



STANDARDS COMMITTEE

***1.30 PM - MONDAY, 11 MARCH 2024**

TEAMS/ HYBRID AT COUNCIL CHAMBER - PORT TALBOT CIVIC CENTRE

***PLEASE NOTE TIME**

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 - 8*)
4. Whistleblowing Arrangements (*Pages 9 - 28*)
5. Member Officer Protocol - Employee Code of Conduct (*Pages 29 - 62*)
6. To Consider the Process the Public Service Ombudsman for Wales Adopt in Respect of Code of Conduct Complaints (*Pages 63 - 68*)
7. Observation of Meetings (*Pages 69 - 100*)
8. County Borough Council - Grant of Dispensation under S81(4) of the Local Government Act 2000 (*Pages 101 - 112*)
9. Town/Community Council - Grant of Dispensation under S81(4) of the Local Government Act 2000 (*Pages 113 - 116*)
10. Independent Review Consultation Responses (*Pages 117 - 148*)

11. Standards Committees Forum - Wales (*Pages 149 - 158*)
12. Forward Work Programme (*Pages 159 - 160*)
13. 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).
14. Access to Meetings - Exclusion of the Public (*Pages 161 - 166*)
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

PART 2

15. Referral from the Ombudsman (Exempt under Paragraph 18c)
(*Pages 167 - 196*)

K.Jones
Chief Executive

Civic Centre
Port Talbot

26 February 2024

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
Substitutes: Councillors A.Lodwig and S.Grimshaw

Community Vacant
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:

10 October 2023

Chairperson: L.Fleet

Vice Chairperson: T.Ward

**Independent
Members:** A.Davies

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

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

**Officers In
Attendance:** C.Griffiths, L.Thomas and T.Davies

Apologies: D.Lewis

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

The Chair welcomed all to the meeting.

2. **DECLARATIONS OF INTEREST**

No declarations of interest were received.

3. **MINUTES OF PREVIOUS MEETING**

RESOLVED: The minutes of the previous meeting held on 13 June 2023, were agreed as an accurate record.

4. **GROUP LEADER INVITATION - COUNCILLOR H.C.CLARKE**

The Committee welcomed Councillor H.C.Clarke (Leader of the Coedffranc Liberal and Green Group) to answer the circulated form of questions to Group Leaders, and to discuss Code of Conduct related matters.

Committee Members discussed using a less formal meeting room for meetings of the Standards Committee, as they felt this would be more appropriate when meeting elected Members in future meetings.

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

5. **STANDARDS COMMITTEE FORUM - WALES**

RESOLVED: That the report be noted.

6. **GIFTS AND HOSPITALITY**

Members discussed the reworded Policy, and felt it would be helpful for a letter to be sent to all Councillors, explaining that although the new threshold would be £25 for the declaration of gifts and hospitality, it would be best practice to disclose all gifts or hospitality offered, whether above or below the threshold, whether accepted or refused.

RESOLVED:

1. That a threshold of £25 be set for the value of gifts and hospitality that should be notified to the Monitoring Officer.
2. That the amended Gifts and Hospitality Policy be commended to Council for adoption.

7. **OMBUDSMAN ANNUAL REPORT**

Members discussed the complaints process, and felt it would be useful for a report to be brought back to Committee, giving

information on breaches, and the criteria used by the Ombudsman to establish a breach, and so on.

RESOLVED: That the report be noted.

8. **ADJUDICATION PANEL FOR WALES**

RESOLVED: That the report be noted.

9. **FORWARD WORK PROGRAMME**

Any newly requested items from this meeting would be added to the Forward Work Programme.

RESOLVED: That the Forward Work Programme be noted.

10. **URGENT ITEMS**

No urgent items were received.

CHAIRPERSON

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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

11th March 2024

Report of the Chief Finance Officer – Huw Jones

Matter for Information

Wards Affected: ALL

Whistleblowing Arrangements.

1. Purpose of Report

1.1 The purpose of this report is to provide the Committee with details of the Council's whistleblowing arrangements and to provide a summary of the number of referrals received and investigated by Internal Audit during the last 5 financial years.

2. Executive Summary

2.1 The Council has had a Whistleblowing Policy (copy attached as appendix 1 to this report) in place for a number of years. It was last updated in April 2022.

2.2 Whistleblowing arrangements are well embedded across all Council services and the policy is readily available to staff on the Council's Intranet site.

2.3 The Whistleblowing Policy forms an important part of the Council's overall governance arrangements.

3. Background

- 3.1 Whistleblowing is used to describe situations where an employee provides information to their employer or a regulator which has come to their attention through work.
- 3.2 Whistleblowing is therefore making a disclosure in the public interest and occurs where an employee raises a concern about danger or illegality that affects others. Examples of concerns which could be reported include:
- Unlawful conduct
 - Disclosures which relate to miscarriages of justice
 - Health & Safety risks
 - Damage to the environment
 - The unauthorised use of public funds
 - Possible fraud, bribery, corruption or malpractice
 - Abuse of service users
 - Unethical conduct
- 3.3 The Public Interest Disclosure Act 1998 protects a worker who reports concerns about where they work if they genuinely believe that their concerns are true.

4. Number of concerns raised and investigated 2019 to date

4.1	2019/20	4
	2020/21	9
	2021/22	11
	2022/23	7
	2023/24	3 as at Feb 2024

The concerns raised covered a range of service areas and related in the main to perceived misconduct.

5. Actions taken and outcomes

- 5.1 All Whistleblowing allegations received, actions taken and outcomes are reported to the Governance & Audit Committee

- 5.2 All allegations received were assessed, whether made anonymously or not and investigated by either the Audit Manager or the Senior Auditor.
- 5.3 Where the Whistleblower made themselves known they were kept abreast of the investigation progress.
- 5.4 Formal reports were issued where appropriate in line with normal Internal Audit protocols i.e. copied to the Chief Executive, the responsible Corporate Director and Head of Service, Chief Finance Officer in his role as Section 151 Officer and Audit Wales our external auditors. Where an allegation could be disproved quickly e.g. where it related to the Whistleblower perceiving acceptable conduct to be inappropriate a report would not be issued. These instances, tend to relate to the use of Authority vehicles or equipment or staff not being in work when the Whistleblower assumes they should be.
- 5.5 When appropriate disciplinary action was taken in line with the Authority's Disciplinary Policy and Processes.
- 5.6 Where the investigation highlighted any internal control weaknesses recommendations were made within the report to strengthen the controls operating.

6. Conclusion

- 6.1 Whistleblowing is well embedded within the Council which is evidenced by the number and range of disclosures made.
- 6.2 None of the allegations received to date have been deemed to be malicious.

7. Appendices

Appendix 1 – Whistleblowing Policy.

8. Financial Impacts

None.

9. Integrated Impact Assessment

There is no requirement to undertaken an Integrated Impact Assessment as this report is for information purposes.

10. Valley Communities Impacts

No impact

11. Workforce Impacts

No impact

12. Legal Impacts

No impact

13. Risk Management Impacts

There is no requirement for external consultation on this item

14. Consultations

There is no requirement for external consultation on this item.

15. Recommendation

That members note the contents of this report.

Officer Contact

Huw Jones – Chief Finance Officer

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Anne-Marie O'Donnell – Audit Manager

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01639 763628



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Whistleblowing Policy

Polisi Chwythu'r Chwiban.

Whistleblowing Policy
Polisi Chwythu'r Chwiban.

Os hoffech dderbyn gohebiaeth mewn perthynas â'ch cyflogaeth yn Gymraeg, [cysylltwch â'ch Swyddog AD dynodedig.](#)

Version	Date	Action
1	31 st August 2015	New Document
2	19 April 2018	Review and Amendment
3	1 st January 2020	Review and Amendment
4	11 th April 2022	Review and Amendment
5	11 th April 2025	To be reviewed

1. Introduction

The purpose of this policy is to encourage workers to disclose any malpractice or misconduct (whistleblowing) of which they become aware and importantly to provide protection for workers who report allegations of such malpractice or misconduct.

The whistleblowing policy is designed to ensure that all allegations of malpractice or misconduct are thoroughly investigated and suitable action taken where necessary.

The policy is intended to encourage and enable workers to raise serious concerns within the Council, rather than overlooking a problem or 'blowing the whistle' outside.

2. Definitions

Whistleblowing is used to describe situations when an employee or a worker provides certain types of information, usually to the employer or a regulator, which has come to their attention through work. Whistleblowing is therefore 'making a disclosure in the public interest' and occurs when a worker raises a concern about danger or illegality that affects others, for example, members of the public.

Examples of the concerns which could be reported include:-

- Conduct which is an offence or a breach of law
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public as well as other employees
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud, bribery, corruption or malpractice
- Sexual or physical abuse of clients, or
- Criminal offences as defined by the Bribery Act 2010
- Other unethical conduct

Any serious concerns that you have about any aspects of service provision or the conduct of Officers or Members of the Council or others acting on behalf of the Council can be reported via the Whistleblowing Policy.

This may be about something that:

- (a) makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to;
- (b) is against the Council's Constitution and policies;
- (c) falls below established standards of practice;
- (d) amounts to improper conduct.

The Public Interest Disclosure Act 1998 (PIDA) protects a worker who reports concerns about where they work, if that worker genuinely believes their concerns are true. See Appendix A.

- When someone blows the whistle, they are raising a concern about danger or illegality that affects others (e.g. customers, members of the public, or their employer). The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of any investigation into their concern - they are simply trying to alert others. For this reason, the whistleblower should not be expected to prove the malpractice. He or she is a messenger raising a concern so that others can address it.
- This is very different from a **complaint**. When someone complains, they are saying that they have personally been poorly treated. This poor treatment could involve a breach of their individual employment rights or bullying and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint and, for this reason, is expected to be able to prove their case.
- For these reasons, it is not in anyone's interests if the Council's whistleblowing policy is used to pursue a personal grievance. The Council has a **Grievance Procedure** and this will be more appropriate for making a complaint.
- People who use services, their relatives or representatives or others can make complaints about a service, using the **Corporate Comments, Compliment and Complaints Policy**. This is not whistleblowing.

3. General Principles

3.1 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, it is expected that workers that we deal with, who have serious concerns about any aspect of the Council's work will come forward and voice those concerns.

3.2 Any whistleblowing worker is protected against adverse employment actions (discharge, demotion, suspension, harassment, or other forms of discrimination) for raising allegations of business misconduct. **A worker is protected even if the allegations prove to be incorrect or unsubstantiated.** Workers who participate or assist in an investigation will also be protected.

3.3 The Council is committed to equality of opportunity in employment and is determined that unlawful discrimination or harassment, will not be accepted at the workplace. All employees should be aware that offences which constitute discriminatory behaviour will be regarded as potentially serious disciplinary matters.

- 3.4 All persons residing, visiting or working within the County Borough, whether service user, employee or worker, have the right to be treated with fairness and dignity.
- 3.5 If requested by the whistleblower, all reasonable steps will be taken to protect the anonymity of the whistleblower. However, under certain circumstances, to assist with the investigation, or subsequent actions to the investigation, the individual's identity may need to be revealed.
- 3.6 Any act of retaliation or victimisation against the whistleblower will result in disciplinary action, up to and including termination of employment.
- 3.7 The malicious use of the whistleblowing policy will result in disciplinary action against the whistleblowing complainant, up to and including termination of employment.

4. Those covered by this Policy

This Policy applies to all employees of the County Borough Council, including those employees employed by schools operating under fully delegated personnel powers.

This policy also applies to all contractors working for the Council on Council premises, for example, agency staff, builders and drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example care homes.

5. Accessibility

A copy of this Policy will be made available on the Intranet.

6. Links with Other Policies

6.1 The Code of Conduct outlines the standards of behaviour expected of Council employees. Where employees are covered by their own professional codes of conduct, it is a requirement for them to adhere to these too.

6.2 This policy is separate from the Complaints Policy and other statutory reporting procedures adhered to in some directorates.

6.3 Where employees abuse the Whistleblowing Policy, they will be subject to appropriate action under the Disciplinary Policy. Equally, those employees who victimise whistleblowers, or commit an offence linked with the act(s) reported via whistleblowing, will be subject to disciplinary action.

6.4 Bullying and harassment – The Council will not tolerate any harassment or victimisation, and will take appropriate action to protect employees when they raise a concern under this policy. Should an employee feel that s/he is being bullied or harassed by an employee of the Council, then they should refer to the Dignity at Work Policy.

6.5 The Equality Duty requires the Council to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out duties. Employees are required to comply with policies relating to equality issues, and familiarise themselves and adhere to the Equality of Opportunity in Employment Policy and Equality of Opportunity in Service Delivery Policy.

6.6 Grievance – where a concern is not sufficiently serious nor of major concern, then the Grievance Policy should be used to address the matter, if informal channels have been explored.

7. Timescales

Actions set out in this policy should be completed in as short a time scale as is reasonably possible. Timescales should be adhered to unless there are compelling reasons not to do so. If it is not possible to operate within these timescales, the parties involved must be informed and Responsible Officer, in conjunction with Human Resources, will decide whether an extension is appropriate.

8. Record Keeping

A central record shall be maintained by Internal Audit of all whistle-blowing concerns raised.

Data processed through a scheme that promotes anonymous whistle-blowing should be deleted or archived within two months of conclusion of the investigation unless it has led to disciplinary or legal proceedings.

All managers and professional advisors involved in the whistle blowing process must be fully capable of discharging their duties, and should take responsibility for ensuring that they are appropriately trained in order to perform their role satisfactorily.

9. Roles and Responsibilities

9.1 Employee

- Employees have a contractual obligation to conduct their work in an honest and loyal manner, and adhere to the disciplinary rules of the

Council.

- Employees must familiarise themselves with and abide by the Code of Conduct. Failure to comply could result in disciplinary action.
- It is essential that employees bring any improper conduct to the attention of their line manager, if appropriate, who will then inform Internal Audit. Failure to do so could in itself be a disciplinary matter. For example failure to report a child or adult protection issue.

9.2 Line Manager

- Line managers are responsible for making employees aware of the Council's standards of behaviour, enforcing rules, and ensuring breaches are tackled promptly, reasonably and fairly.
- Managers must also ensure that they encourage employees to report any concerns directly to them and then forward the concerns to Internal Audit for investigation
- Managers must not, under any circumstances, ask an individual to obtain further information covertly, from another person, without following this procedure. Failure to do so may infringe Human Rights and render the Council liable to legal action.

9.3 Human Resources

- HR should ensure the provision of robust employment advice and support where appropriate.

9.4 Head of Service

- Heads of Service should ensure that the Policy is adhered to and any resulting outcomes are consistent.
- They must ensure that investigations are completed in a timely and professional manner, that suspensions are sanctioned after appropriate risk assessments, and are for reasonable periods, and that any disciplinary hearings occur promptly following the conclusion of any investigation.
- They must nominate an appropriate Investigating Officer if the investigation is not to be undertaken by Internal Audit.
- They must ensure that when any witnesses are requested, that they are

notified when they should attend any investigatory meeting or hearing, and that they are afforded the time to attend.

- They must review the outcome of the investigation, or nominate an appropriate deputy to do so, and confirm whether the recommendations of the report should be actioned, and if so, ensure that they are.

9.5 Trade Union/Workplace Representative

- Representatives must behave in a professional manner, and follow due process, raising any concerns regarding the management of the process with the relevant Head of Service.

9.6 Role of Investigating Officer (when not Internal Audit)

- To investigate the whistleblowing complaint, establish if there is a case to answer and make appropriate conclusions and recommendations.
- The Investigating Officer is appointed by the Head of Service. The Investigating Officer should receive and review the findings of the investigation and recommend whether the matter needs to be reported to a regulator, whether corrective action is required and recommend, where there is a case to answer, and whether there should be a disciplinary hearing.

9.7 Internal Audit Service

- Internal Audit is charged with the responsibility for being the usual means of investigating suspected fraud, corruption malpractice and bribery. For further information please refer to the appropriate Code of Conduct. Employees of the Internal Audit Section have experience in investigating such matters, and the Audit Manager and staff will always be receptive to discussing concerns raised by employees or by the general public.
- If the concerns are of a very specialist malpractice nature, the investigation may have to be carried out by persons other than Internal Audit. Internal Audit will request an appropriate nomination from the relevant Head of Service.
- Internal Audit will ensure that the whistleblower is kept up-to-date with the handling of their disclosure, with any support or advice as necessary from HR.
- Internal Audit will maintain a log of all reported Whistleblowing cases and provide a restricted update to the Audit and Governance Committees.

- The Audit Manager will lead any investigation raised via the Whistleblowing Policy, and recommend whether corrective action is required and, where there is a case to answer, whether there should be a disciplinary hearing.

9.8 Head of Legal and Democratic Services/Monitoring Officer

- The Head of Legal and Democratic Services fulfils the role of Monitoring Officer and reports to Standards Committee on Whistleblowing. The Audit Manager updates the Monitoring Officer in relation to disclosures and investigations. Confidentiality is maintained at all times.
- If there is conflict between the provisions of the Whistleblowing Policy and any other relevant policy or procedure, the Monitoring Officer's will determine which will prevail.

10. Process for Reporting Whistleblowing Concerns

It is usually recommended that a worker raise concerns openly within the Council, but it is also recognised that sometimes this is not possible.

- 10.2 In the first instance an employee or worker should consider discussing the matter with their line manager, or another member of their management team. Managers should deal quickly and effectively with concerns about their service. However, where this proves unsuccessful the matter maybe dealt with more formally (see 10.3-10.5).
- 10.3 If the complainant is not directly employed by the service in question they might also want to discuss their concerns with their own line manager so that they can consider what action to take. For example, a Social Worker may have concerns about a school they visit and report these to their line manager in the Social Services. These disclosures are also protected.
- 10.4 Where a worker lacks confidence that management may deal with the matter appropriately or feels that management maybe involved or associated with the issue of concern, **Internal Audit can be contacted on 01639 763628**. It is always preferred that the whistleblower identifies themselves when they contact Internal Audit as this enables the investigation to proceed more effectively if however the whistblower does not wish to disclose their identity an investigation will still be undertaken based on the information disclosed.

This telephone number is staffed by the Council's Internal Audit Service. Internal Audit will either investigate the concern directly or forward the concern to a more appropriate Service within the Council. This could include:-

- Health & Safety
- Adult Protection Co-ordinator for vulnerable adults' cases.
- PO Placement Review & Child Protection Co-Ordinator for child cases

10.4 An employee or worker can also contact a **Prescribed Body**, as outlined below. Should a worker wish to make a whistle-blowing disclosure outside the Council, care should be taken not to disclose confidential information. Advice on rights and responsibilities may possibly be gained from the party the complaint is taken to.

10.4.1 A 'prescribed body' is one which is identified under PIDA as able to receive concerns about organisations. Most regulators are prescribed bodies.

10.4.2 An employee or worker can raise concerns with a prescribed body, or any other such body, if it is relevant to that body. Such disclosures are protected under PIDA law, where the whistleblower meets the criteria for disclosure. They must also reasonably believe that the matter is substantially true and relevant to the regulator. Examples of prescribed bodies are:

- The Public Services Ombudsman for Wales
- HMRC
- Financial Services Authority
- Health and Safety Executive
- The Information Commissioner
- Regulator of Social Housing
- Care Inspectorate Wales
- Pensions Regulator
- Food Safety Agency
- Audit Wales
- Qualifications Wales

10.5 **Independent advice** may be sought before raising a concern, by contacting a trade union or professional regulatory body, or referring to guidance issued by them. Free, confidential advice can be obtained from independent whistle-blowing charity Protect (formerly Public Concern at Work):

Protect
The Green House
244 – 254 Cambridge Heath Road
London
E2 9DA

📧: <https://protect-advice.org.uk/contact-protect-advice-line/>

☎: 020 3117 2520

🌐: <https://protect-advice.org.uk>

11. Process for dealing with whistleblowing concerns

11.1 All whistleblowing concerns must be forwarded to Internal Audit, if not directly by the whistleblower, then by the recipient.

11.2 Internal Audit will then either investigate the complaint directly, or when not fraud related, will ask a Head of Service to nominate a suitable professional to investigate and, where appropriate, may:

- Refer the matter to the police
- Refer the matter to the external auditor
- Engage in the subject of an independent inquiry

11.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

11.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

11.5 Within 14 calendar days of a concern being raised with them, Internal Audit will write to the whistleblower if the identity of the whistleblower is known:

- acknowledging that the concern has been received
- indicating how the Council proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising whether any initial enquiries have been made
- supplying information on staff support mechanisms, and
- advising whether further investigations will take place and if not, why not.

11.6 The amount of contact between the officers considering the issues and the

whistleblower, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from the whistleblower.

- 11.7 Where any meeting is arranged, the whistleblower can be accompanied by a trade union or professional association representative or a work colleague.
- 11.8 The Council will take steps to minimise any difficulties which a whistleblower may experience as a result of raising a concern. For instance, if s/he is required to give evidence in criminal or disciplinary proceedings the Council will arrange for him/her to receive advice about the procedure.
- 11.9 The Internal Audit Service, or nominated officer, will produce a report on the findings of the investigation. The format of the report will not always be the same as each case is unique, but will frequently set out:
- How the investigation arose
 - Who the suspects are
 - Their position within the Authority and their responsibilities
 - How the investigation was undertaken
 - The facts and evidence which were identified
 - Summary of findings and recommendations, both regarding the fraud, malpractice, corruption or bribery and any additional work required on the system weaknesses during the investigation.
- 11.10 The Council accepts that whistleblowers need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the Council will inform whistleblowers of the outcome of any investigation.
- 11.11 All reports must be presented to the Head of Service. They will (or nominate someone to do so) review the findings of the investigation and recommend whether the matter needs to be reported to a regulator, whether corrective action is required and recommend, where there is a case to answer, whether there should be a disciplinary hearing. Where disciplinary action is required, please refer to the Disciplinary Policy. Please note that all employees involved in the whistleblowing process will be required to support the disciplinary process as necessary.

Internal Audit will ensure that the whistleblower is kept up-to-date with the handling of their disclosure, with any support or advice as necessary from HR.

Please refer to flowchart in Appendix B for a summary of the process.

12. Protection for Whistleblowing

Under PIDA, the law says that a worker is protected from the risk of losing their position or suffering any form of retribution as a result, provided that:

- The information is a protected disclosure
- It is made in the public interest
- The worker reasonably believes that information, and any allegations contained in it, are substantially true
- The worker is not acting for personal gain
- Making the disclosure does not involve the worker committing a criminal offence

For a worker's disclosure to be protected by PIDA, it must be a 'protected disclosure'. The worker must:

- Make sure the information is of a 'qualifying' nature (see Appendix A)
- Make a disclosure of information that, in the reasonable belief of the worker making the disclosure, is made in the public interest
- Reasonably believe that the information is substantially true
- Reasonably believe that they are making the disclosure to the right 'specified person'

Please see Appendix A for further information about making disclosures under PIDA.

Should a worker believe they have incurred any detriment (as per examples in 1.2), then if appropriate s/he should inform their line manager (or more senior manager if the detriment is caused by the line manager). Where the worker feels unable to report the detriment in their own management structure, then it should be reported to the Head of Human Resources or the Audit Manager.

13. Untrue Allegations

Should an allegation be made frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual concerned.

14. Review

This policy will be reviewed every three years by the Head of People and Organisational Development, the Head of Legal and Democratic Services and Audit Manager.

The Public Interest Disclosure Act 1998 (as amended 2013)

The Public Interest Disclosure Act 1998 (PIDA) offers protection to workers from any detriment from their employer that arises from the worker making a **'protected disclosure'**.

To qualify as a 'protected disclosure' the disclosure must satisfy a number of requirements under PIDA:

1. The worker must have made a **'qualifying disclosure'**. This is a disclosure of information which, in the reasonable belief of the worker, tends to show one or more of the following:
 - (a) That a criminal offence has been committed, is being committed, or is likely to be committed
 - (b) That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which he is subject
 - (c) That a miscarriage of justice has occurred, is occurring, or is likely to occur
 - (d) That the health and safety of any individual has been, is being, or is likely to be endangered
 - (e) That the environment has been, is being, or is likely to be damaged
 - (f) That information tending to show any matter falling within any of the preceding paragraphs has been, or is likely to be deliberately concealed

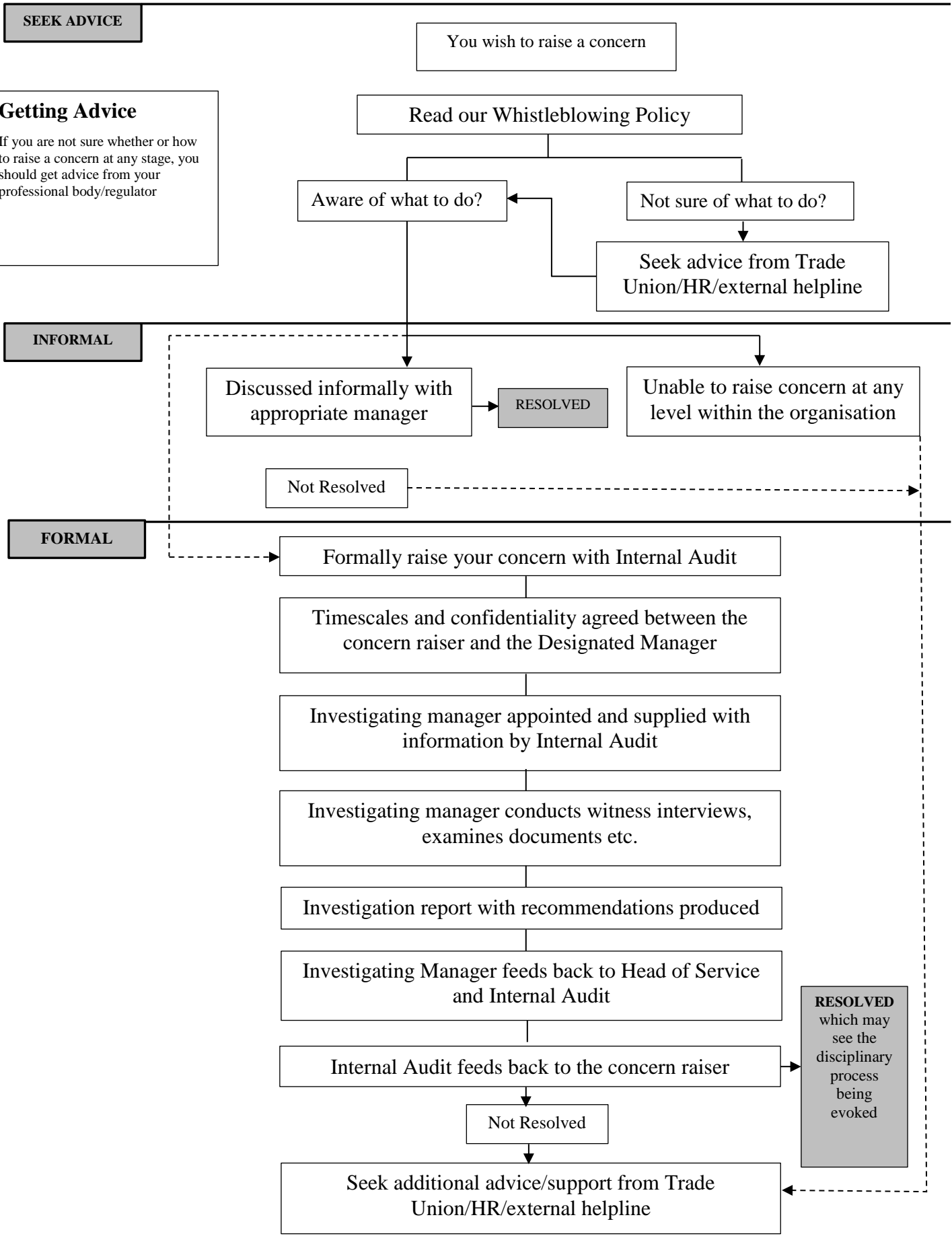
A disclosure of information is not a qualifying disclosure if the person making it commits a criminal offence in doing so.

The qualifying disclosure must be made in **the public interest**.

3. The worker must make the qualifying disclosure to one of a number of **'specified persons'** set out in PIDA, which include:
 - (a) The worker's **employer** or, if they reasonably believe that the failure relates solely or mainly to (i) the conduct of a person other than their employer or (ii) any other matter for which a person other than their employer has legal responsibility, **to that other person**
 - (b) A **'prescribed person'**, which includes CQC. However, the worker must reasonably believe that the information disclosed and any allegation contained

in it is substantially true. The worker must also reasonably believe that the relevant failure being disclosed falls within any description of matters for which CQC is a prescribed person.

Where the above requirements are satisfied, a worker who has made a protected disclosure is protected under PIDA from dismissal or any other detriment arising from making that disclosure. Detriment can include detriment suffered from a previous employer where, for example, the employer refused to give a reference because the worker has made a protected disclosure. A worker who suffers dismissal or detriment may bring a claim for compensation (which is unlimited) in the Employment Tribunal. The term 'worker' includes employees, contractors or self-employed people.





Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

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

11 March 2024

Matter for Information

Wards Affected: All Wards

Member Officer Protocol

Purpose of the Report:

1. To consider the Neath Port Talbot County Borough Council Employee Code of Conduct

Background:

2. Neath Port Talbot County Borough Council Members have adopted an Employee Code of Conduct (a copy of which is enclosed at Appendix 1 of this Report).
3. The public is entitled to expect the highest standards of conduct from all employees. The role of such employees is to serve their employing Council in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.
4. Local government employees are public sector employees who deliver vital services in the community. A code of conduct for employees reflects the local government's standards of behaviour and integrity to all employees and the community they serve. Effective codes that are well communicated and

effectively implemented contribute to building and sustaining a culture of integrity and create a transparent and accountable framework within which employees can operate.

5. The Code of Conduct applies to all those working for the Council (excluding teaching staff), including those on permanent, temporary or part-time contracts, job sharers, and employees on non-standard terms of employment. Relevant parts of the code should be included in the specifications for consultants and contractors, and drawn to the attention of voluntary workers on Council projects. Some employees may already have specific requirements relating to conduct included in their contracts or standard conditions of employment. Where contract conditions and requirements of individual contracts are more specific, due to the nature of the work, they will override the provisions of this code.
6. This code is based on, and consistent with, the following seven principles which were originally set out by the Nolan Committee on Standards in Public Life.
 - (a) Selflessness
Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits.
 - (b) Integrity
Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
 - (c) Objectivity
In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
 - (d) Accountability
Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
 - (e) Openness
Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
 - (f) Honesty
Holders of public office have a duty to declare any private interests

relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

(g) Leadership

Holders of public office should promote and support these principles by leadership and example.

7. The protocol covers a number of different areas

(a) Confidentiality and disclosure of information

(b) Political Neutrality

(c) Declarations of Interest

(d) Relationships with the public and elected members

(e) Corruption

(f) Use of Financial Resources

(g) Gifts, Hospitality and Inducements

(h) Personal interests and involvements in outside organisations

(i) Additional employment

(j) Recruitment

(k) Conduct

(l) Consequences for non-compliance

8. The adoption of the Employee Code of Conduct is within the purview of the Council's Personnel Committee, which approved the latest version in December 2023, which aimed to take into account previous feedback provided by the Standards Committee.

9. However, the Standards Committee within their terms of reference are able to examine any Code(s) of Conduct for Employees of the Council and to make recommendations as may be considered appropriate.

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. That Members consider the updated version of the Employee Code of Conduct and suggest any further updates as they feel appropriate.

Appendices:

17. Appendix 1 – Employee Code of Conduct

List of Background Papers:

18. None

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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Employee Code of Conduct

Version	Date	Action
Version 1		
Version 2	July 2018	Review & Amend
Version 3	January 2020	Review & Amend
Version 4	January 2021	Review & Amend
Version 5	March 2021	Minor Amendment
Version 6	September 2023	Review & Amend

1. Introductions and Definitions

- 1.1 The National Assembly for Wales made Order 2001/2280 The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 in exercise of the powers conferred upon it by sections 82(2) and 105(1) of the Local Government Act 2000[1]. This order came into force on 28th July 2001. This Order applies to Neath Port Talbot County Borough Council (“the Council”).
- 1.2 Employees are accountable to, and owe a duty to the Council. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.
- 1.3 The Council’s values of being connected, caring, collaborative and confident support this code, by providing further guidance in relation to how employees need to conduct themselves in the workplace.
- 1.4 Employees are required to read this Code and clarify any questions they may have with their manager. Please note that a breach of the standards set out in this Code will be dealt with through the Council’s Disciplinary Procedure and could result in formal action up to and including dismissal.
- 1.5 For the avoidance of doubt this Code of Conduct does not apply to Teachers within the meaning of Section 82(2) of the Local Government Act 2000 but applies to all other employees of the Council.
- 1.6 For the avoidance of doubt, the term ‘Accountable Manager’ applies to any manager who directly reports to a Head of Service.

2. General Principles

- 2.1 The public is entitled to expect the highest standards of conduct from all employees. The role of such employees is to serve their employing Council in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.
- 2.2 If an employee becomes aware of activities which they consider to be illegal, improper, unethical or otherwise inconsistent with this Code, they must report it to their manager (or next appropriate manager) as soon as possible. Information on [whistleblowing](#) is also available on NPT Connect.
- 2.3 Responsibility is placed on every employee to disclose to an appropriate manager any potential conflict of interest which may affect them in their job role.
- 2.4 Employees must not misuse their position, Council information or any Council resources or equipment to further their own or others personal interests.
- 2.5 All employees must also cooperate with any requirement made by the Monitoring Officer (Head of Legal Services) or any other relevant officers in connection with an investigation into fraud, corruption or malpractice.

3. Confidentiality and Disclosure of Information

- 3.1 Openness in the dissemination of information and decision-making should be the norm in the Council. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Councillor, Council employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions.
- 3.2 The law requires that certain types of information must be made available to Councillors, auditors, Government departments, service users, and the public, in certain circumstances.
- 3.3 All employees must familiarise themselves regarding which information the Council is able to be open about, and is not able to be open about, and act accordingly. If in any doubt, employees must check with their manager prior to the release of the information.
- 3.4 Any information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Council should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required as required by the law.
- 3.5 Letters written to or by employees in their position as representatives of the Council are the property of the Council.
- 3.6 Personal data obtained in the course of employment should always be treated confidentially and only be disclosed in accordance with data protection legislation or other legal or Council requirements.
- 3.7 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they knowingly pass it on to others who might use it in such a way.
- 3.8 Information on [data protection](#) is available on NPT connect.

4. Political Neutrality

- 4.1 Employees serve the Council as a whole. It follows that they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.
- 4.2 Some employees may be requested to advise political groups. If this is the case, they must do so in a manner which does not compromise their political neutrality as employees.
- 4.3 All employees, must follow every lawfully expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

- 4.4 Where employees are in politically restricted posts they must comply with any statutory restrictions on their political activities. Please refer to ([Link Political Restrictions](#)) for further information
- 4.5 All other employees must also consider whether they should undertake political activities outside these restrictions which may create a conflict of interest.

5. Declarations

5.1 You are required to make declarations in respect of Gifts and Hospitality, Interests and Additional Employment/Work, as part of your contract of employment.

5.2 For declarations:

For the avoidance of doubt, in the cases of school support staff, please substitute Head of Service/Accountable Managers for Head Teacher.

For gifts and hospitality,

You must use the form in **Appendix A where you are a:**

- Director/Head of Service – declarations should be made immediately when an instance arises. Should there be no instances to declare through the year, a nil return should be provided annually, at year end.
- Accountable Manager - declarations should be made immediately when an instance arises. Should there be no instances to declare through the year, a nil return should be provide annually, at year end.
- All other employees – declarations should be made as and when any instances arise of interest

You must use the form in **Appendix B where you are a:**

- Director/Head of Service – declarations should be made annually at year end and a new declaration made immediately should your circumstances change
- Accountable Manager – declarations should be made annually at year end and a new declaration made immediately should your circumstances change
- All other employees – declarations should be made as and when any instances arise of interest

*For secondary employment **Appendix C** shall be utilised in the following circumstances:*

- Directors/Heads of Service – declarations should be made immediately when an instance arises. Should there be no instances to declare through the year, a nil return should be provide annually, at year end.
- Accountable Managers - declarations should be made immediately when an instance arises. Should there be no instances to declare through the year, a nil return should be provide annually, at year end.

- All other employees – declarations should be made as and when any instances arise of additional employment/work.
 - Any declaration must be made as soon as is reasonably possible. In some instances this will mean declaring prior to or at the commencement of your employment.
 - In other instances you will need to make a declaration during your employment, or when you change roles within the Council.
- 5.3 Please refer to **Appendix D**, which outlines the process for making declarations, and also the monitoring process of these declarations.
- 5.4 Employees will need to declare the above with their Head of Service or Accountable Manager. Further details are outlined later in this procedure.
- 5.5 When a Head of Service needs to make a declaration, then the declaration must be made to their Corporate Director, or other Director in their absence, and any relevant authorisation obtained.
- 5.6 When a Director needs to declare something, then this must be made to the Chief Executive, or the Monitoring Officer in his/her absence, and any relevant authorisation obtained.
- 5.7 When the Chief Executive needs to declare something, then this must be made to the Monitoring Officer, or in his/her absence the Deputy Monitoring Officer, and any relevant authorisation obtained.
- 5.8 If an Employee occupies a Politically Restricted Role (whether Specified or Sensitive (Please refer [\(Link Political Restrictions\)](#) for further information)) then gifts or hospitality from Councillors should not be accepted unless sanctioned by the appropriate Head of Service.

6. Relationships

- 6.1 Employees should deal with the public, Councillors and other employees sympathetically, efficiently, and without bias. Further guidance regarding the nature of relationships can be found in **Appendix E**. Employees should act all times in accordance with the requirements of the Equality Act 2010 by not treating people differently or unfairly on the basis of their gender, sex, age, race, disability, sexual orientation, pregnancy, marital status or religion.
- Allegations of harassment and/or bullying will be dealt with in accordance with the Council's [Dignity at Work Policy](#).
- 6.2 Where the Monitoring Officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000(9) an Employee must comply with any requirement made by that Monitoring Officer in connection with such an investigation

7. Equality, Diversity & Inclusion

- 7.1 We want to attract and retain a diverse workforce to deliver better outcomes across a range of services and can respond to the range of needs of the citizens of Neath Port Talbot and is reflective of the people we serve.
- 7.2 The Council aims to provide a safe working environment where employees are treated fairly and with respect. As an employer, we're committed to ensuring equality of opportunity, fair treatment for all colleagues and to building a more inclusive culture which values and celebrated the diverse nature of the workforce.
- 7.3 All our colleagues are entitled to be treated with dignity and respect in the workplace. Discrimination, bullying, victimisation or harassment of any kind is not tolerated.
- 7.4 All our managers have an important leadership responsibility to promote dignity and respect in the workplace and take steps to advance equality and address concerns in their service area.

8. Corruption

- 8.1 Employees must be aware that it will be deemed, under the Bribery Act 2010, to be a criminal offence to offer, promise or give a bribe. It will also be an offence to request, agree to receive, or accept a bribe. This will constitute gross misconduct and place the employee at risk of criminal sanctions as well as disciplinary proceedings.

9. Use of Financial Resources and Other Resources

- 9.1 Employees must exercise due probity and responsibility in accordance with the Council's Financial Regulations, Contract Procedure Rules and Accounting Instructions & Guidelines in the use of public resources.
- 9.2 They must ensure value for money at all times and seek to avoid legal challenge to the Council. Employees must ensure expenditure is authorised appropriately and obtain proof of spending in accordance with the Council's policies.
- 9.3 Resources must be used in accordance with Council requirements and not for any personal benefit or the interests of any political party or group
- 9.4 This will apply, for example, to the use of transport, secretarial assistance, stationary, equipment and information.

10. Gifts, Hospitality and Financial Inducements

- 10.1 A potential source of conflict between private and public interests is the offer of gifts, hospitality or benefits in kind to employees in connection with their official duties. At all times an employee must consider whether the gift or offer of hospitality would lead a member of the public to question whether their dealing with a matter may be prejudiced by a gift.
- 10.2 On no account shall an employee accept any financial payment or other inducement from any person, body or organisation, e.g. contractors, developers, consultants etc. unless authorised by the Council. Section 117 of the Local Government Act 1972 makes

it an offence for an employee of Neath Port Talbot Council to accept any fee, gift, loan or reward whatsoever, other than his or her proper remuneration.

- 10.3 It is important that employees do not accept any gifts or hospitality for themselves, or on behalf of others, which would place them under obligation or appear to do so. Accepting such gifts or hospitality could be regarded as compromising employee objectivity when employees make decisions or carry out the work of the Council. This is also true of any services or gifts in kind. This does not prevent employees from attending official events such as a civic reception or working lunch where these are authorised by the Council. Similarly if employees receive a free pen from a course etc.
- 10.4 There may be exceptions for gifts which are of value up to a maximum of £5 and are usually given to a wide range of people, e.g. pens, diaries, calendars etc. Any more substantial gift should be returned officially with a suitable letter unless specifically sanctioned by an appropriate Head of Service. For school based staff, school governing bodies are expected to outline their own parameters for such gifts or hospitality.
- 10.5 If an Employee occupies a Politically Restricted Role (whether Specified or Sensitive (Please refer [\(Link Political Restrictions\)](#) for further information)) then gifts or hospitality from Councillors should not be accepted unless sanctioned by an appropriate Head of Service
- 10.6 All gifts offered (*except those of value up to a maximum of £5 as indicated above*), whether accepted or refused, must be recorded within the Directorate and signed by the appropriate Head of Service. If in doubt seek advice from your manager.
- 10.7 Normally, visits to exhibitions, demonstrations, inspection of equipment, conferences, business meals, social functions etc. by employees in connection with their official duties will be at the Council's expense to avoid jeopardising the integrity of subsequent purchasing decisions. In some instances, however, it may be to the benefit of the Council to accept the hospitality of outside agencies, organisations, or individuals, where representation serves the Council's interest. This will be a decision for the appropriate Head of Service to make – **authorisation must be sought in advance**. If it is decided to accept the invitation, the reason for the meeting and the form the hospitality takes must be declared. If in doubt seek advice from your manager.
- 10.8 When accepting or receiving authorised hospitality, employees and managers should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 10.9 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where attendance has been authorised in advance and where the Council is satisfied that any purchasing decisions are not compromised.
- 10.10 If any employee is in any doubt over the offer of financial inducement, gifts or hospitality, they should refer the matter to their Manager.
- 10.11 The onus is on employees to declare offers of gifts and hospitality (*see Section 4*). If in doubt seek advice from your Manager.

10.12 The following checklist of questions may help to determine if an offer of hospitality or gift should be accepted or tactfully rejected:

- Is the donor or event significant in the community or in your Council's area?
- Is there an expectation that a Council representative attends because of their role?
- Will the event be attended by others of a similar standing in the community or in other communities?
- What is the motivation behind the invitation?
- Would acceptance of the invitation be, in any way, inappropriate or place an employee under pressure in relation to any current or future issue?
- Could the decision to attend be justified to the Council, press and public?
- What is the hospitality or the nature of the gift and is it reasonable and appropriate in all of the circumstances to accept?
- What are the concerns about accepting the hospitality?

Employees should note that this is a non-exhaustive list and is merely a supportive resource to provide an indication of the types of issues that should be considered. Further clarity should be sought from the Accountable Manager if the employee has any concerns.

10.13 The issue of gifts from service users is covered in **Appendix E**.

11. Personal and Other Interests/Involvements

11.1 Interests or involvement which could conflict with the interests of the Council could be either financial and/or non-financial for example:

- Partnership in a business.
- Work done for any person or organisation other than as an employee of the Council.
- Serving as a member of a group, committee, or board which may work in conflict with the Council.
- Applications submitted by relatives or friends for consideration by the Council, i.e. tendering for work.
- School Governor within the Neath Port Talbot locality.

11.2 If any employee has a personal interest in any matter which arises at any meeting where the employee is reporting or advising (*or might be called upon to advise, or otherwise be able to influence*) any Councillor(s) of the Council, or any third party, the employee must declare the interest, and take no part in the consideration or determination of the matter. Any such declaration made at an official meeting will be recorded in the minutes. If appropriate, arrangements should be made for another employee to attend and report and/or advise on the matter. An example would be involvement in a meeting regarding a school, which their son or daughter attends.

11.3 If an officer has a personal interest which could conflict with the interest of the Council, then they may only remain in the meeting and participate in the proceedings, if the person presiding at the meeting (*having taken advice from the Monitoring Officer*) is satisfied that to do so would be in the interest of the Council or local people.

12. Additional Employment/Work

- 12.1 For all additional/secondary employment or private work, both outside of the work done as an employee of the Council and including additional contracts within the Council whereby individuals provide services to a different service area by way of contract for services, employees **must** obtain the written permission of the Council. **Appendix C** can be used to make a relevant declaration.
- 12.2 Employees should be clear about their contractual obligations to the Council and must not undertake additional/secondary employment, or involvement, which may conflict with or detract from the interests of the Council.
- 12.3 Where an employee is appointed as a Director of a company or a board or committee member of any other organisation, where the appointment or invitation to serve arises out of employment with the Council, then these must also be declared. These Directors must also declare any conflicts of interest, as and when these arise.
- 12.4 Employees need to be aware that any information they have gained in the form of intellectual property, copyright or work in any form which they have carried out or created and which has arisen from them undertaking their duties as an employee of the Council belongs to the Council and, therefore, cannot be sold or lent to any other person or organisation without the written permission of the appropriate Head of Service, in consultation with the Monitoring Officer.
- 12.5 If an employee is absent from their substantive role due to sickness then it is not ordinarily expected that the employee will be well enough to work in a second job. This is unless they provide a fit note and the nature of the illness does not impact on their capability to carry out the duties of their second post with the Council.
- 12.6 If it is found that the employee has worked in a second job whilst absent from the Council due to sickness then it may be considered gross misconduct and result in disciplinary action. This is in line with the Council's [Maximising Attendance at Work Policy](#).
- 12.7 If the employee considers that the nature of his/her sickness is such that s/he cannot work in one job, but can work in the second job (maybe because of differing physical demands) then the employee must contact their manager(s) to discuss this **before** proceeding to work in the second job.
- 12.8 The Council will not allow the employee to carry out work in a second job if it considers that doing so will impede the recovery time from the sickness, and hence delay the return to work in this organisation. Secondary employment includes running your own business, voluntary work, undertaking an official role (e.g. Justice of the Peace or Election duties) or receiving a profit from the pursuance of a hobby.
- 12.9 Employees are obliged to inform the Council of **any** secondary employment regardless of length of contract or remuneration in additional posts. For example, if an employee is undertaking work on a temporary basis, even for free, employees are expected to let their manager know.
- 12.10 Employees must notify their manager that they have reported sick in their other position. In these circumstances, managers must seek advice from Human Resources.

12.11 Employees are not permitted to carry out private trading in relation to goods, services or any form of intellectual property on the Council's premises nor may they do so elsewhere whilst on Council duties.

13. Voluntary Work

13.1 Volunteering is when you choose to give your time to help others without being paid for it.

13.2 Where an Employee undertakes voluntary work which results in day to day contact with children or vulnerable adults then notification must be given to their manager

13.3 While volunteer work for an organisation or charity is not considered as secondary employment, you should consider any potential conflicts of interest with your role within the Council before taking up the activity.

13.4 Employees must gain consent from the Council should any of their voluntary responsibilities fall within their usual working hours.

13.5 Employees should note that voluntary work is subject to the working time directive and therefore employees cannot work more than 48 hours a week on average.

14. Recruitment and Selection of Staff and other Associated Employment Matters

14.1 The Council's Recruitment and Selection Code of Practice, and other relevant policies, must be applied when recruiting to any vacant post. This will ensure appointments are made on merit and the most appropriate person is recruited.

14.2 In order to avoid any possible accusation, or appearance of bias employees must not be involved in any selection process where they are related to an applicant or, have a close personal relationship outside work with the applicant.

14.3 Similarly, employees must not be involved in any decisions on discipline, grievance, promotion, or pay for any employee who is an immediate relative, partner, friend or person in respect of whom the employee's involvement could reasonably be perceived to be prejudicial or biased.

15. Professional Registration Requirements

15.1 In addition to this Code, certain roles within the Council, for example those within education and social care, are also governed by externally set registration requirements and professional standards of conduct. It is employees' responsibility to ensure that they are registered with the appropriate body, that this registration is kept up to date, and that they continue to adhere to the expected standards.

15.2 If an employee fails to meet and maintain these registration requirements and standards, this may result in disciplinary action, up to and including dismissal, being taken by the Council in accordance with the Council's Disciplinary Procedure.

15.3 Additionally, the Council is required to comply with certain duties to notify external registration bodies of issues concerning misconduct and/or disciplinary action taken. Where this occurs, colleagues concerned would be notified by the Council.

16. Declaration of Criminal Offences

16.1 All employees must declare any criminal offence for which they have been charged or prosecuted to their Head of Service, that is either reportable to their professional body or standards body, or which could either:-

- bring the Council into disrepute, or
- result in them being unable to undertake the role for which they are employed (e.g. a driving ban), or
- may result in a prison sentence

16.2 Upon receipt of this information, the Head of Service will review the impact of this information upon the contract of employment with a view to giving consideration as to what support, if appropriate or necessary, might be provided to the employee and whether the declaration requires further investigation to establish if there is a potential disciplinary issue. Where an issue may be potentially gross misconduct, a risk assessment must be undertaken to establish whether the employee should be suspended.

16.3 *Failure to declare or accurately declare relevant offences will result in disciplinary action.*

17. Conduct Outside of Work

17.1 All employees must ensure that their actions outside of work do not bring the Council into disrepute and do not impact upon their ability, be it perceived or otherwise, to undertake their role. This is inclusive of all work related social gatherings such as Christmas parties or leaving events for staff.

17.2 Inappropriate conduct outside of work, which is either illegal, improper, or unethical, will therefore breach the Employee Code of Conduct. Examples of such conduct may include the following, which is not meant to be a definitive list:-

- Inappropriate use of social networking sites in terms of relationships or comments.
- Drugs related offences.
- Giving inappropriate medical treatment to a child or protected adult
- Matters of a publicly sensitive and/or inappropriate nature, including abuse (physical, emotional, neglect or sexual), threats or violence.
- Hate crimes
- Theft and fraud
- Using your position to exert influence

Such conduct could result in disciplinary action being taken.

- 17.3 Employees should be aware that under common law police disclosure the police are allowed to use their professional judgement to make disclosures about individuals prior to conviction where they believe there is a risk because of an individual's employment or voluntary role and the disclosure is necessary for public protection. Through this legislation, and through notifications/complaints from the public, we are, on occasion, notified of employee behaviour outside of work and therefore employees are urged to ensure that their actions outside of work do not bring the Council into disrepute and do not impact upon their ability, be it perceived or otherwise, to undertake their role. Therefore it is in the employee's best interest to disclose of any unruly behaviour outside of work to avoid any such disrepute.

18. Alcohol and Drugs

- 18.1 The Council is committed to providing a safe, healthy and productive working environment for all colleagues, contractors and customers. This includes ensuring that people are fit to carry out their jobs safely and effectively in a working environment which is free from alcohol, drug and substance misuse.
- 18.2 Being under the influence of alcohol, illegal drugs or other substances during working hours is not permitted. This is inclusive of those working from home/ on a hybrid basis.
- 18.3 Any employee who is found to be unfit to undertake the contractual duties of their role because they are under the influence of alcohol or drugs will be sent home for the remainder of the working day. This is to ensure the highest standards of health and safety for all colleagues.
- 18.4 The matter will then be managed in accordance with the [Council's Drug and Alcohol Policy](#) and appropriate strategies and arrangements will be put in place which offer help and support to employees. However, misuse of substances that impact upon the workplace may also result in disciplinary action, up to an including dismissal, in line with the Council's Disciplinary Procedure.

18. Social Media

- 18.1 It is important that employees who use social media in a personal capacity understand the Council's expectations.
- 18.2 When an employee has an online presence, the employee is representing Neath Port Talbot Council and the Council's values.
- 18.3 Further information on the appropriate use of social media and your responsibility is available via the [Social Media Policy](#). Employees who breach the terms of the Social Media Policy may face action under the Council's Disciplinary Procedure.

19. Separation of Roles during Tendering

- 19.1 Employees involved in the tendering and procurement process and dealing with contractors must be clear on the separation of both client and contractor roles within the Council.
- 19.2 Some employees may have both a client and contractor responsibility and must be aware of the need for accountability and openness at all times.
- 19.3 Employees who are privy to confidential information on tenders or costs for either internal or external contracts must not disclose that information to any unauthorised party or organisation.
- 19.4 Employees must declare any relationship which may have the potential to conflict with the tendering process or could be perceived by others as a potential reason for bias.
- 19.5 Further information confirming the requirements of employees, can be located [here](#).

20. Sponsorship

- 20.1 Where an outside organisation intends, or wishes, to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic rules concerning acceptance of gifts or hospitality apply. Particular care must be taken by employees when dealing with contractors or potential contractors.
- 20.2 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or close relative must benefit from such sponsorship in a direct way without there being full disclosure to the appropriate Head of Service of any such interest.
- 20.3 Similarly, when the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.
- 20.4 Should any employee, his or her partner, spouse or close relative(s) benefit from this sponsorship, this must be declared on the form.

21. Failure to Comply with the Code of Conduct for Local Government Employees

- 21.1 Any contravention of this Code of Conduct could result (or be taken into account) in disciplinary proceedings.
- 21.2 Should there be a need to undertake an investigation into an employee's standard of behaviour it will be necessary to examine the Registers, attached in Appendix 'A', 'B' and 'C', and any evidence obtained from these sources may, together with any other information, be used to assist with the investigation.
- 21.3 In some instances, declarations or failure to declare, may need to be reported to the police

22. Application of the Code of Conduct

- 22.1 The Code embodies general standards of conduct for all employees of the Council. It is recognised, however, that arrangements will need to be made in Directorates to address specific circumstances encountered by employees.
- 22.2 The Register of declarations will be maintained by the secretary of each Director or the Chief Executive.

23. Review

- 23.1 This Code of Conduct will be reviewed every 3 years by the Head of Human Resources and Head of Legal Services.

Declaration/Authorisation

of Acceptance of Gifts/Hospitality

Appendix A

Human Resources

Declaration/Authorisation of Acceptance of Gifts/Hospitality

Please note that if a declaration is submitted electronically via email, this email should be maintained with the declaration for the purpose of proof of integrity.

Name (please print)			
Employee Number			
Directorate			
Section 1 - Declaration			
Details of gift(s)/hospitality/invitation(s) offered. Date of hospitality must be included within the details.			
Estimated value (if possible) of gift(s)/hospitality/invitation(s)			
Name and address of person/organisation making the offer			
Their relationship with the Council			
Offer accepted or gift/hospitality received Yes/No (delete as appropriate)			
I declare that the information given above is correct to the best of my knowledge and belief			
Signed		Date	

Section 2 - Authorisation			
Manager Comments			
Name (please print)			
Signed		Date	

Register of Business, Financial, Private, Personal and Other Interests/Involvements

Human Resources



Appendix B

(To be completed by all employees where there needs to be a declaration, as outlined in this policy or there is a perceived/potential conflict of interest.

Please refer to 9.2 of the Procedure.)

Register of Business, Financial, Private, Personal and Other Interests/Involvements	
Name (please print)	
Directorate	
Employee Number	
Section 1 – Declaration	
<p>I hereby declare the following interests that may be relevant to or be likely to affect my employment with Neath Port Talbot County Borough Council. Please outline nature of the potential conflict of interest in the relevant box.</p>	
<p>1. Business</p> <p>Name and address and nature of additional business interests.</p>	
<p>2. Consultancy</p>	

<p>Name and address of Partnership, Company, firm or other body or individual on behalf of whom consultancy is undertaken and nature of the consultancy, with an indication of frequency or volume of such work.</p>	
<p>3. Directorships</p> <p>Name and address and nature of business of each Company or other body of which you are a Director, with an indication of whether it is in a paid or unpaid capacity.</p>	
<p>4. Partnerships</p> <p>Name and address and nature of business of each firm with which you are a partner.</p>	
<p>5. Interests in Land Within the Borough</p> <p>Address or description of land or property within the County Borough of Neath Port Talbot in which you have an interest, the nature of the interest and the use to which the land is put i.e. if you own a property in the Neath Port Talbot area it should be identified here.</p> <p>Please note:</p> <p>(a) Interests as a freeholder or leaseholder for a lease of 12 months or more should</p>	

<p>be declared (For the avoidance of doubt this includes any property to which you are the legal owner whether individually or jointly);</p> <p>(b) Interests as an option holder or prospective purchaser should be declared;</p> <p>(c) Interests by which you are directly concerned in seeking planning permission or some other consent or decision of the Council should be declared;</p> <p>(d) You need not declare interests in land or property outside the Borough.</p>	
<p>6. Retainers</p> <p>Name and address of any organisation to whom you are engaged on a retainer basis and the nature of the retainer.</p>	
<p>7. Memberships/Associations</p> <p>List any organisation (including voluntary bodies) with which you have membership/ association, e.g. clubs and societies.</p>	
<p>8. Relationships</p> <p>Outline any potential relationships issues where there may be a conflict of interest.</p>	
<p>9. Further Information/Any Other Declaration</p> <p>Please give any further information you may wish to record about your business, financial or personal interests.</p>	

If in doubt as to whether there is a potential conflict of interest, then please speak to your Manager in the first instance.

Employee Declaration

I declare that the above information is correct to the best of my knowledge and belief.

Signed		Date	
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Section 2 - Acknowledgement

Manager Comments	
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Name (please print)	
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Signed		Date	
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Please return to your Director's Secretary and continue on a separate sheet if necessary.

Additional Employment/Work



(A separate form must be used for each employment)

Appendix C

Human Resources

Details of Additional Employment/Work (outside your employment with the Council)

Additional Employment/Work Form			
Employer			
Nature/Type of Business			
Number of Hours Worked (per week)			
Other Relevant Information	Do you envisage a conflict of interests between this employment/outside practice and your employment with the Council? YES/NO (please delete as applicable) If YES – please outline below		
Section 1 – Declaration			
Please Print Name			
Contact Number			
Service Department			
Job Title			
Payroll Number			
Signed		Date	

Section 2 - Authorisation			
Manager Comments			
Please Print Name			
Signed		Date	

If the total amount of work (in this Council and Outside Employment) you undertake exceeds 48 hours per week, please refer to the Working Time Regulations 1998 <http://www.legislation.gov.uk/uksi/1998/1833/contents/made> and notify your manager.

Please return to your Director's Secretary.

Declarations of Officer's Interest – Monitoring

Authorisation and Maintenance

- ❖ Chief Executive to have his/hers authorised by the DOFCS/Monitoring Officer. CEX secretary to maintain the file.
- ❖ Directors to have theirs authorised by the CEX. Their secretaries to maintain the files.
- ❖ HOS to have theirs authorised by the Directors. Directors' secretaries to maintain their files.
- ❖ Accountable managers to have theirs authorised by HOS. Directors' secretaries to maintain their files.
- ❖ All other staff to have theirs authorised by their Head of Service or accountable manager. Directors' secretaries to maintain their files.

Frequency of declarations

- ❖ **Directors/HOS** – Declarations should be made immediately when an instance arises and annually for any nil returns.
- ❖ **Accountable Managers** – Declarations should be made immediately when an instance arises and annually for any nil returns.
- ❖ **All Other Staff** – Must provide declarations as and when any instances arise.

Code of Conduct

- ❖ The Code to be made prominent and easily accessible on the intranet.
- ❖ Regular reminders to be flashed up on the screen.

Monitoring by Internal Audit

- ❖ Check all Directors/HOS files on an annual basis.
- ❖ Check all accountable manager files on an annual basis.
- ❖ Check a sample of all other staff files on an annual basis.

NATURE OF RELATIONSHIPS

Councillors

1. The purpose of this Protocol is to guide Elected Councillors and employees of the Council in their relations with one another in such a way as to ensure the smooth running of the Council. Given the variety and complexity of such relations, this Protocol Does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances. Both Elected Councillors and employees are involved in public service. However, their respective roles are quite different:
 - ❖ Elected Councillors are responsible to the electorate;
 - ❖ Employees are responsible to the Chief Executive as Head of the Paid Service, and to their respective Corporate Directors.

Individual Elected Councillors are not permitted to give instructions to employees unless specifically authorised to do so by the Council, or by a Committee, or by the Executive.

An employee's job, where it is part of his/her duties, is to provide appropriate advice to elected Councillors with impartiality. Such advice must be given in an equitable manner, irrespective of the political nature of the elected Councillor concerned. At the heart of this Protocol, is the importance of mutual respect. Councillor/Employee relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Councillor and Employees should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party

Where an employee feels that s/he has not been properly treated with respect and courtesy by an elected Councillor s/he should raise the matter with his/her Head of Service, Corporate Director or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the Councillor concerned. In these

circumstances the Head of Service, Corporate Director or Chief Executive will take appropriate action either by approaching the individual Councillor and/or group leader or by referring the matter to the Monitoring Officer.

A Councillor should not raise matters relating to the conduct or capability of an employee in a manner that is incompatible with the objectives of this Protocol. This is a long-standing tradition in public service. An Employee has no means of responding to such criticisms in public. If a Councillor feels s/he has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Employee, and fails to resolve it through direct discussion with the Employee s/he should raise the matter with the respective Head of Service. The Head of Service will then look into the facts and report back to the Councillor. If the Councillor continues to feel concern, the s/he should report the facts to the Corporate Director who heads the Directorate concerned, or if, after doing so, is still dissatisfied should raise the issue with the Chief Executive who will look into the matter afresh. Any action taken against an Employee in respect of a complaint, will be in accordance with provisions of the Council's Disciplinary Rules and Procedures.

This Protocol is a local extension of the Members' and Employees' Codes of Conduct. Consequently, a breach of the provisions of this Protocol may also constitute a breach of those Codes

2. Mutual respect between employees and Councillors is essential to good local government and working relationships must be kept on a professional basis. Close personal familiarity between employees and individual Councillors can damage this relationship and prove embarrassing to other employees and Councillors.
3. Many employees necessarily acquire information during the course of their employment that has not yet been made public and is, therefore, still confidential. It is a betrayal of trust to disclose such information and you must never disclose or use confidential information for your own personal advantage or for someone known to you, or if to the discredit of the Council, or anyone else.
4. Where an employee has a grievance about a matter relating to his/her employment, this should be pursued through the agreed grievance procedure with trade union

involvement as necessary - a direct approach to elected Councillors, which interferes with a formal process, is not permitted, and may result in disciplinary action.

5. In addition to the general principles detailed above, the following guidelines have been compiled with the purpose of establishing what does, and what does not, constitute acceptable behaviour:

Employees may

- ❖ Give advice to elected Councillors, where such a requirement is part of their job, on professional and/or operational matters which are within the jurisdiction of their area of responsibility. Employee advice must not extend beyond providing information and advice in relation to matters of Council business. Employees must not be involved in advising on matters of political party business. The observance of this distinction will be assisted if Employees are not present at meetings or parts of meetings, when matters of party business are to be discussed;
- ❖ Respond to individual complaints or queries from elected Councillors and give relevant factual information relating to services with which they are concerned.

Employees must not

- ❖ Let their personal or private interest influence their working relationships with elected Councillors;
- ❖ Act in any way which may result in suspicions of improper conduct arising.

Local Communities and Service Users

6. Employees should always remember their responsibilities to the communities they serve and to ensure courteous, efficient and impartial service delivery to all groups and individuals within these communities as defined by the policies of the Council.

Contractors

7. All relationships of a business or private nature with external contractors, or potential contractors, must be made known by employees to their Head of Service. Orders and contracts must be awarded on merit and in accordance with the Council's Contract Procedure Rules, and no special favours should be shown to businesses run by, for example, friends, partners or relations in the tendering process. No part of any community within the County Borough should be discriminated against.

8. Employees who engage or supervise contractors, or have any other official relationship with contractors, and have previously had or currently have a relationship in a private or domestic capacity with contractors, must declare such a relationship to their Head of Service.

Service Users

9. Employees who are in close contact with service users both in the community and residential settings may find themselves placed in invidious situations for a number of reasons. Where such circumstances arise, employees must not:
 - (a) Accept presents in money or goods for themselves or members of their family;
 - (b) Accept loans of money or goods to themselves or members of their family;
 - (c) Enter into financial arrangements with the service user, e.g. by buying goods from the service user, or selling goods/services; similar restrictions also apply to the employee's family;
 - (d) Assist with the preparation of a Will, or Deeds of Gift.

Adherence to these measures will assist employees to minimise any risk of accusation that undue influence has been exercised by an employee over a service user.

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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

11th March 2024

Matter for Information

Wards Affected: All Wards

To consider the process the Public Service Ombudsman for Wales adopt in respect of Code of Conduct Complaints

Purpose of the Report:

1. To provide an overview to members of the Standards Committee of the process embarked on by the Public Service Ombudsman for Wales (“the Ombudsman”) in respect of Code of Conduct Complaints

Background:

2. The Model Code of Conduct (“the Code”) for councillors sets out the high standards of behaviour which the public expects from its elected representatives. The role of the Ombudsman is to consider complaints that members of local authorities, community councils, fire and rescue authorities, national park authorities and police and crime panels in Wales have breached their authority’s Code. When a complaint is received by the Ombudsman, they will be considered by their Code of Conduct Complaints Team.
3. Their role is crucial in supporting the Standards Committees of local authorities to help councillors achieve the standards of conduct that meet

public expectations. They aim to support proper decision making and the proper use of public resources and to maintain public confidence in local government and in the democratic process itself. The view is adopted by them that undertaking investigations that do not support these wider benefits is not in the public interest. They adopt an approach that their limited resources should not be used to investigate matters which are trivial or which have little or no impact on the public. It is important that they focus their investigations on matters that are serious and are capable of undermining the relationship between councillors and the public they serve, such as corruption, bullying and misuse of power in public office.

4. Their process requires the application of a two-stage test.
5. Where they are satisfied that a complaint is supported by direct evidence that a breach has taken place, initially the public interest is considered in deciding whether a complaint against a councillor can and should be investigated. They consider the public interest again during the course of an investigation to ensure that it should continue and, finally, again, when determining whether a matter should be referred to a Standards Committee or to the Adjudication Panel for Wales for consideration.
6. There is no widely accepted definition of public interest, but it has been described as “something which is of serious concern and benefit to the public”. The public interest therefore relates to something which has an impact on the public and is not merely a matter the public finds to be of interest or a matter that impacts solely on an individual (although an individual may be more directly impacted by the matter than the wider public). The public in this context does not necessarily mean the entire population of Wales. It may refer to a distinct section of the public such as a small community or interest group.
7. The published public interest factors they may take into account are set out below:
 - the seriousness of the breach
 - whether the member deliberately sought personal gain for themselves or another person at the public expense
 - whether the circumstances of the breach are such that a member has misused a position of trust or authority and caused harm to another
 - whether the breach was motivated by any form of discrimination against the victim’s ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity

8. When taking any of the above factors into account, relevant considerations can include the circumstances of the complaint; the extent to which the councillor was responsible for, or was to blame for, the alleged breach; whether the alleged conduct was premeditated and/or planned and whether the alleged conduct has caused harm or impacted on another person, group or body. Views expressed by the complainant, or any other person affected by the alleged conduct, relating to the impact and effect should also be considered.
9. Other considerations may be:
 - whether there is evidence of previous similar behaviour on the part of the member
 - whether the Councillor been the subject of any previous complaints or investigations, or been referred to the Standards Committee or Adjudication Panel for Wales for a similar matter? Is the alleged conduct ongoing, repeated or is there evidence of escalating behaviour?
 - whether the investigation or referral to a Standards Committee or Adjudication Panel for Wales is required to maintain public confidence in elected members in Wales
 - whether investigation or referral to a Standards Committee or Adjudication Panel for Wales is a proportionate response. They consider whether it is likely that the breach would lead to a sanction being applied to the member and whether the use of resources in carrying out an investigation or hearing by a Standards Committee or Adjudication Panel for Wales would be regarded as excessive, when weighed against any likely sanction.
10. Public interest should not be decided on the basis of resource alone but this is a relevant consideration when making an overall assessment. A balanced view should be taken and consideration of the outcomes of previous cases considered by Standards Committees across Wales and the Adjudication Panel for Wales will be helpful in achieving this.
11. The list is not exhaustive and not all factors will be relevant to every case.
12. When they have received sufficient information to assess the complaint, they will aim to make a decision on whether they will investigate the complaint within six weeks.
13. If a complaint does not meet the requirements of the two-stage test, they will notify the complainant of their decision in writing. They will share the

decision with the Monitoring Officer and Clerk (in the case of a Community Council).

- 14.** If they decide to investigate the complaint, they will notify the complainant and the said Councillor about the complaint. The Councillor does not need to respond if they do not wish to. However, it would be helpful if they could identify any concerns that they may have or identify any witnesses they feel should be contacted early in the course of the investigation so that these may be promptly resolved or considered. The investigation will be conducted by one of the Investigation Officers. The investigations are conducted in private. The Councillor impacted is therefore asked not to contact or discuss the complaint with any potential witnesses or persons who may be involved in the matter, whether directly or indirectly, this is to avoid any prejudice to the investigation. Conduct of this kind may amount to a breach of the Code.
- 15.** Where they receive a request from the media or a third party for information relating to a complaint received and/or an investigation, they will confirm that they have received a complaint or that they are investigating. They will not share any further details.
- 16.** The Investigation Officer will usually obtain further relevant documentary and witness evidence. Each investigation varies and while it may be necessary to interview those involved, some cases may be concluded through examination of documents alone. They aim to complete all investigations within 12 months, but most are concluded sooner. If, for any reason, they consider it necessary to discontinue our investigation, they will write to all parties explaining this decision.
- 17.** When all reasonable enquiries are completed, the Investigation Officer will review the evidence gathered and decide whether it is supportive of a breach of the Code and whether it is in the public interest to continue with the investigation. If so, they will send to the Councillor copies of the relevant evidence gathered, together with an invitation to attend an interview. The information provided to in advance of or during your interview will be disclosed for the purposes of their investigation in accordance with the Local Government Act 2000. It should be held in strictest confidence and should not be shared with anyone other than a legal or other adviser. Further disclosure may amount to a breach of the Code. In addition, the member should not discuss the evidence you intend to provide at interview or contained within any witness statement or document provided with persons who may be involved in the investigation,

whether directly or indirectly. Such contact may prejudice the investigation and be construed as a similar breach of the Code.

18. Interviews will be recorded and will be conducted face-to-face (in person) or using Microsoft Teams, unless there are exceptional circumstances.
19. When they have all the information required, they will write a report or letter setting out the evidence they have considered and the conclusions they have reached.
20. If they conclude there is no evidence to suggest that a breach the Code of Conduct has occurred, they will close the investigation and provide written reasons for this decision to all parties to the complaint. Once they have issued a decision not to investigate a complaint or to close an investigation or that no further action is appropriate, their task is effectively ended, and the file is closed. However, a complainant can ask (within twenty working days) for them to review a decision not to investigate the complaint. They will not re-open a complaint solely because the complainant disagrees with our decision. If, however following review a contrary decision is taken they will write to the Councillor to explain this.
21. They may determine in some circumstances that no further action is appropriate. Again, written reasons for this decision will be sent to all parties.
22. Where they find that a complaint is justified and it is also considered to be in the public interest to do so, they may refer it either to the Standards Committee of the relevant authority, or to a tribunal convened by the Adjudication Panel for Wales to make a determination on the issues.

Financial Impacts:

23. No implications.

Integrated Impact Assessment:

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

Valleys Communities Impacts:

25. No implications

Workforce Impacts:

26. No implications

Legal Impacts:

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

Consultation:

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

Recommendations:

29. That Members note the role of the Public Service Ombudsman for Wales in addressing Code of Conduct complaints.

Appendices:

30. None

List of Background Papers:

31. None

Officer Contact:

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



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

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

11th March 2024

Matter for Information

Wards Affected: All Wards

Observation of Meetings

Purpose of the Report:

1. To allow the Standards Committee to consider the feedback provided by Committee members following observation of meetings of the Council and Community Councils.

Background:

2. The Standards Committee has agreed that observation of Council, Committee and Town/Community Council meetings is helpful for members, in particular the Independent Members of the Committee, to gain experience of the Council and Committee processes, and to provide opportunities for first hand feedback to the Standards Committee of any issues relating to standards and conduct.
3. The Standards Committee has approved a feedback proforma for use by the Members of the Standards Committee when observing meetings. Members have been asked to complete a form for each meeting they

attend and submit it for consideration at the next appropriate Standards Committee meeting.

4. Meeting observations feedback has been received in respect of the following meetings:
 - Briton Ferry Town Council (18th October 2023)
 - Glynneath Town Council (10th October 2023)
 - Blaenhonddan Community Council (16th October 2023)
 - Neath Town Council (5th October 2023)
 - Gwaun Cae Gurwen Community Council (10th October 2023)
 - Cilybebyll Community Council (7th November 2023)
5. Members will be pleased to note that no concerns have been raised in relation to Member conduct, standards and ethics issues or the management of the meetings.
6. The feedback has been shared with the respect clerks for information.
7. In relation to the feedback about remote access to the meeting, the Committee may wish to note that Community Councils are subject to the same requirements as principal authorities (County Councils) to make provision for remote attendance at Council meetings. However, for Community Council meetings, the requirement is for meeting attendees to be able to hear and be heard by other attendees (without a requirement for attendees to be able to see and be seen by other attendees – which applies to full Council meetings of a principal authority).
8. The Standards Committee will also be mindful of resource constraints for Community Councils, reflecting their comparatively smaller budgets, which will have a bearing on their IT capacity.

Financial Impacts:

9. No implications.

Integrated Impact Assessment:

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

Valleys Communities Impacts:

11. No implications

Workforce Impacts:

12. No implications

Legal Impacts:

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

Consultation:

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

Recommendations:

15. It is recommended that members of the Standards Committee (1) Note the meeting observation feedback received, as set out in Appendix A, and make any comments considered appropriate; and (2) Continue to observe meetings of the Council, Committees and Community Councils and provide feedback to the Standards Committee.

Appendices:

16. Feedback Forms

List of Background Papers:

17. None

Officer Contact:

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Council Name	Blaenhonddan Community Council
Name of Meeting i.e. Full Council / Cabinet/ Scrutiny Committee	Monthly Meeting (October)
Meeting Date	16-10-2023

Please provide feedback on the following areas:

Question	Commentary
Were you able to access the meeting either virtually or in person or were there any difficulties?	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none"> • Not able to access or attend the meeting • Accessed/attended the meeting but difficulties viewing and hearing matters • Accessed/attended the meeting and was able to view and observe without difficulty <p><u>Comment</u></p> <p>Meeting attendance was in person although it was possible to attend virtually if required. As an observer, it was not clear if any members were attending online as there were no introductions made and there was no obvious indication of online attendance.</p>
Were you able to identify the status of individuals in the meeting i.e. officer or member?	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none"> • Not possible to determine the status of individuals in the meeting • Determination of some individuals but not all • Able to identify all members and officers and present

	<p><u>Comment</u></p> <p>The Chair introduced herself as did the council Clerk. As there were two observers of the Standards Committee present, they were introduced by name, but no other representatives/members of the meeting were introduced. The observers were not invited to explain their role or the function of the Standards Committee. This was a missed opportunity.</p>
<p>Were you able to access an agenda or copies of reports prior to the meeting?</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • Access to agenda and reports not provided • Access to agenda only • Access to both agenda and all public papers under discussion <p><u>Comment</u></p> <p>Documents were provided electronically, and a small number of hard copies were available for members. No checks were made as to whether the observers had access to these documents, or whether there was any sensitivity attached to them. Again, this is a missed opportunity to ensure ethical/GDPR treatment of documentation was ensured.</p>
<p>How was the meeting managed?</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • Serious concerns that meeting did not function appropriately and no controls in place. • Some concerns about manner of meeting and the general conduct of business • No concern and meeting managed appropriately <p><u>Comment</u></p> <p>Some members addressed questions, through the Chair, others did not. However, all matters were appropriately dealt with, and all normal protocols were observed. Questions were raised over several issues, sometimes this was by raising a hand, other times it was by polite interruption. There was some minor chatting whilst other conversations were in process. This was not overly disruptive, but a protocol / behaviour issue. The Chair did ask on two occasions for chatting to cease and for all matters to be addressed through her.</p>

<p>Were you able to understand the decisions that were being made at the meeting?</p>	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none"> • Not able to understand decision being taken and the process followed • Able to understand decision making but process seemed confusing • No concerns and able to understand decision making and process <p><u>Comment</u></p> <p>It was difficult to establish if all members in attendance were using their mobile devices to access documents or whether they were engaged in other private matters. Votes were taken on decisions but not all members voted consistently as they were using mobile technology (telephones). Decision making followed normal protocols of nominee, seconder, and unanimous decisions/voting. Unanimous votes were taken even though at least two decisions were deemed unanimous and the same person did not actually indicate agreement/non-agreement. It would be more appropriate to ensure all hands were raised/not raised when taking votes. At least one vote was taken when a member had left the room temporarily. This was an inappropriate practice.</p>
<p>Did you have any concerns relating to standards or ethics (i.e. any concerns regarding compliance with the member's code of conduct?)</p>	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none"> • Concerns that will require future consideration by members of the Standards Committee and the Town/Community Council • Some concerns but these were addressed by the Clerk or Councillors themselves and no further action necessary. • No concerns <p><u>Comment</u></p> <p>Requests for financial aid were made to the Council by various parties. Declarations of conflicts of interest were raised. A decision was taken to support a national charity with financial aid even though it was pointed out that council policy was historically to only support local charities. The decision nonetheless stood even though objections were made post-vote.</p>

	No behaviours were observed which indicated any form of unethical practice. Minor disagreements were raised but these were politely addressed. The Chair sought views and attempted to move matters forward. The Clerk was also very professional and both parties worked effectively.
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I agree that my feedback can be shared both with the Standards Committee and the Council to whom this feedback relates.



Council Name	Blaenhonddan Community Council
Name of Meeting Scrutiny Committee	Full Council Meeting
Meeting Date	Monday 16 th October, 2023

Please provide feedback on the following areas:

Question	Commentary
Were you able to access the meeting either virtually or in person or were there any difficulties?	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none">• <u>Not able to access or attend the meeting</u>• <u>Accessed/attended the meeting but difficulties viewing and hearing matters</u>• <u>Accessed/attended the meeting and was able to view and observe without difficulty</u> <p><u>Comment</u></p> <p>I attended the meeting in person</p>
Were you able to identify the status of individuals in the meeting i.e. officer or member?	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none">• <u>Not possible to determine the status of individuals in the meeting</u>• <u>Determination of some individuals but not all</u>• <u>Able to identify all members and officers and present</u> <p><u>Comment Both myself and Duncan Lewis Attended</u> <u>One member of the public in attendance</u></p>

<p>Were you able to access an agenda or copies of reports prior to the meeting?</p>	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none"> • <u>Access to agenda and reports not provided</u> • <u>Access to agenda only</u> • <u>Access to both agenda and all public papers under discussion</u> <p><u>Comment</u> All papers sent to me online a week prior to the meeting</p>
<p>How was the meeting managed?</p>	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none"> • <u>Serious concerns that meeting did not function appropriately and no controls in place.</u> • <u>Some concerns about manner of meeting and the general conduct of business</u> • <u>No concern and meeting managed appropriately</u> <p><u>Comment</u> Meeting well chaired by Helen Harry. Helen controlled the meeting well when people started discussing across the table</p>

<p>Were you able to understand the decisions that were being made at the meeting?</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • <u>Not able to understand decision being taken and the process followed</u> • <u>Able to understand decision making but process seemed confusing</u> • <u>No concerns and able to understand decision making and process</u> <p><u>Comment</u> <u>Clear reporting – Proposers and Seconders</u></p>
<p>Did you have any concerns relating to standards or ethics (i.e. any concerns regarding compliance with the member’s code of conduct?)</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • <u>Concerns that will require future consideration by members of the Standards Committee and the Town/Community Council</u> • <u>Some concerns but these were addressed by the Clerk or Councillors themselves and no further action necessary.</u> • <u>No concerns</u> <p><u>Comment</u> <u>Overall, I had no serious concerns but felt there was a need for training of certain councillors</u></p>

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

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

Please provide feedback on the following areas:

Question	Commentary
Were you able to access the meeting either virtually or in person or were there any difficulties?	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none"> • Not able to access or attend the meeting • Accessed/attended the meeting but difficulties viewing and hearing matters • Accessed/attended the meeting and was able to view and observe without difficulty <p><u>Comment</u> Link sent in advance</p>
Were you able to identify the status of individuals in the meeting i.e. officer or member?	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none"> • Not possible to determine the status of individuals in the meeting • Determination of some individuals but not all • Able to identify all members and officers and present <p><u>Comment</u> I identified the officers and members by deduction. Introductions by the Chair would have been helpful as there were others attending who I assumed were members of the public as</p>

	<p>they were not participating in the discussions. This would be good practice, particularly as the meeting was held on line; had the meeting been 'in person' I am sure that identifying officers and members would have been easier</p>
<p>Were you able to access an agenda or copies of reports prior to the meeting?</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • Access to agenda and reports not provided • Access to agenda only • Access to both agenda and all public papers under discussion <p><u>Comment</u></p> <p>Papers were sent in advance of the meeting and I therefore had the opportunity to read them beforehand.</p>
<p>How was the meeting managed?</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • Serious concerns that meeting did not function appropriately and no controls in place. • Some concerns about manner of meeting and the general conduct of business • No concern and meeting managed appropriately <p><u>Comment</u></p> <p>Clerk was assertive in stating procedural rules Meeting was chaired appropriately Members were respectful of procedure when speaking, e.g. 'through the chair'</p>
<p>Were you able to understand the decisions that were being made at the meeting?</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • Not able to understand decision being taken and the process followed • Able to understand decision making but process seemed confusing • No concerns and able to understand decision making and process <p><u>Comment</u></p> <p>Overall decision making was appropriate</p>

	<p>Matters were referred back to sub-committees if necessary Clerk gave appropriate advise on procedures</p>
<p>Did you have any concerns relating to standards or ethics (i.e. any concerns regarding compliance with the member's code of conduct?)</p>	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none"> • Concerns that will require future consideration by members of the Standards Committee and the Town/Community Council • Some concerns but these were addressed by the Clerk or Councillors themselves and no further action necessary. • No concerns <p><u>Comment</u></p> <p>Whilst Members expressed different views there were no issues re standards of behaviour and respect for others' views.</p>

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Council Name	Cilybebyll Community Council
Name of Meeting i.e. Full Council / Cabinet/ Scrutiny Committee	Full council
Meeting Date	07/11/23

Please provide feedback on the following areas:

Question	Commentary
Were you able to access the meeting either virtually or in person or were there any difficulties?	<u>Attended the meeting on Zoom. Was easily accessed and sound was good.</u> <u>Vision was good , a full screen would have enabled me to see all participants</u>

<p>Were you able to identify the status of individuals in the meeting i.e. officer or member?</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • Not possible to determine the status of individuals in the meeting • Determination of some individuals but not all • Able to identify all members and officers and present <p><u>Comment</u> Chair and vice chair were ill, CBC Nia Jenkins was voted in as chair. Clerk introduced herself and the locus clerk is also our clerk at BCC. Couldn't see all the members but could hear them.</p>
<p>Were you able to access an agenda or copies of reports prior to the meeting?</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • Access to agenda and reports not provided • Access to agenda only • Access to both agenda and all public papers under discussion <p><u>Comment</u> All papers available along with the agenda.</p>

<p>How was the meeting managed?</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • Serious concerns that meeting did not function appropriately and no controls in place. • Some concerns about manner of meeting and the general conduct of business • No concern and meeting managed appropriately <p><u>Comment</u> Meeting was well managed. Agenda followed and declarations of interest etc were observed. Decision making process was clear</p>
<p>Were you able to understand the decisions that were being made at the meeting?</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • Not able to understand decision being taken and the process followed • Able to understand decision making but process seemed confusing • No concerns and able to understand decision making and process <p><u>Comment</u> No concerns. Decision making process clear</p>

<p>Did you have any concerns relating to standards or ethics (i.e. any concerns regarding compliance with the member's code of conduct?)</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • Concerns that will require future consideration by members of the Standards Committee and the Town/Community Council • Some concerns but these were addressed by the Clerk or Councillors themselves and no further action necessary. • No concerns <p><u>Comment</u> None</p>
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I agree that my feedback can be shared both with the Standards Committee and the Council to whom this feedback relates.

Signed: C.Edwards

Date:08/11/23



Council Name	Gwaun Cae Gurwen Community Council
Name of Meeting i.e. Full Council / Cabinet/ Scrutiny Committee	GCG Ordinary Meeting
Meeting Date	10 th October 2023

Please provide feedback on the following areas:

Question	Commentary
Were you able to access the meeting either virtually or in person or were there any difficulties?	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none"> • Not able to access or attend the meeting • Accessed/attended the meeting but difficulties viewing and hearing matters • Accessed/attended the meeting and was able to view and observe without difficulty <p><u>Comment</u> Could not hear anything. Put in Chat I could not hear. Another person also put they could not hear. Added to chat I would leave and re-join. Re-joined and waited until 18.50. Showed Host has joined. We've let them know you're here. As not let into meeting felt I had missed too much after the 20 minutes lapsed so left. Therefore, unable to comment further</p>
Were you able to identify the status of individuals in the meeting i.e. officer or member?	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none"> • Not possible to determine the status of individuals in the meeting • Determination of some individuals but not all • Able to identify all members and officers and present <p><u>Comment</u></p>

<p>Were you able to access an agenda or copies of reports prior to the meeting?</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • Access to agenda and reports not provided • Access to agenda only • Access to both agenda and all public papers under discussion <p><u>Comment</u></p> <p>Following request for link to meeting. Agenda and reports all sent in a timely manner.</p>
<p>How was the meeting managed?</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • Serious concerns that meeting did not function appropriately and no controls in place. • Some concerns about manner of meeting and the general conduct of business • No concern and meeting managed appropriately <p><u>Comment</u></p>
<p>Were you able to understand the decisions that were being made at the meeting?</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • Not able to understand decision being taken and the process followed • Able to understand decision making but process seemed confusing • No concerns and able to understand decision making and process

	<p><u>Comment</u></p>
<p>Did you have any concerns relating to standards or ethics (i.e. any concerns regarding compliance with the member's code of conduct?)</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • Concerns that will require future consideration by members of the Standards Committee and the Town/Community Council • Some concerns but these were addressed by the Clerk or Councillors themselves and no further action necessary. • No concerns <p><u>Comment</u></p>

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Council Name	Glynneath Town Council
Name of Meeting i.e. Full Council / Cabinet/ Scrutiny Committee	Ordinary Meeting of the Full Council
Meeting Date	10 October 2023

Please provide feedback on the following areas:

Question	Commentary
Were you able to access the meeting either virtually or in person or were there any difficulties?	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none"> • Not able to access or attend the meeting • Accessed/attended the meeting but difficulties viewing and hearing matters • Accessed/attended the meeting and was able to view and observe without difficulty <p><u>Comment</u> I received the papers shortly before the meeting</p>
Were you able to identify the status of individuals in the meeting i.e. officer or member?	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none"> • Not possible to determine the status of individuals in the meeting • Determination of some individuals but not all • Able to identify all members and officers and present <p><u>Comment</u> The meeting was a hybrid meeting and I worked out who were Members and Officers, however, it would have been helpful if people introduced themselves for the benefit of members of the public who might be attending.</p>

<p>Were you able to access an agenda or copies of reports prior to the meeting?</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • Access to agenda and reports not provided • Access to agenda only • Access to both agenda and all public papers under discussion <p><u>Comment</u></p>
<p>How was the meeting managed?</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • Serious concerns that meeting did not function appropriately and no controls in place. • Some concerns about manner of meeting and the general conduct of business • No concern and meeting managed appropriately <p><u>Comment</u></p> <p>At the start of the meeting the Chair read out the instructions for hybrid meetings. Chairs presented the minutes of their respective committees which was positive.</p>
<p>Were you able to understand the decisions that were being made at the meeting?</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • Not able to understand decision being taken and the process followed • Able to understand decision making but process seemed confusing • No concerns and able to understand decision making and process <p><u>Comment</u></p> <p>Clerk gave appropriate advice, e.g. advising on procurement regulations, financial regulations, deferring a matter for further details before a decision could be made, delegating a matter to the Project Committee, Other matters were delegated to committees for discussion and/or review which was an effective use of process.</p>
<p>Did you have any concerns relating to standards or ethics (i.e. any concerns</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p>

<p>regarding compliance with the member's code of conduct?)</p>	<ul style="list-style-type: none">• Concerns that will require future consideration by members of the Standards Committee and the Town/Community Council• Some concerns but these were addressed by the Clerk or Councillors themselves and no further action necessary.• No concerns <p><u>Comment</u></p> <p>Councillors referred to each other as 'Councillor X'. Different views were respected.</p>
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Council Name	Neath Town Council
Name of Meeting Scrutiny Committee	Full Council Meeting
Meeting Date	Monday 5 th October, 2023

Please provide feedback on the following areas:

Question	Commentary
Were you able to access the meeting either virtually or in person or were there any difficulties?	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none">• <u>Not able to access or attend the meeting</u>• <u>Accessed/attended the meeting but difficulties viewing and hearing matters</u>• <u>Accessed/attended the meeting and was able to view and observe without difficulty</u> <p><u>Comment</u></p> <p>I attended the meeting in person</p>
Were you able to identify the status of individuals in the meeting i.e. officer or member?	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none">• <u>Not possible to determine the status of individuals in the meeting</u>• <u>Determination of some individuals but not all</u>• <u>Able to identify all members and officers and present</u> <p><u>Comment</u></p>

<p>Were you able to access an agenda or copies of reports prior to the meeting?</p>	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none"> • <u>Access to agenda and reports not provided</u> • <u>Access to agenda only</u> • <u>Access to both agenda and all public papers under discussion</u> <p><u>Comment</u> No members of the public present</p>
<p>How was the meeting managed?</p>	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p> <ul style="list-style-type: none"> • <u>Serious concerns that meeting did not function appropriately and no controls in place.</u> • <u>Some concerns about manner of meeting and the general conduct of business</u> • <u>No concern and meeting managed appropriately</u> <p><u>Comment</u> Meeting well chaired by Town Mayor, Cllr. John Warman</p>
<p>Were you able to understand the</p>	<p><u>Answer</u> Please highlight which of the three options below was applicable:</p>

<p>decisions that were being made at the meeting?</p>	<ul style="list-style-type: none"> • <u>Not able to understand decision being taken and the process followed</u> • <u>Able to understand decision making but process seemed confusing</u> • <u>No concerns and able to understand decision making and process</u> <p><u>Comment</u> <u>Clear reporting – Proposers and Seconders</u></p>
<p>Did you have any concerns relating to standards or ethics (i.e. any concerns regarding compliance with the member’s code of conduct?)</p>	<p><u>Answer</u> <u>Please highlight which of the three options below was applicable:</u></p> <ul style="list-style-type: none"> • <u>Concerns that will require future consideration by members of the Standards Committee and the Town/Community Council</u> • <u>Some concerns but these were addressed by the Clerk or Councillors themselves and no further action necessary.</u> • <u>No concerns</u> <p><u>Comment</u></p>

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

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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

11th March 2024

Report of the Head of Legal and Democratic Services – Mr Craig Griffiths

Matter for Decision

Wards Affected:

All Wards

GRANT OF DISPENSATIONS AND RENEWAL OF GRANTS UNDER SECTION 81(4) LOCAL GOVERNMENT ACT 2000

Purpose of the Report:

1. To grant dispensations to elected members of Neath Port Talbot County Borough Council in accordance with Section 81(4) of the Local Government Act 2000

Executive Summary

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.

Background:

3. 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.
4. 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.
5. These circumstances are as follows:
 - (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
 - (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
 - (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
 - (e) the interest is common to the member and a significant proportion of the general public;
 - (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
 - (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest
 - (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
 - (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- 6.** Under Paragraph 18 of The Code of Conduct (and the relevant Regulations) the Standards Committee may not consider granting a dispensation to an individual Member unless the Member seeking it has previously notified the Monitoring Officer of that interest together with the relevant details. In each of the

requests below, the Member has notified the Monitoring Officer of that interest together with the relevant details.

7. It is suggested that all dispensations be granted for the remainder of this elected Council until the first meeting of the Standards Committee following the Council Annual General Meeting in 2027 (being the next local government election) in order to ensure that they all come up for renewal at the same time.

Employment

8. The Council is the largest employer in the County Borough and it is not uncommon for both Officers and Members to have family members employed by Council. Unfortunately, this can cause some problems in dealing with Council business. The Standards Committee has previously granted dispensations to cover this situation.
9. 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.
10. Often Members have family whose employment position within the organisation puts them far away from the ability to influence Council Policy and are certainly not considered decision makers. Sometimes, family members are in relatively low paid jobs which are part time or temporary in nature.
11. Hence all the applications for dispensations request permission to speak and vote on issues relating to the business of Neath Port Talbot County Borough Council, (including personnel matters), provided these matters do not directly financially advantage or disadvantage, or give other direct benefit or dis-

benefit to a member of a Councillor's family who is employed by Council. The dispensation will not apply where the person employed is a senior manager of Council (i.e. by that I mean an Accountable Manager or above) or is otherwise charged with assisting in the determination of Council Policy.

12. The Member using the dispensation must understand that it cannot be used if the matter under consideration would confer a greater benefit on the employed family member than on other tax payers, ratepayers or inhabitants of the Council's area, or be such that a member of the public might reasonably conclude it would significantly affect the Member's ability to act purely on the merits of the case and in the public interest if the Member were to take part in the discussion.

School Reorganisation matters

13. Some of the Councillors may in future have a role in deciding school reorganisation matters due to changes in the statutory regime and their interest goes above being a School Governor or local Councillor, for example they may have a family connection with schools in the County Borough.
14. It should be noted that the fact that a member has dispensation does not meet it will be automatically required. The difficulty is that, in certain areas of the County Borough a decision in relation to one school may have an effect on surrounding schools in some way i.e. a redistribution of pupils therefore the member needs to determine whether their particular interest might be prejudicial in respect of this particular decision, bearing in mind the guidance above.
15. There may be instances where there is no such effect and it could be argued there is no interest but Members need to determine this for themselves, taking advice where necessary.

16. The dispensation is sought to ensure that even if members do have a prejudicial interest they will still be able to speak on a matter that goes before the relevant decision making committee/cabinet/board

Standard form of Dispensation: School Reorganisation Personal Interests

17. The standard form of dispensation used in these cases would be:- “To speak but not vote on issues which relate to school reorganisation where it relates that particular member’s interest”.

Circumstances for granting a Dispensation

18. The circumstances under which the dispensations are granted that the nature of the Member’s interest is such that the Member’s participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority’s business.

Applications from Members

19. The Applications received are as follows:-

Name	Nature of Interest
Cllr Gareth Rice	Great Neice attending Ysgol Bae Baglan

Recommendation

20. That the applications for dispensations set out in paragraph 17 be approved to those members listed in paragraph 19 to speak but not vote and that the dispensations run to the Standards Committee which follows the Annual meeting 2027.

Miscellaneous Dispensations

21. The Standards Committee has previously approved various dispensations to Members where they are members of voluntary organisations or organisations carrying out public functions where it is the wish of those Members to speak on Council business relating to those organisations and also, in some cases vote. The subject of the dispensation and its extent varies in each case and therefore I have summarised the applications in the table which appears below.

Circumstances for granting a Dispensation

22. The circumstances under which the dispensations are granted is as follows:-

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business
- (c) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest

Applications from Members

23. The Applications received are as follows:-

Member	Subject of Dispensation	Extent of Requested Dispensation
Cllr Gareth Rice	A member of Tonna RFC	To speak and vote on matters relating to Tonna RFC
Cllr Bob Woolford	A volunteer member of Pontardawe Town RFC	To speak and vote on matters relating to Pontardawe Town RFC

Circumstances for granting the Dispensation

- 24.** The circumstances are (a) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business; (b) the interest is common to the member and a significant proportion of the general public; (c) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise; and (d) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest.

Recommendation

- 25.** That the applications for dispensations set out in paragraph 23 be approved in the circumstances to speak or to speak and vote as set out in the Schedule above and that the dispensations run

to the Standards Committee which follows the Annual Meeting 2022.

Grant of Dispensations: Voluntary Sector Funding

26. Some Members requested the Standards Committee to grant a dispensation allowing them to participate in meetings relating to the review. Members who are appointed to bodies by the Council are required to declare the appointment but their personal interest is not a prejudicial interest under the Members' Code of Conduct. Other Members however are members of such organisations in their own right or have other interests. Their interests may be both personal and prejudicial requiring them to leave the meeting.
27. The interests in relation to which a dispensation is sought are as follows:-

Name of Member	Nature of Interest	Extent of Dispensation Requested
Cllr Gareth Rice	<p>A member of the Friends of Jersey Park</p> <p>A member Neath and District Sea Cadets</p> <p>A member of Briton Ferry Resource Centre</p>	<p>To speak and vote on matters relating to Friends of Jersey Park</p> <p>To speak and vote on matters relating to Neath and District Sea Cadets</p> <p>To speak and vote on matters relating to Briton Ferry Resource Centre</p>

Circumstances for granting a Dispensation

28. The circumstances under which the dispensations are granted are that the interest is common to the member and a significant proportion of the general public and the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest

Recommendation

29. It is recommended that this general dispensation be further granted to speak only and that the dispensations cover all matters related to the funding for the voluntary/third sector such dispensations to run to the Standards Committee which follows the Annual Meeting 2022.

Financial Impacts:

30. No implications

Integrated Impact Assessment:

31. There is no requirement to undertake an Integrated Impact Assessment as this report is for governance related matters.

Valleys Communities Impacts:

32. No implications

Workforce Impacts:

33. No implications

Legal Impacts:

34. 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.

35. 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

Risk Management Impacts:

36. In the event that Members of the Standards Committee do not grant dispensations then elected members will be unable to exercise their rights to speak and/or vote on matters meaning decisions with the Council may be delayed or unable to proceed due to such interests.

Consultation:

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

Recommendations:

38. That the Recommendations set out in paragraphs 20, 25 and 29 be granted by the Standards Committee

Reasons for Proposed Decision:

39. To ensure that appropriate dispensations are in place to allow members to speak and/or vote on all matters placed before the appropriate Council, Cabinet or Committee

Implementation of Decision:

40. The decision is proposed for implementation immediately

Appendices:

41. None

List of Background Papers:

42. None

Officer Contact:

Mr Craig Griffiths
Head of Legal and Democratic Services
Tel. No. 01639 763767
E-mail c.griffiths2@npt.gov.uk

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

11th March 2024

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 Councillors Colin Morgan, Bethany Morgan, Sylvia John and Barry Kaines in respect of Liberty Hall, Briton Ferry when such matters are discussed at Briton Ferry Town 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 Councillors Colin Morgan, Bethany Morgan, Sylvia John and Barry Kaines in respect of Liberty Hall, Briton Ferry when such matters are discussed at Briton Ferry Town Council. The Town Council are currently providing a subsidised meal service to both the elderly and disabled people of Briton Ferry that they provide from the Liberty Hall Day Centre, Briton Ferry. The Town Council currently meets the salary costs of the members of staff (2 full time and one part time) at the facility (a contribution of £52,000 per year) and meets the cost of food provision (in the sum of £25,000 per year) along with other ancillary expenditure (i.e. utility bills, cleaning materials, equipment).
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 Liberty Hall on the basis that the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business and the interest is common to the member and a significant proportion of the general public. The said members receive no financial benefit and merely meet the criteria to whom services can be offered at Liberty Hall, in line with all other residents of Briton Ferry.
9. The standard form of dispensation for is as follows:

"To speak and vote on issues relating to the business of Liberty Hall at Briton Ferry Town Council provided that this dispensation will not apply in circumstances where a member of the public might

reasonably conclude that the nature of the interest 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 and the participation would not damage public confidence. 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 a dispensation be granted to Community Councillors Colin Morgan, Bethany Morgan, Sylvia John and Barry Kaines in respect of Liberty Hall, Briton Ferry when such matters are discussed at Briton Ferry Town Council 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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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

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

11th March 2024

Matter for Information

Wards Affected: All Wards

INDEPENDENT REVIEW OF THE ETHICAL STANDARDS FRAMEWORK -
SUMMARY OF CONSULTATION RESPONSES PUBLISHED BY WELSH
GOVERNMENT

Purpose of the Report:

To inform the Committee of the Welsh Government's published Summary of Consultation Responses following the consultation issued in March 2023 on the Welsh Government's response to the recommendations of the independent review of the ethical standards framework for Wales (the Penn Report, issued in October 2021).

Background:

The Ethical Standards Framework for Wales was established by Part 3 of the Local Government Act 2000, to promote and maintain high standards of ethical conduct by members and officers of relevant authorities in Wales. A 'relevant authority' is a county or county borough council ("a principal council"), a community council, a corporate joint committee, a fire and rescue authority and a National Park authority in Wales.

The Framework consists of ten general principles of conduct for members (derived from Lord Nolan's 'Seven Principles of Public Life'). These are included

in the Conduct of Members (Principles) (Wales) Order 2001. Further, the Local Authorities (Model Code of Conduct) (Wales) Order 2008 (“Model Code of Conduct”) provides for a set of enforceable minimum standards for the way in which Members should conduct themselves, both in terms of their official capacity and (in some instances) in their personal capacity. It also includes provisions relating to the declaration and registration of interests. The Framework has remained largely unchanged, though there have been a number of small amendments to improve the operation of the Framework over the last twenty years.

In March 2021, the Welsh Government commissioned an independent review of the ethical standards framework for Wales to assess whether the Framework remains fit for purpose. The review was undertaken between April and July 2021 and took into account the new legislative requirements introduced by the Local Government and Elections (Wales) Act 2021, as well as the Well-being of Future Generations (Wales) Act 2015 and the Equality Act 2010.

The final report on the Independent Review of the Ethical Standards Framework in Wales (‘the Independent Review Report’) was published on 14th October 2021, and was considered by the Standards Committee at its meeting on 11th January 2022.

In March 2023, the Welsh Government published a consultation on its response to the recommendations of the Independent Review Report.

The consultation was considered by the Standards Committee at its meeting on 11th April 2023 and a consultation response was approved and duly submitted. A copy of the consultation response submitted on behalf of the Committee is attached as Appendix A.

On 14 November 2023, the Welsh Government published a summary of the consultation responses submitted during the consultation on its response to the recommendations of the Independent Review Report. The Summary of Consultation Responses is attached as Appendix B.

The Committee will note that the Summary of Responses indicates that many other local authorities share the views submitted on behalf of Neath Port Talbot in relation to the issues raised in the specific consultation questions, suggesting there is a broad consensus on these issues across Wales. However, the Welsh Government has not yet published any proposals in relation to these matters.

Any relevant proposals which may be brought forward in due course will be reported to a future meeting of this Committee.

Financial Impacts:

There are no direct financial implications arising from 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:

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 Committee is recommended to note the information set out in the report and Appendix B and make any appropriate comments

Appendices:

- Appendix A – Consultation Response by NPT Standards Committee
- Appendix B - Summary of Consultation Responses.

List of Background Papers:

None

Officer Contact:

Mr Craig Griffiths
Head of Legal and Democratic Services
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Question	Response
Do you agree the relevant regulations relating to the Ethical Standards Framework should be amended to align with the definitions relating to protected characteristics in the Equality Act 2010, and that we should amend the definition of equality and respect in section 7 of The Conduct of Members (Principles) (Wales) Order 2001?	This would be supported. The drafting of the Model Code pre-dates these provisions and, whilst the principles set out in the Model Code are in the spirit of the Equality Act 2010, an alignment of the Model Code with the protected characteristics in the 2010 Act would not only provide clarity but also importantly send a strong message that councillors are expected to promote and maintain the highest standards of conduct.
Should the Adjudication Panel Wales (APW) be able to issue Restricted Reporting Orders?	Yes this would be appropriate. Matters relating to elected member conduct will undoubtedly attract media coverage and attention, therefore to ensure the right to a fair hearing, the safety of witnesses, officers and panel members it would be appropriate to ensure that such steps are taken to protect these individuals and ensure the matter can proceed without risk or legal challenge.
Should there be express legal provision to enable the APW to protect the anonymity of witnesses?	An express power to anonymise, used proportionately to ensure witness safety, would be appropriate for both case and appeal tribunals. This will ensure that any members of the public who wish to give evidence can do so without fear of repercussion and particularly to safeguard any individual who maybe deemed vulnerable. Such measures may mean individuals will be more likely to come forward and report inappropriate behaviour if they feel they would be protected from adverse consequences or require safeguarding due to vulnerability
Do you support the proposed changes to the permission to appeal procedure outlined in this recommendation. If not, what alternatives would you suggest?	The proposed appeal process would appear acceptable.
Should there be an express power for the APW to summon witnesses to appeal tribunals?	Yes this would be appropriate, provided there is a clear indication of the consequences of non-attendance and guidance issued to individuals. Steps should also be put in place to actively promote attendance and ways to compensate individual for such attendance

	<p>through meeting travelling expenses, salary recovery for time spent at the APW etc. The APW has the power to disqualify an elected member from office, meaning all steps should be taken and all evidence heard to enable them to reach this decision. Individuals choosing to not attend or not cooperate, can render any determination unsafe or open to challenge and accordingly it would be appropriate that all steps are taken to compel attendance, if only to ensure the elected member has a fair and transparent hearing.</p>
<p>Should there be any changes in the procedure for referring appeals decisions back to standards committees?</p>	<p>Further clarity should be provided on the grounds whereupon the APW are able to refer a matter back to a Standards Committee and this should be limited to where a Standards Committee may have erred in law as to its decision or has made a decision that is irrational or procedurally unfair. The Standards Committee of an authority has the responsibility for promoting standards of behaviour and therefore should remain the arbitrator and decision maker of matters, which are referred to it. The role of the APW in appeals should be limited to decisions which are merely illegal, irrational or procedurally unfair and not to challenge what could be a legitimate decision taken.</p>
<p>Do you agree there should be an express provision to enable part or all of tribunal hearings to be held in private?</p>	<p>This would be appropriate. This will ensure that any members of the public who wish to give evidence can do so without fear of repercussion and particularly to safeguard any individual who may be deemed vulnerable. Such measures may mean individuals will be more likely to come forward and report inappropriate behaviour if they feel they would be protected from adverse consequences or require safeguarding due to vulnerability. It can also ensure that any confidential or exempt information can be disclosed in an appropriate manner</p>
<p>Do you agree that the requirement to provide not less than seven days' notice of the postponement of a hearing should be retained?</p>	<p>This should be retained for the sake of clarity to all parties and to enable steps to be taken in reasonable timescales.</p>

Should there be a wider range of sanctions available to the APW, and if so, what should they be?	A wider range of sanctions other than disqualification or suspension would be helpful. Steps perhaps should be taken for more restorative actions and whether the APW can introduce matters which encourage resolution to issues as opposed to a straightforward suspension or disqualification
Do you support the proposed amendments to the process for interim case tribunals outlined in this recommendation? If not, could you please explain	Yes, amendment or further guidance on this matter would be welcome. The intention in the Local Government Act 2000 appears to be to allow an accused member to be suspended for six months (though it is unclear whether this is one term of suspension or if it can be renewed on application) while the Ombudsman investigates if that Councillor through their role was interfering with the investigation or if for some other reason it was necessary to suspend on an interim basis. In some cases, it might be inappropriate to continue to remunerate a Councillor who is facing such charges, and that his or her continued activities as a Councillor could endanger members of the public, other Councillors or members of staff. A member who is charged with criminal offences is innocent until proven guilty, and in order for the Ombudsman to make an interim referral there would need to be strong evidence that it is in the public interest for a suspension to be imposed, particularly if the offences are historical.
If you do support the changes to the process for interim case tribunals, do you agree that an intermediate arrangement should be put in place i.e. by shortening and streamlining the process for interim case tribunals in The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001? If yes, do you have any suggestions as to how this process could be streamlined within the regulations?	Yes this would be agreed, a shorter and simpler timescale for such matters would be appropriate. The view of Richard Penn of a system similar to that of Medical Practitioners Tribunals would be an appropriate system.
Do you have any further views on the recommendations made in relation to the operation of the APW?	No further information to add

<p>Do you have any suggestions as to how work might be taken forward to raise awareness of the Ethical Standards Framework, in particular for people with protected characteristics as described in the Equality Act 2010?</p>	<p>The ethical standards framework must be genuinely open, transparent and accessible to everyone, and if the objective is that the framework should command the confidence of everyone who may need to use it, then consideration needs to be given to how to ensure equality of access for everyone. Documents should be made available in a wide variety of formats, regular publicity should be given to such matters with guidance available on how to report matters of concern. Standards Committee should work in conjunction with Council equality officers to look at ways to further promote awareness with those with protected characteristics. Visibility of the Standards Committee and promotion of roles and responsibility of elected members is crucial in this regard</p>
<p>Advertising for independent members of standards committees: Do you agree the requirement to advertise vacancies for independent members on standards committees in newspapers should be removed?</p>	<p>Yes this should be removed. At present, the ability to advertise within newspapers is costly and has not demonstrated any tangible return to the local authority in previous rounds of recruitment. Greater interest has been generated through liaising with stakeholder organisations, advertising via social media and general word of mouth. A requirement for advertisement on a Council website would perhaps achieve this purpose alone and local authorities should be entitled to determine any forms of advertisement they think appropriate, with the ultimate determination being made by elected members</p>
<p>Former council employees sitting as independent members on standards committees: Do you agree that the lifelong ban on former council employees being independent members of their previous employer's standards committee should be removed?</p>	<p>Yes. A lifelong ban is no longer appropriate and instead a reasonable timescale should be considered for such appointments</p>
<p>If yes, what do you think would be a suitable period of grace between employment and appointment to a standards committee, and should this be the same for all council employees, or longer for those who previously holding statutory or politically restricted posts?</p>	<p>Three years would be an appropriate timescale and the same period should be applicable to all employees irrespective of role, in the interests of equality of opportunity.</p>
<p>Former councillors sitting as independent members on standards committees: Do you agree that the lifelong ban on serving</p>	<p>Yes. A lifelong ban is no longer appropriate and instead a reasonable timescale should be considered for such appointments</p>

as an independent member on the standards committee of the council to which a councillor was elected should be removed? If yes, what do you think would be a suitable period of grace?	
Standards committees' summoning witnesses and sanctions: Should standards committees have the power to summon witnesses?	Four or five years would be an appropriate timescale to the extent that members will have left office for at least one term before being able to come back as a member of the Standards Committee
Do you agree that the sanctions a standards committee can impose should be changed or added to? If yes, what sanctions would you suggest?	A wider range of sanctions other than disqualification or suspension would be helpful. Steps perhaps should be taken for more restorative actions and whether the Standards Committee can introduce matters which encourage resolution to issues as opposed to a straightforward suspension or disqualification
We would like to know your views on the effects that the above changes to the Framework and Model Code of Conduct would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be?	There would appear to be no impact to the Welsh Language. However, it should be noted that the costs of translations for hearings can be quite high and quite complex, meaning financial burdens on local authorities in facilitating such translation should be funded appropriately.
How could positive effects be increased, or negative effects be mitigated?	Not Applicable
Please also explain how you believe the proposed amendments could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.	Not Applicable
Do you have any other comments you wish to make on the matters raised in this consultation, including for those Report Recommendations where no specific question has been posed?	Not Applicable

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Llywodraeth Cymru
Welsh Government

Number: WG48234

Welsh Government

Consultation – summary of responses

Summary of responses to the consultation on the recommendations of the Independent Review of the Ethical Standards Framework (Richard Penn report)

November 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

This document provides a summary of the responses to the consultation on the recommendation of the Independent Review of the Ethical Standards Framework (Richard Penn report).

Action Required

This document is for information only.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

Local Government Policy Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

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Additional copies

This summary of response and copies of all the consultation documentation are published in electronic form only and can be accessed on the Welsh Government's website.

Link to the consultation documentation: [Consultation on the recommendations of the Independent Review of the Ethical Standards Framework \(Richard Penn report\) \[HTML\] | GOV.WALES](#)

Contents

Contents.....	3
Introduction	4
Summary of responses	5

Introduction

The Local Government Act 2000 (the 2000 Act) established the local government Ethical Standards Framework (the Framework) in Wales. The Framework extends to county and county borough councils, corporate joint committees, national park authorities, fire and rescue authorities and community and town councils. Where the term council(s) is/are used throughout this document this also extends to all member(s) of the above-named bodies.

As the Framework has remained largely unchanged over the last 20 years an independent review (the review) was commissioned in March 2021 and undertaken by Richard Penn. The review concluded the current Framework is 'fit for purpose' and works well in practice. However, it suggested a few amendments which could lead to a greater emphasis in the Framework on prevention of complaints, improve the handling of complaints and result in already high ethical standards being further enhanced.

Extensive stakeholder engagement took place following the publication of the review, including monitoring officers, the Public Services Ombudsman for Wales (PSOW) and her office, the Welsh Local Government Association (WLGA) and One Voice Wales. Discussion on the review's recommendations at the All-Wales Standards Conference in February 2022 were carefully listened to and standards committees wrote in with their views.

The consultation paper built on the review's recommendations and took the thoughts and comments raised during engagement into account.

About the consultation process

Views were invited as part of a formal three month consultation between 24 March 2023 and 23 June 2023. The consultation document was published on the Welsh Government's website. The consultation sought views on Welsh Government responses to the review and considerations of the recommendations, along with a number of further issues raised during stakeholder engagement.

The consultation included an introduction to the Framework, the terms of reference of the review and links to the review.

Details of the consultation can be found [here](#).

About the responses

31 responses were submitted either online or by e-mail within the timeframe of the consultation. One of the e-mail respondents did not submit any answers, however appreciated the opportunity to have done so. Three further responses were submitted following consultation closure. Whilst these responses have not been

included in this summary of responses it was noted that points raised were broadly in line with other respondents.

As part of the consultation process respondents were asked whether they were content for their details to be disclosed. Four respondents wished to remain anonymous and two did not answer the question. We have therefore not released details of respondents' identities.

The 31 respondents to the consultation can be grouped as follows:

- 12 principal councils and principal council committees
- 8 town and community councils
- 6 organisations, including societies, panels, associations
- 2 non principal council local government authorities (fire rescue authorities/national park authorities)
- 2 members of the public
- 1 anonymous online submission, grouping unknown

16 responses were completed online and 17 submitted via e-mail. No responses were received in hard copy.

Summary of responses

This document is a summary of the responses received. The report does not aim to capture every point raised by respondents, instead it draws out key messages.

22 questions were asked in the consultation document and a summary of the responses is set out below.

Not all questions were answered by all respondents and some gave a general response to the consultation rather than answering specific questions. Where a general response has been provided we have included the response under the most appropriate question or provided a summary of points raised under question 22.

Respondents' comments have been included in the summary where a respondent has not specifically agreed or disagreed with a question.

Question 1. *Do you agree the relevant regulations relating to the Ethical Standards Framework should be amended to align with the definitions relating to protected characteristics in the Equality Act 2010, and that we should amend the definition of equality and respect in section 7 of The Conduct of Members (Principles) (Wales) Order 2001 (legislation.gov.uk)?*

Of the 31 consultation responses received, 29 responded to this question. 2 did not express an opinion either way.

100% of the 29 respondents to this question agreed with this proposal. Many commented that the proposal was logical and supported ensuring consistency across Wales. One principal council confirmed they had already undertaken this

alignment and considered it would send a strong message that councillors are expected to promote and maintain the highest standards of conduct.

There were no adverse comments to this question.

Question 2. *Should the Adjudication Panel Wales (APW) be able to issue Restricted Reporting Orders?*

Of the 31 consultation responses received 26 responded to this question. 5 did not express an opinion either way.

85% of the 26 respondents to this question agreed the APW should be able to issue Restricted Reporting Orders. Whilst some respondents commented on the need for transparency in proceedings, some raised issues regarding hearings which may, for example, relate to minors. In such circumstances restricted reporting was considered appropriate. It was noted by one respondent that well established procedures are in place in other organisations which could be adopted.

Some respondents commented that restricted reporting orders could remove barriers to reporting complaints by providing a secure environment for complainants, witnesses, officers and panel members. It was suggested the restrictions could be in place for the period of a hearing and lifted following the hearing. It was felt this could support the removal of “trial by media”.

15% of the 26 respondents did not agree the APW should be able to issue Restricted Reporting Orders. Some respondents suggested this approach would not be in the interest of openness, transparency and the Nolan principles. Some respondents also considered that as similar restrictions are not imposed in other areas this approach could set a precedent. One respondent suggested the lack of evidence for such orders set out within the consultation failed to justify the restrictions.

Question 3. *Should there be express legal provision to enable the APW to protect the anonymity of witnesses?*

Of the 31 consultation responses received 23 responded to this question. 8 did not express an opinion either way.

96% of the 23 respondents to this question agreed the APW should have express legal provision to protect the anonymity of witnesses. Respondents were consistent in their comments that protecting witnesses would increase the willingness of witness participation. Respondents raised the importance of ensuring those involved in an investigation are aware of the identity of witnesses in order to be able to fully defend themselves. There was a strong consensus that transparency should still apply to the proceedings.

One respondent did not agree the APW should have express legal provision to protect the anonymity of witnesses based on the view that there could be significant disadvantage to the respondent of anonymous complaints. However, they did support proportionate and selective anonymity to protect the welfare and safety of witnesses if there is high risk to that witness, for example, in the case of minors.

Respondents consistently felt that complaints should not be anonymous to allow fairness and transparency in the proceedings, but witnesses should be protected where necessary.

Question 4. *Do you support the proposed changes to the permission to appeal procedure outlined in this recommendation. If not, what alternatives would you suggest?*

Of the 31 consultation responses received 22 responded to this question. 9 did not express an opinion either way.

86% of the 22 respondents to this question supported the principle of the proposed changes to the permission to appeal procedure outlined in the recommendation.

Positive comments included that regulations should give the President of the APW power to extend the time for a councillor to make an application for permission to appeal if it is in the interests of justice to do so. It was also felt that it would be appropriate for the Public Services Ombudsman for Wales (PSOW) to be able to comment on requests for permission to appeal and that the process should allow time to comment. In addition it was suggested that provision for private hearings should be made.

However the positive responses, in some cases, were qualified with comments about the need for sufficient time being allowed for appellants to provide appropriate documentation, especially when working within a process they may not be familiar with. Some respondents felt that 7 days would be insufficient and that there needed to be clarity about the definition of days i.e whether it refers to working days or all week days. It was felt that the APW should work to a deadline like other parties in the process. This would help to manage expectations, and avoid long delays that are not considered to be in the public interest.

Comments from the 14% of respondents to this question who did not support the proposed changes focussed on the whole process not taking more than a certain period of time. One respondent suggested a reasonable deadline for the APW to reach a decision would be 56 days.

Question 5. *Should there be an express power for the APW to summon witnesses to appeal tribunals?*

Of the 31 consultation responses received 25 responded to this question. 6 did not express an opinion either way.

88% of the 25 respondents to this question agreed there should be an express power for the APW to summon witnesses to appeal tribunals. Respondents suggested that compensation such as travel expenses and salary recovery should be in place. However, it was felt that the consequences of non-attendance should be made clear with guidance issued. Respondents wanted to be made aware of potential sanctions that could be considered for breaching a summons.

There was agreement amongst respondents that it would be contrary to the interests of justice if a witness were not to attend a hearing, and some felt that there is a duty of the witness to attend for legal transparency.

12% of the 25 respondents to this question did not agree. Comments focussed on the view that summoning witnesses would represent an excessively adversarial approach, and it should be recognised that the procedure was an appeal tribunal not a criminal court.

Question 6. *Should there be any changes in the procedure for referring appeals decisions back to standards committees?*

Of the 31 consultation responses received 22 responded to this question. 9 did not express an opinion either way.

The majority of respondents, 68%, felt there should not be any changes in the procedure for referring appeals decisions back to standards committees. Respondents felt the current procedure works well and that standards committees, as the local body dealing with standards, should continue to be entitled to take a different, considered, view from the recommendation of an appeal tribunal.

A key comment reflected by the majority of respondents was that it is an established practice that appeals tribunals should remit cases back to the primary decision maker for reconsideration. One respondent commented that “whilst it would be a “brave” Standards Committee that disagreed with the APW, a change removing the right for them to choose to do so would be a diminution of their freedom of action”.

32% of the 22 respondents confirmed they would like to see changes to the procedure for referring appeals decisions back to standards committees. Their comments centred on standards committees having the responsibility for promoting standards of behaviour, and that they therefore should remain the arbitrator and decision maker of matters which are referred to them.

It was suggested there should be clarity provided on the circumstances where the APW can refer a matter back to a standards committee and it was felt this should be limited to where a standards committee may have erred in law in its decision, or has made a decision that is irrational or procedurally unfair.

Question 7. *Do you agree there should be an express provision to enable part or all of tribunal hearings to be held in private?*

Of the 31 consultation responses received 24 responded to this question. 7 did not express an opinion either way.

83% of the 24 respondents to this question agreed there should be an express provision to enable part or all of tribunal hearings to be held in private. One respondent suggested there is already a power to hear evidence in private, but that it is less clear, given the wording of the regulations, whether the whole hearing has to be in private and suggests this is the point that requires further clarity.

Several respondents linked their responses to this question with responses to question 3 stating the anonymity of witnesses could increase the likelihood of witness participation and that the vulnerable can better be safeguarded.

Other respondents commented that in prescribed circumstances it would be fair and reasonable for all or parts of a tribunal hearing to be held in private, for example where personal or commercially sensitive information is disclosed. This would be in line with standards committees being able to exclude the press and public in limited situations.

Of the 17% of respondents to this question who did not agree, one qualified their response on the basis that they felt that there should only be an express provision to enable part or all of tribunal hearings to be held in private where it contravenes common law.

A further comment was that the President of the Welsh Tribunals should be consulted on how the proposal interacts with the unification of the Welsh Tribunals system in order that a more informed response can be provided.

Question 8. *Do you agree that the requirement to provide not less than seven days' notice of the postponement of a hearing should be retained?*

Of the 31 consultation responses received 22 responded to this question. 9 did not express an opinion either way.

84% of the 22 respondents to this question agreed the requirement to provide not less than seven days' notice should be retained with the remaining respondents disagreeing.

Those who agreed commented it should be retained for clarity to all parties and enable steps to be taken in reasonable timescales. Further points included that a maximum notice of postponement possible should be provided, with seven days being a minimum. One respondent who agreed not less than seven days' notice should be retained suggested that a minimum of 20 days would be more appropriate and practical.

The 16% of respondents to this question who did not agree that the requirement to provide not less than seven days' notice should be retained, felt consideration should be given to the need to postpone at shorter notice for reasonable reasons such as the illness of a key party to a hearing. It was felt that decisions to postpone due to unforeseen circumstances, which could be at very short notice, were not taken lightly.

There was a wide range of suggestions within the 9 comments received from both those who agreed and disagreed on what they felt an appropriate timescale for notice of postponement should be. Some respondents expressed that a minimum of seven days' notice appeared reasonable. Other responses ranged from 3 days' notice to a minimum of 20 days.

Question 9. *Should there be a wider range of sanctions available to the APW, and if so, what should they be?*

Of the 31 consultation responses received 23 responded to this question. 8 did not express an opinion either way.

83% of the 23 respondents to this question agreed there should be a wider ranges of sanctions available to the APW.

Respondents suggested that locally, i.e. within principal councils, there should be more sanctions available and those sanctions should be more consistent for breaches of the code of conduct and other policies. Issues of inconsistencies between councils were raised, along with standards committees needing to be strong and more supportive to protect councillors and officers from bad behaviour, bullying, intimidation and harassment.

Suggestions were provided for a wider range of sanctions such as those set out below.

- Training / prescribed training within a set time period
- Restorative action
- Suspension period, with guidelines, and the length of a suspension determined by the panel to reflect the circumstances/severity of the case.
- Conditional suspension, for example suspended unless an apology is issued within 30 days / training undertaken / partakes in conciliation
- Restricted access to resources
- Being unable to stand for future re-election
- Partial suspension, examples included for failing to disclose a personal interest in a planning matter, allowing the member to continue with local duties but suspended the Planning Committee for say three months. Or, for senior salaried roles, where local member duties continue but a member is suspended from undertaking a leadership role and receiving that element of their allowance.

18% of respondents to this question disagreed. They considered the current sanctions are broadly adequate and appropriate as they stand. One respondent suggested the addition of suspension covering 12 months or until the end of the current term of office should be added.

A further respondent commented that generally, the sanctions available to APW are appropriate, unambiguous and reflect the more serious cases that it deals with. They felt that greater flexibility in sanctions sits more appropriately with the standards committee.

Question 10a. *Do you support the proposed amendments to the process for interim case tribunals outlined in this recommendation? If not, could you please explain.*

Of the 31 consultation responses received 23 responded to this question. 8 did not express an opinion either way.

96% of the 23 respondents to this question supported the proposed amendments to the process for interim case tribunals. There was a wide variety of comments and considerations from respondents who supported the proposal.

Respondents felt current difficulties in applying for an interim suspension order creates a serious risk in a small number of cases, such as where there are safeguarding concerns.

Several respondents expressed reputational concerns for an elected representative to be suspended in the interim and who may be subsequently cleared. It was suggested that strong evidence would be required for interim suspension, and that it might be inappropriate to continue to remunerate a councillor facing charges. However, other respondents felt that suspension should be a neutral act and not a determination of wrongdoing/guilt. Limited reporting powers were flagged as a potential mitigation of this risk.

One respondent suggested a process could be implemented to provide the APW with the power to apply an interim suspension akin to the 'neutral' act of suspension which applies in employment situations. This would ensure that public confidence is maintained and the public are protected if, for example, safeguarding concerns have been raised in relation to a member's conduct, and there is prima facie evidence that they may misuse their position as a member if they are not suspended on an interim basis.

Further concerns were identified about the potential democratic impact of a suspension which might leave a single member ward unrepresented and the potential for political instability within the balance of the council. It was felt that the ability to issue a partial suspension could mitigate this risk.

It was suggested there is merit in establishing broad parameters/examples, through legislation or guidance on when an interim suspension would be appropriate for consideration and a simplified interim case tribunal process would be welcomed.

One respondent to this question stated both yes and no to supporting the proposed amendment. The respondent felt the process needs to be more streamlined and not have interpretations that disadvantage the complainant or the respondent. The respondent commented that there is a general lack of information provided to properly respond to this question and they did not have the relevant facts.

Question 10b. *If you do support the changes to the process for interim case tribunals, do you agree that an intermediate arrangement should be put in place i.e. by shortening and streamlining the process for interim case tribunals in The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001? If yes, do you have any suggestions as to how this process could be streamlined within the regulations?*

Of the 31 consultation responses received 19 responded to this question. 12 did not express an opinion either way.

89% of the 19 respondents to this question agreed that an intermediate arrangement should be put in place, by shortening and streamlining the process for interim case tribunals.

Respondents felt that a quicker outcome for all parties, and a more simplified process with the use of plain English would be beneficial. It was also felt that a system similar to that of Medical Practitioners Tribunals would be appropriate.

Of the 11% who disagreed that an interim arrangement should be put in place, it was suggested that the limited resources would be put to better use by concentrating efforts on the long-term strategy for long-term change rather than developing an interim arrangement.

One consultation respondent, who did not express an opinion either way to this question, commented that there was not enough information and that the aspirations of the APW are not clear.

Question 11. *Do you have any further views on the recommendations made in relation to the operation of the APW?*

Of the 31 consultation responses received 24 responded to this question. 7 did not express an opinion either way.

83% of the 24 respondents to this question advised they had no further views on the recommendations made in relation to the operation of the APW.

The remaining 17% of respondents who answered this question expressed views on the recommendations. It was felt by some that decisions should be made more quickly. Others suggested consideration should be given on whether the APW's notices must be published in local newspapers, and also that the regulations currently require a hard copy of the reference is sent to the councillor by the APW and that the option to serve a reference by other means should be available to the APW.

A further respondent felt that the President of the Welsh Tribunals should be consulted and a written view obtained for a more informed response to be provided.

Question 12. *Do you have any suggestions as to how work might be taken forward to raise awareness of the Ethical Standards Framework, in particular for people with protected characteristics as described in the Equality Act 2010?*

Of the 31 consultation responses received 23 responded to this question. 8 did not express an opinion either way.

The 23 respondents to this question provided a range of suggestions on who could take this forward and how, with several themes being raised.

Respondents focused on increased media promotion, including social media and websites with easy read formats, to generate understanding on: 1) how code breaches are addressed through an open and independent process with effective

sanctions; and 2) that councillors who breach the code are held to account. However it was emphasised that digital exclusion must be taken into account for those living in rural and economically disadvantaged areas.

Other respondents suggested the inclusion of a written agreement to promote and uphold the Ethical Standards Framework on the election papers and declaration of acceptance form, along with mandatory training for elected members to include workshops and open days.

It was also felt that independent members should be vetted and trained to a similar standard expected of leaders of political parties to ensure adherence to the Public Sector Equality Duty and an understanding of protected characteristics. E-learning modules should be available for elected members.

One respondent commented that, whilst increasing awareness of the framework was positively received, there is concern about managing the public's expectations. The respondent identified the PSOW's public interest threshold, and local resolution not applying to complaints from the public, meant that expectations were not always met.

Respondents offered a wide range of suggestions on who should carry out the work to raise awareness and how awareness should be raised. Approaches varied from a centralised approach by a single body or organisation to lead on the production of publicity material for an efficient approach and consistency of message, to each individual local authority providing information about the framework.

One respondent suggested that standards committees should work in conjunction with principal council equality officers to look at ways to further promote awareness. They felt the visibility of the standards committee and promotion of roles and responsibility of elected members were crucial in this regard. Another respondent felt it important that the National Forum of standards committees discuss and agree a consistent approach.

In addition it was identified that work to raise awareness of the Ethical Standards Framework, particularly for people with protected characteristics as described in the Equality Act 2010, should be undertaken by specific representative groups.

It was felt by one respondent that there should be provision of direction to all 732 Community and Town Councils and other public bodies to have a section of their website explaining the Ethical Framework, with standard text to be provided by Welsh Government for consistency.

Another respondent suggested the potential for a working group consisting of representatives from, for example, the Equality and Human Rights Commission, Public Services Ombudsman for Wales, One Voice Wales and Lawyers in Local Government who could prepare a Wales wide set of materials as well as determine in what format they are best published/communicated.

Question 13. *Advertising for independent members of standards committees: Do you agree the requirement to advertise vacancies for independent members on standards committees in newspapers should be removed?*

Of the 31 consultation responses received 25 responded to this question. 6 did not express an opinion either way.

Whilst 56% of the 25 respondents to this question agreed that the requirement to advertise vacancies for independent members on standards committees in newspapers should be removed, 44% of respondent did not agree. One principal council advised that all the independent members on their standards committees became aware of the vacancies via adverts placed in a newspaper.

Several respondents agreed that local flexibility for an open recruitment process should include newspapers. It was suggested that individual authorities would be best placed to decide, and would be able to consider the accessibility of the internet in their area.

Respondents who felt the requirement should be removed cited cost as the main restriction. Some respondents commented that a high number of their independent members became aware of the opportunities through sources other than newspapers, which contrasts with the experience of other respondents.

Respondents consistently indicated that wide awareness raising, including a variety of publications, social media and information to stakeholder organisations, provides the best opportunity for the widest pool of candidates to be reached.

Some respondents felt that Welsh Government should issue guidance on inclusive recruitment and appropriate places where adverts should be placed.

Question 14a. *Former council employees sitting as independent members on standards committees: Do you agree that the lifelong ban on former council employees being independent members of their previous employer's standards committees should be removed?*

Of the 31 consultation responses received 26 responded to this question. 5 did not express an opinion either way.

65% of the 26 respondents to this question agreed the ban should be removed. It was commented that the removal of this ban would support standards committees in attracting potentially high quality candidates to their Committees.

However, of those who agreed the ban should be removed, a high number of respondents flagged that the ban should remain in place for those who held politically restricted posts, and this should be a lifelong ban. One respondent suggested a ban for a set period of time for those who held politically restricted posts.

35% of 26 respondents to this question disagreed that the ban should be removed. The consistent comment from these respondents identified that the independence of members must provide assurance that they can, without doubt, be truly independent and politically impartial. The fairness and integrity of the committee and the process must have no hint of bias.

Question 14b. *If yes, what do you think would be a suitable period of grace between employment and appointment to a standards committee, and should this be the same for all council employees, or longer for those who previously held statutory or politically restricted posts?*

Of the 31 consultation responses received, 24 responded to this question with 8 of the 24 commenting either the ban should not be removed or the question was not applicable. 7 respondents did not express an opinion either way.

A small number of respondents advised that there were differing views amongst committee members on this question.

Responses varied from 1 year through to 5 -10 years, depending on whether the role was politically restricted. Respondents suggested the potential for an election term, or a pragmatic but robust process of declaring any interests in the matter.

It was felt by some respondents that time should be spent gaining experience with another authority/employer in order to bring fresh perspectives. Others expressed the view that an ex-employee should not be an independent member for their former council, but could be for a different council.

In relation to politically restricted roles respondents' comments varied. 3 respondents felt those who held a politically restricted role should not be able to serve as independent members on the council for which they were employed. However, suggestions of 2 years and 5 -10 years were considered appropriate by some. A flexible approach was suggested based on multiples of length of service which could include a minimum and maximum period.

Question 15. *Former councillors sitting as independent members on standards committees: Do you agree that the lifelong ban on serving as an independent member on the standards committee of the council to which a councillor was elected should be removed? If yes, what do you think would be a suitable period of grace?*

Of the 31 consultation responses received, 25 responded to this question. 6 did not express an opinion either way.

Of the 25 who responded to this question 52% agreed that the lifelong ban should be removed and 48% did not agree.

Respondents who considered the lifelong ban is no longer appropriate provided a variety of suggestions for a suitable period of grace. It was again noted that some committees were split in their thoughts regarding the period of grace, and also whether there should be a lifetime ban.

Suggestions of a suitable period of grace ranged from 1 year to 5 years with considerations around whether the period should be longer for members having held senior/cabinet/executive roles. One suggestion included that members should have left office for at least one term before coming back as a member of the standards committee.

Of those who disagreed, several respondents commented that the role of councillor, even those not in national political parties, is always a political one. Several respondents were concerned that independent members have to be seen as independent of local politics and removing this ban removes a key governance safeguard that currently works well. Respondents felt the current make up of committees and structure of membership ensure that independent members are truly seen to be independent of local politics.

Question 16. *Standards committees' summoning witnesses and sanctions: Should standards committees have the power to summon witnesses?*

Of the 31 consultation responses received, 26 responded to this question. 5 did not express an opinion either way.

73% of the 26% who responded to this question agreed that standards committees should have the power to summon witnesses.

Respondents who agreed with this question commented that it is in the interest of justice for witnesses to attend hearings to ensure democracy and so that wider ranging evidence is received. One respondent felt the ability to directly interact with the people involved would be more useful than pre-prepared reports. However, there was consideration expressed about whether witnesses should be summoned or invited, and what protection would be provided to them if summoned.

Regarding the mechanics of issuing a summons, similar concerns were raised by those who agreed and disagreed to this question. The main concern being that without its own powers of contempt the mechanism to issue a witness summons would need an enforcement route, perhaps the power to seek a warrant from the Magistrates' court. It was felt that further consideration is required on the legal aspect of who can summon a witness and the avenues available if a summons is not adhered to along with the implications. One respondent felt that without any means of enforcement, summoning witnesses would bring the exercise of the power into disrepute.

Further concerns from those who disagreed included the enforcement of the summons, and specifically whether summoning an unwilling witness would assist a case. They felt it would be better to hear from witnesses who are willing to contribute to the proceedings and offer information of their own accord.

It was felt that only a judge or judicial body should be able to issue a summons, particularly given the ability to send the police to enforce it. It was flagged that if it is felt that standards committees need to summon a witness, then the law could be amended to allow an application to be made by the committee to a suitable judge or judicial body e.g. the President of the APW.

Question 17. *Do you agree that the sanctions a standards committee can impose should be changed or added to?*

Of the 31 consultation responses received, 25 responded to this question. 6 did not express an opinion either way.

80% of respondents agreed that the sanctions a standards committee can impose should be changed or added to.

Comments received included varying the suspension length to fit the seriousness of the allegation with longer suspensions in severe cases, restorative actions rather than suspension or disqualification, and the power to order training and an apology within a set period. A further suggestion included an ability to restrict access to local authority resources as a sanction.

The issue of suspension was considered by several respondents with suggestions that conditional sentences or suspension could be issued either upon failure to attend training or issue an apology, or suspension until the training or apology was carried out. Partial suspension was also put forward, eg suspension from specific duties.

It was suggested that the aim of sanctions should be to encourage good practice wherever reasonable, rather than to punish, and it was felt that a more refined set of sanctions available to the standards committee would support this. It was suggested that breaches of the code of conduct could be placed on the councillor's profile, along with attendance records and training.

One respondent had concerns that there is no legislation currently available for misuse of social media. Concerns were raised about inconsistency in the approach that monitoring officers took to helping and supporting community councils, and that standards committees need to be stronger to assist local councils.

20% of respondents to this question disagreed, with one respondent stating they felt the question was not clear. The other respondents who disagreed did not provide further thoughts or comments.

Question 18. *We would like to know your views on the effects that the above changes to the Framework and Model Code of Conduct would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.*

What effects do you think there would be?

Of the 31 consultation responses received, 22 responded to this question. 9 did not express an opinion.

82% of the 22 who provided comments were of the view that the effects would be neutral or that there would be no effect on the Welsh language, and that opportunities for people to use Welsh Language, and on treating the Welsh Language no less favourably than English, would not be affected.

Other views expressed that the changes would support inclusivity and increase diversity. However, two respondents felt there would be increased costs with translation and another stated that amendment to deadlines, as raised in previous questions, should take into account access to translation facilities.

Question 19. *How could positive effects be increased, or negative effects be mitigated?*

Of the 31 consultation responses received, 13 commented on this question. 18 did not express an opinion.

62% of the 13 respondents who commented stated that this question was not applicable.

The remaining 38% of respondents who commented on this question offered similar responses to those in question 18. Further to this one respondent felt the negative effect of costs could be mitigated where documentation would be supplied on request, depend upon the extent of Welsh spoken in the area.

Question 20. *Please also explain how you believe the proposed amendments could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.*

Of the 31 consultation responses received, 16 commented on this question. 15 did not express an opinion.

25% of the 16 respondents who answered this question felt the proposed amendments would be neutral, or the question was not applicable.

75% of the 16 respondents who answered this question provided additional comments.

Respondents felt it should be clear in documentation that communications and hearings can be in either language and the promotion of the use of the Welsh language, and making everything available through the medium, will enhance the equality of any processes. This was supported by other respondents' views in ensuring there is equal opportunity to use either English or Welsh, and that any changes should comply with the Welsh Language Standards and be mindful of local authorities' Welsh language policies.

However, some respondents felt the existing rights for the Welsh language are well developed and already well promoted, and there does not appear that more could be done by the regime to promote the language further.

One respondent asked whether the Welsh Language Commissioner/department had been directly consulted. A further respondent felt it should be ensured sufficient budget is provided for translation.

Question 21. *Do you have any other comments you wish to make on the matters raised in this consultation, including for those Report Recommendations where no specific question has been posed?*

Of the 31 consultation responses received, 21 provided comments on this question. 10 did not express an opinion.

Some respondents provided comments which related to areas outside of this consultation. Officials will take these into consideration in future work or, where appropriate, future consultations.

Several respondents commented that the local government sector has already taken responsibility and worked to adopt several of the recommendations from the Penn Report where legislative changes were not required, including establishing a National Forum for Standards Committee (in Wales), holding a national standards conference and harmonizing the threshold for declaring gifts & hospitality.

33% of respondents to this question highlighted issues around the self-reporting of criminal behavior by councillors. They felt it should be a requirement to self-report any conviction imposed on the councillor since making their declaration of acceptance of office (excluding anything punishable by way of fixed penalty notice). Appeals were considered an issue; however, it was felt that legally the councillor remains convicted until such time as the appeal has been successful and an investigation by the Public Services Ombudsman could be postponed until the appeal is concluded.

71% of respondents to this question felt that training on the Ethical Framework should be mandatory. Many of the issues identified on training were similar to those summarised in responses to previous questions, such as training being required within set timeframes and penalties for not attending training.

However, other respondents stated that if a councillor were specifically elected on a platform where she/he was not required to undertake training then it would be wrong to impose any punishment for failing to attend.

Additionally, respondents suggested that if mandatory training is not possible, priority and status for training on the Code of Conduct should be increased, with it being in councillor training plans along with scheduled refresher training. It was felt a strong emphasis should be placed on the correlation of adhering to the code and its expectations of good behaviour with council reputation and public confidence. It was suggested that councillors taking up training could be listed in a council's Annual Report so the record is visible.

In addition some respondents felt there should be investment up front to have knowledgeable officers and informed councillors, and training on the Ethical

Framework should be mandatory for Clerks of town and community councils. It was commented that national, digital training materials for town and community councils to view in their own meetings/view remotely would be helpful.

It was suggested there should be evaluation of the costs of poor behaviour in councils, for example on staff turnover. Another respondent felt it would be beneficial to learn from research on how other public sector bodies ensure adherence to codes.

A qualification was suggested demonstrating the transferable skills acquired throughout a term of office, and that training provided by bodies for councillors should be consistent, clear and not undermine the role councillors carry out or the code of conduct. It was raised that there is no process to challenge advice provided by a body, even where it is funded by Welsh Government

Other areas raised by respondents

Social media was raised by several respondents. Some suggested either WLGA guidance should be formalised or the Code of Conduct could require councillors to be fair and accurate in any reporting or comment on council business. However, others felt the code should not specifically refer to social media, the focus should be on addressing behaviours. Almost all agreed that social media training should be utilised and wide engagement on this is important.

Respondents felt a clear resolution is required for complaints affecting a councillor who serves on more than one relevant authority. Respondents provided suggestions by which they felt the issue might be brought to clarity.

One respondent felt a procedure should be in place detailing how duty of care is carried out in relation to councillors and staff as part of the expected standards of behaviour.

Further comments on the Code of Conduct included:

- It needs to be more prescriptive in what it wants to achieve.
- The whole process of investigating and determining code breaches needs to be reviewed, with the aim of simplifying and shortening the entire process.
- There should be increased use of local resolution of complaints, and that the Model Code of Conduct should be appropriately amended to require that any complaint should be considered for local resolution before it can be subsequently referred to the Ombudsman.

One respondent felt that different options for providing mediation services to community councils need to be explored to help ensure that the Ombudsman should only undertake investigations if the local resolution protocol has been used and exhausted.

Disappointment was indicated by a respondent that work undertaken by representatives in the early stages of the review were not referenced and the bullying, intimidation and harassment in some town and community councils appears

to have been overlooked. They felt that it seemed a missed opportunity in the sector to not try to address these issues through the Framework, and raised that these issues are having a very real and continuing effect on not only the recruitment and retention of officers, but also on the number of councillors standing for election.

One respondent suggested that the President of Welsh Tribunals, Sir Gary Hickingbottom should be consulted on questions 2 to 11, 16 and 21 which relate to APW powers and procedures, and also on how the Penn recommendations interact with the plan for a “single, unified tribunal system for Wales”. The respondent stated that this additional information is essential to provide a properly informed response to the consultation.

Question 22. *We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:*

Of the 31 consultation responses received, 2 respondents provided comments on this question.

Two respondents commented under this question. One stated that the consultation did not appropriately distinguish between the different scale of bodies, or range of councillors that run them. They further added that there is no distinction between a highly paid employee of a city council and a volunteer member of a small community council but the effects and consequences on them are significant.

One respondent stated that the consultation was too wordy, should be written in plain English and be less repetitive.

Comment raised outside of this consultation

A pertinent comment of note was suggested outside of this formal consultation which relates to the APW procedure for appeals. It was felt there should be a specific requirement to notify a relevant Monitoring Officer immediately of an appeal being accepted by the APW as the existence of an appeal is central to the commencement of a suspension period.

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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

11th March 2024

Matter for Information

Wards Affected: All Wards

Standards Committees Forum - Wales

Purpose of the Report:

To provide the Committee with information about the third 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.

The Standards Committee Chair, attended the second meeting of the Forum, which was held remotely on in January 2024.

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.

In relation to the matters discussed (see Appendix A), the Committee may wish to note the following:

- (i) The Welsh Government's Summary of Consultation Responses to its consultation on the Independent Review of the Ethical Standards Framework was discussed.
- (ii) Corporate Joint Committees (CJCs) and Joint Standards Committees - Members will recall that Neath Port Talbot Council has agreed for this Standards Committee to act as the standards sub-committee for the South West Wales Corporate Joint Committee. The Committee may be interested to hear the Chair's feedback on other authorities' experiences and views in relation to joint standards committees for CJCs.
- (iii) Remuneration for Independent Members— as Members may be aware, the Independent Remuneration Panel for Wales (IRPW) has statutory responsibility for prescribing Members' remuneration, including for co-opted members such as independent members of standards committees. The IRPW sets out its determinations within its Annual Report for each year. The draft IRPW Annual Report 2024/25 makes no changes to the half / full day rates currently provided, but notes that an hourly rate may sometimes be more cost effective and fairer than the current full / half day rates, taking account of changes to working practices, and proposes that local authorities should be given local flexibility to decide when it will be more appropriate to apply a full/ half day or hourly rate, for example, when it may be sensible to aggregate a few short meetings. The IRPW proposals were considered by the Democratic Services Committee in November 2023 and the Committee agreed the importance of appropriate remuneration for recruitment and retention purposes. The proposed changes, if finalised by the IRPW, will take effect from 1st April 2024 and the Head of Democratic Services will consult with all relevant parties in developing guidelines for determining appropriate rates, within the IRPW's permitted local

flexibility, for inclusion in Neath Port Talbot Council's Schedule of Members' Remuneration.

- (iv) Local Resolution Protocol– the Committee will note that Neath Port Talbot's Local Resolution Protocol appears to be working well, with a significant proportion of complaints being informally resolved by the Monitoring Officer under the Protocol. The Committee will also recall that Community Councils in Cardiff have been encouraged to adopt their own local resolution protocols, based on the model protocol developed by One Voice Wales in consultation with the Ombudsman.
- (v) Group Leaders new statutory duties and membership of standards committees – the Committee will note the concerns raised by the Monitoring Officers Group about potential conflicts of interest arising from the role of standards committees to monitor compliance with Group Leaders' new statutory duties. No Group Leaders in Neath Port Talbot currently sit on the Standards and Ethics Committee.
- (vi) Gifts and Hospitality Registration Threshold – the Committee will be aware that the threshold adopted by Neath Port Talbot is £25, which reflects the proposed common national threshold of £25.
- (vii) Social media guidance – Committee will note that this is something that is currently being embarked on by the Committee.
- (viii) Town and Community Councils, Civility and Respect Pledge <https://www.slcc.co.uk/news-publications/civility-respect-pledge/> – the Committee may wish to note that this is an initiative introduced by a partnership of organisations working on behalf of Town and Community Councils, the SLCC (Society of Local Council Clerks), NALC (National Association of Local Councils) and OVW (One Voice Wales), inviting Community Councils to sign the Pledge to publicly commit that it will treat councillors, clerks, employees, members of the public, and representatives of partner organisations and volunteers with civility and respect in their roles, with a number of specific supporting commitments. The Committee may wish to consider encouraging the Community Councils in Neath Port Talbot to sign up to the Pledge if they have not already done so, as part of its remit to promote and encourage high standards of conduct within the Community Councils in Neath Port Talbot.

The Forum is to meet biannually, and its next meeting is to be scheduled for June 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, Agenda

List of Background Papers:

None

Officer Contact:

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National Standards Committee Chairs Forum - Wales

Monday 29th January 2024 @ 2pm, via Teams

Agenda

1. Apologies for absence.
2. Chairs Announcements
 - a. Welcome new Panel Advisor, Justine Cass, Deputy Monitoring Officer and Solicitor, Legal Services, Torfaen County Borough Council.

3. Notes of the previous meeting 30 June 2023.

NOTE 7 Richard Penn Review update.

The responses were being analysed and the results would be published during the autumn.

https://www.gov.wales/sites/default/files/consultations/2023-11/wg48234-summary-reponses_0.pdf

<https://www.gov.wales/written-statement-responses-consultation-review-local-government-ethical-standards-framework>

4. Michelle Morris - Public Services Ombudsman for Wales – Update.
5. Corporate Joint Committees (CJCs) and Joint Standards Committees. Presentation by Iwan Gwilym Evans, Gwynedd.

6. Resourcing of Standards Committees, Action 6 of previous meeting notes.

Specifically,

a. Resourcing of Standards Committees. Chair and Davina Fiore to discuss the possibility of raising the issue of budgets with the Monitoring Officer group.

b. payments to Co-opted Members.

c. <https://www.gov.wales/independent-remuneration-panel-wales-draft-annual-report-2024-2025> This is linked to the discussions at the previous meeting on workloads and item 6b on the agenda.

Chairs may wish to discuss report -

- i. in the context of the changes proposed (e.g. hourly rate) and non-changes (i.e. no increase in rates for independent members).
 - ii. The general application of the guidance and are they being applied consistently to Standards Committee members i.e., how the guidelines on remuneration are applied.
- Whether the Chairs have input into future IRPW reports e.g. could a representative from the IRPW be invited to a future meeting.

7. Local resolution protocols, how do they operate in your area and are they effective. Reflections. – All
8. Items raised by the Monitoring Officers Group.
 - a. Whether, in light of the duty to report on the performance of the Group Leader's duty, authorities allow group leaders to sit on their Standards Committee and, if so, how they manage any perceived conflict of interest between a group leader assessing their own performance and the performance of their political opponents.
 - b. Progress on adopting the agreed common threshold of £25 for the registration of gifts and hospitality.
 - c. Do authorities have any guidance on the use of social media over and above that published by the WLGA.
 - d. Whether authorities encourage their town & community councils to sign the civility and respect pledge - <https://www.slcc.co.uk/news-publications/civility-respect-pledge/> . If they do not whether they would consider doing so.
9. Training for Standards Committee Chairs.
10. Any other business.
11. Date of next meeting 24th June 2024.

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Meeting Date	Agenda Item
March 2024 Social Media Task and Finish Group to meet immediately after	Feedback from Town and Community Council meetings
	Whistleblowing Update Report
	Employee Code of Conduct
	Ombudsman consideration of Complaints
	Engagement with Members to dispel myths of Standards Committee and what support can be provided.
	Dispensation for Briton Ferry Community Council
	Forum Report
	Referral from Public Service Ombudsman for Wales
	Dispensation Report for new elected members
	Independent Review Consultation Response
April 2024 Social Media Task and Finish Group to meet immediately after	Group Leader Duties.
	Engagement with Members to dispel myths of Standards Committee and what support can be provided.
	Relationship with Governance and Audit Committee
	Learning and Development Opportunities for Elected Members – Protected Characteristics / Equality and Bullying and Harassment.
	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



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Report of the Head of Legal and Democratic Services

Standards Committee – 11 March 2024

ACCESS TO MEETINGS/EXCLUSION OF THE PUBLIC

Purpose:	To consider whether the Public should be excluded from the following items of business.
Item (s):	Item 15 – Referral from the Ombudsman
Recommendation(s):	That the public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it/they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.
Relevant Paragraph(s):	18C - the deliberations of a Standards Committee or of a Sub Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.

1. Purpose of Report

To enable Members to consider whether the public should be excluded from the meeting in relation to the item(s) listed above.

Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.

Such a resolution is dependent on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

2. Exclusion of the Public/Public Interest Test

In order to comply with the above mentioned legislation, Members will be requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendation(s) to the report on the grounds that it/they involve(s) the likely disclosure of exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in Appendix A.

Where paragraph 16 of the Schedule 12A applies there is no public interest test. Members are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

3. Financial Implications

Not applicable

4. Integrated Impact Assessment

Not applicable

5. Valleys Communities Impact

Not applicable

6. Workforce Impact

Not applicable.

7. Legal Implications

The legislative provisions are set out in the report.

Members must consider with regard to each item of business the following matters.

- (a) Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.

and either

- (b) If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test in maintaining the exemption outweighs the public interest in disclosing the information; or
- (c) if the information falls within the paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test by must consider whether they wish to waive their privilege in relation to that item for any reason.

8. Risk Management

To allow Members to consider risk associated with exempt information.

9. Recommendation(s)

As detailed at the start of the report.

10. Reason for Proposed Decision(s):

To ensure that all items are considered in the appropriate manner.

11. Implementation of Decision(s):

The decision(s) will be implemented immediately.

12. List of Background Papers:

Schedule 12A of the Local Government Act 1972

13. Appendices:

Appendix A – List of Exemptions

Appendix A

NO	Relevant Paragraphs in Schedule 12A
12	Information relating to a particular individual
13	Information which is likely to reveal the identity of an individual
14	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
15	Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority
16	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
17	Information which reveals that the authority proposes: <ul style="list-style-type: none">• To give under any enactment a notice under or by virtue of which requirements are imposed on a person, or• To make an order or direction under any enactment.
18	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

By virtue of paragraph(s) 18c of Part 4 of Schedule 12A
of the Local Government Act 1972.

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