



STANDARDS COMMITTEE

10.00 AM - WEDNESDAY, 27 JANUARY 2021

REMOTELY VIA TEAMS

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

PART 1

1. Declarations of Interest
2. Minutes of Previous Meeting (*Pages 3 - 4*)
3. Public Service Ombudsman for Wales Annual Report 2019 2020 (*Pages 5 - 18*)
4. Grant Of Dispensations And Renewal Of Grants Under Section 81(4) Local Government Act 2000 (*Pages 19 - 30*)
5. Remit of Standards Committee (*Pages 31 - 36*)
6. Town and Community Council Code of Conduct Matters (*Pages 37 - 40*)
7. Urgent Items
Any urgent items at the discretion of the Chairperson pursuant to Section 100B(4)(b) of the Local Government Act 1972

K.Jones
Chief Executive

Civic Centre
Port Talbot

18 January 2021

Committee Membership:

Chairperson: **C.L.Jones**

Vice **B.Richards**
Chairperson:

Independent L.Fleet and T.Ward
Members:

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

Community G.Reynolds
Committee
Member:

Substitutes

NPTCBC R.W.Wood
Substitutes:

*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

(Committee Room 3 - Port Talbot Civic Centre)

Members Present:

6 March 2020

Chairperson: C.L.Jones

Vice Chairperson: B.Richards

Independent Members: L.Fleet and T.Ward

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

Officers In Attendance: C.Griffiths and T.Davies

Apologies: C.Williams

Prior to the start of the meeting, the Chair offered congratulations on behalf of the Committee to Independent Standards Committee Member, Louise Fleet, who had succeeded D Byron Lewis as HM Lord Lieutenant of West Glamorgan.

1. **MINUTES OF PREVIOUS MEETING**

RESOLVED: That the minutes of the previous meeting held on the 22 November, 2019 be confirmed as a true and accurate record of the proceedings.

2. **STANDARDS COMMITTEE ANNUAL REPORT 2019-2020**

RESOLVED: That the draft Annual Report of the Standards Committee be approved, and that delegated authority be given to the Head of Legal Service, in consultation with the Leader/relevant Cabinet Member, to amend the report as may be necessary to reflect any updated complaint figures received.

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

Members gave their feedback on their experiences from recent visits to Town/Community Council meetings. All who had attended these meetings had found it a useful insight.

Members discussed the questions contained within the circulated Code of Conduct questionnaire, and made several suggestions of extra questions, which would be added before circulation to the Town/Community Council Clerks.

RESOLVED: That the Code of Conduct questionnaire, detailed at Appendix 1 to the circulated report, be issued to Town/Community Clerks, and a report be brought back to members at the next Standards Committee.

4. **GRANT OF DISPENSATION IN RESPECT OF SCHOOL RE-ORGANISATION MATTERS UNDER S81(4) OF THE LOCAL GOVERNMENT ACT 2000**

RESOLVED: That the application for dispensation set out in paragraph 10 of the circulated report, be approved and that the dispensation run to the Standards Committee which follows the Annual meeting 2022.

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

RESOLVED: That the respective group leaders of Neath Port Talbot Council be invited to attend Standards Committee to discuss Code of Conduct matters.

6. **LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL**

RESOLVED: That the content of the draft Local Government and Elections (Wales) Bill, be noted.

CHAIRPERSON



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

STANDARDS COMMITTEE

REPORT OF THE HEAD OF LEGAL SERVICES – MR CRAIG GRIFFITHS

27 January 2021

Matter for Information

Wards Affected: All Wards

Public Service Ombudsman for Wales Annual Report 2019/2020

Purpose of the Report:

1. To advise Members of the receipt of the Ombudsman's Annual Letter and the publication of his Annual Report.

Executive Summary:

2. The Public Service Ombudsman for Wales ("the Ombudsman") has two specific roles:
 - (a) To consider complaints about public service providers in Wales; and
 - (b) To consider complaints that members of local authorities or town and community councils have breached their Code of Conduct.

3. The Ombudsman sends letters on an annual basis to county borough councils and local health boards concerning the complaints he has received and considered during the previous financial year. The aim of the Annual Letter is to provide the relevant bodies with information to help them improve their complaint handling and the services that they provide.

Background:

4. In recent years the Ombudsman has adopted the practice of sending an annual letter to each local authority which comes within his jurisdiction. A full copy of the letter and Factsheet is reproduced for Members at Appendix 1.
5. Comparatively little commentary is required on the Annual Letter. The number of service complaints received by the Ombudsman is set out in Table A of the Factsheet. This Council received 22 complaints – a decrease from 38 in the 2018/2019 Financial Year. Therefore, the number of complaints received is in line with what one would expect from the population size of the Council area.
6. It should be noted that we are no longer a direct provider of general housing – a function which generally attracts some complaints.
7. The mix of complaints is dealt with in Table B of the Factsheet. The numbers in the various categories are similar to the Welsh average overall.
8. The comparison of complaint outcomes with average outcomes is again broadly in line with the national average.
9. The percentage of cases requiring intervention from the Ombudsman is comparatively low (see Table D). The intervention provided the opportunity with the Council to look

again at the issue and ensure that remedies could be achieved which met the needs of the complainant.

10. The number of national Code of Conduct complaints increased slightly in 2019/2020 both in respect of Local Authority elected members and Town/Community Council members. Many of these complaints have arisen following changes in the membership of councils. In the Neath Port Talbot locality, the number of Code of Conduct complaints against County Borough Councils is low, there being just 4, which were closed after initial consideration (Table E), meaning there was no case to answer. However, there was a slight increase in the number of complaints against community councils (Table F) (going from 7 to 8), but as can be seen no further action was taken in respect of these matters and they were either closed after initial consideration, discontinued or withdrawn.
11. Overall, cuts in public expenditure create an environment in which there can be a mismatch between public expectations and the service which can be provided. This will make it even more important to deal promptly with any complaints which arise and look for practical and achievable solutions. The Council continues to work collaboratively with the Ombudsman to resolve any matter that might be referred to him by a member of the public whether that be via an early settlement or to provide clarification and documentation to assist in any investigation being undertaken.
12. Officers will continue this assistance in 2020/2021 and onwards. However, steps will also be taken to try and reduce the number of cases which require intervention by the Ombudsman. This will include:
 - (a) Ensuring officers are aware of their obligations in responding to complaints and how the Council's Complaints Process functions to reduce the prospect of complaints being made to the Ombudsman stemming from process related issues.

- (b) Facilitating a working group of officers to consider complaints handling and steps that should be taken in responding to complaints and to consider the Ombudsman response to any complaints so that lessons can be learnt. These officers are also involved in Data Protection and Freedom of Information Act responses so training will also be provided in these areas to ensure compliance in those fields. Taking the opportunity to learn from complaints can contribute to the development of services that meet the needs and expectations of our citizens. In this way, citizens can be involved in improving services and ensuring that they meet long term needs and are sustainable. The ability to identify causes of complaint and service failure can also present an opportunity to design in service features which have a preventative impact.
- (c) Liaising with the Ombudsman to determine whether resources such as training are available from them to assist in complaint handling process.
- (d) Undertaking further training with Local Authority Elected Members on Code of Conduct matters and in particular the use of social media, which appears to be the source of numerous complaints to the Ombudsman. Training was provided in February 2020 and will continue to form part of Code of Conduct Training in refresher sessions.
- (e) The further development of a Standards and Code of Conduct forum with Town and Community Council Clerks to ensure that standards and ethics of decision makers is considered actively within that setting and officers of those organisations are aware of key legal obligations. The forum has met now on a number of occasions and new ways of looking to hold the meeting in light of Covid-19 issues are being developed.
- (f) A review of the Constitution to ensure appropriate arrangements are in place to meet any obligations in respect of complaints. Reports will be brought to members accordingly in due course regarding this.

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

Financial Impacts:

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

Integrated Impact Assessment:

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

Valleys Communities Impacts:

16. No implications

Workforce Impacts:

17. No implications

Legal Impacts:

18. No implications

Consultation:

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

Recommendations:

20. That Members note the content of the Public Service Ombudsman Annual Report for Neath Port Talbot County Borough Council for 2019/2020 enclosed at Appendix 1

Appendices:

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

List of Background Papers:


22. None

Officer Contact:


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

Our ref: NB

Ask for: Communications

 01656 641150

Date: 7 September 2020

 Communications
@ombudsman-wales.org.uk

Councillor Rob G. Jones
Council Leader
Neath Port Talbot Council

By Email Only
cllr.r.g.jones@npt.gov.uk

Dear Councillor Jones

Annual Letter 2019/20

I am pleased to provide you with the Annual letter (2019/20) for Neath Port Talbot Council.

I write this at an unprecedented time for public services in Wales and those that use them. Most of the data in this correspondence relates to the period before the rapid escalation in Covid-19 spread and before restrictions on economic and social activity had been introduced. However, I am only too aware of the impact the pandemic continues to have on us all.

I am delighted to report that, during the past financial year, we had to intervene in (uphold, settle or resolve early) a smaller proportion of complaints about public bodies: 20% compared to 24% last year.

We also referred a smaller proportion of Code of Conduct complaints to a Standards Committee or the Adjudication Panel for Wales: 2% compared to 3% last year.

With regard to new complaints relating to Local Authorities, the overall number has decreased by 2.4% compared to the previous financial year. I am also glad that we had to intervene in a smaller proportion of the cases closed (13% compared to 15% last year). That said, I am concerned that complaint handling persists as one of the main subjects of our complaints again this year.

Amongst the main highlights of the year, in 2019 the National Assembly for Wales (now Senedd Cymru Welsh Parliament) passed our new Act. We are now the first ombudsman's office in the UK to have full and operational powers to drive systemic improvement of public services through investigations on our 'own initiative' and the Complaints Standards role.

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During 2019/20, we have engaged intensively with Local Authorities on this issue, starting to exercise our new Complaints Standards powers.

Local Authorities in Wales submitted data about the complaints they handled to the Complaints Standards Authority (CSA) for the first time in 2019/2020, revealing much more about the complaints landscape in Wales.

The data submitted for 2019/2020 shows:

- Over 13,000 complaints were recorded by Local Authorities – 4.25 for every 1000 residents.
- Nearly half (42%) of those complaints were upheld in full or in part.
- About 80% (79.51%) were investigated within 20 working days.
- About 7% (6.91%) of all complaints ended up being referred to PSOW.

The CSA will work with public bodies to ensure the data submitted is an accurate representation of complaints being submitted by service users.

A summary of the complaints of maladministration/service failure received relating to your Council is attached.

Also attached is a summary of the Code of Conduct complaints relating to members of the Council and the Town & Community Councils in your area.

Action for the Council to take:

- Present my Annual Letter to the Cabinet to assist members in their scrutiny of the Council's performance.
- Engage with my Complaints Standards work, accessing training for your staff and providing complaints data.
- Inform me of the outcome of the Council's considerations and proposed actions on the above matters by 30 November.

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

Yours sincerely



Nick Bennett
Ombudsman

CC: Steve Phillips, Chief Executive
Craig Griffiths, Contact Officer

Factsheet

A. Complaints Received

Local Authority	Complaints Received	Complaints received per 1000 residents
Blaenau Gwent County Borough Council	17	0.24
Bridgend County Borough Council	34	0.23
Caerphilly County Borough Council	49	0.27
Cardiff Council*	122	0.33
Carmarthenshire County Council	42	0.22
Ceredigion County Council	31	0.42
Conwy County Borough Council	29	0.25
Denbighshire County Council	32	0.34
Flintshire County Council	61	0.39
Gwynedd Council	37	0.30
Isle of Anglesey County Council	26	0.37
Merthyr Tydfil County Borough Council	13	0.22
Monmouthshire County Council	16	0.17
Neath Port Talbot County Borough Council	22	0.15
Newport City Council	39	0.25
Pembrokeshire County Council	25	0.20
Powys County Council	72	0.54
Rhondda Cynon Taf County Borough Council	39	0.16
Swansea Council	92	0.37
Torfaen County Borough Council	5	0.05
Vale of Glamorgan Council	30	0.23
Wrexham County Borough Council	33	0.24
Wales	866	0.28

* inc 1 Rent Smart Wales

B. Complaints Received by Subject

Neath Port Talbot Council	Complaints Received	Complaints Percentage Share
Adult Social Services	1	4.55%
Benefits Administration	1	4.55%
Children's Social Services	4	18.18%
Complaint Handling	5	22.73%
Education	2	9.09%
Environment and Environmental Health	5	22.73%
Planning and Building Control	2	9.09%
Roads and Transport	2	9.09%

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C. Complaint Outcomes

(* denotes intervention)

Complaints Closed	Premature/ Out of Time/Right to Appeal	Out of Jurisdiction	Other cases closed after initial consideration	Early Resolution/ voluntary settlement*	Discontinued	Other Reports- Not Upheld	Other Reports Upheld - in whole or in part*	Public Interest Report *	Grand Total
Neath Port Talbot Council	12	3	6	3	0	0	1	0	25
Complaints Percentage Share	48.00%	12.00%	24.00%	12.00%	0.00%	0.00%	4.00%	0.00%	

D. Number of cases with PSOW intervention

	No. of interventions	No. of closures	% of interventions
Blaenau Gwent County Borough Council	1	17	6%
Bridgend County Borough Council	1	34	3%
Caerphilly County Borough Council	6	50	12%
Cardiff Council	21	120	18%
Cardiff Council - Rent Smart Wales	-	1	0%
Carmarthenshire County Council	6	46	13%
Ceredigion County Council	4	30	13%
Conwy County Borough Council	6	34	18%
Denbighshire County Council	2	32	6%
Flintshire County Council	8	57	14%
Gwynedd Council	4	39	10%
Isle of Anglesey County Council	3	28	11%
Merthyr Tydfil County Borough Council	2	15	13%
Monmouthshire County Council	2	15	13%
Neath Port Talbot Council	4	25	16%
Newport City Council	4	38	11%
Pembrokeshire County Council	7	29	24%
Powys County Council	14	71	20%
Rhondda Cynon Taf County Borough Council	5	40	13%
Swansea Council	4	93	4%
Torfaen County Borough Council	1	5	20%
Vale of Glamorgan Council	4	27	15%
Wrexham County Borough Council	4	33	12%
Grand Total	113	879	13%

E. Code of Conduct Complaints Closed

County/County Borough Councils	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Neath Port Talbot	4	-	-	-	-	-	-	4

F. Town/Community Council Code of Complaints

Town/Community Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Briton Ferry Town Council	2	-	-	-	-	-	-	2
Coedffranc Town Council	3	-	-	-	-	-	-	3
Glynneath Town Council	3	-	-	-	-	-	-	3

Appendix

Explanatory Notes

Section A provides a breakdown of the number of complaints against the Local Authority which were received during 2019/20, and the number of complaints per 1,000 residents (population).

Section B provides a breakdown of the number of complaints about the Local Authority which were received by my office during 2019/20. The figures are broken down into subject categories with the percentage share.

Section C provides the complaint outcomes for the Local Authority during 2019/20, with the percentage share.

Section D provides the numbers and percentages of cases received by the PSOW in which an intervention has occurred. This includes all upheld complaints, early resolutions and voluntary settlements.

Section E provides a breakdown of all Code of Conduct complaint outcomes against Councillors during 2019/20.

Section F provides a breakdown of all Code of Conduct complaint outcomes against town or community councils.

Feedback

We welcome your feedback on the enclosed information, including suggestions for any information to be enclosed in future annual summaries. Any feedback or queries should be sent via email to communications@ombudsman-wales.org.uk

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Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

27 January 2021

Report of the Head of Legal 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 2022 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.

Standard form of Dispensation: Employment

13. The standard form for the dispensation will be "To speak and vote on issues relating to the business of Neath Port Talbot County Borough Council including relevant personnel matters provided that
 - (a) they do not directly financially advantage or disadvantage or give other direct benefit or disbenefit to a Member or the Member's family who is employed by the County Borough Council or
 - (b) that the employment is not as a senior manager nor is involved in assisting with the determination of Council policy.
14. This dispensation will not apply in circumstances where a member of the public might reasonably conclude that the employment would significantly affect the Councillor's ability to act purely on the merits of the case and in the public interest."

Circumstances for granting the Dispensation: Employment

15. The circumstances are:

- (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"

Applications from Members

16. The Applications received are as follows:-

Councillor	Employment Dispensation
Cllr. M Crawley	<p>His partner works as a Teaching Assistant in a school within the Neath Port Talbot locality.</p> <p>His step-daughter works as a Bursor with the Education, Leisure and Lifelong Learning Directorate.</p> <p>His niece works in the Education, Leisure and Lifelong Learning Directorate.</p> <p>His nephew works for the South Wales Trunk Road Agency,</p> <p>His niece is employed within the Council's cleaning service</p>

Recommendation

17. That the applications for dispensation set out in paragraph 13 be approved for those members listed in paragraph 16 to speak and

vote and that the dispensations run to the Standards Committee which follows the Annual Meeting 2022.

Miscellaneous Dispensations

18. 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

19. 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
 - (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

Applications from Members

20. The Applications received are as follows:-

Member	Subject of Dispensation	Extent of Requested Dispensation
Cllr. D Jones	When One Voice Wales is under consideration in NPTCBC meetings	Speak and Vote

Circumstances for granting the Dispensation

21. The circumstances are:-

- (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.

Recommendation

22. That the applications for dispensations set out in paragraph 21. be approved for the member identified in paragraph 20 and that

the dispensation run to the Standards Committee which follows the Annual Meeting 2022.

Financial Impacts:

23. No implications

Integrated Impact Assessment:

24. There is no requirement to undertake an Integrated Impact Assessment as this report is for monitoring / information purposes’.

Valleys Communities Impacts:

25. No implications

Workforce Impacts:

26. No implications

Legal Impacts:

27. 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.

28. 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:

29. 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:

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

Recommendations:

31. That the Recommendations set out in paragraphs 17 and 22 be granted by the Standards Committee

Reasons for Proposed Decision:

32. 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:

33. The decision is proposed for implementation after the three day call in period

Appendices:

34. None

List of Background Papers:

35. None

Officer Contact:

Mr Craig Griffiths

Head of Legal Services

Tel. No. 01639 763767

E-mail c.griffiths2@npt.gov.uk

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

27 January 2021

REPORT OF THE HEAD OF LEGAL SERVICES – MR C GRIFFITHS

Matter for Information

Wards Affected: All

Remit of Standards Committee

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. Members will note that the Council has recently appointed two new independent members to the Standards Committee in accordance with the provisions of the Local Government Act 2000 and the Standards Committee (Wales) Regulations 2001 which governs the working of the Standards Committee. It was thought appropriate by the Monitoring Officer of the Council that a report be brought to Members of the Standards Committee just to confirm once again the remit of the Standards Committee and to provide a brief note on the legislative background.
3. 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.
4. 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.

5. This Code requires all members of these authorities to make a formal declaration to observe the Code. Failure to declare will result in a member ceasing to hold the office of Councillor.
6. 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;

7. The Standards Committee of Council, hence, will have responsibility for all the same functions in relation to Town and Community Councils situated within the County Borough area.
8. The Local Government Act 2000 and the Standards Committees (Wales) Regulations 2001 provide specific rules for the composition and operation of a Standards Committee. The principal requirements are as follows:
 - (a) size of the Committee between 5 and 9 members;
 - (b) if the number is even at least half the members should be Independent Members. If the number is odd, the majority must be Independent Members;
 - (c) Independent Members must be people who are not Members or Officers, or the spouses of Members or Officers, of the Council or of Town or Community Councils in its area or other bodies having a Standards Committee;
 - (d) there is also a bar on former Councillors or Officers being Independent Members of their own Council's Standards Committee, but they can be an independent member of another authority they have not served on after 12 months of ceasing to be a Member or Officer of their own Council;
 - (e) the leader, or elected mayor, or chair of a Board (within an authority operating alternative arrangements) are excluded;
 - (f) a maximum of one member of an executive can be placed on the Standards Committee;
 - (g) one member must be a Town or Community Council Member. That Town or Community Council Member cannot also be a County Borough Council Councillor;
 - (h) political balance rules do not apply;
 - (i) the quorum is 3 (2 being independent, including the chair);
 - (j) Access to Information Act rules apply;
 - (k) Monitoring Officer or representative must attend each meeting;
 - (l) Chair and Vice must be independent – Chair has casting vote;
 - (m) Chair and vice Chair are appointed by the Committee at its first meeting.

Financial Impact

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

Equality Impact Assessment

10. There are no equality impacts associated with this Report

Workforce Impacts

11. There are no workforce impacts associated with this Report

Legal Impacts

12. 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

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

Recommendations

14. That Members note the remit of the Standards Committee and the legislative background in which the Standards Committee operates.

Reason for Report

15. 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

16. None

List of Background Papers

17. The Constitution of Neath Port Talbot County Borough Council

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

27 January 2021

REPORT OF THE HEAD OF LEGAL SERVICES – MR C GRIFFITHS

Matter for Decision

Wards Affected: All

Town and Community Council Code of Conduct Matters

Purpose of the Report

1. To highlight to members the response received from Town and Community Council to a questionnaire on standards matters.

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. At the Standards Committee meeting of the 6th March 2020, members agreed a questionnaire be issued to all Town and Community Councils to request information on their approach to various matters. Emails were then forwarded to Town and Community Council clerks on the 10th March 2020 and followed up by emails on the 15th June 2020 and 18th September 2020.
7. 5 responses were received and the below sets out a summary of the answers provided:

Questions	Answers Provided
Have all members received Code of Conduct training?	<p>3 of the 5 Councils confirmed all members had received in house training from One Voice Wales and refresher courses had recently been held for any new members who had been appointed.</p> <p>2 of the 5 Councils added that not all members had been trained. Although training had been offered (both in person and via on-line resources), not all members had chosen to participate in this.</p>
In what format did this training take?	All Councils confirmed training took place via One Voice Wales, On-line resources and refresher courses held by Clerks.
If not all members have had training please indicate the number of members who have not and what training opportunities are afforded to them?	2 of the 5 Councils added that not all members had been trained. Although training had been offered (both in person and via on-line resources), not all members had participated in this.
How many complaints concerning Members conduct have been referred to you as Clerk in the year 2019-2020?	<p>3 of the 5 confirmed that no referrals had been made.</p> <p>2 of the 5 confirmed that they have seen 2 referrals.</p>

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 that you are aware of?	3 of the 5 confirmed that no referrals had been made. 2 of the 5 confirmed that they have seen 2 referrals.
How many declarations of interest have been made in Council meetings during the year 2019-2020?	Councils confirmed that the number varied on a given year but for each Council who responded, the figures: 35 14 1 31 7
How many of your members have sought dispensation to speak upon matters which they have a prejudicial information in the year 2019-2020	No Councils reported members seeking a dispensation

Financial Impact

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

Integrated Impact Assessment

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

Workforce Impacts

10. There are no workforce impacts associated with this Report

Legal Impacts

11. 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

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

Recommendations

13. That Members discuss the findings from the questionnaire returns and identify areas of work for the Monitoring Officer to address with Town and Community Councils

Reason for Report

14. 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

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

List of Background Papers

16. The Constitution of Neath Port Talbot County Borough Council

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