales and to appraise members of the Standards Committee on progress being made in respect of the establishment of a National Forum for Independent Standards Committee Members

Executive Summary:

In March 2021 the then Minister for Housing and Local Government announced her intention to commission an independent review of the Ethical Standards Framework for Local Government (ESF) in Wales that was established by the Local Government Act 2000.

The review sought to ensure that it remained fit for purpose, was open and transparent, and that it commanded the confidence of all involved with the framework.

In the first phase review Richard Penn suggested that an all Wales - Forum for Chairs of Standards Committees be established and that the Annual Conference for Independent Chairs and Independent Members of Standards Committees across Wales be re-established.

Background:

The Ethical Standards Framework in Wales was established by the Local Government Act 2000 and had remained largely unchanged, though there had been a number of small modifications to improve the operation of the framework over the last twenty years. The subordinate legislation underpinning the framework was last reviewed and amended in 2016.

The Model Code of Conduct, first introduced in 2001, was significantly recast in 2008 and further amended in 2016.

In March 2021 the then Minister for Housing and Local Government announced her intention to commission an independent review of the Ethical Standards Framework for Local Government (ESF) in Wales that was established by the Local Government Act 2000. The review sought to ensure that it remained fit for purpose, was open and transparent, and that it commanded the confidence of all involved with the framework. Richard Penn, an Independent Consultant was commissioned to undertake the review with the aim to report to Welsh Government Ministers by the end of June 2021 with the intention that any agreed changes to be made ahead of the Local Government elections in May 2022. Mr. Penn is a former Chief Executive of two major local authorities in England and was the first NAW Commissioner for Standards from 2000 - 2012.

The review was to include:

- an audit of the Codes of Conduct adopted by authorities;
- an analysis of the effectiveness of the framework in fostering high standards of conduct in local government and public confidence in those arrangements;
- whether the framework is still fit for purpose; • the role of Standards Committees;
- an analysis of the arrangements and protocols in place to support members and staff; and
- consideration of the current sanctions and whether they were still appropriate

The first phase of the Independent Consultant's Review was brought before members of the Standards Committee in January 2022.

In the first phase review Richard Penn suggested that an all Wales - Forum for Chairs of Standards Committees be established and that the Annual Conference for Independent Chairs and Independent Members of Standards Committees across Wales be re-established.

The All Wales Monitoring Officer's group have therefore been discussing the establishment of a National Forum for Wales with the Welsh Local Government Association who have kindly agreed to provide the secretariat support for the body. The Forum will be a body for the sharing of good practice and the coordination of activity. The Forum is not a formal decision making body and will not have delegated powers to act on behalf of the Standards Committees in Wales.

The purpose of the Forum is to share good practice and training and knowledge across the 22 principal councils, 3 fire and rescue authorities, and 3 national park authorities in relation to the work of Standards Committees. At the Forum, authorities can share good practice and discuss solutions to problems they are experiencing.

The following terms of reference are proposed:

- Membership – Chair, with the Vice-Chair to attend in the absence of the Chair
- Decision making will typically be by consensus but where a formal decision is required then there will be one vote per authority with the Chair of the Forum having the casting vote
- Election of Chair and Vice Chair – every two years to provide consistency
- Secretariat Support – the WLGA will send out agendas, prepare minutes and can prepare basic reports analysing practice across Wales
- Frequency of Meetings – 2 meetings per year following a meeting of the Monitoring Officers Group of Lawyers in Local Government
- Agendas items will be suggested by Monitoring Officers on behalf of their Standards Committees and the Forum will also have a forward work pan to which members could contribute
- Each region will be asked to send 1 monitoring officer to represent the local authorities in that area, with 1 additional monitoring officer each for fire & rescue authorities and national park authorities (making 6 monitoring officers in total)

Each meeting could have a small agenda followed by a Training Session, to include Speakers from the Ombudsman's Office, Adjudication Panel for Wales and Welsh Government who could address the forum on their work.

The work of the forum would then be brought back to the Standards Committee for members to consider.

Financial Impacts:

No implications.

Integrated Impact Assessment:

An Integrated Impact Assessment is not requirement for this report.

Valleys Communities Impacts:

No implications

Workforce Impacts:

No implications

Legal Impacts:

The Council has a duty to establish and maintain a Standards Committee as defined by legislation as set out in the Standards Committees Rules and 5 Regulations 2001 and the Standards Committee (Wales) Amendment Regulations 2006. 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.

Consultation:

There is no requirement for external consultation on this item

Recommendations:

That the Standards Committee endorse the establishment of a national forum for standards matters and endorse the terms of reference of the forum.

Appendices:

None

List of Background Papers:

None

Officer Contact:

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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES – MR CRAIG GRIFFITHS

25th October 2022

Matter for Information

Wards Affected: All Wards

Town and Community Council Code of Conduct Questionnaire

Purpose of the Report:

1. To update members on the survey recently carried out of Town and Community Council's in respect of the Code of Conduct

Background:

2. At its meeting in July 2022, members agreed for the Monitoring Officer to issue a questionnaire to Town and Community Councils in respect of a variety of Code of Conduct matters.
3. The questionnaire asked the following questions:

How many members elected or co-opted in May 2022 received Code of Conduct training? Note – this is all members and not just newly elected members.
In what format did this training take?
If not all members have had training please indicate the number of members who have not and what training opportunities are afforded to them? Is it intended that all members will have such training by a specific date?
How many complaints concerning Members conduct have been referred to you as Clerk in the year 2021-22?
Have members been made aware that they are able to apply for dispensation to speak upon matters which they have a prejudicial information?
Do you have a local resolution process in place to help deal with complaints between two or more councillors? Have you been required to use it? If you do not have one, has your Town/Community Council considered putting one in place?
Is there any support you feel the Standards Committee could provide to further promote the need to comply with the Members Code of Conduct?

4. The questionnaire was issued to 15 Town and Community Councils and 8 responses were received.

5. The table below summarises the responses received:

Question	Comments
How many members elected or co-opted in May 2022 received Code	6 of the 9 responses confirmed that members had received no training.

<p>of Conduct training? Note – this is all members and not just newly elected members.</p>	<p>3 of the 9 responses stated the following:</p> <ul style="list-style-type: none"> • As of July 2022, there had been no training but training will be agreed with One Voice Wales and offered to all members. All previous members had undergone training. • Despite training being offered, no members have undertaken any training. Only County Borough Councillors will have attended training. • All members have received training since it was made compulsory to do so
<p>In what format did this training take?</p>	<p>Of the Town and Community Councils who had provided training they indicated it was indicated it would be with One Voice Wales.</p> <p>One Town/Community Council commented the following training had taken place:</p> <ul style="list-style-type: none"> • Individual overview training provided by Clerk upon signing their Declaration of Acceptance of Office. A full induction pack was provided with NTC specific and WG/PSOW/LGA key documents explained. • An additional online meeting was arranged for induction training for all Councillors from the 2022 Elections, regardless of previous standing or new.
<p>If not all members have had training please</p>	<p>All Town and Community Councils confirmed they have offered training</p>

<p>indicate the number of members who have not and what training opportunities are afforded to them? Is it intended that all members will have such training by a specific date?</p>	<p>opportunities to their members via One Voice Wales.</p> <p>One Town/Community Council confirmed that they require members to undertake 2 code of conduct training sessions in their five year term.</p>
<p>How many complaints concerning Members conduct have been referred to you as Clerk in the year 2021-22?</p>	<p>8 of the 9 responses confirmed there was zero referrals.</p> <p>One Town/Community Council indicated they have received 5 complaints, each of which was referred to the Public Services Ombudsman for Wales</p> <p>Five – recommended go to Ombudsman</p>
<p>Have members been made aware that they are able to apply for dispensation to speak upon matters which they have a prejudicial information?</p>	<p>All responses confirmed they had members aware.</p>
<p>Do you have a local resolution process in place to help deal with complaints between two or more councillors?</p> <p>Have you been required to use it?</p> <p>If you do not have one, has your</p>	<p>8 of the 9 confirmed a process was in place.</p> <p>The other response indicated they have not given consideration to date but will do so in the coming months.</p>

Town/Community Council considered putting one in place?	
Is there any support you feel the Standards Committee could provide to further promote the need to comply with the Members Code of Conduct?	<p>The following suggestions were made:</p> <ul style="list-style-type: none"> • A document reiterating why it is important that the Code of Conduct needs to be adhered to. (<i>Members should note that this document has already been issued to Town and Community Councils via the Public Service Ombudsman</i>) • It has been suggested that one of the Councillors become the “Training Co-Ordinator” but to date, NO volunteers have come forward. This could be encouraged by the Standards Committee • Advise members that it is imperative that they complete the training

6. Having considered some of the submissions, it is suggested that the following steps be taken to address some of the points raised:
- a. The Monitoring Officer will issue a document to all Town and Community Councils on the importance of complying with the Code of Conduct and to accompany this a letter from the Chair of the NPT Standards Committee emphasising the importance of following the Code and attending training
 - b. The Monitoring Officer undertakes virtual training sessions that be offered to Town and Community Councils, which can be recorded and issued to Councillors to watch. Thereby ensuring all Town and Community Councillors are afforded a further opportunity for training.
 - c. There be continued attendance by Standards Committee members at Town and Community Councils to overview compliance with the Code of Conduct.

Financial Impacts:

7. No implications.

Integrated Impact Assessment:

8. An Integrated Impact Assessment is not required for this report.

Valleys Communities Impacts:

9. No implications

Workforce Impacts:

10. No implications

Legal Impacts:

11. There are no legal impacts associated with this report.

Consultation:

12. There is no requirement for external consultation on this item

Recommendations:

13. That Members consider the responses to the questionnaire and determine what additional steps the Standards Committee can take to assist in compliance with the Code of Conduct by Town and Community Councils.

Appendices:

14. Appendix 1 – Member Officer Protocol

List of Background Papers:

15. None

Officer Contact:

Mr Craig Griffiths
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Appendix 1

Protocol on Member/Officer Relations

1.1 Introduction

The purpose of this Protocol is to guide Members and Employees of the Council in their relations with one another.

1.2 Mutual respect between Members and Employees is essential to good local government. However, close personal familiarity between individual Members and Employees can damage this relationship and prove embarrassing to other Members and Employees.

1.3 The relationship has to function without compromising the ultimate responsibilities of Employees to the Council as a whole, and with due regard to such technical, financial, professional and legal advice that Employees can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and Employees.

1.4 Roles of Members

Members undertake many different roles. Broadly these are:

1.4.1 Members express political values and support the policies of the party or group to which they belong (if any).

1.4.2 Members represent their electoral division and are advocates for the citizens who live in the area.

1.4.3 Members are involved in active partnerships with other organisations as community leaders.

- 1.4.4 Members contribute to the decisions taken in Full Council and in its various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.
- 1.4.5 Members help develop and review policy and strategy.
- 1.4.6 Members monitor and review policy implementation and service quality.
- 1.4.7 Members are involved in quasi-judicial work through their Membership of regulatory committees.

1.5 **Roles of Employees**

Briefly, Employees have the following main roles:

- 1.5.1 Managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services.
- 1.5.2 Providing advice to the Council and its various bodies and to individual Members in respect of the services provided.
- 1.5.3 Initiating policy proposals.
- 1.5.4 Implementing agreed policy.
- 1.5.5 Ensuring that the Council always acts in a lawful manner.

1.6 **Respect and Courtesy**

- 1.6.1 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Employees. This plays a very

important part in the Council's reputation and how it is seen in public. It is very important that both Members and Employees remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Members, or other Employees, in public places.

1.6.2 Undue Pressure

- (a) It is important in any dealings between Members and Employees that neither should seek to take unfair advantage of their position.
- (b) In their dealings with Employees (especially junior Employees) Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior official and/or political office.
- (c) A Member should not apply undue pressure on an Employee either to do anything that he is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.
- (d) Similarly, an Employee must neither seek to use undue influence on an individual Member to make a decision in his favour, nor raise personal matters to do with their job, nor make claims or allegations about other Employees. *(The Council has formal procedures for consultation, grievance and discipline, and Employees have the right to report possible wrongdoing under the Council's Confidential Reporting Code.)*

1.6.3 Familiarity

- (a) Close personal familiarity between individual Members and Employees can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.
- (b) Such familiarity could also cause embarrassment to other Members and/or other Employees and even give rise to suspicions of favouritism.
- (c) For these reasons close personal familiarity must be avoided.

1.6.4 Breach of Protocol

- (a) If a Member considers that he has not been treated with proper respect or courtesy he may raise the issue with the Employee's line manager. If direct discussion with the manager does not resolve the complaint it should be referred to the Head of Service or Director responsible for the employee concerned. Breach of the Protocol may give rise to disciplinary proceedings against an Employee if the circumstances warrant it.
- (b) If an employee considers that a Member has contravened the protocol he should consult his line manager who will if necessary involve the Head of Service or Director. In certain circumstances breach of the Protocol may also constitute a breach of the Members' Code of Conduct. If the breach is sufficiently serious this may warrant a formal reference to the Monitoring Officer as a complaint to be considered for potential investigation by the

Standards Committee. Many complaints will be capable of informal resolution. The Monitoring Officer or the Chief Executive will assist in this process if necessary.

1.7 **Provision of Advice and Information to Members**

- 1.7.1 Members are free to approach Employees of the Council to provide them with such information and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.
- 1.7.2 Employees should always endeavour to respond to requests for information promptly and should in any event inform the Member if there is likely to be any appreciable delay in dealing with an enquiry. As a minimum the timescale for responding to correspondence should be observed ie either a full response or, if this is not possible, an acknowledgement that fully explains what is happening within [five] working days of the receipt of the enquiry.
- 1.7.3 The legal rights of Members to inspect Council documents are covered partly by statute and partly by common law.
- 1.7.4 The Access to Information Procedure Rules of this Constitution explain the position with regard to access to papers relating to the business of a Member body.
- 1.7.5 The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know". In this respect a Member has no right to "a roving

commission” to examine any documents of the Council. Mere curiosity is not sufficient.

- 1.7.6 The information sought by a Member should only be provided by the respective Service as long as it is within the limits of the Service’s resources. For their part, Members should seek to act reasonably in the number and content of the requests they make.
- 1.7.7 It is important for Services and their staff to keep Members informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the area that he represents. Local Members should be informed about proposals that affect their electoral division and should also be invited to attend Council initiated events within their electoral division.
- 1.7.8 If a Member asks for specific information relating to the work of a particular Service, and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate Cabinet Member or Committee Chair concerned should be advised about the information provided.
- 1.7.9 Officers have to advise Members from time to time that a certain course of action cannot be carried out. Members sometimes assume that this is a case of Officers deliberately obstructing the wishes of politicians. In fact this is hardly ever the case. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective Officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how

Members might achieve some or all of their objectives in other ways. Such Officers are invaluable to any Council.

1.7.10 Members may be entitled under the Freedom of Information Act 2000 to receive information which falls outside their common law rights based on the “need to know”. Employees are encouraged to supply documents to Members without the need for a formal FOI request if it is apparent from the Member’s enquiry that any individual would be entitled to receive such documentation.

1.8 **Confidentiality**

1.8.1 In accordance with the Code of Conduct for Members, a Member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes, or ought reasonably to be aware, is of a confidential nature, except where:

- (a) he/she has the consent of a person authorised to give it;
- (b) he/she is required by law to do so;
- (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (d) the disclosure is:
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority.

- 1.8.2 Confidential Committee papers are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the Committee. Other information may be confidential because to disclose it would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained.
- 1.8.3 Information and correspondence about an individual's private or business affairs will normally be confidential.
- 1.8.4 Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant Officer, but treat the information as confidential in the meantime.
- 1.8.5 Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.
- 1.8.6 If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that Officer.

1.9 **Provision of Support Services to Members**

- 1.9.1 The only basis on which the Council can lawfully provide support services (eg stationery, word processing, printing, photocopying, transport, etc) to

Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

1.9.2 Correspondence

Official letters on behalf of the Council should be sent in the name of the appropriate Employee, rather than over the name of a Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

1.9.3 Media

Communication with the media can be an important part of a Member's workload. In general, Members provide comment and views while Employees provide factual information. If a Member is unsure about the circumstances of a particular issue he should contact the appropriate Director or Head of Service concerned or ask the Media Team to do so.

1.10 **The Council's Role as Employer**

In their dealings with Officers, Members should recognise and have regard to the Council's role as employer. Members should be aware that Officers could rely on inappropriate behaviour of a Member in an employment case against the Council.

1.11 **Political Activity**

1.11.1 There are a number of constraints that apply to an employee who occupies a post that is designated as “politically restricted” under the terms of the Local Government and Housing Act 1989.

1.11.2 In summary, such employees are prevented from:

- (a) being a Member of Parliament, European Parliament or local authority;
- (b) acting as an election agent or sub-agent for a candidate for election as a Member of any the bodies referred to in (a);
- (c) being an Officer of a political party or any branch of a political party or a Member of any committee or sub-committee of such a party or branch, if his duties would be likely to require him to:
 - (i) participate in the general management of the party or branch; or
 - (ii) act on behalf of the party or branch in dealings with persons other than Members of the party;
- (d) canvassing on behalf of a political party or a candidate for election to any the bodies referred to in (a);
- (e) speaking to the public with the apparent intent of affecting public support for a political party; and
- (f) publishing any written or artistic work of which he is the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection - if the work appears

to be intended to affect public support for a political party.

- 1.11.3 It is common for party groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision making body. Employees may properly be called upon to support and contribute to such deliberations by party groups provided they maintain a stance which is politically impartial. Support may include a range of activities including briefings for Members relating to their roles, eg chairperson or spokesperson. Employees should be required to give information and advice to political groups on Council business only and not on matters which are purely of a party political nature. Such advice should be available to all party groups and not solely to the majority group. It is important that the political neutrality of Employees is preserved and that group confidentiality is maintained by Employees.
- 1.11.4 Usually the only Employees involved in attending group meetings will be the Chief Executive, Directors and Heads of Service and they will generally leave the meeting after making their presentation and answering questions.
- 1.11.5 Employees are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and their respective Directors/Heads of Service, and not to individual Members of the Council whatever office they might hold.
- 1.11.6 Both Members and Employees are subject to their own Codes of Conduct which can be found in the Constitution. This Protocol provides guidance on working relationships between Members and

Employees. It is essential that both are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol.

1.12 **Sanctions**

1.12.1 Complaints about any breach of this Protocol by a Member may be referred to the Monitoring Officer. It should be noted that certain breaches may also amount to breaches of the Code of Conduct for Members.

1.12.2 Complaints about any breach of this protocol by an Officer may be referred to the relevant Chief Officer or the Chief Executive

1.13 **Conclusion**

It is hoped that, by following good practice and securing sensible and practical working relationships between Members and Employees, we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and Employees.

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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES – MR CRAIG GRIFFITHS

25th October 2022

Matter for Decision

Wards Affected: All Wards

Local Resolution Process

Purpose of the Report:

1. To consider the Neath Port Talbot County Borough Council Local Resolution Procedure and whether any amendments may be required.

Background:

2. Neath Port Talbot County Borough Council Members have adopted a Local Resolution Procedure (a copy of which is enclosed at Appendix 1 of this Report) which is supplemental to the Procedure on Member/Employee Relations and the Code of Conduct requirements of the Constitution.

3. The Welsh Government and the Public Services Ombudsman for Wales (“PSOW”) have indicated that Member against Member complaints should be dealt with locally and informally by the Council.
4. This Procedure recognises that the freedom of expression enjoyed by Members is not absolute and the exercise of the freedom incurs responsibilities and may be subject to restrictions, notably the protection of the reputation and other rights of other Members and preventing unauthorised disclosure of information. The freedom to express their political opinions is not restricted by agreeing to this Procedure.
5. This Local Resolution Procedure may be utilised for low level disputes by a Member before a complaint is referred to the PSOW.
6. The PSOW indicates that where a Local Resolution Process has been adopted by a council, she may not accept a complaint for consideration of an investigation relating to a low level complaint until or unless the Member has used the Local Resolution Procedure. If the complaint is not of a low level nature the Member may be referred to the PSOW. This is an informal process and no indemnity will be granted to any Member for representation at the Local Resolution Panel.
7. It is important to note that this procedure does not preclude anyone from referring any complaint to the PSOW if they so wish. However Members should note that the Ombudsman has made clear that, in normal circumstances, it is expected that in the first instance Members should exhaust the procedures set out in this procedure before referring low-level complaints to the PSOW.
8. The procedure comprises two processes:

- a. Informal mediation to find ways to resolve a complaint;
and
 - b. The establishment of a Local Resolution Panel which will comprise three members to consider the complaint and make a determination on the factors and if they consider it appropriate make recommendations to address the complaint.
- 9.** By way of examples, the following are matters which are likely to be considered under this process:
- a. Minor complaints from members about members
 - b. Minor complaints from officers about members
 - c. Members alleged to have not shown respect and consideration for others either verbally or in writing.
- 10.** Issues which are unlikely to be considered under this process include:
- a. Complaints which must be directed to the PSOW such as complaints from the public or serious complaints i.e. bullying, failure to disclose interests etc.
 - b. Vexatious, malicious or frivolous complaints
 - c. Members' complaints about officers which should be dealt with using the Council's internal complaints process
 - d. Repetitive low level complaints
- 11.** In the last 5 years, there has only been one referral to the Local Resolution Procedure, which saw a mediation exercise carried out by an officer appointed by the Monitoring Officer.
- 12.** In the report to members of the Standards Committee of January 2022, it was highlighted that in March 2021 the then Minister for Housing and Local Government announced her intention to commission an independent review of the Ethical Standards Framework for Local Government (ESF) in Wales

that was established by the Local Government Act 2000. The review sought to ensure that it remained fit for purpose, was open and transparent, and that it commanded the confidence of all involved with the framework. Richard Penn, an Independent Consultant was commissioned to undertake the review with the aim to report to Welsh Government Ministers by the end of June 2021 with the intention that any agreed changes to be made ahead of the Local Government elections in May 2022. Mr. Penn is a former Chief Executive of two major local authorities in England and was the first NAW Commissioner for Standards from 2000 - 2012.

13. One of the recommendations that came from this report is that there should be an increase in the use of local resolution of complaints, by requiring that any complaint should be considered for local resolution before it can be referred subsequently to the Public Services Ombudsman, in order to speed up the complaints process and ensure that the Ombudsman's resources are devoted to the investigation of serious complaints. Therefore, it is feasible that future years may see greater use of this procedure, which could negate complaints having to be considered by the PSOW and allow a more informal approach of resolution.

Financial Impacts:

14. No implications.

Integrated Impact Assessment:

15. An Integrated Impact Assessment is not required for this report.

Valleys Communities Impacts:

16. No implications

Workforce Impacts:

17. No implications

Legal Impacts:

18. There are no legal impacts associated with this report.

Consultation:

19. There is no requirement for external consultation on this item

Recommendations:

20. That Members consider the appropriateness of the Local Resolution Procedure and consider whether any amendments should be made.

Appendices:

21. Appendix 1 – Local Resolution Procedure

List of Background Papers:

22. None

Officer Contact:

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Appendix 1

Local Resolution Procedure Member Complaints of Breaches of the Code of Conduct for Members

Scope of Procedure

Neath Port Talbot County Borough Council Members have adopted this Protocol which is supplemental to the Protocol on Member/Employee Relations and the Code of Conduct requirements of the Constitution. The Welsh Government and the Public Services Ombudsman for Wales (“PSOW”) have indicated that Member against Member complaints should be dealt with locally and informally by the Council.

This Procedure recognises that the freedom of expression enjoyed by Members is not absolute and the exercise of the freedom incurs responsibilities and may be subject to restrictions, notably the protection of the reputation and other rights of other Members and preventing unauthorised disclosure of information. The freedom to express their political opinions is not restricted by agreeing to this Protocol.

This Local Resolution Procedure may be utilised for low level disputes by a Member before a complaint is referred to the PSOW. The PSOW indicates that where a Local Resolution Process has been adopted by a council, he may not accept a complaint for consideration of an investigation relating to a low level complaint until or unless the Member has used the Local Resolution Procedure. If the complaint is not of a low level nature the Member may be referred to the PSOW.

This is an informal process and no indemnity will be granted to any Member for representation at the Local Resolution Panel.

Standards of Behaviour

1. Members should:
 - 1.1 Show personal respect to each other: when disagreeing with another Member's views, opinions or councillor actions, e.g. as Mayor, Cabinet Member or Committee Chairman. A Member should not engage in abusive, insulting or improper personal comments about other Members or their family but, having regard to the Code of Members' Conduct ("the Code") requirement that decisions are made on the merits of the circumstances, should focus on the arguments put forward by other Members or the effectiveness of their actions. It is accepted that feelings can run high in debate but should the standards of behaviour have been breached, the culpable Member should apologise to the meeting when the breach is brought to their attention when the matter will be considered closed.
 - 1.2 Not publish malicious or false allegations or information or insulting personal comments against a Member: The growing propensity for personal comments to be made electronically to the world at large require a greater degree of control by the author, as once made it is difficult for the comments to be rescinded. The truth is only a defence if it is the whole truth and puts matters in context.
 - 1.3 Not release confidential information to the press or members of the public: there is no defence of public interest in the Code and there are avenues that should be explored to provide transparency in decision-making that would not disclose confidential/personal information which may cause harm to an individual or a company/organisation. The Council is a regulatory body but also has powers to enhance the prospects of the community which may be harmed by unauthorised disclosure.

2. Member's Representative behaviour:
 - 2.1 Members should seek to work with Members of adjoining electoral divisions for the benefit of the locality.
 - 2.2 A Member who becomes involved in matters specifically related to another electoral division or representing a constituent in another electoral division should:
 - 2.2.1 Explain to the members of the public that they are not the Local Member for that electoral division and identify who is. However, it is the member of the public's choice as to which Member they wish to represent their interests.
 - 2.2.2 If the Member continues to act in the matter, inform the Local Member of their involvement (but not disclose any confidential information without authorisation) and if possible seek to work with the Local Member if the objective is shared.
3. The behaviour described in the paragraphs above are examples or illustrations of behaviour which may constitute a breach of the Code of Members' Conduct; they are not additional to the Code.

Local Resolution Procedure

- 4.1 In the event of a dispute arising, a Member who complains that another has breached the Code will be provided with the contact details of a Mediator appointed by the Monitoring Officer.
- 4.2 The complainant Member will notify the Member who is the subject of the complaint of his intention to seek mediation of the dispute. Both Members will supply the Mediator with dates of availability, but with the intent that the mediation meeting will

take place within six weeks from the date of the complaint being made.

- 4.3 The mediation meeting(s) will be confidential. It is hoped that this process will encourage the Members to attain consensus on resolving the complaint. Whatever is agreed will be confirmed by them to the Mediator but will not be further published unless agreed by both the Members.
- 4.4 If the mediation stage does not resolve the complaint, then the complaining Member may request that the matter be referred to the Local Resolution Panel within six weeks of the last mediation meeting. The Mediator will be asked to confirm whether resolution was attained but nothing further.
- 4.5 The Local Resolution Panel will comprise three members, namely: an independent Member of the Standards Committee and elected Members appointed by the Leader of Council and the Leader of the largest non-executive political group. No Member shall serve who has had a previous involvement with the matter. The Panel will meet in private.
- 4.6 Both the complaining Member and the Member who is subject of the complaint will be entitled to appear and/or produce written or oral information relevant to the facts of the matter complained of. Either Member may be accompanied by a friend but shall not be represented by a Solicitor or Barrister.
- 4.7 The Local Resolution Panel will consider the information and have discretion to determine the facts and if they consider it appropriate to make such recommendation as would address the complaint, either there is:
 - 4.7.1 No basis for the complaint
 - 4.7.2 A basis for the complaint but no further action is necessary or

- 4.7.3 A basis for the complaint and an apology should be provided to the complainant Member in an appropriate manner or such other action that is within the power of the Council.
- 4.8 The complainant Member may refer the matter to the PSOW and the PSOW will consider whether to investigate.
- 4.9 The Local Resolution Panel may also make recommendations to the Standards Committee regarding training or changes to any procedures which may have contributed to the complaint arising.
- 4.10 If the complaint is referred to the PSOW and an investigation report is produced the independent Member on the Standards Committee who was appointed to the Local Resolution Panel will not take part in any proceedings relating to that investigation report.



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES – MR CRAIG GRIFFITHS

25th October 2022

Matter for Information

Wards Affected: All Wards

Member Officer Protocol

Purpose of the Report:

1. To consider the Neath Port Talbot County Borough Council Protocol on Member and Officer Relationships

Background:

2. Neath Port Talbot County Borough Council Members have adopted a Protocol on Member and Officer Relationships (a copy of which is enclosed at Appendix 1 of this Report).
3. The purpose of this Protocol is to guide Members and Employees of the Council in their relations with one another.

4. Mutual respect between Members and Employees is essential to good local government. However, close personal familiarity between individual Members and Employees can damage this relationship and prove embarrassing to other Members and Employees.
5. The relationship has to function without compromising the ultimate responsibilities of Employees to the Council as a whole, and with due regard to such technical, financial, professional and legal advice that Employees can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and Employees.
6. It is hoped that, by following good practice and securing sensible and practical working relationships between Members and Employees, we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the people of the Neath Port Talbot locality. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and Employees.
7. The protocol covers a number of different areas
 - (a) The role of members;
 - (b) The role of officers/employees of the Council;
 - (c) The need for respect and courtesy and the consequences of non-compliance;
 - (d) The provision of advice and information to members;
 - (e) Confidentiality;
 - (f) The provision of support services to members;
 - (g) The Council's role as an employer;
 - (h) Political activity; and
 - (i) Sanctions

Financial Impacts:

8. No implications.

Integrated Impact Assessment:

9. An Integrated Impact Assessment is not required for this report.

Valleys Communities Impacts:

10. No implications

Workforce Impacts:

11. No implications

Legal Impacts:

12. There are no legal impacts associated with this report.

Consultation:

13. There is no requirement for external consultation on this item

Recommendations:

14. That Members consider and then endorse the Member Officer Protocol and/or determine whether any amendments should be made.

Appendices:

15. Appendix 1 – Member Officer Protocol

List of Background Papers:

16. None

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Appendix 1

Protocol on Member/Officer Relations

1.1 Introduction

The purpose of this Protocol is to guide Members and Employees of the Council in their relations with one another.

1.2 Mutual respect between Members and Employees is essential to good local government. However, close personal familiarity between individual Members and Employees can damage this relationship and prove embarrassing to other Members and Employees.

1.3 The relationship has to function without compromising the ultimate responsibilities of Employees to the Council as a whole, and with due regard to such technical, financial, professional and legal advice that Employees can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and Employees.

1.4 Roles of Members

Members undertake many different roles. Broadly these are:

1.4.1 Members express political values and support the policies of the party or group to which they belong (if any).

1.4.2 Members represent their electoral division and are advocates for the citizens who live in the area.

1.4.3 Members are involved in active partnerships with other organisations as community leaders.

- 1.4.4 Members contribute to the decisions taken in Full Council and in its various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.
- 1.4.5 Members help develop and review policy and strategy.
- 1.4.6 Members monitor and review policy implementation and service quality.
- 1.4.7 Members are involved in quasi-judicial work through their Membership of regulatory committees.

1.5 **Roles of Employees**

Briefly, Employees have the following main roles:

- 1.5.1 Managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services.
- 1.5.2 Providing advice to the Council and its various bodies and to individual Members in respect of the services provided.
- 1.5.3 Initiating policy proposals.
- 1.5.4 Implementing agreed policy.
- 1.5.5 Ensuring that the Council always acts in a lawful manner.

1.6 **Respect and Courtesy**

- 1.6.1 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Employees. This plays a very

important part in the Council's reputation and how it is seen in public. It is very important that both Members and Employees remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Members, or other Employees, in public places.

1.6.2 Undue Pressure

- (a) It is important in any dealings between Members and Employees that neither should seek to take unfair advantage of their position.
- (b) In their dealings with Employees (especially junior Employees) Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior official and/or political office.
- (c) A Member should not apply undue pressure on an Employee either to do anything that he is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.
- (d) Similarly, an Employee must neither seek to use undue influence on an individual Member to make a decision in his favour, nor raise personal matters to do with their job, nor make claims or allegations about other Employees. *(The Council has formal procedures for consultation, grievance and discipline, and Employees have the right to report possible wrongdoing under the Council's Confidential Reporting Code.)*

1.6.3 Familiarity

- (a) Close personal familiarity between individual Members and Employees can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.
- (b) Such familiarity could also cause embarrassment to other Members and/or other Employees and even give rise to suspicions of favouritism.
- (c) For these reasons close personal familiarity must be avoided.

1.6.4 Breach of Protocol

- (a) If a Member considers that he has not been treated with proper respect or courtesy he may raise the issue with the Employee's line manager. If direct discussion with the manager does not resolve the complaint it should be referred to the Head of Service or Director responsible for the employee concerned. Breach of the Protocol may give rise to disciplinary proceedings against an Employee if the circumstances warrant it.
- (b) If an employee considers that a Member has contravened the protocol he should consult his line manager who will if necessary involve the Head of Service or Director. In certain circumstances breach of the Protocol may also constitute a breach of the Members' Code of Conduct. If the breach is sufficiently serious this may warrant a formal reference to the Monitoring Officer as a complaint to be considered for potential investigation by the

Standards Committee. Many complaints will be capable of informal resolution. The Monitoring Officer or the Chief Executive will assist in this process if necessary.

1.7 **Provision of Advice and Information to Members**

- 1.7.1 Members are free to approach Employees of the Council to provide them with such information and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.
- 1.7.2 Employees should always endeavour to respond to requests for information promptly and should in any event inform the Member if there is likely to be any appreciable delay in dealing with an enquiry. As a minimum the timescale for responding to correspondence should be observed ie either a full response or, if this is not possible, an acknowledgement that fully explains what is happening within [five] working days of the receipt of the enquiry.
- 1.7.3 The legal rights of Members to inspect Council documents are covered partly by statute and partly by common law.
- 1.7.4 The Access to Information Procedure Rules of this Constitution explain the position with regard to access to papers relating to the business of a Member body.
- 1.7.5 The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know". In this respect a Member has no right to "a roving

commission” to examine any documents of the Council. Mere curiosity is not sufficient.

- 1.7.6 The information sought by a Member should only be provided by the respective Service as long as it is within the limits of the Service’s resources. For their part, Members should seek to act reasonably in the number and content of the requests they make.
- 1.7.7 It is important for Services and their staff to keep Members informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the area that he represents. Local Members should be informed about proposals that affect their electoral division and should also be invited to attend Council initiated events within their electoral division.
- 1.7.8 If a Member asks for specific information relating to the work of a particular Service, and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate Cabinet Member or Committee Chair concerned should be advised about the information provided.
- 1.7.9 Officers have to advise Members from time to time that a certain course of action cannot be carried out. Members sometimes assume that this is a case of Officers deliberately obstructing the wishes of politicians. In fact this is hardly ever the case. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective Officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how

Members might achieve some or all of their objectives in other ways. Such Officers are invaluable to any Council.

1.7.10 Members may be entitled under the Freedom of Information Act 2000 to receive information which falls outside their common law rights based on the “need to know”. Employees are encouraged to supply documents to Members without the need for a formal FOI request if it is apparent from the Member’s enquiry that any individual would be entitled to receive such documentation.

1.8 **Confidentiality**

1.8.1 In accordance with the Code of Conduct for Members, a Member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes, or ought reasonably to be aware, is of a confidential nature, except where:

- (a) he/she has the consent of a person authorised to give it;
- (b) he/she is required by law to do so;
- (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (d) the disclosure is:
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority.

- 1.8.2 Confidential Committee papers are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the Committee. Other information may be confidential because to disclose it would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained.
- 1.8.3 Information and correspondence about an individual's private or business affairs will normally be confidential.
- 1.8.4 Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant Officer, but treat the information as confidential in the meantime.
- 1.8.5 Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.
- 1.8.6 If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that Officer.

1.9 **Provision of Support Services to Members**

- 1.9.1 The only basis on which the Council can lawfully provide support services (eg stationery, word processing, printing, photocopying, transport, etc) to

Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

1.9.2 Correspondence

Official letters on behalf of the Council should be sent in the name of the appropriate Employee, rather than over the name of a Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

1.9.3 Media

Communication with the media can be an important part of a Member's workload. In general, Members provide comment and views while Employees provide factual information. If a Member is unsure about the circumstances of a particular issue he should contact the appropriate Director or Head of Service concerned or ask the Media Team to do so.

1.10 **The Council's Role as Employer**

In their dealings with Officers, Members should recognise and have regard to the Council's role as employer. Members should be aware that Officers could rely on inappropriate behaviour of a Member in an employment case against the Council.

1.11 **Political Activity**

1.11.1 There are a number of constraints that apply to an employee who occupies a post that is designated as “politically restricted” under the terms of the Local Government and Housing Act 1989.

1.11.2 In summary, such employees are prevented from:

- (a) being a Member of Parliament, European Parliament or local authority;
- (b) acting as an election agent or sub-agent for a candidate for election as a Member of any the bodies referred to in (a);
- (c) being an Officer of a political party or any branch of a political party or a Member of any committee or sub-committee of such a party or branch, if his duties would be likely to require him to:
 - (i) participate in the general management of the party or branch; or
 - (ii) act on behalf of the party or branch in dealings with persons other than Members of the party;
- (d) canvassing on behalf of a political party or a candidate for election to any the bodies referred to in (a);
- (e) speaking to the public with the apparent intent of affecting public support for a political party; and
- (f) publishing any written or artistic work of which he is the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection - if the work appears

to be intended to affect public support for a political party.

- 1.11.3 It is common for party groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision making body. Employees may properly be called upon to support and contribute to such deliberations by party groups provided they maintain a stance which is politically impartial. Support may include a range of activities including briefings for Members relating to their roles, eg chairperson or spokesperson. Employees should be required to give information and advice to political groups on Council business only and not on matters which are purely of a party political nature. Such advice should be available to all party groups and not solely to the majority group. It is important that the political neutrality of Employees is preserved and that group confidentiality is maintained by Employees.
- 1.11.4 Usually the only Employees involved in attending group meetings will be the Chief Executive, Directors and Heads of Service and they will generally leave the meeting after making their presentation and answering questions.
- 1.11.5 Employees are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and their respective Directors/Heads of Service, and not to individual Members of the Council whatever office they might hold.
- 1.11.6 Both Members and Employees are subject to their own Codes of Conduct which can be found in the Constitution. This Protocol provides guidance on working relationships between Members and

Employees. It is essential that both are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol.

1.12 **Sanctions**

1.12.1 Complaints about any breach of this Protocol by a Member may be referred to the Monitoring Officer. It should be noted that certain breaches may also amount to breaches of the Code of Conduct for Members.

1.12.2 Complaints about any breach of this protocol by an Officer may be referred to the relevant Chief Officer or the Chief Executive

1.13 **Conclusion**

It is hoped that, by following good practice and securing sensible and practical working relationships between Members and Employees, we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and Employees.



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES – MR CRAIG GRIFFITHS

25th October 2022

Matter for Information

Wards Affected: All Wards

Public Service Ombudsman for Wales Annual Report 2021/2022

Purpose of the Report:

1. To advise Members of the receipt of the Ombudsman's Annual Report for 2021/2022 in respect of Neath Port Talbot County Borough Council.

Executive Summary:

2. The Public Service Ombudsman for Wales ("the Ombudsman") has two specific roles:
 - (a) To consider complaints about public service providers in Wales; and
 - (b) To consider complaints that members of local authorities or town and community councils have breached their Code of Conduct.
3. The Ombudsman sends letters on an annual basis to county borough councils and local health boards concerning the complaints he has received and considered during the previous financial year. The aim of the Annual Report is to provide the relevant bodies with information to help them improve their complaint handling and the services that they provide.

Background:

4. In recent years the Ombudsman has adopted the practice of sending an annual letter to each local authority which comes within his jurisdiction. A

full copy of the letter and Factsheet is reproduced for Members at Appendix 1.

5. Members should note that this letter relates to the period 1st April 2021 to 31st March 2022. The letter discusses information from another year which saw various restrictions being issued and as such may not be useful for establishing trends or patterns. Information received during this year will, however, bring insights on how public services reacted in the face of unprecedented demand and the most difficult of circumstances.
6. Comparatively little commentary is required on the Annual Letter. The number of service complaints received by the Ombudsman is set out in Table A of the Factsheet. This Council received forty five (45) complaints – an increase from nineteen (19) in the 2020/2021 Financial Year. Therefore, the number of complaints received is in line with what one would expect from the population size of the Council area. However, it should be noted that when considering complaints per 1,000 residents, the Council is ranked 14th out of the 22 local authorities in Wales.
7. It should be noted that we are no longer a direct provider of general housing – a function which generally attracts some complaints.
8. The mix of complaints is dealt with in Table B of the Factsheet. The numbers in the various categories are similar to the Welsh average overall.
9. The percentage of cases requiring intervention from the Ombudsman is comparatively low (see Table C), with only five of the forty five complaints being marked as early resolution. The intervention provided the opportunity with the Council to look again at the issue and ensure that remedies could be achieved which met the needs of the complainant. The comparison of complaint outcomes with average outcomes is again broadly in line with the national average (as shown in Table D).
10. The number of national Code of Conduct complaints increased slightly in 2021/2022 in respect of Local Authority elected members. It is quite common that in election years the number of complaints can increase slightly. In the Neath Port Talbot locality, the number of Code of Conduct complaints against County Borough Councils is low, there being just 9 (Table E), and in each case the Ombudsman determined there was no case to answer. In addition, there was a decrease in the number of complaints against community councils (Table F) (going from 7 to 6), but as can be

seen no further action was taken in respect of these matters and they were either closed after initial consideration, discontinued or withdrawn.

11. Overall, cuts in public expenditure create an environment in which there can be a mismatch between public expectations and the service which can be provided, and in particular during this period where officers were responding to the Covid-19 pandemic. This will make it even more important to deal promptly with any complaints which arise and look for practical and achievable solutions. The Council continues to work collaboratively with the Ombudsman to resolve any matter that might be referred to him by a member of the public whether that be via an early settlement or to provide clarification and documentation to assist in any investigation being undertaken.
12. The Complaints Standards Body has now implemented a model complaints policy with nearly 50 public bodies, and delivered 140 training sessions, completely free of charge, during the last financial year. The feedback has been excellent, and the training has been very popular and officers of the Council have engaged with this training process and found it extremely beneficial. The model complaints policy has now been adopted by Neath Port Talbot Council
13. Officers will continue improvement work in 2022/2023 and onwards and steps will be taken to try and reduce the number of cases which require intervention by the Ombudsman. This will include:
 - (a) Ensuring officers are aware of their obligations in responding to complaints and how the Council's Complaints Process functions to reduce the prospect of complaints being made to the Ombudsman stemming from process related issues.
 - (b) Ongoing review of the Council complaints process and the guidance provided to the public on how complaints can be made – including an easy read guide will be developed and publicised, with information on such processes in our forthcoming Participation Strategy.
 - (c) Further facilitating a working group of officers to consider complaints handling and steps that should be taken in responding to complaints and to consider the Ombudsman response to any complaints so that lessons can be learnt. These officers are also involved in Data Protection and Freedom of Information Act responses so training will also be provided in these areas to ensure compliance in those fields. Taking the opportunity to learn from complaints can contribute to the development of services that meet the needs and expectations of our citizens. In this way, citizens

can be involved in improving services and ensuring that they meet long term needs and are sustainable. The ability to identify causes of complaint and service failure can also present an opportunity to design in service features which have a preventative impact.

- (d) Liaising with the Ombudsman to determine whether resources such as training are available from them to assist in complaint handling process.
- (e) Undertaking further training with Local Authority Elected Members on Code of Conduct matters and in particular the use of social media, which appears to be the source of numerous complaints to the Ombudsman. Training was provided in May 2022 as part of member induction and will continue to form part of Code of Conduct Training in refresher sessions.
- (f) Specific sessions of training have been undertaken to group leaders in light of the new duties to ensure compliance with the code of conduct within political groups and Group Leaders have been invited to attend the Standards Committee to provide an overview of their approach to standards throughout 2022/2023.
- (g) The further development of a Standards and Code of Conduct forum with Town and Community Council Clerks to ensure that standards and ethics of decision makers is considered actively within that setting and officers of those organisations are aware of key legal obligations.
- (h) A review of the Constitution has recently been concluded (imbedding the Codes of Conduct further into documents) to ensure appropriate arrangements are in place to meet any obligations in respect of complaints and this review will continue in future years via the Democratic Services Committee.

14. It should also be noted that the Ombudsman is now in receipt of a number of additional powers of investigation, recently granted by the Welsh Government. These include the ability to undertake “own initiative” complaints. These investigations are not instigated by a complaint from a resident but may occur where the Ombudsman suspects potential systemic failures of services or where residents feel unable to complain due to the fact that they are dependent on Council services or because they are vulnerable.

Financial Impacts:

15. No implications. Though it should be noted the Ombudsman has legal powers to require the Council to make payments to complainants where they have suffered financial loss or in compensation for “time and trouble”.

Integrated Impact Assessment:

16. An Integrated Impact Assessment is not requirement for this report.

Valleys Communities Impacts:

17. No implications

Workforce Impacts:

18. No implications

Legal Impacts:

19. No implications

Consultation:

20. There is no requirement for external consultation on this item

Recommendations:

21. That Members note the content of the Public Service Ombudsman Annual Report for Neath Port Talbot County Borough Council for 2022/2023 enclosed at Appendix 1 and the steps that officers will continue to embark on as part of general improvement work.

Appendices:

22. Appendix 1 – Annual Letter of the Public Service Ombudsman for Wales for Neath Port Talbot County Borough Council (Welsh and English version)

List of Background Papers:


23. None

Officer Contact:


Mr Craig Griffiths
Head of Legal and Democratic Services

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Ask for: Communications

 01656 641150

Date: August 2022

 communications@ombudsman.wales

Cllr. Steve Hunt
Neath Port Talbot County Borough Council
By Email only: cllr.s.k.hunt@npt.gov.uk

Annual Letter 2021/22

Dear Councillor Hunt

I am pleased to provide you with the Annual letter (2021/22) for Neath Port Talbot County Borough Council which deals with complaints relating to maladministration and service failure, complaints relating to alleged breaches of the Code of Conduct for Councillors and the actions being taken to improve public services

This is my first annual letter since taking up the role of Public Services Ombudsman in April 2022, and I appreciate that the effects of the pandemic are still being felt by all public bodies in Wales. Our office has not been immune from this, with records numbers of cases being referred to us over the last two years. The strong working relationships between my Office and local authorities continues to deliver improvements in how we are dealing with complaints and ensuring that, when things go wrong, we are learning from that and building stronger public services.

Complaints relating to Maladministration & Service Failure

Last year the number of complaints referred to us regarding Local Authorities increased by 47% (compared to 20/21 figures) and are now well above pre-pandemic levels. It is likely that complaints to my office, and public services in general, were suppressed during the pandemic, and we are now starting to see the expected 'rebound' effect.

During this period, we intervened in (upheld, settled or resolved at an early stage) a similar proportion of complaints about public bodies, 18%, when compared with recent years. Intervention rates (where we have investigated complaints) for Local Authorities also remained at a similar level – 14% compared to 13% in recent years.

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Complaints relating to the Code of Conduct for Councillors

We also received a high number of Code of Conduct complaints last year, relating to both Principal Councils and Town and Community Councils. A record number (20) were referred to either the Adjudication Panel for Wales or local standards committees, due to evidence of a breach of the Code.

Supporting improvement of public services

In addition to managing record levels of complaints, we also continued our work using our proactive powers in the Public Services Ombudsman (Wales) Act 2019. Specifically undertaking our first Own Initiative Investigation and continuing our work on the Complaints Standards Authority.

October 2021 saw the publication of the first own initiative investigation in Wales: [Homelessness Reviewed](#). The investigation featured three Local Authorities and sought to scrutinise the way Homelessness assessments were conducted. The report made specific recommendations to the investigated authorities, as well as suggestions to all other Local Authorities in Wales and Welsh Government. Some of these recommendations will bring about immediate change – updating factsheets and letter and assessment templates to ensure that key equality and human rights considerations are routinely embedded into processes for example – all the recommendations were designed to bring about tangible change to people using homelessness services in Wales.

The Complaints Standards Authority (CSA) continued its work with public bodies in Wales last year. The model complaints policy has already been adopted by local authorities and health boards in Wales, we have now extended this to an initial tranche of Housing Associations and Natural Resources Wales. The aim being to implement this work across the Welsh public sector.

In addition to this, the CSA published information on complaints handled by local authorities for the [first time](#) – a key achievement for this work. The data for 21/22 showed:

- Over 15,000 complaints were recorded by Local Authorities
- 4.88 for every 1000 residents.
- Nearly half (46%) of those complaints were upheld.
- About 75% were investigated within 20 working days.
- About 8% of all complaints closed ended up being referred to PSOW.

The CSA has now implemented a model complaints policy with nearly 50 public bodies, and delivered 140 training sessions, completely free of charge, during the last financial year. The feedback has been excellent, and the training has been very popular - so I would encourage Neath Port Talbot County Borough Council to engage as fully as possible.

Complaints made to the Ombudsman

A summary of the complaints of maladministration/service failure received relating to your Council is attached, along with a summary of the Code of Conduct complaints relating to members of the Council and the Town & Community Councils in your area.

In light of the new duties on political leaders and standards committees to promote and maintain high standards of conduct of their members, we look forward to working with you, your Monitoring Officer and standards committees to share any learning from the complaints we receive and to support your authority's work.

I would also welcome feedback on your Governance & Audit Committee's review of your authority's ability to handle complaints effectively so that we can take this into account in our work and support its work on the handling of complaints.

Finally, can I thank you and your officials for the positive way that local authorities have engaged with my Office to enable us to deliver these achievements during what has been a challenging year for everyone. I very much look forward to continuing this work and collaboration to ensure we further improve public services across Wales.

Further to this letter can I ask that your Council takes the following actions:

- Present my Annual Letter to the Cabinet and to the Governance & Audit Committee to assist members in their scrutiny of the Council's performance and share any feedback from the Cabinet and the Governance & Audit Committee with my office.
- Continue to engage with our Complaints Standards work, accessing training for your staff, fully implementing the model policy, and providing complaints data.
- Inform me of the outcome of the Council's considerations and proposed actions on the above matters by 30 September.

This correspondence is copied to the Chief Executive of your Council and to your Contact Officer. Finally, a copy of all Annual Letters will be published on my website.

Yours sincerely,



Michelle Morris
Public Services Ombudsman

cc. Karen Jones, Chief Executive, Neath Port Talbot County Borough Council.
By Email only: chiefexecutive@npt.gov.uk

Factsheet

Appendix A - Complaints Received

Local Authority	Complaints Received	Received per 1000 residents
Blaenau Gwent County Borough Council	14	0.20
Bridgend County Borough Council	55	0.37
Caerphilly County Borough Council	60	0.33
Cardiff Council*	182	0.50
Carmarthenshire County Council	54	0.29
Ceredigion County Council	52	0.72
Conwy County Borough Council	27	0.23
Denbighshire County Council	34	0.36
Flintshire County Council	99	0.63
Gwynedd Council	39	0.31
Isle of Anglesey County Council	29	0.41
Merthyr Tydfil County Borough Council	27	0.45
Monmouthshire County Council	20	0.21
Neath Port Talbot Council	45	0.31
Newport City Council	40	0.26
Pembrokeshire County Council	39	0.31
Powys County Council	55	0.42
Rhondda Cynon Taf County Borough Council	51	0.21
Swansea Council	71	0.29
Torfaen County Borough Council	18	0.19
Vale of Glamorgan Council	61	0.46
Wrexham County Borough Council	71	0.52
Total	1143	0.36

* inc 17 Rent Smart Wales

Appendix B - Received by Subject

Neath Port Talbot Council	Complaints Received	% Share
Adult Social Services	6	13%
Benefits Administration	0	0%
Children's Social Services	7	16%
Community Facilities, Recreation and Leisure	1	2%
Complaints Handling	8	18%
Covid19	0	0%
Education	2	4%
Environment and Environmental Health	4	9%
Finance and Taxation	1	2%
Housing	4	9%
Licensing	0	0%
Planning and Building Control	10	22%
Roads and Transport	1	2%
Various Other	1	2%
Total	45	

Appendix C - Complaint Outcomes (* denotes intervention)

County/County Borough Councils	Out of Jurisdiction	Premature	Other cases closed after initial consideration	Early Resolution/ voluntary settlement*	Discontinued	Other Reports- Not Upheld	Other Reports Upheld*	Public Interest Report*	Total
Neath Port Talbot Council	10	17	13	5	0	0	0	0	45
% Share	22%	38%	29%	11%	0%	0%	0%	0%	

Appendix D - Cases with PSOW Intervention

	No. of interventions	No. of closures	% of interventions
Blaenau Gwent County Borough Council	0	13	0%
Bridgend County Borough Council	7	54	13%
Caerphilly County Borough Council	7	58	12%
Cardiff Council	45	159	28%
Cardiff Council - Rent Smart Wales	1	16	6%
Carmarthenshire County Council	7	49	14%
Ceredigion County Council	13	46	28%
Conwy County Borough Council	2	24	8%
Denbighshire County Council	4	33	12%
Flintshire County Council	15	94	16%
Gwynedd Council	6	41	15%
Isle of Anglesey County Council	3	28	11%
Merthyr Tydfil County Borough Council	2	26	8%
Monmouthshire County Council	2	21	10%
Neath Port Talbot Council	5	45	11%
Newport City Council	4	36	11%
Pembrokeshire County Council	2	40	5%
Powys County Council	7	55	13%
Rhondda Cynon Taf County Borough Council	3	45	7%
Swansea Council	10	76	13%
Torfaen County Borough Council	2	20	10%
Vale of Glamorgan Council	9	62	15%
Wrexham County Borough Council	4	67	6%
Total	160	1108	14%

Appendix E - Code of Conduct Complaints

County/County Borough Councils	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Neath Port Talbot Council	5	4	0	0	0	0	9

Appendix F - Town/Community Council Code of Complaints

Town/Community Council	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Briton Ferry Town Council	0	4	0	0	0	0	4
Glynneath Town Council	0	2	0	0	0	0	2
Onllwyn Community Council	-	-	-	-	-	-	0

Information Sheet

Appendix A shows the number of complaints received by PSOW for all Local Authorities in 2021/2022. These complaints are contextualised by the number of people each health board reportedly serves.

Appendix B shows the categorisation of each complaint received, and what proportion of received complaints represents for the Local Authority.

Appendix C shows outcomes of the complaints which PSOW closed for the Local Authority in 2021/2022. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix D shows Intervention Rates for all Local Authorities in 2021/2022. An intervention is categorised by either an upheld complaint (either public interest or non-public interest), an early resolution, or a voluntary settlement.

Appendix E shows the outcomes of Code Of Conduct complaints closed by PSOW related to Local Authority in 2021/2022. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix F shows the outcomes of Code of Conduct complaints closed by PSOW related to Town and Community Councils in the Local Authority's area. This table shows both the volume, and the proportion that each outcome represents for each Town or Community Council.

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STANDARDS COMMITTEE
FORWARD WORK PROGRAMME

2022 - 2023

Standards Committee (9.30am unless otherwise stated)

Meeting Date	Agenda Item	Type	CDG/CMB/ Comments	Contact Officer
25 October 2022	Recruitment Exercise	Information		
	Attendance of Group Leader at Standards Committee to seek assurances – Councillor Steve Hunt (Leader)	Information		
	Forward Work Programme	Information		
	Member Code of Conduct Complaints and Local Resolution Process	Information		
	Gifts and Hospitality Received	Information		
	Feedback of attendance at meetings	Information		
	Town and Community Council Standards Update and actions for consideration	Information		

Meeting Date	Agenda Item	Type	CDG/CMB/ Comments	Contact Officer
31 January 2023	Attendance of Group Leader at Standards Committee to seek assurances – Councillor Alun Llewelyn (Deputy Leader)/ Councillor Rob Jones	Information		
	Forward Work Programme	Information		
	Public Service Ombudsman Annual Report	Information		
	Whistleblowing / Anti-Fraud Policy Report	Information		
	Officers Code of Conduct of Employment	Information		
	Standards Committee Complaints Processes	Decision		
	Review of Member Officer Protocol and compliance			
	Corporate Joint Committee Update	Information		

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Meeting Date 2023	Agenda Item	Type	CDG/CMB/ Comments	Contact Officer
11 April 2023	Attendance of Group Leader at Standards Committee to seek assurances – Councillor Martyn Peters	Information		
	Forward Work Programme	Information		
	Member Code of Conduct Complaints and Local Resolution Process	Information		
	Gifts and Hospitality Received	Information		

	Town and Community Council Standards Update and actions for consideration	Decision		
	Standards Committee Annual Report	Decision		

As Needed:

- Ombudsman Code of Conduct Casebook
- Complaints from Public Service Ombudsman
- Dispensation Reports
- Code of Conduct Updates
- Case Law Update
- CJC Updates
- Member Training