



STANDARDS COMMITTEE

9.30 AM - TUESDAY, 13 JUNE 2023

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. Welcome and Chair's Announcements
2. Declarations of Interest
3. Forward Work Programme 2023-24 (*Pages 5 - 6*)
4. Minutes of Previous Meeting (*Pages 7 - 10*)
5. South West Wales Corporate Joint Committee (*Pages 11 - 56*)
6. Attendance at NPT Council and Town Community Council Meetings (*Pages 57 - 62*)
7. Social Media Training for Elected Members (*Pages 63 - 68*)
8. Gifts and Hospitality (*Pages 69 - 80*)
9. Grant of Dispensation under S81(4) of the Local Government Act 2000 (*Pages 81 - 84*)
10. Urgent Items
Any urgent items at the discretion of the Chairperson pursuant to Section 100BA(6)(b) of the Local Government Act 1972 (as amended).

PART 2

11. Access to Meetings
To resolve to exclude the public for the following item(s) pursuant to Section 100A(4) and (5) of the Local Government Act 1972 and the relevant Exempt Paragraphs of Part 4 of Schedule 12A to the above Act
12. Grant of Dispensation under S81(4) of the Local Government Act 2000 (Exempt under Paragraph 12 and 13) (*Pages 85 - 88*)

K.Jones
Chief Executive

Civic Centre
Port Talbot

6 June 2023

Committee Membership:

Chairperson: L.Fleet

**Vice
Chairperson:** T.Ward

**Independent
Members:** A.Davies and D.Lewis

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

**Community
Committee
Member:** C.Edwards

Substitutes:

**NPTCBC
Substitutes:** A.Lodwig and S.Grimshaw

**Community
Committee
Substitute:** G.Francis

- 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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Meeting Date	Agenda Item
June	Corporate Joint Committee Update
	Gifts and Hospitality
	Observation of Council meetings and Town/Community Council Meetings and proforma for completion
	Social Media and Conduct
	Declarations of Interest
September	Public Services Ombudsman for Wales Annual Report
	Member/Officer Protocol and further developments
	Group Leader Invitation –Cllr Helen Ceri Clarke
	Development of Case Studies and guidance for elected members
	Engagement with Members to dispel myths of Standards Committee
	Update report from National Standards Group
December	Role of Adjudication Panel for Wales
	Whistleblowing Update Report
	Relationship with Governance and Audit Committee
April	Group Leader Duties and meeting with Group Leaders
	Candidates for Council and guidance to be issued
	Review of Code of Conduct Training
	Annual Report

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

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STANDARDS COMMITTEE

(Teams/ hybrid at Council Chamber - Port Talbot Civic Centre)

Members Present:

11 April 2023

Chairperson: L.Fleet

Vice Chairperson: T.Ward

Independent Members: A.Davies and D.Lewis

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

Community Committee Members: **Councillor C.Edwards**

Officers In Attendance: T.Davies and C.Griffiths

Invited Attendee: Councillor D.M.Peters (for minute number 5)

1. **WELCOME AND CHAIR'S ANNOUNCEMENTS**

The Chair welcomed everyone to the meeting.

2. **DECLARATIONS OF INTEREST**

None were received.

3. **FORWARD WORK PROGRAMME**

The Head of Legal Services and Monitoring Officer suggested a Forward Work Programme workshop be arranged following the next meeting of the Standards Committee, for Members to advise on any additional items they would like to see as part of the Forward Work Programme for 2023-24.

It was noted that a new Forward Work Programme would then be produced for the start of the new cycle of meetings, following the workshop and the Annual Meeting of Council 2023.

4. **MINUTES OF PREVIOUS MEETING**

The minutes of the meeting of 31 January 2023, were agreed as an accurate record.

5. **GROUP LEADER INVITATION**

Members noted apologies from Councillor H.C.Clarke, Leader of the Coedffranc Liberal and Green Group, due to illness.

The Committee welcomed Councillor D.M.Peters (Leader of the Dyffryn Independent Group) to answer the circulated form of questions to Group Leaders, and to discuss Code of Conduct related matters.

Interest was expressed by Members of the Standards Committee to attend meetings of the various Town and Community Councils.

RESOLVED: That the attendance of the Group Leader of the Dyffryn Independent Group be noted, to ensure that the legal obligations under the Local Government and Elections (Wales) Act 2021, were fulfilled.

6. **GROUP LEADERS DUTIES**

Discussion took place about how Members would wish to promote compliance with the legal duty on Group Leaders, and how best to discharge the Standards Committees duties. It was noted that other Authorities have been requesting that an annual report by each Group Leader be produced in relation to this, and presented to the Standards Committee.

RESOLVED: That the template compliance form included at Appendix 1 to the circulated report, be agreed.

7. **STANDARDS COMMITTEE ANNUAL REPORT**

The Chair welcomed the opportunity to present the report at a future meeting of Council.

RESOLVED: That the draft Annual Report of the Standards Committee be commended to Council for approval, and that delegated authority be given to the Head of Legal and Democratic Services (in consultation with the Chair of the Standards Committee) to amend the report as may be necessary to reflect any updated complaint figures received.

8. **LOCAL RESOLUTION PROCEDURE**

Members considered the appropriateness of the Local Resolution Procedure and discussed whether any amendments should be made.

RESOLVED: That the content of the Local Resolution Procedure be noted.

9. **DISCIPLINARY HEARINGS**

RESOLVED: That the procedure for conducting disciplinary hearings set out in Appendix 1 of the circulated report, be approved.

10. **INDEPENDENT REVIEW**

RESOLVED: That the proposed consultation response by Neath Port Talbot Council, as detailed within the circulated report, be agreed.

11. **URGENT ITEMS**

None were received.

CHAIRPERSON



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

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

13th June 2022

Matter for Information

Wards Affected: All Wards

South West Wales Corporate Joint Committee

Purpose of the Report:

1. To update members on the Standards Committee of Neath Port Talbot Council being declared the Standards Committee of the South West Wales Corporate Joint Committee

Background:

2. The Local Government and Elections (Wales) Act 2021 was passed in November 2021 and the aim of Welsh Government was to “provide local government with new ways to support and serve their communities” and to “reinvigorate local democracy in Wales”. The legislation establishes a framework to support and encourage greater collaboration between local authorities. The Welsh Government aims that the framework will enable a

- “more coherent, consistent, simplified and democratically controlled mechanism” for regional working. This will be achieved, in the main, by new Corporate Joint Committees.
3. Corporate Joint Committees, or CJC's for short, are regional corporate bodies, with broadly similar powers and duties to local authorities. They'll also have similar governance and administrative structures, but will have a level of discretion on constitutional and operational arrangements.
 4. CJC's can employ staff directly, hold assets and manage finances in the same way a local authority would. They're required by law to appoint a Chief Executive, a Finance Officer and a Monitoring Officer.
 5. CJC's are made up of the local authorities named in the Regulations that establish them, and membership is made up of the executive leaders of the local authorities within that region (that is the elected council leaders). National park authorities are also included where one sits wholly or partially within a CJC area.
 6. In January 2022, the South West Wales Corporate Joint Committee (“SWWCJC”) was formerly constituted and will comprise the leaders of the City and County of Swansea Council, Carmarthenshire County Council, Neath Port Talbot County Borough Council, Pembrokeshire County Council and representatives of Brecon Beacons National Park Authority and Pembrokeshire National Park Authority.
 7. The SWWCJC is responsible for strategic development planning, regional transport planning and promoting the economic well-being of their area:
 - (a) Strategic Development Plans - Welsh planning law establishes a framework for local planning authorities to bring forward

- Strategic Development Plans (SDPs). The aim being to deal more effectively with regional cross-boundary issues such as housing and transport, and provide a strategic approach to planning at a greater scale than individual local development plans (LDPs). CJsCs are responsible for preparing the SDPs. Local planning authorities will still prepare LDPs, but these will be more focused in nature.
- (b) Transport functions - CJsCs are also responsible for developing Regional Transport Plans. These plans will replace local transport plans previously prepared by individual authorities.
 - (c) The economic well-being function - CJsCs have the power to promote and improve the economic well-being of their areas. The power may be exercised for the benefit of the whole or part of the CJsCs area, or all or any person resident in the area. It's anticipated that City or Regional Growth Deals will be subsumed by CJsCs, although some aspects of this are still to be ironed out.

Code of Conduct

- 8.** It will be important that members and co-opted members within a CJC are subject to the same standards of conduct as members of constituent councils.
- 9.** The Local Government Act 2000 established an 'ethical framework' for local government in Wales and this same 'ethical framework' will apply to CJsCs.
- 10.** However, it should be noted that ad hoc observers / attendees invited to advise or to present to the CJC will not be subject to the code, but should follow the Nolan principles of public life in the same way as members and co-opted members of the CJC should. It will be for the CJC to ensure that Ad hoc observers are aware of the Nolan principles and are aware of the standards required when invited to advise or present. Ad hoc

observers / attendees should also be required to declare any interests in any CJC meetings they attend.

11. CJC is required to adopt its own code of conduct for members, and its members and co-opted members will be brought under the remit of the Public Services Ombudsman for Wales. At its meeting in January 2022, the SWWCJC adopted the same Members Code of Conduct as that used by Neath Port Talbot Council.
12. On application of the ethical framework the SWWCJC will be required to maintain a register of interests, to be established by the Monitoring Officer, for its members and co-opted members. The SWWCJC will cover a different geographical area to its individual constituent councils and therefore it is considered necessary for a separate relevant register of interests to be maintained to cover the functions and geographic area of the CJC (and in relation to relevant matters outside the areas to which CJsCs may influence and to which members may benefit).

Standards Committee

13. On application of Part 3 of the Local Government Act 2000 the CJC is required to appoint a standards sub-committee. The way in which this requirement is satisfied is for the CJC to determine. There are a number of approaches the CJC could have pursued, these include, utilising an existing standards committee of one of its constituent councils, establishing its own standards sub-committee, which could be populated in line with the principles within the Standards Committee (Wales) Regulations 2001 but by members of the standards committees of the constituent councils, establishing a standards sub-committee in line with the Standards Committee (Wales) Regulations 2001.

14. Accordingly, it was resolved by the CJC in its January 2022 meeting that as the Monitoring Officer for the CJC is the Monitoring Officer of Neath Port Talbot Council that the Neath Port Talbot Standards Committee be designated the Standards Committee of the CJC.
15. What this in essence means for the Standards Committee of Neath Port Talbot, is that it will oversee the standards functions of those members appointed to the CJC. However, the remit shall only apply to those matters which relate to the CJC. Where a matter relates to a members conduct in general and not specifically relating to CJC activities then the Standards Committee of that member's constituent council will have primacy.

Work to Date

16. Since the incorporation of the CJC a number of steps have been taken to promote ethical standards of behaviour
 - (a) A member code of conduct similar to those in place by County Borough Councils has been adopted;
 - (b) Policies in respect of gifts and hospitality, expenses and officer/member protocols have been adopted. These have taken the form of the model adopted by Neath Port Talbot Council;
 - (c) Advisors who have been appointed to sit on an Advisor Group to provide advice to the CJC have been asked to sign an Advisor Agreement which commits advisors to comply with the obligations of the Nolan principles and the same principles we place on elected members in matters such as interests and ethical decision making.
17. A copy of these documents are enclosed at Appendix 1.
18. To date there have been no complaints in respect of the conduct of members of the CJC.

Financial Impacts:

19. No implications.

Integrated Impact Assessment:

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

Valleys Communities Impacts:

21. No implications

Workforce Impacts:

22. No implications

Legal Impacts:

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

Consultation:

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

Recommendations:

25. That Members note the delegation of the standards committee function of the South West Wales Corporate Joint Committee to Neath Port Talbot Council Standards Committee and the work programme undertaken to date.

Appendices:

26. Appendix 1 – CJC Documentation in respect of Ethical Standards.

List of Background Papers:

27. None

Officer Contact:

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

Scope of Procedure

South West Wales Corporate Joint Committee (“CJC”) 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 CJC.

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 CJC, 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 Member actions. 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 CJC is a regulatory body but also has powers to enhance the prospects of the community which may be harmed by unauthorised disclosure.

Local Resolution Procedure

- 2.1 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.

- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 The Local Resolution Panel will comprise three members of the Standards Committee (with at least two being lay independent members). No Member shall serve who has had a previous involvement with the matter. The Panel will meet in private.
- 2.6 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.
- 2.7 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:
- 2.7.1 No basis for the complaint
- 2.7.2 A basis for the complaint but no further action is necessary or

- 2.7.3 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 CJC.
- 2.8 The complainant Member may refer the matter to the PSOW and the PSOW will consider whether to investigate.
- 2.9 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.
- 2.10 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.

South West Wales Corporate Joint Committee Members' Code of Conduct

THE MODEL CODE OF CONDUCT PART 1

1. Interpretation

1.1 In this code –

“co-opted members” (aelod cyfetholedig”), in relation to the CJC, means a person who is not a member of the CJC prescribed by law or the Constitution but who –

- (a) is a member of the CJC, any committee or sub-committee of the CJC, or
- (b) is a member of, and represents the CJC on, any joint committee or joint sub-committee of the CJC, and who is entitled to vote on any question which falls to be decided at any meeting of the CJC or sub-committee;

“meeting” (“cyfarfod”) means any meeting -

- (a) of the CJC;
- (b) of any committee, sub-committee, joint committee or joint sub-committee of the CJC or of any such committee, sub-committee, joint committee or joint sub-committee of the CJC, or
- (d) where members or officers of the CJC are present other than a meeting of a political group constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” (“aelod”) includes, unless the context requires otherwise, a co-opted member;

“registered society” (“cymdeithas cofrestredig”) means a society, other than a society registered as a credit unit, which is –

- (a) a registered society within the meaning given by Section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

“register of members’ interests” (“confrestr o fuddiannau’r aelodau”) means the register established and maintained under Section 81 of the Local Government Act 2000;

“CJC” (“awdurdod perthnasol”) means the South West Wales Corporate Joint Committee

“you” (“chi”) means you as a member or co-opted member of the CJC; and

1.2 In relation to a Community Council –

- (a) “proper officer” (“swyddog priodol”) means an officer of that Council within the meaning of Section 270(3) of the Local Government Act 1972; and
- (b) “standards committee” (“pwyllgor safonau”) means the standards committee of the County or County Borough Council which has functions in relation to the Community Council for which it is responsible under Section 56(1) and (2) of the Local Government Act 2000.

PART 2

2. General Provisions

2.1 Save where paragraph 3(a) applies, you must observe this code of conduct –

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

- (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of the CJC; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

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

2.3 Where you are elected, appointed or nominated by the CJC to serve:-

- (a) on another CJC, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
- (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this conduct, except and insofar as it conflicts with any other lawful obligations for which that other body may be subject.

2.4 You must:-

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the CJC.

2.5 You must not:-

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required is entitled by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

2.6. You must:-

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through the CJC's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, the CJC which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to the CJC's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, the CJC.

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

2.8 You must not:-

- (a) in your official capacity, or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of the CJC:-
 - (i) imprudently;
 - (ii) in breach of the CJC's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

2.9 You must:-

- (a) when participating in meetings or reaching decisions regarding the business of the CJC, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by the CJC's officers, in particular by:-
 - (i) the CJC's Chief Executive;
 - (ii) the CJC's Chief Finance Officer;
 - (iii) the CJC's Monitoring Officer (who should be consulted when there is any doubt as to the CJC's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the CJC might have important repercussions)
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the CJC.

2.10 You must:-

- (a) observe the law and the CJC's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by the CJC), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3

3. Interests

Personal Interests

- 3.1 You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- 3.2 You must regard yourself as having a personal interest in any business of the CJC if:-
 - (a) it relates to, or is likely to affect:-
 - (i) any employment or business carried on by you;
 - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
 - (iii) any person, other than the CJC, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
 - (iv) any corporate body which has a place of business or land in the CJC's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or

- one hundredth of the total issued share capital of that body;
- (v) any contract for goods, services or works made between the CJC and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - (vi) any land in which you have a beneficial interest and which is in the area of the CJC;
 - (vii) any land where the landlord is the CJC and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;
 - (viii) any body to which you have been elected, appointed or nominated by the CJC;
 - (ix) any:-
 - (aa) public authority or body exercising functions of a public nature;
 - (bb) company, registered society, charity, or body directed to charitable purposes;
 - (cc) body whose principal purposes include the influence of public opinion or policy;
 - (dd) trade union or professional association; or
 - (ee) private club, society or association operating within the CJC's area,

in which you have membership or hold a position of general control or management
 - (x) any land in the CJC's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[Note: subparagraph (b) is omitted.]

- (b) a decision upon it might reasonably be regarded as affecting:-
 - (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
 - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
 - (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are partner, or any company of which they are directors;
 - (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management to a greater extent than the majority of:-
 - (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

- 3.3 Where you have a personal interest in any business of the CJC and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the

commencement of that consideration, or when the interest becomes apparent.

- 3.4 Where you have a personal interest in any business of the CJC and you make:-
- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of the CJC regarding that business, you should include details of that interest in the written communication; or
 - (b) oral representations (whether in person or some form of electronic communication) to a member or officer of the CJC you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.
- 3.5 Subject to paragraph 14.1(b), where you have a personal interest in any business of the CJC, and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- 3.6 You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11.1, give written notification to the CJC in accordance with any requirements identified by the CJC's monitoring officer, or in relation to a community council, the CJC's proper officer from time to time but, as a minimum containing:-
- (a) details of the personal interest;
 - (b) details of the business to which the personal interest relates; and
 - (c) your signature
- 3.7 Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information pursuant to paragraph 16.1, your obligations

under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

- 3.8 For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last day on which you were elected, appointed or nominated as a member of the CJC.
- 3.9 For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

- 3.10 Subject to sub-paragraph (2) below, where you have a personal interest in any business of the CJC you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 3.11 Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business:-
- (a) relates to:-
- (i) another CJC or authority of which you are also a member;
 - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
 - (iii) a body to which you have been elected, appointed or nominated by the CJC;
 - (iv) your role as a school governor (where not appointed or nominated by the CJC) unless it relates particularly to the school of which you are a governor;

- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by the CJC;
- (b) relates to:-
- (i) the housing functions of the CJC where you hold a tenancy or lease with the CJC, provided that you do not have arrears of rent with the CJC of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) the functions of the CJC in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends.
 - (iii) the functions of the CJC in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from the CJC;
 - (iv) the functions of the CJC in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under Section 18 of the Local Government and Housing Act 1989;
- (c) Your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

3.12 The exemptions in sub-paragraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Scrutiny Committees

3.13 You also have a prejudicial interest in any business before a scrutiny committee of the CJC (or of a sub-committee of such a committee) where:-

- (a) that business relates to a decision made (whether implemented or not) or action taken by the CJC's or another of the CJC's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

3.14 Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interests in any business of the CJC you must, unless you have obtained a dispensation from the CJC's standards committee:-

- (a) withdraw from the room, chamber or place where a meeting considering the business is being held:-
 - (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
 - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
- (b) not exercise executive or board functions in relation to that business;
- (c) not seek to influence a decision about that business;

- (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
- (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

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

- (a) where you have a prejudicial interest in any business of the CJC you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.
- (b) When submitting written representations under sub-paragraph (a) you must comply with any procedure that the CJC may adopt for the submission of such representations.

3.16 Sub-paragraph (1) does not prevent you attending and participating in a meeting if:-

- (a) you are required to attend a meeting of a scrutiny committee, by such committee exercising its statutory powers; or
- (b) you have the benefit of a dispensation provided that you:-
 - (i) state at the meeting that you are relying on the dispensation; and

- (ii) before or immediately after the close of the meeting give written notification to the CJC containing:-
 - (aa) details of the prejudicial interest;
 - (bb) details of the business to which the prejudicial interest relates;
 - (cc) details of, and the date on which, the dispensation was granted; and
 - (dd) your signature.

3.17 Where you have a prejudicial interest and are making written or oral representations to the CJC in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to the CJC within 14 days of making the representation.

PART 4

4. THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests

- 4.1 Subject to paragraph (4), you must, within 28 days of:-
- (a) the CJC's code of conduct being adopted or the mandatory provisions of this model code being applied to the CJC; or
 - (b) your election or appointment to office (if that is later), register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in the CJC's register of members' interests by providing written notification to the CJC's monitoring officer.
- 4.2 Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in the CJC's register of members' interests by providing written notification to the CJC's monitoring officer.

- 4.3 Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in the CJC's register of members' interests by providing written notification to the CJC's monitoring officer, or in the case of a community council to the CJC's proper officer.
- 4.4 Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).
- 4.5 Sub-paragraphs (1) and (2) do not apply if you are a member of a CJC which is a community council when you act in your capacity as a member of such an authority.
- 4.6 You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in the CJC's register of members' interests by providing written notification to the CJC's monitoring officer, or in the case of a community council to the CJC's proper officer.

Sensitive Information

- 4.7 Where you consider that the information relating to any of your personal interests is sensitive information, and the CJC's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.
- 4.8 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify the CJC's monitoring officer, or in relation to a community council, the CJC's proper officer asking that the information be included in the CJC's register of members' interests.
- 4.9 In this code, "sensitive information" ("gwybodaeth sensitif") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

- 4.10. You must within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of the CJC, provide written notification to the CJC's monitoring officer, or in relation to the community council, to the CJC's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

Policy On Members Gifts, Material Benefits, Advantages And Hospitality

1. Introduction

- 1.1. This Policy is made in accordance with the Statutory Code of Conduct for Members (“the Code”) as adopted by South West Wales Corporate Joint Committee (“CJC”). As such it applies to all Members including co-opted Members, of the CJC. Both Members and co-opted Members are referred to as ‘Members’ hereafter.
- 1.2. Members should complete their notification on the attached form and send it to the CJC’s Monitoring Officer within the time limit specified in this Policy. The completed forms will form the Register of Gifts and Hospitality (a copy of which is made available to the public on request).
- 1.3. Please note that this policy only applies in respect of gifts, material benefits and hospitality provided to Members in respect of their role with the CJC. Any gifts, material benefits and hospitality provided to Members in accordance with their role within their constituent authority shall be dealt with in accordance with that authority’s policy.

2. Statutory Basis

- 2.1. The statutory principles which are to govern Member conduct say that Members “must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour” (b)
- 2.2. Also the same principles state Members “must act solely in the public interest – they must never use their position as Members to improperly confer advantage on themselves or to improperly confer advantage on others” (c)
- 2.3. The CJC has adopted the Code without amendment.

- 2.4. The Code says Members “must avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a Civic Reception or a working lunch duly authorised by the CJC) material benefits or services for themselves or any person with whom the Member is living that would, or might reasonably appear to, place them under an improper obligation” (d)
- 2.5. The Code further says Members must not in their official capacity or otherwise, use their position improperly to confer on or secure an advantage for themselves or any other person (e)
- 2.6. Members must give the notification of the acceptance of gifts, material benefits, advantages or hospitality by giving the information required on the relevant Form approved for the purpose. Such form must be returned to the CJC’s Monitoring Officer within 28 days of receipt.

3. **The Register**

- 3.1. The requirement to register applies to gifts and hospitality received as a Member but Members should consider the overall propriety of accepting the same bearing in mind the likely public perception.
- 3.2. The CJC’s Monitoring Officer is required by law to keep a Register of all notifications made by Members.
- 3.3. The Register will be open to public inspection during all normal office hours.
- 3.4. The Register will be kept at the Civic Centre, Port Talbot under the custody and control of the CJC’s Monitoring Officer.

4. **The Threshold**

- 4.1. Members must notify receipt of gifts, material benefits, advantages and hospitality **irrespective of value.**

5. **Civic Gifts**

5.1. The receipt by a Member of a gift accepted on behalf of CJC is not subject to the Code. Members should note that the CJC requires that a gift accepted by a Member on behalf of this CJC i.e. a civic gift, should be given into the custody of an appropriate officer (usually this will be the Mayor's Secretary who will keep a manifest of gifts received and will keep them in safe custody). If any decision is needed as to the disposal of civic gifts the Chief Executive shall determine what is to happen to them. For the avoidance of doubt disposal can be by donation to a charity (including the Mayor's Charity) or by giving the same for the use of the public, or a sector of the public, or to an organisation for Community purposes/or to a not for profit voluntary organisation whose main purposes are charitable/or Community based. If donated by CJC to another body or organisation as described, the recipient may auction, raffle or sell the gift and apply the monies received to fulfil their main charitable/or Community purposes.

6. Matters which it is not necessary to disclose

6.1. It is not necessary for Members to notify the CJC's Monitoring Officer of receipt of promotional gifts, pens, calendars, diaries, mousemats etc. of only a nominal value below the threshold and Members are discouraged from making such notification for registration.

6.2. It is encouraged that a Member record with the Monitoring Officer offers of hospitality or gifts declined and the appropriate form shall be utilise to achieve this.

7. Hospitality

7.1. The CJC regards working lunches or their equivalent as appropriate hospitality and a proper way of doing business provided that they are generally authorised by CJC and involve no extravagance and would be considered within the bounds of normal courtesy lunches i.e. following working parties, Committee meetings, partnership meetings etc. including Seminars, Conferences or similar events.

- 7.2. Likewise the CJC authorises the receiving of official hospitality – such as Civic Receptions, by Members as by persons living with them.
- 7.3. Otherwise the CJC requires that Members should only accept offers of hospitality if it is generally felt that the CJC interests are served by attendance or that it is appropriate for the Authority to be seen to be represented at the event. The same test should be applied by Members in judging whether it would be reasonable for a Member to attend a social function, sporting or similar event organised by outside persons or bodies. Members who are offered hospitality of a social nature must consider how the offer might be viewed from the perspective of a member of the public.
- 7.4. Hospitality covered by 7.1 and 7.2 will not need to be notified to the CJC's Monitoring Officer. However, hospitality mentioned in 7.3 must be notified in the usual manner to the CJC's Monitoring Officer.
- 7.5. Additionally, Members who wish to accept any form of hospitality covered by 7.3 above are advised to seek appropriate advice beforehand from the CJC's Chief Executive, Finance Officer or Monitoring Officer.
- 7.6. Acceptance by Members of hospitality through attendance at conferences, seminars and other similar events is permissible when it is clear that the hospitality is corporate rather than personal in nature and where it is clear that the CJC's position is not compromised.
- 7.7. Where visits to sites to view proposed developments or to view vehicles, equipment, any goods or service delivery or similar are required or Members attend any demonstrations relating to same including software/IT demonstrations Members must ensure that the cost of such visits are borne by the CJC to avoid jeopardising the integrity of any subsequent purchasing decision. Members may accept mere modest courtesy hospitality on the basis that purchasing decisions are not thereby likely to be compromised.

- 7.8. Members must not avail themselves of the services of contractors or suppliers engaged by the Authority where goods, labour, plant or similar are made available at cost, trade or discount prices. The only exception permissible is where such discounts are generally available to members of the public.
- 7.9. Members should be mindful of the timing of any acceptance of any gift, material benefits, advantages and hospitality in relation to decisions which the CJC may be taking affecting those providing the same.
- 7.10. When gifts, material benefits, advantages and hospitality have to be declined, those making the offer should be courteously, but firmly informed of the procedures and standards operated within the Authority.

8. Other Considerations

- 8.1. Members should balance the practicalities of operating in public life against any misconception which would arise with the public were Members to be perceived as being able to receive lavish or expensive gifts, material benefits or advantages and hospitality of a similar nature.
- 8.2. The CJC requires Members to refrain from accepting disproportionately generous offers which could create an improper obligation, particularly if linked into any actual or potential commercial transaction with the authority.

9. General

- 9.1. The threshold value for the notification and registration of gifts, material benefits, advantages and hospitality will be reviewed from time to time by CJC.
- 9.2. When Notification is required a separate notification for each class of receipt is to be given and Members should separately declare each receipt.

**SOUTH WEST WALES CORPORATE JOINT COMMITTEE
MEMBER'S CODE OF CONDUCT**

**Notification by a Member of the Receipt of a Gift/Material
Benefit/Advantage or Hospitality**

I, (full name)

Give Notice that I have received/declined the following gift, material benefit, advantage or hospitality

And (tick as appropriate)

In the case of hospitality I have paid the cost myself

When was the offer made?

Who was the offer made to?

Who was the offer made by?

.....

What was the nature of the gift, material benefit, advantage or hospitality?

Signed Date

Received Date

Note – This form must be submitted within 28 days of receipt of the gift, material benefit, advantage or hospitality

Members' Travelling and Subsistence Allowances

11. General

- 11.1 Claims for Travel and Subsistence expenses shall be paid in accordance with the Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002 and the 2007 Regulations effective from 3rd December 2008, in accordance with the provisions below.
- 11.2 A Member shall be entitled to receive payments by way of Travel Allowance or Subsistence Allowance at rates determined each year by the CJC where expenditure on travel or subsistence is necessarily incurred by that Member in the performance of an approved duty as a Member of the CJC.
- 11.3 Members are encouraged to consider whether the travelling arrangement can be avoided and alternative forums can be utilised to meet desired needs i.e. use of online platforms such as Microsoft TEAMS/Zoom or participation via telephone.
- 11.4 Where a Member makes use of his/her private car for approved duty purposes, arrangements must be made to ensure that the vehicle complies with all legislative requirements re: road worthiness including:
- Valid Road Fund Licence
 - MOT Certificate (where required)
 - Insured for Business Use
- with proof to be provided to the CJC on request.
- 11.5 Where Members utilise his/her private car the Member shall ensure they comply with any appropriate policies to which they are notified by the Chief Executive and Monitoring Officer concerning the use of vehicles.
- 11.6 Any claim for payment of Travel and Subsistence Allowances in accordance with these Regulations shall be accompanied

by appropriate receipts proving actual expenses, subject to any requirement or limitation that the CJC may determine.

12. Private Car etc.

12.1 The rate for travel by private car shall be:-

Up to 10,000 miles per annum	45p per mile
Over 10,000 miles per annum	25p per mile
Passenger supplement	5p per mile
Private motor cycles	24p per mile
Pedal cycles	20p per mile

12.2 For outward journeys in excess of 100 miles, the lower of 1st class rail fare (where appropriate) or the appropriate car mileage rate will be paid regardless of the actual mode of transport.

12.3 Only one mileage claim will be paid for up to four Members and/or officers attending the same approved duty unless there are logistical, operational or economic reasons why this is unreasonable in which case specific authorisation of the Chief Finance Officer will be required.

12.4 All mileage claims should be supported by a fuel VAT receipt

13. Rail etc.

13.1 For travel by rail, the actual costs incurred may be claimed supported by a valid receipt or ticket to support the claim.

13.2 Bus or Taxi Fares may be reimbursed in full provided that it is unreasonable that public transport could have been used and that the claim is supported by a proper receipt.

13.3 Air Travel costs may be reimbursed in full provided that no other means of practical, operationally efficient or economic travel is available. Specific approval in advance by the Chief Finance Officer is required for all air travel.

Subsistence

14. Day Allowances

14.1 Meal Allowances are payable only for meals taken outside the area of the CJC. Only actual costs incurred shall be reimbursed up to the maximum below, and subject to the production of paid receipts to an overall maximum of £28.00 per day (including breakfast when not provided as part of overnight accommodation).

- (a) Breakfast allowance (more than 4 hours away from normal place of residence before 11.00am) = £6.88).
- (b) Lunch allowance (more than 4 hours away from normal place of residence including the lunchtime period between 12 noon and 2.00pm) = £9.49.
- (c) Tea allowance (more than 4 hours away from normal place of residence including the period 3.00pm to 6.00pm) = £3.73.
- (d) Evening Meal allowance (more than 4 hours away from normal place of residence ending after 7.00pm) = £22.90.

Where meals are taken on a train, the reasonable cost of the meal (supported by receipts), will be reimbursed, subject to the overall maximum of £28.00 per day.

Where Members are required to visit countries outside the U.K., the reasonable costs of meals actually incurred shall be reimbursed in full upon production of receipts.

15. Overnight Accommodation

15.1 Only actual costs incurred shall be reimbursed up to the maximum below, and subject to the production of paid receipts:-

London	£150.00	Per night
Outside London	£95.00	Per night
Cardiff	£120.00	Per night

15.2 Alternatively, in certain circumstances e.g. conference hotels or where no suitable accommodation is available, overnight accommodation may be pre-booked and paid for by the CJC in excess of the above limits, subject to reasonableness and approval of the Chief Executive.

15.3 No allowance is paid where Members stay with friends or relatives.

16. Administrative Arrangements

16.1 Travel and subsistence allowances may be claimed by submitting a claim by the 8th of a month to the Chief Finance Officer. Payment will be made direct to bank on a monthly basis. Claims over three months old will not be paid unless there are extenuating circumstances justifying the late claim which must be approved by the Chief Finance Officer. Claim forms can be obtained from the Monitoring Officer.

16.2 It is acknowledged however that a monthly reimbursement may not always be appropriate for all Members and therefore the following arrangements are also available:-

16.2.1 The provision of travel warrants on request.

16.2.2 The booking of accommodation by the CJC when required and the direct billing of such charges to the CJC.

16.2.3 An advance payment of expenses already incurred by cheque when the amount outstanding becomes excessive.

16.2.4 An advance payment of expenses already incurred by cheque at the discretion of the Chief Finance Officer in extenuating circumstances.

16.2.5 An advance payment when Members are attending a conference.

16.2.6 A payment of expenses already incurred in cash.

16.3 The duration of a Member's approved duties on any one day will be the total of:-

16.3.1 actual travelling time.

16.3.2 additional travelling time to home and return can be taken into account when there are separate approved duties in both morning and afternoon periods.

16.3.3 the actual length of time of a meeting, plus up to two hours actual time on other Council business, immediately before or after the meeting.

16.3.4 "attendance" need not necessarily be at any of the CJC or constituent councils offices, for example an invitation to attend a day or evening meeting, forum, function, seminar etc. in connection with the function of the CJC and at which the Chief Executive considers the CJCI should be represented are acceptable.

17. Approved Duties for Subsistence

17.1 Attendance at a meeting of the CJC or of any committee of the CJC or of any body to which the CJC makes appointments or nominations or of any committee of such a body.

17.2 Attendance at a meeting of any association of authorities of which the CJC is a member.

17.3 Attendance at any other meeting the holding of which is authorised by the CJC or by a committee of the CJC or by a joint committee of the CJC and one or more other authorities.

17.4 A duty undertaken for the purpose of or in connection with the discharge of the functions of the executive.

17.5 A duty undertaken in pursuance of a standing order which requires a member or members to be present when tender documents are opened.

- 17.6 A duty undertaken in connection with the discharge of any function of the CJC which empowers or requires the CJC to inspect or authorise the inspection of premises.
- 17.7 Attendance at any training or developmental event approved by the CJC or its executive or board.
- 17.8 Any other duty approved by the CJC, or any other duty of a class so approved, undertaken for the purpose of, or in connection with, the discharge of the functions of the CJC or of any of its committees, including attendance by Members at the request of the Chief Executive in connection with the functions of the CJC, and including attendance at Conferences, Seminars and Courses as an authorised representative of the CJC.

Protocol on Member/Officer Relations

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

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

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

1. Underlying Principles

The following general principles apply to all relations involving Members and Officers.

All relations shall be conducted:

- with respect for others and in a way which promotes equality
- with honesty and integrity
- acknowledging the duty to uphold the law and act in accordance with the trust placed in them by the public
- in a way that promotes objectivity, accountability and openness
- acknowledging the duty of confidentiality that exists in relation to information given in confidence and information which the CJC is entitled by law to treat as confidential
- with a view to establishing and promoting positive working relationships

2. Member/Officer Relationships generally

Both Members and Officers are involved in public service. However, their respective roles are quite different:

- Members are responsible to the electorate;
- Officers are responsible to the Chief Executive and to their respective Corporate Directors.

Individual Members are not permitted to give instructions to Officers unless specifically authorised to do so by the CJC.

An Officer's job, where it is part of his/her duties, is to provide appropriate advice to Members with impartiality. Such advice must be given in an equitable manner, irrespective of the political nature of the elected Member concerned.

For the effective conduct of CJC business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Officers. This plays a very important part in the CJC's reputation and how it is seen in public. It is very important that both Members and Officers remember their respective obligations to enhance the CJC's reputation and to do what they can to avoid criticism of other Members, or other Officers, in public places.

It is important in any dealings between Members and Officers that neither should seek to take unfair advantage of their position.

In their dealings with Officers (especially junior Officers) 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.

A Member should not apply undue pressure on an Officer 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 CJC property and services.

Similarly, an Officer 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 Officers.

Close personal familiarity between individual Members and Officers 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.

3. Roles of Members

All Members will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) participate in the governance and management of the CJC;
- (iii) represent their communities and bring their views into the CJC's decision-making process, i.e. become the advocate of and for their communities;
- (iv) deal with individual casework and act as an advocate for constituents in seeking to resolve particular concerns or grievances;
- (v) balance different interests identified within the electoral division and represent the electoral division as a whole;
- (vi) contribute to the continual improvement of CJC services
- (vii) be involved in decision-making;
- (viii) be available to represent the CJC on other bodies; and
- (ix) maintain the highest standards of conduct and ethics.

In carrying out their roles, Members should respect the political neutrality and integrity of all officers employed by the CJC.

Members should be aware of the need to declare interests when meeting with officers outside of formal CJC meetings as the Member's Code of Conduct equally applies in telephone calls, face to face meetings and virtual meetings

4. Roles of Officers

The role of Officers is to work for and serve the CJC as a whole. They shall be responsible for the day-to-day managerial activities and operational decisions which the CJC takes and should provide support to all Members in their several roles. Such support must be given in an equitable manner, irrespective of the political nature of the elected Member concerned.

The Chief Executive and Statutory Officers shall be entitled to offer advice at meetings of all member bodies if he/she thinks it is necessary to ensure that all relevant matters are taken into account.

Where an Officer feels that his/her political neutrality or integrity is being compromised in any way, he/she shall notify the Chief Executive.

Officers should at all times be aware of whether they occupy a politically sensitive or specified post. The Local Government and Housing Act 1989 (LGHA 1989), as amended by the Local Democracy, Economic Development and Construction Act 2009 imposes restrictions on the political activities of local government Officers and prevents an individual from having any active political role either in or outside the workplace. Further advice should be sought from the Head of Legal and Democratic Services where appropriate.

5. Relationship between Leader; Cabinet Members; Chairs/ Members of Scrutiny Committees; other Committees; and Officers

Whilst there is necessarily going to be a close working relationship between certain Members (e.g. the Leader of the CJC) and the Chief Executive, such relationships should never be allowed to become so close or appear to be so close, as to damage the professional relationship and prove embarrassing to other Officers and other Members.

Given the nature of the respective roles of Members and Officers, it is accepted that the Officers, while remaining politically neutral, will inevitably give advice on a wider range of issues and on a more regular basis. Officers are obliged to

respond positively to any requests from Members of Scrutiny and other Committees for appropriate advice and information relevant to any issues under consideration.

6. Other Individuals who are Members of CJC Committees

Other individuals who are members of CJC Committees, e.g. through co-option, shall follow and shall be treated in accordance with the underlying principles set out in this Protocol. Additionally, any duties of confidentiality which they owe to the body they are representing shall be respected.

Such individuals shall have the same right to advice from Officers on CJC related matters as Members have.

Conflicts of interest between a person's personal, professional or business interests and those of the CJC may arise from time to time. Such conflicts shall be declared and dealt with in accordance with the CJC's procedures.

7. Press and Media Relations

Officers dealing with the press and media, and any press/media releases that are issued, should not seek to further the interests of a political party or a particular Member other than as a representative of the CJC.

The CJC will follow such national codes and guidance on press and publicity as are in force from time to time.

8. Correspondence

Members may not commit the CJC to any contract or course of action, and should ensure in personal correspondence that personal or political views expressed cannot be taken by the recipient to represent those of the CJC.

9. Breach of protocol

If a Member considers that he has not been treated with proper respect or courtesy he may raise the issue with the Chief Executive. 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 Officer concerned. Breach of the Protocol may give rise to disciplinary proceedings against an Officer if the circumstances warrant it.

If an Officer considers that a Member has contravened the protocol he should consult his line manager who will if necessary involve the Chief Executive. 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.



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

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

13th June 2023

Matter for Decision

Wards Affected: All Wards

Attendance at NPT Council and Town/Community Council Meetings

Purpose of the Report:

To agree a protocol in respect of the observation of Neath Port Talbot Council meetings and Town and Community Council meetings

Background:

There are a number of roles and functions of the Standards Committee, one of which is to promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives of the Council.

As part of the Committee's work programme for the forthcoming year, members identified in their Annual Report 2022/2023 that they wished to continue to observe proceedings at Council and Committee meetings and to give feedback and observations to help inform its work priorities.

To this end a list of Neath Port Talbot Council meetings will be forwarded to all Standard Committee members along with a list of Town and Community Council meetings that are to take place throughout 2023/2024 for members to identify if there would be any they wish to attend to observe.

Following attendance at each meeting, Standards Committee members will be asked to complete a feedback form, which is enclosed at Appendix 1, which will be brought before the Standards Committee for further discussion on a quarterly basis. A copy of the same will also be forwarded to any Town/Community Council that is visited.

It would be hoped that a representative of the Standards Committee will attend every Town and Community Council in the Neath Port Talbot area during the course of this coming year and the Monitoring Officer will assist in facilitating a list of those councils that have been visited to aid in preparation and identifying dates.

Financial Impacts:

Members will be remunerated for attendance under the allowance scheme agreed by the Independent Remuneration Panel and the Council's Member Remuneration Policy.

Integrated Impact Assessment:

An Integrated Impact Assessment is not required 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 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 Members agree the protocol for members of the Standards Committee in respect of the observation of Neath Port Talbot Council meetings and Town and Community Council meetings contained in this report and approve the draft feedback form for usage contained at Appendix 1.

Appendices:

Appendix 1- Draft Feedback Form

List of Background Papers:

None

Officer Contact:

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**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
STANDARDS COMMITTEE
OBSERVATION OF MEETINGS
FEEDBACK FORM**

Council Name	
Name of Meeting i.e. Full Council / Cabinet/ Scrutiny Committee	
Meeting Date	

Please provide feedback on the following areas:

Question	Commentary
Were you able to access the meeting either virtually or in person and were there any difficulties?	
Were you able to identify the status of individuals in the meeting i.e. officer or member?	
Were you able to hear and see all aspects of the meeting?	

Were you able to access an agenda or copies of reports prior to the meeting?	
How was the meeting managed?	
Were you able to understand the decisions that were being at the meeting and was there clarity in the process?	
Did you have any concerns relating to standards or ethics?	

I agree that my feedback can be shared both with the Standards Committee and the Council to whom this feedback relates.

Signed:

Date:

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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

13th June 2023

Matter for Decision

Wards Affected: All Wards

Social Media Training for Elected Members

Purpose of the Report:

To provide an update to members of the Standards Committee of the guidance that elected members receive in respect of social media and to agree the establishment of a Task and Finish Group to specifically look at the issues of social media, with the aim that a report be brought to the Standards Committee with recommendations for members to consider.

Background:

Effective communication is vital for councillors. Social media can play a key role in achieving this, provided it is used in the right way.

Social media can enable councillors to:

- promote the work they are doing to a variety of audience
- engage with residents, businesses and community groups
- listen to conversations and issues going on in their local areas.

The Member Code of Conduct and relevant legislation applies online and in social media. If a member is referring to themselves online in any way to their

role as a councillor, they are deemed to be acting in their 'official capacity' and any conduct may fall within the code.

Recent years have seen a small increase in a number of complaints that have been made to the Ombudsman or members of the public contacting the Monitoring Officer regarding comments that have been placed by Members on social media platforms such as Facebook and Twitter, to which they have taken objection to and wish to complain further. The Ombudsman have found that there has been no breach of the Members Code of Conduct in any of these complaints but nevertheless they are becoming more mindful of such issues.

To illustrate the approach from the Ombudsman, in a case from 2020, the Ombudsman received a complaint that a member of Sully and Lavernock Community Council failed to observe the Code of Conduct for elected members. It was alleged that the member made a series of public posts, on the social media platform Facebook, which could have the potential to damage the reputation of the Council. The Ombudsman found that 3 public posts, dated between 10 January and 11 March 2019, which made reference to high profile female politicians, were gratuitously offensive and could reasonably be regarded as bringing the Councillor's Office or Authority into disrepute which was suggestive of a breach of paragraph of 6(1)(a) of the Code of Conduct. The Ombudsman considered that the language used went beyond political expression and was so egregious that, should a breach of the Code of Conduct be found and a sanction imposed, it would be a proportionate interference with the Councillor's right to freedom of expression. The Ombudsman also found that the Councillor had failed to supply evidence he claimed to hold in respect of the privacy of the posts and that, in refusing to provide information, he had failed to comply with a request in connection with the investigation which was suggestive of a breach of paragraph 6(2) of the Code of Conduct. The Ombudsman referred his investigation report to the Adjudication Panel for Wales for its consideration, who suspended the member for 15 months

The below are some principles that that have stemmed from recent Ombudsman and WLGA guidance:

- Members need to take note of the comments that other people make on their site. It may be a fine line to tread, but if they allow offensive or disrespectful comments to stand on their site then the Ombudsman has taken the view that it can put off other members of their community and expose the member to Code of Conduct issues.
- Words cannot be unspoken and even if members delete a hastily fired off blog post or tweet, it will probably have already been read and will be referenced or duplicated in places on the web beyond their reach. If they

- include photographs or other images, they may need to consider whether anyone shown in the photographs or images might reasonably object
- If they publish an untrue statement about a person which is damaging to their reputation they may take a libel action against them. This will also apply if they allow someone else to publish something libellous on their website if they know about it and don't take prompt action to remove it. Guidance produced by the Ombudsman does suggest that comments that are making inaccurate criticism of your authority in a public arena might well be regarded as bringing the Council into disrepute so caution should be exercised when comments are being made.

As part of member induction, all members receive training in respect of the Members Code of Conduct. Members will note the training is an introductory session, designed to cover

- What is social media?
- The benefits of social media
- Issues that must be considered
- How does the code of conduct apply?
- General principles/rules for consideration

Members also received training from the Welsh Local Government Association on Social Media and its benefits.

This training includes:

- Why use social media?
- How is social media used?
- Your Audience
- Brand and Guidelines
- Planning your social media
- Social media management tools
- Using Analytics
- Social media Platforms
- email mailing list
- Types of content (images and graphics, creating videos)
- Social media top tips

In their Annual Report of 2022/2023, members of the Standards Committee indicated as part of their future priorities they would wish to look more at social media. The increased use of social media means the accountability and conduct of members is of the utmost importance. The Standards Committee proposed a piece of work to look at social media training and what more can be done to

guide and support members in their use of social media platforms and to ensure conducts and behaviour are being considered in usage.

Accordingly it would be proposed a short task and finish group be established to look specifically at issues of social media, with a report being brought back to the Standards Committee of factors for elected members to consider and perhaps the preparation of some useful guidance material that members can take into account.

It would be proposed the Task and Finish Group be comprised of three meetings:

- (1) A meeting to look at specifically at the training provided for elected members and the materials available.
- (2) A session to look specifically at work that could be undertaken to address social media and the code of conduct concerns and to agree next steps
- (3) A final session to agree the outcome of the Task and Finish Group prior to its commending to Standards Committee for approval.

The Monitoring Officer will liaise with members of the Standards Committee to find a convenient date for these sessions to be held.

Financial Impacts:

There will be no financial impacts associated with this report.

Integrated Impact Assessment:

An Integrated Impact Assessment is not required 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 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 Members note the current training that members receive in respect of social media and agree to establishing a Task and Finish Group to specifically look at the issues of social media, with the aim that a report be brought to the Standards Committee with recommendations for elected members to consider.

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

13th June 2023

Matter for Decision

Wards Affected: All Wards

Gifts and Hospitality

Purpose of the Report:

1. To consider the Neath Port Talbot County Borough Council Gifts and Hospitality Protocol for Elected Members

Background:

2. The statutory principles which are to govern Member conduct say that Members “must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour”. Also the same principles state Members “must act solely in the public interest – they must never use their position as Members

to improperly confer advantage on themselves or to improperly confer advantage on others”.

3. The Code says Members “must avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a Civic Reception or a working lunch duly authorised by the Council) material benefits or services for themselves or any person with whom the Member is living that would, or might reasonably appear to, place them under an improper obligation”. The Code further says Members must not in their official capacity or otherwise, use their position improperly to confer on or secure an advantage for themselves or any other person (e)
4. Accordingly, members must give the notification of the acceptance of gifts, material benefits, advantages or hospitality by giving the information required on the relevant Form approved for the purpose. Such form must be returned to the Council’s Monitoring Officer or completed on the Member Hub within 28 days of receipt. At this time, officers are working with the Council’s Digital Services section to look at ways to enable electronic notification to be undertaken to negate the need for forms to be submitted, in the hope that this would be easier for elected members.
5. The requirement to register applies to gifts and hospitality received as a Member but Members should consider the overall propriety of accepting the same bearing in mind the likely public perception.
6. The Council’s Monitoring Officer is required by law to keep a Register of all notifications made by Members. The Register will be open to public inspection during all normal office hours. The Register will be kept at the Civic Centre, Port Talbot under the custody and control of the Council’s Monitoring Officer.
7. Members must notify receipt of gifts, material benefits, advantages and hospitality irrespective of value.

8. The position in respect of the value of such gifts differs however between authorities with some authorities requiring all gifts/hospitality to be declared, with others having a value at £50. It is has been suggested by the National Network of Monitoring Officers that a unified figure of £25 be adopted by all authorities throughout Wales for the sake of consistency and members of the Standards Committee are asked to endorse this. However, in the interests of transparency members would be encouraged to declare all gifts and hospitality received.
9. A copy of the Gifts/Hospitality Protocol is enclosed at Appendix 1 for members to consider.

Financial Impacts:

10. No implications.

Integrated Impact Assessment:

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

Valleys Communities Impacts:

12. No implications

Workforce Impacts:

13. No implications

Legal Impacts:

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

Consultation:

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

Recommendations:

16. It is recommended that:

(a) Members endorse the setting of a value of £25 for gifts and hospitality that should be notified to the Monitoring Officer; and

(b) Members note the Gifts/Hospitality protocol, commenting accordingly or suggesting amendments as appropriate.

Appendices:

Appendix 1 – Gifts/Hospitality Protocol

List of Background Papers:

None

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Appendix 1

Policy On Members Gifts, Material Benefits, Advantages And Hospitality

1. Introduction

- 1.1. This Policy is made in accordance with the Statutory Code of Conduct for Members (“the Code”) as adopted by Neath Port Talbot County Borough Council. As such it applies to all Members including co-opted Members, of Council. Both Members and co-opted Members are referred to as ‘Members’ hereafter.
- 1.2. Members should complete their notification on the attached form or via the electronic portal on the Members Hub and send it to the Council’s Monitoring Officer within the time limit specified in this Policy. The completed forms will form the Register of Gifts and Hospitality (a copy of which is made available to the public on request).

2. Statutory Basis

- 2.1. The statutory principles which are to govern Member conduct say that Members “must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour” (b)
- 2.2. Also the same principles state Members “must act solely in the public interest – they must never use their position as Members to improperly confer advantage on themselves or to improperly confer advantage on others” (c)

- 2.3. The Council has adopted the Code without amendment.
- 2.4. The Code says Members “must avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a Civic Reception or a working lunch duly authorised by the Council) material benefits or services for themselves or any person with whom the Member is living that would, or might reasonably appear to, place them under an improper obligation” (d)
- 2.5. The Code further says Members must not in their official capacity or otherwise, use their position improperly to confer on or secure an advantage for themselves or any other person (e)
- 2.6. Members must give the notification of the acceptance of gifts, material benefits, advantages or hospitality by giving the information required on the relevant Form approved for the purpose. Such form must be returned to the Council’s Monitoring Officer or completed on the Member Hub within 28 days of receipt.

3. **The Register**

- 3.1. The requirement to register applies to gifts and hospitality received as a Member but Members should consider the overall propriety of accepting the same bearing in mind the likely public perception.
- 3.2. The Council’s Monitoring Officer is required by law to keep a Register of all notifications made by Members.
- 3.3. The Register will be open to public inspection during all normal office hours.
- 3.4. The Register will be kept at the Civic Centre, Port Talbot under the custody and control of the Council’s Monitoring Officer.

4. The Threshold

- 4.1. Members must notify receipt of gifts, material benefits, advantages and hospitality irrespective of value.

5. Civic Gifts

- 5.1. The receipt by a Member of a gift accepted on behalf of Council is not subject to the Code. Members should note that the Council requires that a gift accepted by a Member on behalf of this Council i.e. a civic gift, should be given into the custody of an appropriate officer (usually this will be the Mayor's Secretary who will keep a manifest of gifts received and will keep them in safe custody). If any decision is needed as to the disposal of civic gifts the Chief Executive shall determine what is to happen to them. For the avoidance of doubt disposal can be by donation to a charity (including the Mayor's Charity) or by giving the same for the use of the public, or a sector of the public, or to an organisation for Community purposes/or to a not for profit voluntary organisation whose main purposes are charitable/or Community based. If donated by Council to another body or organisation as described, the recipient may auction, raffle or sell the gift and apply the monies received to fulfil their main charitable/or Community purposes.

6. Matters which it is not necessary to disclose

- 6.1. It is not necessary for Members to notify the Council's Monitoring Officer of receipt of promotional gifts, pens, calendars, diaries, mousemats etc. of only a nominal value below the threshold and Members are discouraged from making such notification for registration.
- 6.2. It is encouraged that a Member record with the Monitoring Officer offers of hospitality or gifts declined and the appropriate form shall be utilise to achieve this.

7. Hospitality

- 7.1. The Council regards working lunches or their equivalent as appropriate hospitality and a proper way of doing business provided that they are generally authorised by Council and involve no extravagance and would be considered within the bounds of normal courtesy lunches i.e. following working parties, Committee meetings, partnership meetings etc. including Seminars, Conferences or similar events.
- 7.2. Likewise the Council authorises the receiving of official hospitality – such as Civic Receptions, by Members as by persons living with them.
- 7.3. Otherwise the Council requires that Members should only accept offers of hospitality if it is generally felt that the Council interests are served by attendance or that it is appropriate for the Authority to be seen to be represented at the event. The same test should be applied by Members in judging whether it would be reasonable for a Member to attend a social function, sporting or similar event organised by outside persons or bodies. Members who are offered hospitality of a social nature must consider how the offer might be viewed from the perspective of a member of the public.
- 7.4. Hospitality covered by 7.1 and 7.2 will not need to be notified to the Council's Monitoring Officer. However, hospitality mentioned in 7.3 must be notified in the usual manner to the Council's Monitoring Officer.
- 7.5. Additionally, Members who wish to accept any form of hospitality covered by 7.3 above are advised to seek appropriate advice beforehand from the Council's Chief Executive, Finance Officer or Monitoring Officer.

- 7.6. Acceptance by Members of hospitality through attendance at conferences, seminars and other similar events is permissible when it is clear that the hospitality is corporate rather than personal in nature and where it is clear that the Council's position is not compromised.
- 7.7. Where visits to sites to view proposed developments or to view vehicles, equipment, any goods or service delivery or similar are required or Members attend any demonstrations relating to same including software/IT demonstrations Members must ensure that the cost of such visits are borne by the Council to avoid jeopardising the integrity of any subsequent purchasing decision. Members may accept mere modest courtesy hospitality on the basis that purchasing decisions are not thereby likely to be compromised.
- 7.8. Members must not avail themselves of the services of contractors or suppliers engaged by the Authority where goods, labour, plant or similar are made available at cost, trade or discount prices. The only exception permissible is where such discounts are generally available to members of the public.
- 7.9. Members should be mindful of the timing of any acceptance of any gift, material benefits, advantages and hospitality in relation to decisions which the Council may be taking affecting those providing the same.
- 7.10. When gifts, material benefits, advantages and hospitality have to be declined, those making the offer should be courteously, but firmly informed of the procedures and standards operated within the Authority.

8. Other Considerations

- 8.1. Members should balance the practicalities of operating in public life against any misconception which would arise with the public

were Members to be perceived as being able to receive lavish or expensive gifts, material benefits or advantages and hospitality of a similar nature.

- 8.2. The Council requires Members to refrain from accepting disproportionately generous offers which could create an improper obligation, particularly if linked into any actual or potential commercial transaction with the authority.

9. **General**

- 9.1. The threshold value for the notification and registration of gifts, material benefits, advantages and hospitality will be reviewed from time to time by Council.

- 9.2. When Notification is required a separate notification for each class of receipt is to be given and Members should separately declare each receipt.

-
- (a) The Conduct of Members (Model Code of Conduct) (Wales) Order 2008 as amended
 - (b) Principle 3 “Integrity and Propriety” Schedule to the Principles Order 2001
 - (c) Principal “Selflessness” Schedule to the Principles Order 2001
 - (d) The Conduct of Members (Model Code of Conduct) (Wales) Order 2008 as amended Paragraph 9 (b)
 - (e) The Conduct of Members (Model Code of Conduct) (Wales) Order 2008 as amended Paragraph 7 (a)
 - (f) The Conduct of Members (Model Code of Conduct) (Wales) Order 2008 as amended Paragraph 17

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
MEMBER'S CODE OF CONDUCT**

**Notification by a Member of the Receipt of a Gift/Material
Benefit/Advantage or Hospitality**

I, (full name)

Give Notice that I have received/declined the following gift, material benefit, advantage or hospitality

And (tick as appropriate)

In the case of hospitality I have paid the cost myself

When was the offer made?

Who was the offer made to?

Who was the offer made by?

.....

What was the nature of the gift, material benefit, advantage or hospitality?

SignedDate

ReceivedDate

Note – This form must be submitted within 28 days of receipt of the gift, material benefit, advantage or hospitality

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

13th June 2023

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

Matter for Decision

Wards Affected: All

Grant of Dispensation under S81(4) of the Local Government Act 2000

Purpose of the Report

1. To seek a dispensation for Community Councillor Len Preece in respect of Canolfan Maerdy (Registered Charity) when such matters are discussed at Gwaun Cae Gurwen Community Council.

Background

2. Under Section 81(4) of the Local Government Act 2000 Standards Committees may grant dispensations to a Member of a relevant authority (including a Community Council) allowing the Member to participate in any business where that participation would otherwise be prohibited by the mandatory provisions of the Members' Code of Conduct.
3. The National Assembly for Wales in the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 sets out the circumstances in which these dispensations may be granted. The Standards Committee may only grant dispensations in the circumstances set out in the Regulations.
4. The form of the report will generally set out the dispensation, the circumstances in which it may be granted and details of the applicant for the dispensation.

5. In accordance with previous practice, it is suggested that all dispensations be granted until the first meeting of the Standards Committee following the Council Annual General Meeting in 2027 in order to ensure that they all come up for renewal at the same time.
6. Requests have been made from Community Councillor Len Preece of Gwaun Cae Gurwen Community Council for a dispensation on the basis that he is a trustee of Canolfan Maerdy, Canolfan Maerdy is the community anchor organisation for the Amman Valley and recognised for providing significant community benefit. The said trustee receives no financial benefit from this organisation and has no pecuniary interest.
7. The form of application for dispensation is intended to try to cover the situation when, although strictly required in law under the Members' Code of Conduct, serial declarations affect the smooth running of Committee business in circumstances where the general public would not draw any adverse inference from the relationships being declared.
8. Hence all the applications for dispensations request permission to speak and vote on issues relating to the business of Canolfan Maerdy on the basis that the inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected, the participation would not damage public confidence and the business relates to the finances of property of a voluntary organisation and the Councillor sits on a management committee or board with no other interest..
9. The standard form of dispensation for is as follows:

“To speak and vote on issues relating to the business of Canoldan Maerdy at Gwaun Cae Gurwen Community Council provided that

 - (a) they do not directly financially advantage or disadvantage or give other direct benefit or disbenefit to a Member or the Member's family
 - (b) it does not relate to a grant application or consideration of a contract between Canolfan Maerdy and the Community Council

(c) and that this dispensation will not apply in circumstances where a member of the public might reasonably conclude that the role of trustee would significantly affect the Councillor's ability to act purely on the merits of the case and in the public interest."

10. Member of the Standards Committee are entitled to grant a dispensation where they are content that the nature of the Member's interest is such that the inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected, the participation would not damage public confidence and the business relates to the finances of property of a voluntary organisation and the Councillor sits on a management committee or board with no other interest. This paragraph derives from Regulation 2 of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

Financial Impact

11. There are no financial impacts associated with this Report.

Integrated Impact Assessment

12. There is no requirement for an integrated impact assessment with this report.

Workforce Impacts

13. There are no workforce impacts associated with this Report

Legal Impacts

14. Section 81(4) of the Local Government Act 2000 Standards Committees may grant dispensations to a Member of a relevant authority (including a Community Council) allowing the Member to participate in any business where that participation would otherwise be prohibited by the mandatory provisions of the Members' Code of Conduct.

15. The National Assembly for Wales in the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 sets out the circumstances in which these dispensations may be granted. The

Standards Committee may only grant dispensations in the circumstances set out in the Regulations.

Consultation

16. There is no requirement under the Constitution for external consultation on this item.

Recommendations

17. It is recommended that Community Councillor Len Preece be granted a dispensation on the term set out in paragraph 9 of this report and that the application for dispensation runs to the Standards Committee which follows the Annual Meeting 2027.

Appendices

18. None

List of Background Papers

19. None

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By virtue of paragraph(s) 12, 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

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