

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

29th July 2018

REPORT OF THE HEAD OF LEGAL SERVICES – MR C GRIFFITHS

Matter for Information

Wards Affected: All

Remit of Standards Committee and Forward Work Programme

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 and to agree the Forward Work Plan.

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.

9. The Council's Democratic Services Sections now provides forward work programmes for each of the Council's decision making forums, whether it be full Council, Cabinet, Scrutiny Meetings or Committees.
10. It was felt important therefore for Members to have a potential forward work plan and for a discussion to be had at the Standards Committee meeting of the 29th July 2018 what items they might wish to consider having reports prepared on for Standards Committee meetings for the coming year and what areas they wish the Standards Committee to give consideration to in line with the remit of the Standards Committee set out in the report to Standards Committee of the 13th July 2018..
11. The Head of Legal Services and Monitoring Officer has provided an indication of matters at this stage which will be reported to Members in the coming year, which are set out as follows:

Standards Committee	Matters for Agenda
26 th July 2019	<ul style="list-style-type: none">• Remit of Standards Committee and Forward Programme Work• Ombudsman Referral
22 nd November 2019	<ul style="list-style-type: none">• Ombudsman Annual Report• Code of Conduct Update• Whistleblowing Policy• Role of Standards Committee with Town and Community Councils
13 th March 2019	<ul style="list-style-type: none">• Ombudsman Annual Report• Code of Conduct Update

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. 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

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

Recommendations

17. That Members note the remit of the Standards Committee and the legislative background in which the Standards Committee operates and that Members agree a Forward Work Plan for the Neath Port Talbot County Borough Council Standards Committee and approve the items for discussion set out in paragraph 4 of this report and any other items that they may wish to add to the Forward Work Plan.

Reason for Report

18. 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 and that Members agree a Forward Work Plan to ensure that the Standards Committee adequately discharges its functions in accordance with the Local Government Act 2000

Appendices

19. None

List of Background Papers

20. The Constitution of Neath Port Talbot County Borough Council

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