



Neath Port Talbot
Castell-nedd Port Talbot
County Borough Council Cyngor Bwrdeistref Sirol

REPORT OF INTERNAL AUDIT TO THE CHIEF EXECUTIVE & OTHER NAMED ADDRESSEES

TITLE OF REPORT

MEMBERS' ETHICS

Report No – 1

2024/25

Issue date 20th May 2024

1. INTRODUCTION

- 1.1 This audit was undertaken in accordance with the provision made in the 2023/24 Internal Audit Plan.
- 1.2 The ethical conduct of all elected members is of paramount importance to the Council as a whole. Not only must elected members comply with the Members’ Code of Conduct (the Code) and associated protocols they must be seen to behaving with integrity to ensure that the electorate have confidence that decisions taken by them are lawful, considered and free from any personal gain. The role of officers is to ensure that members have the necessary protocols to guide them, to provide advice when required and to take robust action when inappropriate behaviour is reported to them.
- 1.3 NPTCBC has adopted the Model Code of Conduct and it is readily available to all members. It is also included within the induction pack sent to all new members.
- 1.4 The Local Government and Elections (Wales) Act 2021 imposes specific duties on political leaders to promote and maintain standards of conduct of members within 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. The Act also places an additional function on Standards Committee to monitor Group Leaders compliance with the new duty imposed upon them.
- 1.5 All Internal Audit Work complies with the Public Sector Internal Audit Standards.

Executive Summary

Following this audit reasonable assurance can be provided that there are appropriate internal processes in place to help ensure that members act in an ethical manner.

The Monitoring Officer is widely respected by members and is seen as the first port of call for any issues regarding actual or perceived inappropriate behaviour.

The Chief Executive instigated a review of the Member/Officer Protocol following concerns regarding the conduct of some members when interacting with officers.

The Chief Executive is kept abreast of all issues relating to members’ behaviour and is often contacted directly by members. She is fully aware of any emerging issues and is proactive in addressing them.

A comprehensive training programme for all members is in place which is regularly reviewed and delivered. Attendance rates by members is generally good and all members have attended training on the Code.

This assurance rating will be reported to the next Governance & Audit Committee.

This report should not be shared externally without the prior agreement of the Audit Manager.

2. **Audit Objectives & Findings**

2.1 **Objective**

The Council has a Code of Conduct for Elected Members which is readily available to all members. Appropriate training on the Code is undertaken for all new members who are then provided with a guidance note and refresher training is held for all members periodically.

Findings

NPTCBC’s Constitution includes a Code of Conduct for all Elected Members which is readily available on the Authority’s website. It is also included in the induction pack issued to all new members and from Democratic Services Officers.

Upon election all members are required to sign a Declaration of Acceptance and give a written undertaking to abide by the Code. If this is not done they cannot serve. All current members have complied with this requirement.

Comprehensive training on the Code is provided to all Members. 2 sessions were held during 2021, 4 sessions were held during 2021, 1 session during 2023 and a session is due to be delivered in June 2024. All current members have attended training on the Code, which has been recently updated by the Monitoring Officer, and a guidance note issued to all.

2.2 Objective

Group Leaders are aware of the duties imposed upon them by the Local Government and Elections (Wales) Act 2021 (the Act) in relation to the promotion and maintenance of standards of behaviour by their group members and to assist the Standards Committee in the exercise of its functions. Standards Committee are discharging their new function under the Act.

Findings

To establish if Group Leaders were complying with this new duty imposed by the Act, the Monitoring Officer proposed to Standards Committee that they invite all Group Leaders to a committee meeting to discuss the new duties imposed on them. This was accepted by the committee and all Group Leaders subsequently attended to answer a number of questions set by the committee in relation to the discharge of their new duties.

Through attendance at these meeting it was evident that all Group Members were aware of their responsibility in ensuring that their

members acted appropriately and were aware of the requirements of the Code. It was suggested that the Code should be updated due to hybrid attendance at meetings. One Group Member stated that he impressed on his members that they were Councillors 24 hours a day/365 days a year and not just when they were actively involved in Council business. This is a very valid point well made.

All Group Leaders stated that they encourage all their members to attend all training offered. One Group Leader stated that he felt additional training on declarations would be useful as he felt this was a requirement that some members struggled to fully understand. He did however acknowledge that the Monitoring Officer was always available to assist any member who was unsure of when to make a declaration.

All Group Leaders stated that when interacting with constituents on social media special care needed to be taken by all members. It is perceived as a danger area as ill-considered comments could be made in the heat of the moment.

Following the meeting with the Group Members it was agreed that a cross party selection of members would be invited to a Standard Committee meeting with a view to gaining their views on the Code and member behaviours. Attendance at this meeting was insightful and similar themes were raised by the members in attendance as those raised by the Group Leaders. However a number of areas not discussed during the Group Leaders’ attendance at Standards Committee were raised. These areas were; a perception that Group Leaders do not hold members who breach the Code to account and members would like the Committee’s assistance with that; Councillors do not have the same protections as employees; it is wrong to expect councillors to have a thick skin; there is a general lack of respect between members from different parties; 1 member present spoke at length about bullying she had endured; social media training should be revised to include how to deal with online abuse; wider training on conflict resolution would be beneficial for all members; there is a conflict of interest if members are both County Council members and Town Council members and the

Ombudsman process is too long and not helpful as they are only interested in a complaint if it is in the public interest to investigate. By instigating the process of inviting Group Leaders and a cross section of members to address Standards Committee, the committee had fulfilled the obligation placed up them by the Act.

Recommendation

If he has not already done so the Monitoring Officer should arrange additional training on Declarations of Interest and the use of Social Media and explore providing training to all members on conflict resolution. Consideration should also be given to updating the Code to take account of hybrid attendance at Council meetings.

Standards Committee should continue the good practice shown by continuing to invite members to their meetings to gain their views in relation to compliance with the Code and ethical behaviour.

The Monitoring Officer should share with Group Leaders the views expressed by the members who attended the Standards Committee Meeting.

Response to recommendation: Accepted

Recommendation Grading: Medium

Implementation Date: As soon as possible

Responsible Officer: Monitoring Officer

2.3 **Objective**

All members are aware of how to raise an issue regarding what they perceive to be inappropriate conduct by a fellow member.

Findings

Whilst all members who attended Standards Committee were aware that they could raise issues with Monitoring Officer there was a general lack of awareness of the Local Resolution Process and where a copy could be located. Members were also aware of the

Ombudsman Process however there were mixed views on what value it added. There was also a perception that when cases were reported to the Ombudsman they took too long to be resolved.

Recommendation

The Local Resolution Process should be promoted to members and training undertaken on this core process.

Response to recommendation: Accepted

Recommendation Grading: Medium

Implementation Date: By end of October 2024

Responsible Officer: Monitoring Officer

2.4 Objective

All complaints relating to members conduct are dealt with appropriately and use made of the Local Resolution Process in the first instance and when appropriate escalated to the Ombudsman. A register of all complaints received should be maintained by the Monitoring Officer and reported to Standards Committee.

Findings

Ombudsman Complaints

During 2021/22, 5 complaints were made against elected members. All were discontinued by the Ombudsman’s officer with no further action required.

During 2022/23 again 5 complaints were received and all were discontinued by them with no further action.

During 2023/24 3 complaints were made, 2 were discontinued by then with no further action required and was 1 referred to Standards Committee for consideration re any action they wished to take.

Complaints from members of the public

During 2021/22 the Monitoring Officer received 8 contacts. An email was sent to each complainant advising them of how to take the matter forward.

During 2022/23 17 concerns were raised to the Monitoring Officer, again the complainants were advised how to take their issues

forward. This increase could be put down to the fact that this was an election year.

During 2023/24 5 contacts were made and again the Monitoring Officer advised how the issues should be taken forward.

Complaints from members concerning a fellow member

During 2021/22, 5 notifications were received by the Monitoring Officer, in 2022/23 9 were received and in 2023/24 7 were received.

In each instance the member was advised how they could use the Local Resolution Process or make a referral to the Ombudsman.

In all cases where the Monitoring Officer is advised of an issue he will after considering the issue speak to the member whose conduct is in question if it is appropriate to do so. The Chief Executive also follows this route when made aware of issues.

The Monitoring Officer makes Standards Committee aware of all conduct matters raised with him. He also presents the Ombudsman’s Annual report on matters relating to this Council to the Committee. Recent decisions from the Adjudication Panel for Wales relating to member breaches of the Code are also presented.

2.5 Objective

All members and officers are aware of the appropriate way in which they should interact with officers.

Findings

Following concerns regarding the way in which some members were interacting with officers the Chief Executive commissioned a review of the existing Member/Officer Protocol. This was done and training delivered to all members and officers likely to come into contact with members when undertaking their respective roles. It is intended that refresher training will be provided at appropriate intervals.

The Chief Executive also had concerns that there may be undue influence exerted by members in relation to capital programme works. To mitigate this potential risk the now Director of Finance was charged with revising the Capital Programme Steering Group (CPSG) Terms of Reference, it was also agreed that I would attend

CPSG meetings on an ad hoc basis, review minutes arising and monitor spend and changes to the programme. To date there have been no concerns in relation to any changes to agreed works and the revised Terms of Reference are fully adhered to.

Attendance at and observance of Member Surgeries did not raise any concerns in the interactions viewed. Similarly attendance at and reviewing a number of Council meetings did not raise any issues with regards to the mutual respect that would be expected between members and officers. There were occasions when members’ questioning of offices was robust however this is to be expected and somewhat necessary to achieve good governance. One occasion was highlighted where a member had edited a recording of a meeting and posted it on social media. The edited copy did not reflect the full discussion, was misleading and unfair to the officer involved. This was identified and addressed swiftly.

What is more difficult to assess is the casual interactions between members and officers particularly when there are schemes proposed for their ward or where they have a particular issue within their ward which they want addressed. When Chief Officers were asked if they were aware of any inappropriate behaviour or undue influence being exerted by members only 1 issue was raised. Both the Chief Executive and the Monitoring Officer were aware of and it had been appropriately addressed.

Recommendation

All Senior Officers to be reminded of the need for them to be vigilant in ensuring that all member contact with staff is appropriate and that members are not getting involved in operational issues. When instances of inappropriate behaviours/contact is identified the Monitoring Officer should be made aware of it in order that it can be addressed appropriately.

Response to recommendation: Accepted

Recommendation Grading: Medium

Implementation Date: As soon as possible

Responsible Officer: Monitoring Officer

2.6 Objective

To ensure that safe and legal decisions are made, all Members are aware of when they are required to make a declaration; what type of declaration is required by them and that any such declarations are recorded.

Findings

As stated earlier a Group Leader commented that he had concerns that members fully understand when it was appropriate to make a declaration at a meeting and what type of declaration should be made.

Through attendance at and reviewing recording committee meetings it was evident that a standing item on every agenda is declarations of interests. At every meeting attended or recording reviewed declarations were asked for and made when appropriate, meeting minutes also reflected this.

When the first recommendation within this report is addressed the perceived lack of confidence that members fully understand the differing types of declarations and when it is appropriate to make a declaration should be resolved.

2.7 Objective

To ensure that good governance is achieved and the electorate are fully represented all members regularly attending committee meetings and contributing to the decision making process.

Findings

A review of attendance records maintained by Democratic Services Officers did not highlight any issues with members’ attendance. It will always be the case that some members are more active than others given the age range and outside interests of members however the introduction of hybrid meetings now makes it easier for members to attend meetings. It is the responsibility of Group Members to ensure that their members are fully representing their constituents and contributing to the decision making process.

4 Acknowledgments

I would like to express my thanks to the Monitoring Office and Democratic Services Officers for their assistance during the course of this audit.

5 Post Audit Review

A post audit review, to check implementation of the agreed recommendations, will be undertaken in November 2024.

A M O’Donnell
Audit Manager
1st May 2024

Distribution
Chief Executive
Monitoring Officer
Director of Finance
Audit Wales