



STANDARDS COMMITTEE

9.30 AM - TUESDAY, 10 OCTOBER 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. Minutes of Previous Meeting (*Pages 5 - 10*)
4. Group Leader Invitation - Councillor H.C.Clarke (*Pages 11 - 18*)
5. Standards Committee Forum - Wales (*Pages 19 - 34*)
6. Gifts and Hospitality (*Pages 35 - 54*)
7. Ombudsman Annual Report (*Pages 55 - 70*)
8. Adjudication Panel for Wales (*Pages 71 - 76*)
9. Forward Work Programme (*Pages 77 - 78*)
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).

K.Jones
Chief Executive

Civic Centre
Port Talbot

29 September 2023

Committee Membership:

Chairperson: L.Fleet

Vice T.Ward

Chairperson:

Independent A.Davies and D.Lewis
Members:

NPTCBC W.Carpenter and S.Thomas
Members:

Community C.Edwards
Committee
Member:

Substitutes

NPTCBC A.Lodwig and S.Grimshaw
Substitutes:

Community G.Francis
Committee
Substitute:

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

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STANDARDS COMMITTEE

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

Members Present:

13 June 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: **Councillors** C.Edwards

Officers In Attendance: C.Griffiths and T.Davies

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

The Chair welcomed all to the meeting.

2. **DECLARATIONS OF INTEREST**

The following Member made a declaration of interest at the start of the meeting:

Councillor Sarah Thomas

Minute No 9 - Grant of Dispensation under S81(4) of the Local Government Act 2000 - as she is a colleague of the applicant at Canolfan Maerdy.

Cllr Thomas did not consider the interest as prejudicial, so was able to take part in the discussion and voting thereon.

3. **FORWARD WORK PROGRAMME 2023-24**

The circulated Forward Work Programme was noted, and Members were reminded of the Standards Committee Forward Work Programme workshop, which would take place immediately following this meeting.

4. **MINUTES OF PREVIOUS MEETING**

The minutes of the meeting of 11 April 2023, were agreed as an accurate record.

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

Members discussed the role of Neath Port Talbot's Standards Committee, in its position as the designated Standards Committee for the South West Wales Corporate Joint Committee.

Members suggested tightening up the wording in the sections referring to Gifts and Hospitality, so that there was no room for confusion.

It was noted that the date of the report should read 2023, instead of 2022.

RESOLVED: That the report be noted.

6. **ATTENDANCE AT NPT COUNCIL AND TOWN COMMUNITY COUNCIL MEETINGS**

Members welcomed the report, and felt the feedback form could be adapted over time, as necessary, including adding a scale of response (from 1 to 10, for example), which might be easier than trying to analyse the written responses.

A question around political impartiality would also be included.

Discussion took place around attendance at the Town/Community Council meeting, and how to facilitate Standards Committee Members attendance, without all turning up at once.

RESOLVED: That 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 the circulated report, and the draft feedback form for usage contained at Appendix 1 to the circulated report, be approved.

7. **SOCIAL MEDIA TRAINING FOR ELECTED MEMBERS**

Members discussed setting up a Task and Finish Group in respect of social media, which would be open to all Standards Committee Members.

RESOLVED: That the current training that Members receive in respect of social media be noted, and a Task and Finish Group be established, 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.

8. **GIFTS AND HOSPITALITY**

Members discussed the circulated report, and felt it would be more appropriate to have a value of £0 on the reporting of gifts and hospitality, rather than the amount of £25 suggested within the circulated report.

RESOLVED:

1. That the setting of a value of £0 for gifts and hospitality, that should be notified to the Monitoring Officer, be agreed.
2. That the Gifts/Hospitality protocol be amended accordingly, and brought back before a future meeting of the Standards Committee, for commendation to Council.

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

RESOLVED: That Community Councillor Len Preece be granted a dispensation to speak and vote on issues relating to the business of Canolfan Maerdy at Gwaun Cae Gurwen Community Council, on the terms set out in paragraph 9 to the circulated report, and that the application for dispensation runs to the Standards Committee which follows the Annual Meeting 2027.

10. **URGENT ITEMS**

No urgent items were received.

11. **ACCESS TO MEETINGS**

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

12. **GRANT OF DISPENSATION UNDER S81(4) OF THE LOCAL GOVERNMENT ACT 2000 (EXEMPT UNDER PARAGRAPH 12 AND 13)**

It was noted that the date of the report should read 2023, instead of 2022.

RESOLVED: That Councillor Alun Llewelyn be granted a dispensation to speak and vote on issues relating Urdd Gobaith Cymru on the terms set out in paragraph 12 of the circulated report, and that the application for dispensation runs to the Standards Committee which follows the Annual meeting 2027.

CHAIRPERSON

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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

10th October 2023

Matter for Decision

Wards Affected: All Wards

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

Purpose of the Report:

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

Background:

New Duty on Group Leaders

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

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

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

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

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

Role of Standards Committee

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

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

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

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

16. The attendee at today's meeting is Cllr Helen Ceri Clarke, Leader of the Coedffranc Liberal and Green Group

Financial Impacts:

17. No implications.

Integrated Impact Assessment:

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

Valleys Communities Impacts:

19. No implications

Workforce Impacts:

20. No implications

Legal Impacts:

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

Consultation:

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

Recommendations:

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

Appendices:

24. None

List of Background Papers:

25. None

Officer Contact:

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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

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

10th October 2023

Matter for Information

Wards Affected: All Wards

Standards Committees Forum - Wales

Purpose of the Report:

To provide the Committee with information about the second meeting of the national Standards Committees Forum – Wales, and an opportunity to consider the issues raised.

Background:

One of the recommendations made following the independent review of the ethical standards framework for Wales ('the Independent Review Report', published on 14th October 2021) was that there should be an All-Wales Forum for Independent Chairs of Standards Committees, to encourage consistency of approach and the adoption of best practice across Wales.

Standards Committee received a report on the proposed establishment of a National Standards Committee Forum, comprised of the Chairs of each Standards Committee in Wales, and its terms of reference previously. The purpose of the Forum is to share best practice and provide a forum for problem solving across the twenty two principal councils, three fire and rescue authorities and three national park authorities, in relation to the work of Standards Committees, in accordance with its terms of reference (Appendix A to this report).

The Standards Committee Chair, attended the second meeting of the Forum, which was held remotely on 30th June 2023.

At the meeting, the Chairs confirmed their wish to share as much information as possible with their standards committees and the public and it was therefore agreed that the notes would be circulated to standards committees, provided that no individual complainant or councillor complained of could be identified. The notes of the meeting are attached as Appendix B to this report.

Standards Committee will note that the Forum meeting received a presentation from the Chair of the Committee on Standards in Public Life Research Advisory Board in relation to the standards regime in England; and an update from the Public Services Ombudsman for Wales on her annual report for 2022/23. The Forum also discussed various topical issues, including the new statutory duties of political group leaders and the support provided to Town and Community Councils.

In relation to the support provided to Town and Community Councils, the Committee may wish to note that the arrangements adopted in Neath Port Talbot to support and promote high standards of conduct include the following:

- Town and Community Councils Charter – in line with guidance from the Welsh Government and best practice, the Council has adopted a charter with the Town/Community Councils in Neath Port Talbot, which sets out how we will seek to work together for the benefit of local communities, embracing the shared principles of openness, respect and honesty.
- Regular meetings between the Monitoring Officer and Town/Community Council Clerks – the Monitoring Officer continues to hold regular meetings with the Clerks to discuss any issues of concern in relation to Member conduct and associated matters.
- Observation of Community Council meetings – as the Standards Committee will be aware, the members of the Standards Committee continue to attend Town/Community Council meetings to observe standards of conduct and any associated issues and provide feedback, which is then discussed at Standards Committee meetings. The Committee's observations and comments are shared with the Community Councils.
- Presentation for Community Councils –The Monitoring Officer, has developed a presentation on the role of the Standards Committee, explaining the principles of the Members' Code of Conduct and the statutory complaints process and has delivered this to a number of Town/Community Councillors and this work will continue.

The Forum is to meet biannually, and its next meeting is to be scheduled for January 2024.

Financial Impacts:

There are no direct financial implications arising from this report. Any relevant payments and allowances associated with the activities of the Standards Committees Forum – Wales would be payable in accordance with the rates set by the Independent Remuneration Panel for Wales and met from the allocated budget

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 Forum has no formal decision making powers, which means that any formal decisions required would need the approval of each individual Standards Committee.

In relation to Town and Community Councils and their Members, the Standards and Committee has the same statutory functions as it has in relation to Neath Port Talbot Council and its Members (pursuant to section 56(1) of the Local Government Act 2000).

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

Consultation:

There is no requirement for external consultation on this item

Recommendations:

The Standards Committee is recommended to note the information set out in the report and its appendices and make any appropriate comments

Appendices:

Appendix A - Standards Committees Forum, Wales – Terms of Reference
Appendix B – Standards Committees Forum – Wales, Notes of meeting held on 30th June 2023

List of Background Papers:

None

Officer Contact:

Mr Craig Griffiths
Head of Legal and Democratic Services
Telephone 01639 763767
Email: c.griffiths2@npt.gov.uk

**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:

National Standards Committee Forum **Terms of Reference (2022)**

The purpose of the Forum is to share best practice and provide a forum for problem solving across the

- 1) 22 principal councils
- 2) 3 fire and rescue authorities
- 3) 3 national park authorities

in relation to the work of Standards Committees.

The role of the forum is to share information and so any decisions will have to be made by the individual Standards Committees. There will be times when the Forum would need to make a decision about administrative matters relating to its own practices and administration of meetings.

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

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

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Standards Committees Forum - Wales

Friday, 30th June 2023 @ 2pm, via Teams

Notes

1. Notes of previous meeting 27 January 2023.

The notes of the previous meeting on 27 January 2023 were agreed.

a. Circulation of the meeting notes

- The Chairs were asked whether the notes of the meetings should be circulated to members of the standards committees.
- If the notes were shared with standards committees, they would be made public.
- The Chairs wanted to share as much as possible with their standards committees and the public.
- Davina Fiore, The Director of Governance and Legal and Monitoring Officer at Cardiff Council, who was advising the Forum, advised that if the minutes were to be made public as part of the Standards Committee agenda at individual Councils, it was important that any issues raised on individual ongoing cases or potential cases to assist with the process/problem solving/best practise were anonymised to ensure that individual members and councils could not be identified. She also advised that, if necessary, it was possible for part of the minutes to be confidential and not be circulated more widely.

AGREED: that the notes may be circulated to Standards Committees, provided no individual complainant or councillor complained of could be identified. This will be kept under review at/after each meeting.

b. Training for Chairs

ACTION: The WLGA to arrange a training session on chairing Standards

2. Chair of the Committee on Standards in Public Life (CSPL) Research

Advisory Board, Professor Mark Philp

- Professor Mark Philp outlined his role as a member of the CSPL and provided an overview of the standards regime in England and the implementation of recommendations from the Local Government Ethical Standards Report (2019).

ACTION: WLGA to provide a link to the CSPL report "[Leading in Practice](#)".

3. Michelle Morris - Public Services Ombudsman for Wales (PSOW) – Update

Michelle Morris updated the Forum on her annual report for 2022/23.

Noted

- A 4% reduction in the number of complaints alleging misconduct by local authority members.
- A decrease in the number of complaints against Town and Community councillors.

- The PSOW investigated 35 cases which, although not a high number, involved a huge amount of work.
- The number of complaints involving equality and respect had increased again. Just over 60% of cases involving a breach of the code were in this category.
- 12 cases had been referred to standards committees and the adjudication panel for Wales, compared to 20 the year before.
- Since the PSOW last spoke to the Forum there had been 6 Standards Committee hearings and 1 decision from the tribunal and a further 3 were scheduled. One of which involved an interim referral.
- Of the 280 complaints made to PSOW only 35 met the public interest test. Feedback was given to standards committees and Monitoring Officers about lower-level issues that didn't require further investigation.

Open forum, comments.

- The interim intervention process needed to be shortened.
- Concern was expressed about the wellbeing of individuals who came before a standards committee given the lengthy time to complete the process.
- The public interest test had three stages i.e., was there sufficient evidence that there had been a breach of the code; if there was evidence to support

it, would it be significant enough to result or likely result in a sanction and was there wider public interest in taking forward the investigation.

ACTION: PSOW to forward case law in respect of the public interest test to the Forum members via the WLGA.

4. Promoting high standards

- The forum discussed the Group Leaders duty to take reasonable steps to promote and maintain high standards of conduct by members of the group and, the duty on the Standards Committee to comment on Group Leaders' compliance with that duty as part of its annual report.
- Experiences had generally been positive and encouraging.
- Leaders had shown a willingness to engage with the process and some authorities were more advanced than others.
- Typically, Standards Committees had already met with the group leaders.
- There appeared to be an anomaly with recent government guidance. It was unclear whether the leaders should meet with the Standards committee or just the chair.

ACTION: WLGA to seek clarification on the statutory guidance and update members.

1

¹ This has already taken place. Monitoring Officers and Heads of Democratic Services received an email from Welsh Government on Tuesday 4th July at 2.37pm informing them: "We would like to draw your attention to an amendment to the consolidated statutory and non-statutory guidance for principal councils in Wales at part 2, section 6.0, paragraph 6.4. The guidance has been amended to read that the standards committee (as opposed to standards committee chairs) should meet with group leaders at the beginning of each council year to agree a number of issues. The updated guidance has been published; the links remain the same".

5. Supporting Town and Community Councils (T&CCs)

Comments

- It was difficult to identify a successful approach.
- Standards Committees were attending T&CC meetings.
- T&CCs were encouraged, in one area, to adopt a local resolution process.

Take up had been slow.

- Meetings between the Chairs and Clerks could be helpful.
- Sharing anonymous feedback after attending meetings of T&CCs including good practice.
- Support of Monitoring Officers particularly to the Clerks.
- A T&CC compact setting out what support was on offer had been developed in one area.

ACTION Compact to be shared with members of the forum.

6. Resourcing of Standards Committees.

Comments

- The resourcing of Standards Committees was a challenge.
- Welsh Government should provide additional funding when they placed more responsibilities on Standards Committees.
- Additional work inevitably fell on Monitoring Officers as Standards Committees workloads increased.

- Setting a budget for the committee could be difficult because the level of demand could not be anticipated in advance.
- Achieving a consistency in terms of budgets would be difficult.
- Monitoring officers may be able to provide comparative information on how much time they spent on T&CC work and what their budgets were.

ACTION Chair and Davina Fiore to discuss the possibility of raising the issue of budgets with the Monitoring Officer group.

7. Richard Penn Review update

- The closing date for responses to the consultation on the Richard Penn report was 23 June 2023.
- The responses were being analysed and the results would be published during the autumn.
- Depending on what the results were, it may require secondary legislation followed by a 12-week consultation period.
- It must also fit in with the legislative programme which was unlikely during the current Senedd term.

9. Minimum value for gifts and hospitality

- £25 was the minimum value for most councils.
- Monitoring Officers were seeking to introduce it as a consistent amount across Wales.
- It could be difficult to place a value on hospitality e.g., invitations to sporting events.

10. Consideration of agenda items for future meetings

The following items would be considered at the next meeting.

- Local resolution protocols.
- Corporate Joint Committees (CJCs) and Joint Standards Committees

11. Date of next meeting.

To be confirmed, January 2024.

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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

October 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 and to consider and agree an appropriate threshold for gifts and hospitality to be notified to the Monitoring Officer.

Background:

2. At its meeting of the 13th June 2023, members of the Standards Committee discussed the Council's Gifts and Hospitality Protocol for Elected Members and felt it would be appropriate to have a value of £0 on the reporting of gifts and hospitality, rather than the amount of £25 suggested within the report circulated at the time. It was resolved that the Gifts/Hospitality protocol be

amended accordingly, and brought back before a future meeting of the Standards Committee, prior to commendation to Council.

3. A copy of that updated protocol is attached at Appendix 1 for members of the Standards Committee to consider. However, the purpose of this report is for members of the Standards Committee to also consider whether they wish to retain the figure of £0 as the threshold or adopt the figure of £25 which has been set by all other local authorities throughout Wales and following recent discussions at the National Standards Forum.

Principles of the Protocol

4. 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”.
5. 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)
6. 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.

7. 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.
8. 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.

Value Threshold

9. 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 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.
10. At the national meeting of the Chairs of Standards Committee in June 2023, it came to light that all other authorities in Wales have now agreed a threshold of £25 to ensure consistency throughout Wales and therefore members of the Standards Committee are asked whether they wish to now amend their

previously suggested threshold to the level of £25 to ensure consistency throughout Wales, which would be the advice of the Monitoring Officer. One of the additional rationales behind is this is that the figure will then correspond with a number of Town/Community Councils so elected Members who sit on both the County Borough and a Community Council have the same threshold. However, it is noted that the determination of what to suggest to Full Council vests in the determination of the Standards Committee.

11. It is important to note that to date that have been no concerns expressed by the Council's Monitoring Officer or Internal Audit section regarding the Gifts/Hospitality protocol. The onus remains on the elected Member to self-declare any gifts/hospitality received or declined as any failure to do so can render the Member in breach of their Code of Conduct.
12. The suggestion of the Monitoring Officer is that it would be appropriate for a threshold of £25 to be set, however an emphasis to be provided to Members that the Standards Committee would encourage Members to declare irrespective of value, but note the final discretion being one for the Member alone to determinate. A letter would be issued to all members from the Chair of the Standards Committee to encourage this.

Financial Impacts:

13. No implications.

Integrated Impact Assessment:

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

Valleys Communities Impacts:

15. No implications

Workforce Impacts:

16. No implications

Legal Impacts:

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

Consultation:

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

Recommendations:

16. It is recommended that:
- (a) Members determine whether they wish to retain a figure £0 for the value of gifts and hospitality that should be notified to the Monitoring Officer or adopt the common threshold throughout Wales of £25; 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

Officer Contact:

Mr Craig Griffiths
Head of Legal and Democratic Services
Telephone 01639 763767

Email: c.griffiths2@npt.gov.uk

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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POLICY DOCUMENT No F05**DEBENHAM HIGH SCHOOL**

A Church of England High Performing Specialist Academy

**GIFTS AND HOSPITALITY POLICY**

This policy is reviewed every two years by the Finance and General Purposes Committee

History of Document

Issue No	Author/ Owner	Date Written	Approved by Finance and GP	Comments
Issue 1	Tracy Darby	Jun 11		Updated
Issue 2	Tracy Darby	Jan13	01/02/2013	Updated
Issue 3	Tracy Darby	March 15	20/03/2015	Minor update
Issue 4	Tracy Darby	Feb 2017	18 /03/2017	Minor amendments plus rise in value of threshold
Issue 5	Tracy Willmott	March 2019	15/03/2019	Reference to Data Protection Act 2018
Issue 6	Tracy Willmott	March 2021	12/03/2021	Reference to AFH requirement

1. General

The Academies' Financial Handbook states that the academy trust should have a policy and register of the acceptance of gifts, hospitality, awards, prizes or other benefits that might compromise their judgment or integrity, and should ensure all staff are aware of it.

This is the school's approved Code of Conduct relating to the offer and/or acceptance by staff, governors and members, of gifts and hospitality of whatever nature from outside individuals or organisations.

Within the terms of the Code, staff, governors and members are expected to exercise common sense. If they are in any doubt they must consult the Headteacher/Chair of Governors and in every case declare the acceptance of a gift or hospitality in the register kept by the school, using the school's 'Declaration of Gifts and Hospitality' form.

The process set out is designed to safeguard governors, members and staff from any misunderstanding or criticism.

The general principles which govern gifts and hospitality are:

- 1.1 Offers of hospitality should only be accepted if there is a genuine need to represent the school.
- 1.2 Gifts should only be accepted in **exceptional** circumstances.
- 1.3 The Code of Conduct applies to all Governors, members and staff of Debenham High School.
- 1.4 To determine whether a gift or hospitality is acceptable, the 'PROVE IT' test should be applied by staff and referred to the Headteacher/Chair of Governors if in doubt. See Appendix A.
- 1.5 Registers are accessible for viewing by the following appropriate officers: Headteacher, Governors, School Business Manager, External Auditors, and Internal Auditor.
- 1.6 Any request by a member of the public to view the Register of Declarations of Gifts and Hospitality will be referred to the Headteacher. In considering any request, the requirement for the School to be open and transparent will be balanced against the requirements of the Data Protection Act 2018.

2. Hospitality

The following principles should be followed in deciding whether or not to accept hospitality.

- 2.1. Staff, governors and members should ask themselves whether members of the public, knowing the facts of the situation, could reasonably think that they might be influenced by the hospitality offered. If the answer is yes, the hospitality should be declined. In making judgements, relevant facts to take into account include the person or

organisation offering the hospitality, its scale and nature, and its timing in relation to decisions to be made by the school.

- 2.2 Care should be taken to avoid situations in which an individual governor or member of staff is the sole person invited to partake of hospitality or where it creates a pattern of receiving hospitality from that organisation.
- 2.3 Examples of when it may be proper to accept hospitality (always depending upon the particular circumstances) are as follows:-
 - 2.3.1 attendance at conferences, events and demonstrations of equipment organised by outside bodies where there is a service interest;
 - 2.3.2 attendance at events or functions where there is a demonstrable need for the school to be represented to either give or to receive information or to participate as part of the school's corporate image;
 - 2.3.3 attendance at events or functions which are part of the civic, cultural or sporting life of the school;
 - 2.3.4 working lunches where this is an appropriate and effective way of conducting business and the refreshments provided are on a reasonable level.
 - 2.3.5 Overnight hospitality linked to any of the above should not be accepted.

3. Gifts

All personal gifts should be refused or donated to charity unless they come within the categories set out in 3.1 or 3.2 below.

- 3.1 Gifts of the following type may be accepted:
 - 3.1.1 modest gifts of a promotional character, eg calendars, diaries and other similar articles. See also point 4;
 - 3.1.2 gifts on the conclusion of any courtesy visit to an outside organisation of a sort normally given by that organisation.
 - 3.1.3 gifts up to **£20** in value.
- 3.2 Gifts which are intended for the school as a corporate body or intended for the school can be accepted but must not be retained by the individual who receives them. Such gifts should be passed to the school as appropriate.

4. Registration of Gifts and Hospitality

Staff, governors and members must, within 28 days of accepting any gift or hospitality with an estimated value in excess of £20, provide written notification to the Headteacher using the

'Declaration of Gifts and Hospitality' form (Appendix B). All offers accepted should be recorded in case of any queries, in particular through FOI requests.

The Declaration of Gifts and Hospitality form must be completed in full, setting out full details of the offer or the gift and or hospitality received as well as:

- estimated or actual value;
- an indication from the headteacher as to why acceptance of the offer is authorised;
- the employee's/governor's printed full name and signature; and
- the Headteacher's printed full name and signature.

5. Monitoring

The school maintains a register of gifts and hospitality accepted.

The pro-forma (see Appendix B) detailing the individual declarations, should be kept in the Register.

Any concerns/issues identified should be noted and an action plan put in place.

6. Penalties for Breaching the Code

The school's disciplinary procedures may be applied where it is found that breaches of the Code have occurred.

7. Monitoring of the Code

As part of its role in promoting high standards of conduct, the Finance and General Purposes Committee may request to see the register at any time.

8. Retention of Documentation

Documentation in the register will be kept for seven years.

Managing the Receipt of Gifts and Hospitality

The **PROVE** it test:

Whether or not the offer is acceptable:

Purpose	Token, thanks or seeking a favour? (token or thanks: yes; favour: no)
Rules	What are they? Does this situation conform?
Openness	Is the offer transparent?
Value	Expensive or inexpensive?
Ethics	Does the offer fit with school ethics? Is this an exceptional circumstance?

Declaration of Gifts or Hospitality Received

Name:

Description of gift or hospitality provided	
Value/Estimated value of gift or hospitality	
Date of offer and date of receipt of gift or hospitality	
Person / body offering/providing the gift or hospitality:	
Person or body receiving the gift or hospitality (other than/as well as you)	
Any relationship (including potential future relationship) which you or the agency has with the person or body offering the gift or hospitality	
Why accepting it was in the school interests:	
For gifts (including items such as tickets and vouchers): do you seek permission to retain/use it yourself, or will you pass/have you passed it to the Headteacher or other appropriate person to be passed on to charity or deal with it in some other way?	
For hospitality or gifts already enjoyed, used or consumed: Why was prior approval not sought?	

Signed Date

Headteacher..... Date

Reason for refusal/approval:



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

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

10th October 2023

Matter for Information

Wards Affected: All Wards

Public Service Ombudsman for Wales Annual Report 2022/2023

Purpose of the Report:

1. To advise Members of the receipt of the Ombudsman's Annual Report for 2022/2023 in respect of Neath Port Talbot County Borough Council.

Executive Summary:

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

Background:

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

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

5. Members should note that this letter relates to the period 1st April 2022 to 31st March 2023. Information received during this year will, bring insights on how public services reacted in the face of unprecedented demand and the most difficult of circumstances.
6. Comparatively little commentary is required on the Annual Letter. The number of service complaints received by the Ombudsman is set out in Table A of the Factsheet. This Council received thirty nine (39) complaints – a decrease from forty five (45) in the previous financial year. Therefore, the number of complaints received is slightly less of the national average, compared with what one would expect from the population size of the Council area. However, it should be noted that when considering complaints per 1,000 residents, the Council is ranked 16th out of the 22 local authorities in Wales in the number of complaints.
7. It should be noted that we are no longer a direct provider of general housing – a function which generally attracts some complaints.
8. The mix of complaints is dealt with in Table B of the Factsheet. The numbers in the various categories are similar to the Welsh average overall.
9. The percentage of cases requiring intervention from the Ombudsman is comparatively low (see Table C), with only seven of the thirty eight complaints being marked as early resolution. The intervention provided the opportunity with the Council to look again at the issue and ensure that remedies could be achieved which met the needs of the complainant. In a lot of cases the Council's position did not change but the complainant was satisfied that a fresh view had been taken. The comparison of complaint outcomes with average outcomes is again broadly in line with the national average (as shown in Table D).
10. The number of national Code of Conduct complaints decreased slightly in 2022/2023 in respect of Local Authority elected members. In the Neath Port Talbot locality, the number of Code of Conduct complaints against County Borough Councils is low, there being just five (5) (Table E), and in each case the Ombudsman determined there was no case to answer. In addition, there was a increase in the number of complaints against town and community councils (Table F) (going from 6 to 11), but as can be seen no

further action was taken in respect of these matters and they were either closed after initial consideration, discontinued or withdrawn.

11. Overall, cuts in public expenditure create an environment in which there can be a mismatch between public expectations and the service which can be provided. This will make it even more important to deal promptly with any complaints which arise and look for practical and achievable solutions. The Council continues to work collaboratively with the Ombudsman to resolve any matter that might be referred to them by a member of the public whether that be via an early settlement or to provide clarification and documentation to assist in any investigation being undertaken.
12. The Complaints Standards Body has now implemented a model complaints policy with nearly 50 public bodies, and delivered 140 training sessions, completely free of charge, during the last financial year. The feedback has been excellent, and the training has been very popular and officers of the Council have engaged with this training process and found it extremely beneficial. The model complaints policy has now been adopted by Neath Port Talbot Council
13. Officers will continue improvement work in 2023/2024 and onwards and steps will be taken to try and reduce the number of cases which require intervention by the Ombudsman. This will include:
 - (a) Ensuring officers are aware of their obligations in responding to complaints and how the Council's Complaints Process functions to reduce the prospect of complaints being made to the Ombudsman stemming from process related issues.
 - (b) Ongoing review of the Council complaints process and the guidance provided to the public on how complaints can be made – including an easy read guide will be developed and publicised, with information on such processes in our Participation Strategy.
 - (c) Further facilitating a working group of officers to consider complaints handling and steps that should be taken in responding to complaints and to consider the Ombudsman response to any complaints so that lessons can be learnt. These officers are also involved in Data Protection and Freedom of Information Act responses so training will also be provided in these areas to ensure compliance in those fields. Taking the opportunity to learn from complaints can contribute to the development of services that meet the needs and expectations of our citizens. In this way, citizens can be involved in improving services and ensuring that they meet long term needs and are sustainable. The ability to identify causes of

complaint and service failure can also present an opportunity to design in service features which have a preventative impact.

- (d) Liaising with the Ombudsman to determine whether resources such as training are available from them to assist in complaint handling process.
 - (e) Undertaking further training with Local Authority Elected Members on Code of Conduct matters and in particular the use of social media, which appears to be the source of numerous complaints to the Ombudsman. Training was provided in May 2022 and as part of member induction and will continue to form part of Code of Conduct Training in refresher sessions, with the most recent taking place in June 2023.
 - (f) Specific sessions of training have been undertaken to group leaders in light of the new duties to ensure compliance with the code of conduct within political groups and Group Leaders have attended the Standards Committee to provide an overview of their approach to standards throughout 2022/2023.
 - (g) Continuing our Standards and Code of Conduct forum with Town and Community Council Clerks to ensure that standards and ethics of decision makers is considered actively within that setting and officers of those organisations are aware of key legal obligations.
 - (h) The Standards Committee have implemented a Forward Work Programme (contained in their 2022/2023 Annual Report) to continue to enshrine the importance of the standards regime in the Council
 - (i) Providing opportunities for members of the Standards Committee to attend meetings of Town and Community Councils to observe meetings and feedback any matters relevant to standards
 - (j) A review of the Constitution has recently been concluded (imbedding the Codes of Conduct further into documents) to ensure appropriate arrangements are in place to meet any obligations in respect of complaints and this review will continue in future years via the Democratic Services Committee.
14. It should also be noted that the Ombudsman is now in receipt of a number of additional powers of investigation, recently granted by the Welsh Government. These include the ability to undertake “own initiative” complaints. These investigations are not instigated by a complaint from a resident but may occur where the Ombudsman suspects potential systemic failures of services or where residents feel unable to complain due to the fact that they are dependent on Council services or because they are vulnerable.

Financial Impacts:

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

Integrated Impact Assessment:

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

Valleys Communities Impacts:

17. No implications

Workforce Impacts:

18. No implications

Legal Impacts:

19. No implications

Consultation:

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

Recommendations:

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

Appendices:

22. Appendix 1 – Annual Letter of the Public Service Ombudsman for Wales for Neath Port Talbot County Borough Council

List of Background Papers:

23. None

Officer Contact:

Mr Craig Griffiths
Head of Legal and Democratic Services



Ask for: Communications



01656 641150



Communications
@ombudsman.wales

Date: 17 August 2023

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

Annual Letter 2022/23

Dear Councillor Hunt

I am pleased to provide you with the Annual letter (2022/23) for Neath Port Talbot Council which deals with complaints relating to maladministration and service failure, complaints relating to alleged breaches of the Code of Conduct for Councillors and the actions being taken to improve public services.

This letter coincides with my Annual Report – “[A year of change – a year of challenge](#)” – a sentiment which will no doubt resonate with public bodies across Wales. My office has seen another increase in the number of people asking for our help – up 3% overall compared to the previous year, and my office now receives double the number of cases we received a decade ago.

In the last year, I have met with public bodies across Wales – speaking about our casework, our recommendations, and our proactive powers. The current climate will continue to provide challenges for public services, but I am grateful for the positive and productive way in which local authorities continue to engage with my office.

1,020 complaints were referred to us regarding local authorities last year - a reduction of 11% compared to the previous year. During this period, we intervened in (upheld, settled or resolved at an early stage) 13% of local authority complaints.

We received fewer Code of Conduct complaints in 22/23 compared to the previous year, relating to both Principal Councils and Town and Community Councils. My role is such that I do not make final findings about breaches of the Code of Conduct. Instead, where investigations find the most serious concerns, these are referred to the Standards Committee of the relevant local authority, or the

Adjudication Panel for Wales. In 2022/23, the Ombudsman made 12 such referrals – a welcome reduction from 20 last year.

Supporting improvement of public services

Despite the challenges of last year, we have pushed forward with our proactive improvement work and launched a new Service Quality process to ensure we deliver the standards we expect.

Last year, we began work on our second wider Own Initiative investigation – this time looking into carers assessments within local authorities. This investigation will take place throughout the coming year, and we look forward to sharing our findings with all local authorities – not just those involved in the investigation.

The Complaints Standards Authority (CSA) continued its work with public bodies in Wales last year, with more than 50 public bodies now operating our model policy. We've also now provided more than 400 training sessions since we started, with local authorities, in September 2020.

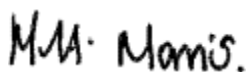
We continued our work to publish complaints statistics into a second year, with data now published twice a year. This data allows us to see information with greater context – for example, last year 20% of Neath Port Talbot Council's complaints were referred to PSOW.

I would encourage Neath Port Talbot Council, and specifically your Audit and Governance Committee, to use this data to better understand your performance on complaints and consider how well good complaints handling is embedded throughout the Authority.

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

- Present my Annual Letter to the Cabinet and to the Governance and Audit Committee at the next available opportunity and notify me of when these meetings will take place.
- Continue to engage with our Complaints Standards work, accessing training for your staff, fully implementing the model policy, and providing accurate and timely complaints data.
- Inform me of the outcome of the Council's considerations and proposed actions on the above matters at the earliest opportunity.

Yours sincerely,



Michelle Morris
Public Services Ombudsman

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



Factsheet

Appendix A - Complaints Received

Local Authority	Complaints Received	Received per 1000 residents
Blaenau Gwent County Borough Council	16	0.24
Bridgend County Borough Council	55	0.38
Caerphilly County Borough Council	49	0.28
Cardiff Council*	142	0.39
Carmarthenshire County Council	53	0.28
Ceredigion County Council	35	0.49
Conwy County Borough Council	31	0.27
Denbighshire County Council	32	0.33
Flintshire County Council	65	0.42
Cyngor Gwynedd	36	0.31
Isle of Anglesey County Council	25	0.36
Merthyr Tydfil County Borough Council	17	0.29
Monmouthshire County Council	23	0.25
Neath Port Talbot Council	39	0.27
Newport City Council	42	0.26
Pembrokeshire County Council	44	0.36
Powys County Council	38	0.29
Rhondda Cynon Taf County Borough Council**	54	0.23
Swansea Council	94	0.39
Torfaen County Borough Council	16	0.17
Vale of Glamorgan Council	49	0.37
Wrexham County Borough Council	65	0.48
Total	1020	0.33
* inc 9 Rent Smart Wales		
** inc 2 South Wales Parking Group		



Appendix B - Received by Subject

Neath Port Talbot Council	Complaints Received	% share
Adult Social Services	2	5%
Benefits Administration	0	0%
Children's Social Services	6	15%
Community Facilities, Recreation and Leisure	0	0%
Complaints Handling	12	31%
Covid19	0	0%
Education	0	0%
Environment and Environmental Health	7	18%
Finance and Taxation	1	3%
Housing	0	0%
Licensing	0	0%
Planning and Building Control	6	15%
Roads and Transport	3	8%
Various Other	2	5%
Total	39	



Appendix C - Complaint Outcomes
(* denotes intervention)

Neath Port Talbot Council		% Share
Out of Jurisdiction	4	11%
Premature	13	34%
Other cases closed after initial consideration	14	37%
Early Resolution/ voluntary settlement*	7	18%
Discontinued	0	0%
Other Reports - Not Upheld	0	0%
Other Reports Upheld*	0	0%
Public Interest Reports*	0	0%
Special Interest Reports*	0	0%
Total	38	



Appendix D - Cases with PSOW Intervention

	No. of interventions	No. of closures	% of interventions
Blaenau Gwent County Borough Council	0	16	0%
Bridgend County Borough Council	5	57	9%
Caerphilly County Borough Council	6	52	12%
Cardiff Council	25	145	17%
Cardiff Council - Rent Smart Wales	1	9	11%
Carmarthenshire County Council	7	60	12%
Ceredigion County Council	13	44	30%
Conwy County Borough Council	5	35	14%
Denbighshire County Council	2	33	6%
Flintshire County Council	5	70	7%
Cyngor Gwynedd	5	33	15%
Isle of Anglesey County Council	5	25	20%
Merthyr Tydfil County Borough Council	1	18	6%
Monmouthshire County Council	1	22	5%
Neath Port Talbot Council	7	38	18%
Newport City Council	8	48	17%
Pembrokeshire County Council	3	45	7%
Powys County Council	8	44	18%
Rhondda Cynon Taf County Borough Council	2	54	4%
Rhondda Cynon Taf County Borough Council - South Wales Parking Group	0	2	0%
Swansea Council	10	99	10%
Torfaen County Borough Council	1	17	6%
Vale of Glamorgan Council	15	53	28%
Wrexham County Borough Council	6	67	9%
Total	141	1086	13%



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Appendix E - Code of Conduct Complaints

Neath Port Talbot Council

Decision not to investigate	0
Discontinued	5
No evidence of breach	0
No action necessary	0
Refer to Adjudication Panel	0
Refer to Standards Committee	0
Total	5

Investigations
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Appendix F - Town/Community Council Code of Complaints

Town/Community Council	Decision not to investigate	Investigations				Total	
		Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel		Refer to Standards Committee
Blaengwrach Community Council	1	0	0	0	0	0	1
Briton Ferry Town Council	5	0	0	0	0	0	5
Cilybebyll Community Council	2	0	0	0	0	0	2
Glynneath Town Council	3	0	0	0	0	0	3
Onllwyn Community Council	0	0	0	0	0	0	0



Information Sheet

Appendix A shows the number of complaints received by PSOW for all Local Authorities in 2022/23. These complaints are contextualised by the population of each authority.

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

Appendix C shows outcomes of the complaints which PSOW closed for the Local Authority in 2022/23. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix D shows Intervention Rates for all Local Authorities in 2022/23. An intervention is categorised by either an upheld complaint (either public interest or non-public interest), an early resolution, or a voluntary settlement.

Appendix E shows the outcomes of Code Of Conduct complaints closed by PSOW related to Local Authority in 2022/23. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix F shows the outcomes of Code of Conduct complaints closed by PSOW related to Town and Community Councils in the Local Authority's area in 2022/23. This table shows both the volume, and the proportion that each outcome represents for each Town or Community Council.

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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

10th October 2023

Matter for Decision

Wards Affected: All Wards

Purpose of the Report:

1. The purpose of this report is to provide the Standards Committee with information about the role of the Adjudication Panel in order to assist the Standards Committee to maintain high standards of conduct by the Members and co-opted Members of the Authority and to understand the procedure when a breach of the Code of Conduct occurs and the Adjudication Panel becomes involved.

Background:

2. The Adjudication Panel for Wales (APW) was established by the Local Government Act 2000. The APW is an independent judicial body with powers to form tribunals (hearings held by a specialist panel) to deal with alleged serious breaches against an authority's statutory Code of Conduct by elected and co-

opted members of county, county borough and community councils as well as other Welsh public authorities.

3. APW tribunal cases are received through two routes:
 - An investigation is undertaken by the Public Services Ombudsman for Wales (PSOW) and then referred to the APW
 - Appeals from local councillors against the decision of their relevant authority's Standards Committee.

The Tribunal Process

4. There are two types of tribunals that are heard by the APW, case tribunals and appeal tribunals.
5. Case tribunals are responsible for deciding whether a local member has breached the Code of Conduct of their authority and if so for determining an appropriate sanction.
6. Appeal tribunals review the decision of the relevant Standards Committee that a councillor has breached the Code of Conduct and any sanction imposed.
7. Tribunals usually have three members of the Adjudication Panel hearing the case. The tribunal will be chaired by one of the legal members of the Panel who is known as the Chairperson. At the beginning of a Tribunal hearing, the Chairperson will explain the order of the proceedings that the tribunal will adopt. The tribunal will, as far as possible, try to avoid formality in its proceedings.
8. The person who is the subject of the complaint will be entitled to give evidence, call witnesses, question any witnesses and address the tribunal.

9. After considering any written and oral submissions, the tribunal will reach a view as to whether the councillor failed to follow the provisions of the code of conduct and make a decision about sanctions.
10. In cases referred direct by the Ombudsman, there is a range of sanctions available to the tribunal. The sanctions available to a case tribunal that has found a breach of the Code are:
 - to take no action in respect of the breach;
 - to suspend or partially suspend the member from the authority concerned for up to 12 months;
 - to disqualify the member from being, or becoming, a member of the authority concerned or any other relevant authority to which the Code of Conduct applies for a maximum of 5 years.
11. In appeal cases, the tribunal will decide whether to uphold or overturn the determination of a Standards Committee by either approving the sanction imposed or referring the matter back to the Committee. They can also censure or suspend a member from the authority concerned for up to six (6) months.
12. In certain circumstances in cases referred directly to the Adjudication Panel by the Ombudsman, the councillor who is the subject of the complaint may seek the permission of the High Court to appeal against a decision.
13. There is no right of appeal against the decision of a tribunal formed to consider an appeal against the decision of a Standards Committee, but as a public body, the Adjudication Panel and its tribunals may be subject to judicial review where appropriate.

Role of the Monitoring Officer

14. The Monitoring Officer plays an important role in the APW tribunal process.
15. The Monitoring Officer of the relevant local authority will be present at tribunal proceedings to assist and inform the tribunal and will provide any relevant information to the tribunal prior to the hearing. The tribunal hearing is an opportunity for the Monitoring Officer to clarify any procedural points regarding the business of the relevant authority or to provide information to the tribunal in relation to any evidence already before it.
16. The Monitoring Officer may be asked to provide or arrange further training to the relevant councillor or to action matters relating to the exercise of the authority's functions, the authority's Code, or the authority's Standards Committee if so recommended by the tribunal.
17. The Monitoring Officer's attendance at the hearing will also enable the Monitoring Officer to give a detailed report to the Standards Committee and Council and to deal with any press enquiries as appropriate.

Tribunal Reform

18. Following a review by the Law Commission of the devolved tribunals, the Welsh Government has started to develop a proposal to reform the devolved tribunals in Wales, including the Adjudication Panel for Wales. The plan is for the Adjudication Panel for Wales to be absorbed into this new tribunal system.
19. However, the proposals are in their consultation phase and so they are prone to change.

Financial Impacts:

20. No implications.

Integrated Impact Assessment:

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

Valleys Communities Impacts:

22. No implications

Workforce Impacts:

23. No implications

Legal Impacts:

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

Consultation:

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

Recommendations:

26. That Members note the contents of this report and the role of the Adjudication Panel for Wales.

Appendices:

27. None

List of Background Papers:

28. None

Officer Contact:

Mr Craig Griffiths
Head of Legal and Democratic Services
Telephone 01639 763767
Email: c.griffiths2@npt.gov.uk

Meeting Date	Agenda Item
October	Public Services Ombudsman for Wales Annual Report
	Group Leader Invitation –Cllr Helen Ceri Clarke
	Role of Adjudication Panel of Wales
	Forum Update
	Gifts and Hospitality Protocol Update
January	Feedback from Town and Community Council meetings
	Whistleblowing Update Report
	Relationship with Governance and Audit Committee
	Learning and Development Opportunities for Elected Members – Protected Characteristics / Equality and Bullying and Harassment.
	Engagement with Members to dispel myths of Standards Committee and what support can be provided.
April	Group Leader Duties and meeting with Group Leaders
	Candidates for Council and guidance to be issued
	Development of Case Studies and guidance for elected members
	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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