



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council



# STANDARDS COMMITTEE ANNUAL REPORT 2019-2020



### **The Ten General Principles of Public Life**

<p><b>Selflessness</b> – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.</p>	<p><b>Personal judgement</b> – 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><b>Honesty and integrity</b> – 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><b>Respect for others</b> – 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><b>Objectivity</b> – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefit.</p>	<p><b>Duty to uphold the law</b> – 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><b>Accountability</b> – 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><b>Stewardship</b> – 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><b>Openness</b> – 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><b>Leadership</b> – 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><b><i>Nolan Committee on Standards in Public Life</i></b></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](http://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 1<sup>st</sup> April 2019 to 31<sup>st</sup> 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 1<sup>st</sup> April 2019 to 31<sup>st</sup> 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 1<sup>st</sup> April 2019 to 31<sup>st</sup> 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.