



STANDARDS COMMITTEE

9.30 AM - FRIDAY, 6 MARCH 2020

COMMITTEE ROOM 3 - PORT TALBOT CIVIC CENTRE

PART 1

1. Declarations of Interest
2. Minutes of Previous Meeting (*Pages 3 - 4*)
3. Standards Committee Annual Report 2019-2020 (*Pages 5 - 20*)
4. Town and Community Council Code of Conduct Matters
(*Pages 21 - 26*)
5. Grant of Dispensation in Respect of School re-organisation Matters
under S81(4) of the Local Government Act 2000 (*Pages 27 - 30*)
6. Invitation to Group Leaders of NPTCBC to Attend Standards
Committee (*Pages 31 - 36*)
7. Local Government and Elections (Wales) Bill (*Pages 37 - 42*)
8. Urgent Items
Any urgent items at the discretion of the Chairperson pursuant to
Section 100B(4)(b) of the Local Government Act 1972

S.Phillips
Chief Executive

Committee Membership:

Chairperson: C.L.Jones

**Vice
Chairperson:** B.Richards

**Independent
Members:** L.Fleet and T.Ward

**NPTCBC
Members:** S.E.Freeguard and D.Keogh

**Community
Committee
Member:** C.Williams

Substitutes

**NPTCBC
Substitute:** R.W.Wood

- 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.*

STANDARDS COMMITTEE

(Council Chamber - Port Talbot Civic Centre)

Members Present:

22 November 2019

Chairperson: B.Richards

Independent Members: L.Fleet and T.Ward

NPTCBC Members: Councillor D.Keogh

Officers In Attendance: C.Griffiths and N.Headon

1. **MINUTES OF PREVIOUS MEETING**

It was noted that the decision notice on the outcome into the investigation of Councillor S.M was included in the minutes.

RESOLVED: That the minutes of the previous meeting held on the 26 July, 2019 be confirmed as a true and accurate record of the proceedings.

2. **SUMMARY OF CASES UNDERTAKEN BY THE PUBLIC SERVICE OMBUDSMAN FOR WALES**

Members received a summary of the cases undertaken by the Public Service Ombudsman for Wales.

It was noted that the Head of Legal Services would arrange for Members to attend a Community Council meeting in order to see how they work.

RESOLVED: That the findings in the Public Service Ombudsman for Wales Code of Conduct Casebook, be noted.

3. **PUBLIC SERVICE OMBUDSMAN FOR WALES ANNUAL REPORT 2017 2018**

Members discussed the Public Service Ombudsman Annual Report for Neath Port Talbot County Borough Council for 2018/2019.

It was noted that additional training for Code of Conduct would be offered in the new year, it was highlighted that this was not mandatory training.

RESOLVED: That the content of the Public Service Ombudsman Annual Report for Neath Port Talbot County Borough Council for 2018/2019 enclosed at Appendix 1 to the circulated report, and the steps that will be taken to reduce the number of referrals to the Ombudsman in respect of code of conduct matters, be noted.

4. **NEATH PORT TALBOT COUNCIL WHISTLEBLOWING POLICY**

Members were given an overview of Neath Port Talbot Council Whistleblowing Policy.

It was noted that the Employees Code of Conduct remained with Trade Unions, and on completion the final version would be brought back to committee.

Members requested to view Performance Measures.

RESOLVED: That the content of the Neath Port Talbot Council Whistleblowing Policy be noted, and Member's recommendations be put in place.

CHAIRPERSON



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

REPORT OF THE HEAD OF LEGAL SERVICES – C.GRIFFITHS

6 March 2020

Matter for Decision

Wards Affected: All Wards

Standards Committee Annual Report 2019-2020

Purpose of the Report:

1. To seek approval from members of the Standards Committee in respect of the Annual Report for the year 2019-2020

Background:

2. Following discussions between officers and the Chair of the Committee, the attached draft Annual Report of the Standards Committee has been prepared.
3. The Standards committee is requested to consider the draft report and make such changes as it considers appropriate, prior to the presentation of the report at full council.

Financial Impacts:

4. No implications.

Integrated Impact Assessment:

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

Valleys Communities Impacts:

6. No implications

Workforce Impacts:

7. No implications

Legal Impacts:

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

Consultation:

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

Recommendations:

10. That Members approve the draft Annual Report of the Standards Committee (with any amendments as suggested) and that delegated authority be given to the Head of Legal Service to amend the report as may be necessary to reflect any updated complaint figures received.

Appendices:

11. None

List of Background Papers:

12. None

Officer Contact:

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

This page is intentionally left blank



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council



STANDARDS COMMITTEE ANNUAL REPORT 2019-2020



The Ten General Principles of Public Life

<p>Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.</p>	<p>Personal judgement – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.</p>
<p>Honesty and integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.</p>	<p>Respect for others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority’s statutory officers and its other employees.</p>
<p>Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefit.</p>	<p>Duty to uphold the law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.</p>
<p>Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.</p>	<p>Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.</p>
<p>Openness – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.</p>	<p>Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.</p>
<p align="center"><i>Nolan Committee on Standards in Public Life</i></p>	

Chair's Foreword

I am pleased to present the Standards Committee's Annual Report, which outlines the work undertaken by the Standards Committee in the municipal year 2019-2020

Since last year we have had significant changes of membership.

We have been pleased to welcome two new independent members (Mrs Louise Fleet and Mr Tom Ward) and a new Community Councillor Representative, following the sad passing of Town Councillor Alan Carter, that being Town Councillor Carl Williams.

We are pleased to welcome back for a second term of office as an independent member, Mrs Barbara Richards who has assumed the position of Vice Chair of the Standards Committee and our two County Borough Councillors Cllr Dennis Keogh and Councillor Sharon Freeguard.

The Standards Committee regard this report as a good report, in that in this year have been no findings of misconduct against County Borough Councillors and the number of complaints has reduced substantially over the past few years.

The Standards Committee though acknowledges that in this year we have had two Town/Community Councillors before the Standards Committee and two findings of misconduct were found, one of which resulted in a suspension of that Town Councillor for four months and the other a public censure issues. As a result of this the Standards Committee are now considering how best we can look at promoting the Code of Conduct with Town/Community Councils and the Monitoring Officer has now established a Clerks Forum to ensure legal advice and best practice is shared and as we move into the 2020-2021 municipal year we will undertake further observation of Town/Community Council meetings and code of conduct matters associated with this.

The Standards Committee has continued its routine monitoring of Council policies relating to Standards, such as Whistleblowing and Gifts and Hospitality and has recommended some areas for consideration by officers of the Council and we will continue to monitor compliance with such documents.

I acknowledge the contribution of my fellow Committee members and of the officers who support us, particularly the Monitoring Officer and her staff. I wish also to acknowledge the support given by One Voice Wales to our Community Councils regarding standards and ethics.

Finally, I wish to thank all Elected Members who strive to maintain high standards in carrying out their duties for the benefit of the people of Neath Port Talbot

Mr Clifford Jones OBE
Chair of Standards Committee
Neath Port Talbot County Borough Council

Members of the Standards Committee

2019-2020

Mr Clifford Jones (OBE)	Chair
Mrs Barbara Richards	Vice Chair
Mrs Louise Fleet	Independent Member
Mr Tom Ward	Independent Member
Councillor Alan Carter	Community Council Representative (April to November 2019)
Councillor Carl Williams	Community Council Representative (February to March 2020)
Councillor Dennis Keogh	County Borough Councillor
Councillor Sharon Freeguard	County Borough Councillor
Mr Craig Griffiths	Head of Legal Services and Monitoring Officer

The remit of the Standards Committee

The Standards Committee is required to have formal Terms of Reference which are to discharge with delegated authority the following functions:-

- (a) To promote and maintain high standards of conduct by the Members and co-opted Members of the Authority;
- (b) To assist members and co-opted Members of the Council to observe the Members Code of Conduct;
- (c) To advise the Council on the adoption or revision of the Members Code of Conduct (and relevant protocols relating to Member/Officer relationships);
- (d) To monitor the operation of the Council's adopted Members Code of Conduct throughout the Council;
- (e) To advise, train, or arrange to train Members and co-opted Members on matters relating to the Members Code of Conduct;
- (f) Where statutes so permit, to arrange dispensation to speak and/or vote where a Member or co-opted Member has an interest in any matters;
- (g) To receive Local Commissioner Reports following investigations, or part investigations, in relation to allegations of breach of the Members Code of Conduct and/or
 - i. To receive and consider reports and recommendations made with regard to same, from the Monitoring Officer (when such matters are referred to that Officer) including provision with respect to the procedure to be followed by the Standards Committee; and
 - ii. Following its consideration of any such reports or recommendations, to take any action prescribed by statute or regulations made thereunder (including action against any Member or co-opted Member (or former Member or co-opted Member) of the Council who is the subject of any such report or recommendation) and to give publicity to such report, recommendation or action;
- (h) To receive, consider and implement general advice from the Local Commissioner and the Council's Monitoring Officer;
- (i) To receive from the Adjudication Panel, Interim Case Tribunals or Case Tribunals:-
 - i. Notices issued by them to Council;

- ii. Recommendations about matters relating to the exercise of the Council's function, the Code of Conduct and the Standards Committee and make such recommendations as it thinks fit to Council relating thereto;
- (j) To be responsible for liaison between the Council and external agencies, in particular the National Assembly for Wales, the Welsh Audit Office and the local Ombudsman in connection with any matter within the Committee's terms of reference, under the provisions of the 2000 Act and Regulations made thereafter;
 - (k) To make representations to the Welsh Government and National Assembly for Wales and the Welsh Local Government Association about any matter relating to the General Principles of Conduct for Members of the Council;
 - (l) To consider and recommend procedures for complaints to be dealt with by the Standards Committee and to propose amendments as may be appropriate from time to time in accordance with statute etc.;
 - (m) To oversee the whistle-blowing regime in particular in this respect to consider and recommend procedures in respect of the following:
 - i. Whistle-blowing arrangements
 - ii. Anti-Fraud/Corruption or malpractice strategy;
 - (n) To examine any Code(s) of Conduct for Employees of the Council and to make recommendations as may be considered appropriate;
 - (o) To receive progress reports from the Monitoring Officer from time to time on such matters within the purview of the Standards Committee, and to make such recommendations to Council as may be deemed appropriate;
 - (p) To exercise such powers or duties as may be given to or imposed on Standards Committees from time to time by legislation;
 - (q) To exercise in relation to Community Councils and their Members within the County Borough area such of the foregoing matters as are referred to in Section 56 of the Local Government Act 2000.

The Committee operates on the clear understanding that Elected Members that sit on the Committee are independent of political allegiance and that all discussions and decisions are taken with ethical principles at the forefront. The Committee is mindful that not all political groups are represented on the Committee, but welcomes attendance by all Members at its meetings and is happy to receive contributions from those groups not so represented. The Committee wishes to do all it can to support Elected Members in their role.

The work of the Standards Committee in 2019-2020

Observation of Council Meetings

Independent members of the Committee have attended meetings of Full Council as observers, and discussed their observations.

Such observation is helpful to inform the Standard Committee's work and understand the work of the Council.

Elected Members have indicated that the presence of Standards & Ethics Committee members was a helpful influence on Members' behaviour.

The Standards Committee were pleased to observe positive Members' conduct at Council meetings, with meetings being business focussed and less fractious.

Community Councils

The Standards Committee has the same statutory functions in relation to Community Councils and their Councillors as it has in relation to Neath Port Talbot Council and its Members.

The Committee has considered the ways in which it discharges its functions, and what else it may do, within available resources, to promote and maintain high standards of conduct within Community Councils and build good working relationships with them.

The Committee has noted and approved a programme of actions, which includes: offering training on the Code of Conduct; quarterly meetings between the Community Council Clerks and the Monitoring Officer to discuss issues relating to Member conduct; provision of advice and support to Clerks in relation to local resolution processes and observation of Community Council meetings by Standards & Ethics Committee members.

Social Media Guidance

The Standards Committee has reviewed its social media guidance.

A number of amendments have been made to reflect changes in the social media landscape and current issues. The updated draft Guidance includes a link to the WLGA's recent guidance for Councillors on handling online abuse and bullying, which appears to be a growing concern.

The Standards Committee also revisited the issue of Members using separate accounts to distinguish when they were speaking personally rather than in their role as Elected Member. Concerns were raised that the distinction was not always clear and that the use of two separate accounts did not help Councillors to remember that they are bound by certain Code of Conduct rules at all times (even when acting in a personal capacity).

It was also suggested that some Councillors felt it was important to connect with the public personally.

Whistleblowing

The Standards Committee's terms of reference include responsibility for monitoring and overseeing the Council's Whistleblowing Policy and considering any ethical issues arising from complaints made under the Policy. T

The Committee received a report on the Council's Whistleblowing Policy

The Committee was informed about work undertaken with Management teams to raise awareness of the Whistleblowing Policy and Procedure and the information leaflets produced for employees and managers. It was also noted that a review of the Policy was scheduled for 2020/2021.

Dispensations

The Standards Committee has statutory power to grant dispensations to Members with a personal and prejudicial interest in a matter, to allow them to participate in a decision regarding that matter, in appropriate circumstances, which are set out in statutory regulations.

During the course of the year a number of dispensations were granted to allow Members to actively participate in decision making to ensure their voice and the voice of their constituents is not lost as a result of prejudicial interests.

The Standards Committee continues to approach each application with a presumption in favour of granting a dispensation wherever practicable, particularly in relation to granting a dispensation to speak. The Committee may also delegate authority to the Monitoring Officer to grant similar dispensations in relation to that business. However no such delegation was given during the period of this report.

Details of the applications that have been dealt with can be viewed as part of the minutes of the meetings of the Committee which are accessible on Neath Port Talbot Council's website (www.npt.gov.uk)

Other Activities

In addition to the above activities the Standards Committee also:

- Received and considered the Annual Report of the Public Services Ombudsman for Wales
- Received and considered case decisions of the Adjudication Panel for Wales
- Received and considered case decisions made by other Standards Committees in Wales
- Received and considered the Code of Conduct casebook published by the Ombudsman

Where appropriate the Standards Committee have identified points of learning and best practice and have taken them into account in their own decision making and included them in any training provided

Complaints

The Standards Committee has oversight of the complaints and any themes or patterns emerging (but only considers specific details of individual cases if a complaint is formally referred to the Standards Committee by the Monitoring Officer or the Public Service Ombudsman for Wales).

During the period 1st April 2019 to 31st March 2020, the Monitoring Officer was notified of a total of 3 complaints made against Members of Neath Port Talbot County Borough Council alleging a breach of the Code of Conduct.

Each of these complaints were dismissed by the Public Service Ombudsman for Wales as not being appropriate for investigation.

During the period 1st April 2019 to 31st March 2020, the Monitoring Officer was notified of a total of 9 complaints made against Town and Community Councillors alleging a breach of the Code of Conduct.

8 of these 9 complaints were dismissed by the Public Service Ombudsman for Wales as not being appropriate for investigation and one is presently subject to further consideration by the Public Service Ombudsman for Wales.

During the municipal year 1st April 2019 to 31st March 2020, the Standards Committee received three referrals from the Public Service Ombudsman for Wales stemming from the previous municipal year.

In each of these referrals, the Standards Committee agreed the following:

- 1) A Town Councillor should be suspended as a Town Councillor for a period of four (4) calendar months from the date where the Town Councillor failed to comply with Paragraph 6(1)(a) of the Code of Conduct in that they brought their office into disrepute by making public comments that a victim of domestic violence deserved to be murdered.
- 2) A Community Councillor's conduct amounted to a breach, under Paragraphs 4(b) (failing to show respect and consideration for others), 4(c)(using bullying or harassing behaviour) and 6(1)(a) (in an official capacity or otherwise, bringing the office of member or the authority into disrepute) of the Code of Conduct, as a result of bullying of a former clerk. The Standards Committee formally censures the Community Councillor.
- 3) That it would not be in the public interest to continue with the investigation into a former County Borough Councillor as a result of that Councillor no longer holding office and that the matter no longer be pursued.

Lessons learnt from each of the three matters have been identified and suitable training provide to Clerks of Town/Community Councils to help ensure that the Code of Conduct obligations are relayed to all Town/Community Councillors so that they are aware of their respective obligations.

Local Resolution Process

The Standards Committee notes that the Local Resolution Protocol adopted by Neath Port Talbot Council continues to provide a helpful process for resolving relatively 'low-level' behavioural complaints made by Neath Port Talbot Members about other Members, in a timely and proportionate way.

The Standards Committee is pleased to note that no cases have been referred to the Hearings Panel during 2019/2020

The Standards Committee has encouraged Community Councils to adopt their own local resolution protocols, using the model developed by One Voice Wales in consultation with the Public Service Ombudsman for Wales.

Future Priorities

The Standards Committee regularly reviews its forward work programme and has identified the following priority areas for consideration in 2020/2021

- **Code of Conduct, Member Training and Development** – the Standards Committee will consider the need for any further training on the Members' Code of Conduct focussing on Town and Community Councils
- **Observation of Council and Committee Meetings** – the Standards Committee will continue to observe proceedings at Council and Committee meetings to give feedback on observations and inform its work priorities.
- **Implementation of the Local Government and Elections (Wales) Bill** – the Standards Committee will look at the implementation of the Bill and revise its terms of references accordingly to meet the new obligations that are placed on Standards Committees.
- **Gifts and Hospitality** - To review the Councils procedures for the acceptance and provision of gifts and hospitality by Officers; and continue to monitor the registers of gifts and hospitality received by Members.
- **Annual Meeting with Group Leaders and Whips** - To facilitate ongoing engagement with representatives from all political groups.
- **Officers' Personal Interests Policy and Code of Conduct** - To review the Council's policy and procedure for managing officers' personal interests and any updated Code of Conduct document for Officers.
- **Whistleblowing Policy** - To review the Council's Whistleblowing Policy and its implementation; and to receive information on reports made under the Policy and consider any ethical issues arising.

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

6 March 2020

REPORT OF THE HEAD OF LEGAL SERVICES – C.GRIFFITHS

Matter for Decision

Wards Affected: All

Town and Community Council Code of Conduct Matters

Purpose of the Report

1. To draw to Members attention the role of the Neath Port Talbot County Borough Council's ("the Council") Standards Committee.

Background

2. Part III of the Local Government Act 2000 introduced a new Ethical Framework for Councils. As part of this framework, the Council has a Standards Committee. This Committee is also responsible for standards functions in relation to the Town and Community Councils (and their Members) in the area of the County Borough Council.
3. Another critical part of the Ethical Framework is the Code of Conduct for Members. One of the functions of the Standards Committee is to assist the Council and the Town and Community Councils in securing compliance with the Code.
4. Members have been invited to attend Town/Community Council meetings in recent months in order to observe Town/Community Councils and the views of members of the Standards Committee will be discussed at the Standards Committee of the 6th March 2020 as part of this report.
5. Nevertheless to ensure that the Standards Committee can fully discharge its function in respect of Town/Community Councils, the Monitoring Officer is of

the view that it would be wise to obtain some conduct related information from each Town/Community Council, which can form the basis of discussion at the next Standards Committee and also to allow members of the Standards Committee to determine what specific areas they would like to consider as part of their forward work programme.

6. To that extent a questionnaire has been produced which is annexed to this report at Appendix 1 for members of the Standards Committee to consider and a discussion is invited on whether this covers the issues that members of the Standards Committee wish to consider.

Financial Impact

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

Integrated Impact Assessment

8. There is no requirement to undertake an integrated impact assessment for this report.

Workforce Impacts

9. There are no workforce impacts associated with this Report

Legal Impacts

10. The Standards Committee is governed by the obligations set out in the Local Government Act 2000 and its composition and running is as set out in the Standards Committee (Wales) Regulations 2001.

Consultation

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

Recommendations

12. That Members discuss the findings from their recent observations of the Town/Community Councils and approve the issue of the Code of Conduct questionnaire annexed at Appendix 1 of this report for issue to Town/Community Clerks and a report be brought back to Members at the next Standards Committee

Reason for Report

13. That Members of the Standards Committee are aware of the remit of the Standards Committee and the legislative background in which the Standards Committee operates

Appendices

14. Appendix 1 – Draft Questionnaire to Town/Community Councils

List of Background Papers

15. The Constitution of Neath Port Talbot County Borough Council

Officer Contact

Mr Craig Griffiths

Head of Legal Services

Telephone 01639 763767

Email: c.griffiths2@npt.gov.uk

This page is intentionally left blank



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council



NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
STANDARDS COMMITTEE
QUESTIONNAIRE TO TOWN/COMMUNITY COUNCILS

1	Town/Community Council Name	
2	Have all members received Code of Conduct training? In what format did this training take? If not all members have had training please indicate the number of members who have not and what training opportunities are afforded to them?	
3	What specific Code of Conduct training has been provided to Members in the year 2019-2020 and what has been the take up of such training (if information is available)?	
4	How many complaints concerning Members conduct have been referred to you as Clerk in the year 2019-2020?	
5	How many complaints concerning a breach of the Code of Conduct have been made to the Public Service Ombudsman for Wales in respect of your members in the year 2019-2020	
6	How many declarations of interest have been made in Council meetings during the year 2019-2020?	
7	How many of your members have sought dispensation to speak upon matters which they have a prejudicial information in the year 2019-2020	

PLEASE RETURN THE COMPLETED FORM BY FRIDAY 1ST MAY 2020

Signed: _____

Any information provided by way of this questionnaire will be processed in line with the Data Protection Act 2018.
Please visit www.npt.gov.uk to find out more about how we use your personal information.

This page is intentionally left blank

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

6 March 2020

REPORT OF THE HEAD OF LEGAL SERVICES – C.GRIFFITHS

Matter for Decision

Wards Affected: All

Grant of Dispensation in respect of School re-organisation matters under S81(4) of the Local Government Act 2000

Purpose of the Report

1. To seek a dispensation for Councillor Rob Jones in respect of School reorganisation matters.

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 2022 in order to ensure that they all come up for renewal at the same time.
6. 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.

7. It should be noted that the fact that a member has dispensation does not mean 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.
8. 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.
9. 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
10. Cllr Rob Jones has notified the Monitoring Officer this his grandchild now attends Tywyn School and seeks the standard form of dispensation used in these cases, which would be:- "To speak but not vote on issues which relate to school reorganisation".
11. The circumstances under which the dispensations are granted is as follows:-
 - (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.

Financial Impact

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

Equality Impact Assessment

13. There are no equality impacts associated with this Report

Workforce Impacts

14. There are no workforce impacts associated with this Report

Legal Impacts

15. There are no immediate legal impacts associated with this Report.

Consultation

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

Recommendations

17. That the application for dispensations set out in paragraph 10 be approved and that the dispensation run to the Standards Committee which follows the Annual meeting 2022.

Appendices

18. None

List of Background Papers

19. None

Officer Contact

Mr Craig Griffiths

Head of Legal Services

Telephone 01639 763767

Email: c.griffiths2@npt.gov.uk

This page is intentionally left blank



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

REPORT OF THE HEAD OF LEGAL SERVICES – C.GRIFFITHS

13 March 2020

Matter for Decision

Wards Affected: All Wards

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

Purpose of the Report:

1. To seek approval from members of the Standards Committee to invite the respective group leaders of Neath Port Talbot Council to attend Standards Committee to discuss Code of Conduct matters.

Background:

2. As indicated in previous reports, the Local Government and Elections (Wales) Bill addresses some new obligations for Standards Committees.
3. S67(2) of the Bill imposes specific duties on political leaders to promote and maintain standards of conduct within members of

their group, and to cooperate with the Standards Committee in the exercise of its functions. This requires leaders of political groups to take steps to promote and maintain high standards of conduct by members of their groups. S67(3) imposes an additional function on the Standards committee to monitor political leaders' compliance, and to advise, train or arranging to train leaders of political groups about matters relating to the above duties.

4. Rather than await the implementation of this legislation, the Monitoring Officer would suggest that members of the Standards Committee invite the respective three group leaders in Neath Port Talbot Council to attend a Standards Committee during the 2020-2021 year to provide the Standards Committee with the opportunity to discuss code of conduct matters with them and how such approaches are considered within their political groups.
5. To that extent it would be suggested that members invite one Group Leader to each meeting of the Standards Committee over the coming year and the Monitoring Officer will make suitable arrangements to undertake this.
6. Questions would be provided in advance to Group Leaders to afford the opportunity to consider the issues that the Standards Committee would like to raise and a draft set of questions is set out below:
 - (a) *Do you consider that it is still appropriate to have a Code of Conduct in Wales, which applies to all councillors and co-opted members?*
 - (b) *What do you understand the role of the Standards Committee to be?*
 - (c) *Is there any work you feel the Standards Committee should be undertaking over the next year?*

- (d) *How can Political Group Leaders / Committee Chairs promote standards and good governance through Leadership?*
- (e) *How can the Standards Committee become more active in promoting ethical conduct among Councillors / Co-opted Members?*
- (f) *The Ombudsman, Adjudication Panel for Wales and the High Court has taken a view on politicians (and in some cases senior officers) having a “thick skin” and on political banter being part of the political landscape. What are your own views and how would you as a Political Group Leader/Committee Chair ensure that the line is not crossed.*
- (g) *What are your views on the Authority’s Code of Conduct training? How could it be improved so as to raise the ethical standards of Councillors / Co-opted Members?*
- (h) *Training for Councillors / Co-opted Members is vitally important. How can the Standards Committee tackle those that do not see training as important?*
- (i) *The Authority’s Local Resolution Process (LRP)(Cllr v Cllr) is capable of being used by Councillors. In the event of a dispute will you be encouraging your party to use the process? Do you consider the lack of referrals to the LRP demonstrates that councillors are behaving within the Code?*
- (j) *What is the future role of the Standards Committee?*

- 7. Members are invited to make representations as to whether additional questions might wish to be asked

Financial Impacts:

- 8. No implications.

Integrated Impact Assessment:

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

Valleys Communities Impacts:

10. No implications

Workforce Impacts:

11. No implications

Legal Impacts:

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

Consultation:

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

Recommendations:

14. That Members extend an invite to Group Leaders of Neath Port Talbot County Borough Council to attend a meeting of the Standards Committee to discuss code of conduct related matters.

Appendices:

15. None

List of Background Papers:

16. None

Officer Contact:

Mr Craig Griffiths

Head of Legal Services
Telephone 01639 763767
Email: c.griffiths2@npt.gov.uk

This page is intentionally left blank



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

REPORT OF THE HEAD OF LEGAL SERVICES – C.GRIFFITHS

13 March 2020

Matter for Decision

Wards Affected: All Wards

Local Government and Elections (Wales) Bill

Purpose of the Report:

1. To provide Members with an overview of The Local Government and Elections (Wales) Bill was presented in November to the National Assembly for Wales.

Executive Summary:

2. The report provides an overview to Members of the Standards Committee on The Local Government and Elections (Wales) Bill that was presented in November 2019 to the National Assembly for Wales. It will reform and strengthen local government and improve electoral arrangements.

Background:

3. The Bill has the potential to impact on numerous administrative and decision making processes of the Council. Aspects relating specifically to the Standards Committee have been highlighted below. The Bill is presently in draft form and is presently being considered by the National Assembly of Wales. A commencement date is not yet known.
4. For the purpose of this report an overview has been provided on some of the key provisions:

(a) Local Government Electoral Arrangements

The voting age for local government elections will be lowered from 18 to 16 and the right to stand and vote in local government elections will be extended to qualifying foreign citizens residents in Wales.

Local authorities and community councils will be put on a permanent five year electoral cycle, powers will be given to the Welsh Government to establish an all Wales digital electoral register and pilots of new ways to hold local elections will be allowed (i.e all postal voting, new voting hours, electronic voting, electronic counting).

(b) Disqualification criteria to stand as a councillor

People who have been declared bankrupt, are registered sex offenders, have served a prison (suspended or not) sentence of 3 months or more will be disqualified.

Council staff will be allowed to stand in elections to their employer local authority but will be required to resign if elected.

(c) Governance Arrangements

The Bill will introduce a general power of competence for local authorities and eligible community councils, giving the power to act in their respective community's best interests, generate efficiencies and secure value for money.

Local authorities will still need to appoint a Chief Executive but must publish arrangements for managing their performance.

The Bill introduces job sharing for Cabinet level positions and places a requirement on councils to have provision for maternity leave for councillors.

(d) Conduct of Members

S67(2) of the Bill imposes specific duties on political leaders to promote and maintain standards of conduct within members of their group, and to cooperate with the Standards Committee in the exercise of its functions. This requires leaders of political groups to take steps to promote and maintain high standards of conduct by members of their groups.

S67(3) imposes an additional function on the Standards committee to monitor political leaders' compliance, and to advise, train or arranging to train leaders of political groups about matters relating to the above duties.

Training of all members on the Code of Conduct is currently undertaken periodically.

S68(4) requires production of an annual report of the Standards Committee' which will include an assessment of political leaders' compliance, reporting significant matters they have dealt with and recommendations made

to the committee. In turn, the Council will be obliged to consider the report within 3 months.

(e) Mergers

There will be provision for regional working by more than one local authority through corporate joint committees. It also gives the Welsh Government the power to intervene or order one local authority to assist another one if it is believed a council isn't meeting performance requirements (based on self-assessment and peer review).

Any mergers will be wholly voluntary. Two or more local authorities can apply to Welsh Government with a merger application. The Bill sets out the formal public consultation process and regulations required to create a merged local authority.

Councils can also request to be abolished.

(f) Public engagement

Local authorities will be required to publish a public participation strategy. There will also be a duty placed on local authorities to encourage local people to participate in local government.

Local authorities will need to introduce public petition schemes, webcast all public meetings (subject to regulations) and make arrangements for remote attendance by councillors. These provisions will not apply to community councils.

Community Councils will be required to allow members of the public to make representations during meetings and publish annual reports at the end of each financial year.

Financial Impacts:

5. No implications.

Integrated Impact Assessment:

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

Valleys Communities Impacts:

7. No implications

Workforce Impacts:

8. No implications

Legal Impacts:

9. The obligations are set out in the draft Local Government and Elections (Wales) Bill which presently being considered by the National Assembly of Wales

Consultation:

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

Recommendations:

11. That Members note the content of the content of the draft Local Government and Elections (Wales) Bill.

Appendices:

12. None

List of Background Papers:

13. None

Officer Contact:

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