

Agenda



Standards Committee

Date: Thursday, 18 April 2024

Time: 5.30 pm

Venue: Committee Room 4 - Civic Centre

To: A Mitchell (Chair), K Watkins (Vice Chair), J Davies, P Worthington, G Nurton, R Morgan and Councillors P Cockeram, F Hussain and W Routley

Item		Wards Affected
1	<u>Apologies</u>	
2	<u>Declarations of Interest</u>	
3	<u>Minutes of the Previous Meeting</u> (Pages 3 - 6)	
4	<u>Matters Arising</u>	
5	<u>Chair's Announcements</u> To receive any announcements the Chair wishes to make.	
6	<u>Group Leader Discussion.</u>	
a	Gifts and Hospitality	
7	<u>Complaints</u> The Monitoring Officer will report on any complaints received since the last meeting.	
8	<u>National Standards Committee Forum Feedback</u> The Chair to provide an oral update.	
9	<u>Register of Interests</u> (Pages 7 - 42)	
10	<u>Review of Community Councils' Compliance with Legislative Requirements for Register of Interests</u> (Pages 43 - 54)	
11	<u>Statement from the Public Services Ombudsman for Wales</u> (Pages 55 - 58)	

Contact: Emily Mayger , Governance Officer
Tel: 01633 656656
E-mail: democratic.services@newport.gov.uk
Date of Issue: Friday , 12th April 2024

[Statement from the Public Services Ombudsman for Wales - Public Services Ombudsman for Wales](#)

12 [Forward Work Programme \(Pages 59 - 66\)](#)

13 [Date of the Next Meeting](#)
5.30pm Thursday, 18th July 2024

14 [Click here to watch the meeting recording Standards Committee, 18 April 2024](#)

Minutes



Standards Committee

Date: 18 January 2024

Time: 5.30 pm

Present: A Mitchell (Chair), Watkins (Vice Chair), P Worthington, J. Davies and G. Nurton. Councillors P Cockeram, F Hussain and W Routley.

In Attendance: Elizabeth Bryant (Head of Law and Standards), Katharine Majer (Deputy Democratic and Electoral Services Manager), Anne Jenkins (Governance Team Leader) and Emily Mayger (Governance Officer)

1 Apologies for Absence

Richard Morgan

2 Declarations of Interest

None.

3 Minutes of the Previous Meeting:

Accepted.

Resolved:

The Minutes of the Previous Meeting on the 19th October 2023 were agreed as a true and accurate record.

4 Matters Arising

None.

5 Chair's Announcements

None.

6 Complaints

The Monitoring Officer provided the Committee with an oral update on complaints.

The Monitoring Officer noted that the Ombudsman had provided the Decision Notice for one complaint made by a member of the public alleging a Councillor had failed to show respect, had used bullying and harassing behaviour and had conducted themselves in a manner that could have brought the Authority into disrepute. The Monitoring Officer informed the Committee that the complaint had been fully investigated and it was found that the Member had been acting in a personal capacity and that there was not sufficient evidence that they

had brought the Authority into disrepute. The Monitoring Officer stated that therefore the complaint had not been upheld and so there had been no further action.

Resolved:

The Standards Committee noted the complaints Report.

7 Ombudsman Annual Report 2022/23

The Monitoring Officer presented the Ombudsman Annual Report to the Committee.

The Monitoring Officer informed the Committee that the report consisted of 2 parts. The Monitoring Officer stated that the first was for overall complaints against the Authority which although not under the remit of the Standards Committee had been included for interest.

The Monitoring Officer stated that although there had been a small increase in the number of reports the percentage that had been upheld had been relatively low. The Monitoring Officer wished to draw the Committee's attention to the Newport City Council (NCC) report and noted that there had been an increase in complaints mainly pertaining to Housing and Communities. The Monitoring Officer stated that 4% of complaints against NCC were made to the Ombudsman directly by the complainant.

The Monitoring Officer noted that complaints regarding the Code of Conduct were low for NCC. The Monitoring Officer stated that there had been 7 complaints made and explained to the Committee that 6 of them had been discontinued and the other had previously been referred to the Standards Committee.

The Monitoring Officer informed the Committee that 7 complaints had been made against Newport Community Councils all of which had no further action taken.

The Monitoring Officer noted the actions that NCC had been advised to take and highlighted the engagement between NCC and the Complaints Standards Authority. The Monitoring Officer also noted that they wished to arrange a representative from the Ombudsman to come to a Standards Committee meeting to promote further engagement as well as providing support for the Group Leaders in fulfilling their duties.

A question was raised whether a league table had been supplied that showed the comparisons between the Local Authorities. The Monitoring Officer drew the Committee's attention to the report and noted that Newport came out near the middle which would be considered low when in comparison with its size as a Local Authority.

It was noted that although higher complaints are often seen as a negative, it could be an indication of an easy and effective complaint system which is a positive. The Committee Member noted that it is important that Authorities are happy to hear and listen to complaints.

Resolved:

The Standards Committee noted the Ombudsman Annual Report 2022/23.

8 Gifts and Hospitality Report

The Monitoring Officer presented the Gifts and Hospitality Report to the Committee. The Monitoring Officer informed the Committee of the current Gifts and Hospitality threshold and noted that there had been discussions within the National Monitoring Officer Forum about a standardised threshold across Wales.

The Chair noted that comparison of the values across the Welsh Authorities had been of interest and noted that some gifts may have been received as well as additional remuneration.

It was noted that it was positive to know that Gifts and Hospitality had continued to have been monitored and noted their agreement with the current threshold of £25. The point was raised that the report had lacked in detail which should be included for transparency. It was suggested that Gifts and Hospitality that had been declined should be monitored as well.

The Monitoring Officer informed the Committee that the report had provided an extract and the full details could be found as a list on the website. The Monitoring Officer informed the Committee that Members are not required to declare any Gifts and Hospitality that had not been accepted but noted that it could be a recommendation given to Members for the sake of transparency.

It was noted that the information was not readily available on the website and recommended that the way to access information on Gifts and Hospitality be made clearer.

The view was expressed that declined Gifts and Hospitality would be less important to declare and another the point was made that if declaring Gifts and Hospitality that had been declined was not enforceable then it should not be included.

The Chair suggested that it may be of use to discuss Gifts and Hospitality with the Group Leaders.

The Committee noted their surprise that a uniform approach to the Gifts and Hospitality threshold had not already been put in place but stated their agreement that £25 felt both adequate and in line with other authorities.

Resolved:

The Standards Committee noted the Gifts and Hospitality Report and it was decided that although it was agreed that the threshold seemed reasonable, Gifts and Hospitality should be discussed further with the Group Leaders.

9 Welsh Government Statutory and Non-Statutory Guidance for Principal Councils in Wales - the role of Standards Committee.

The Monitoring Officer noted that an update had been provided on the Welsh Government Statutory and Non-Statutory Guidance for Principal Councils in Wales at the last Standards Committee meeting which had led to matters arising on the work that was required to be undertaken to comply with the updated guidance.

The Monitoring Officer highlighted the section relating to the frequency and method of updates from Group Leaders and noted that the Committee would agree on Group Leader attendance going forward at the start of the yearly meeting cycle. The Monitoring Officer highlighted to the Committee that they were also able to determine whether the content of the reports had been sufficient.

The Monitoring Officer noted the desire to achieve a 100% attendance record for the Code of Conduct training in 2024 and raised the possibility of delivering an e-learning module for those who had already undertaken the training previously that could be used as a refresher.

The Monitoring Officer reported on the need to provide advice and training to new Group Leaders on their roles and responsibilities. The Monitoring Officer suggested that research could be completed to benchmark against other local authorities. The Monitoring Officer recommended that the Committee should invite the Ombudsman representative to attend the

next meeting with the Group Leaders to offer them support and feedback on their duties as well as handling complaints.

The Chair noted his surprise that the Code of Conduct training was not already offered as an e-learning module. The Chair stated his recognition of the benefits of face-to-face training but stated the importance of progression. The Chair stated his agreement that the attendance of the Ombudsman representative should correspond with the Group Leaders attendance to ensure a consistent message.

It was highlighted that the Welsh Local Government Association (WLGA) had an online platform that may be adaptable to use by Newport City Council (NCC). The Monitoring Officer agreed to look into this.

The view was expressed that the summary provided had been helpful and that it was positive that many issues had already been covered. It was noted that the enthusiasm of the Group Leaders had been obvious and that the Committee should capitalise on their willingness to engage as well as welcome any opportunity to support them in their role.

A concern was raised that members may not pay undivided attention to training when it is delivered online. The Chair noted that although he was in agreement, there were methods to try and ensure attention was being paid to the training. The Committee considered that a blended approach could be taken. The Monitoring Officer confirmed that any e-learning module would only be used for refresher training and that it would not be considered standard for all Members.

Resolved:

The Standards Committee noted the report.

All Other Business

The Chair updated the Committee on his attendance at Full Council where he presented the Standards Committee Annual Report. It was noted that it had been preferable to have the Chair of Standards Committee present the report rather than a Member.

The Chair informed the Committee that he would be in attendances at the upcoming National Standards Committee Forum meeting and that he would provide feedback at the next meeting.

The Chair informed the Committee that the Monitoring Officer was leaving her role and the Standards Committee wished her luck in all future endeavours

10 **Click here to view the Webcast**

[Standards Committee - Thursday 18 January 2024, 5:30pm - Newport City Council Webcasts \(public-i.tv\)](#)

Report



Standards Committee

Part 1

Date: 18th April 2024

Item No:

Subject Register of Interests

Purpose To enable the Standards Committee to:

- (i) Consider the current arrangements for the registration of interests by Members.
- (ii) Consider amendments to improve the administration of declarations of interest that underpins the requirements of the Constitution.

Author Head of Law and Standards

Ward General

Summary As part of their terms of reference, the Standards Committee are required to promote and maintain high standards of conduct by councillors. This report presents the current arrangements in place to support elected members in meeting their statutory responsibilities in declaring personal or financial interests that may affect their decision-making or influence their conduct in public office. The report also suggests small amendments to the declaration form and submission process to provide greater clarity for elected members on their obligations to declare personal and financial interests.

Proposal To note the Report regarding protocol for members' gifts and hospitality and to consider whether any review of the guidance is required.

Action by Head of Law and Standards

Timetable Changes to be implemented from 1st May 2024

Background

Registers of Interest are documents that record the personal and financial interests of councillors and council employees that may affect their decision-making or influence their conduct in public office. They are intended to promote transparency, accountability, and public trust in local government.

The Local Government Act 2000 and the Local Authorities (Model Code of Conduct) (Wales) Order 2008 set out the statutory framework for Registers of Interest for principal councils in Wales. The Act requires every principal council to adopt a Code of Conduct for its members and employees, which must include provisions for the registration and disclosure of interests. The Council's Code of Conduct can be found in Appendix A. This is part of the Constitution and sets out the types of interests that must be registered and disclosed, and the procedures for doing so.

The process for registering and disclosing interests as specified in the Council's Constitution specifies that:

- Interests must be registered within 28 days of taking office or becoming aware of the interest.
- Interests must be disclosed at any meeting where they are relevant to the business being discussed, and the person must withdraw from the meeting unless they have obtained a dispensation.
- Interests must be updated or removed from the register as soon as possible after any change of circumstances.
- Interests must be made available for public inspection at the council's offices and on its website.

The types of interests that must be registered and disclosed include:

- Employment, business, or professional activities that relate to the functions or business of the council.
- Contracts, land, or securities that involve the council or may be affected by its decisions.
- Gifts, hospitality, or benefits received from any person or body that has dealings with the council.
- Membership or position of control or influence in any public, private, or voluntary organisation that has dealings with the council.

It is important that the public are aware of the interests members may have or hold, in particular where those interests could influence the decisions they may be involved in making in their role or roles on the council. Recent statutory and non-statutory guidance from Welsh Government is mindful of the need to protect members safety and welfare, whilst ensuring all relevant interests are captured, and openness and transparency is maintained.

However, it is the view of the Welsh Government that while members have an obligation to declare interests and not to participate in or influence council business, there is no requirement for members to include their full primary address (or any other address) when registering beneficial interests in land in the authority's area. It would be sufficient for members to state that they own a property in the authority's area (for example identifying the road or ward), in order to discharge their duties under the Code. This includes any land and property in the authority's area in which members have a beneficial interest (or a licence to occupy for more than 28 days).

In addition, elected members need not include information relating to any of the members' personal interests that is deemed sensitive information. In the Model Code of Conduct

(Appendix B), "sensitive information" means the availability of the information for inspection by the public creates, or is likely to create, a serious risk that the member or a person who lives with the member may be subjected to violence or intimidation.

Statutory and non-statutory guidance for principal councils

Currently, elected members are prompted to complete a Register of Interest form when they have been elected as a ward councillor, which is currently every five years, or following a by-election. Elected members must autonomously notify Democratic Services of any changes to circumstances requiring a new form outside of these touch points, within 28 days of becoming aware of a change to circumstances affecting their interests.

Forms

The current form for registering an interest is attached in Appendix C. The current form complies with Section 81 of the Local Government Act 2000, but lacks detail concerning the types of interests that must be disclosed. The form has not been updated since 2018.

An updated version of the form is presented in Appendix D. Whilst the substance of the form has not changed, more detail has been included to support elected members in completing the form and meeting legislative requirements.

Whilst it is the duty of elected members to advise the Monitoring Officer of any changes to their interests within 28 days of becoming aware of a change to circumstances, it is also suggested that Democratic Services issue a reminder and request an updated form on an annual basis. This would assist in ensuring that the Register remains relevant and up to date.

The updated form also makes reference to the changes under the Model Code of Conduct which now states that it would be sufficient for members to state that they own a property in the authority's area (for example identifying the road or ward), in order to discharge their duties under the Code, rather than having to give a full address for the publication of the register.

An all-member seminar has been scheduled for 29th May to provide a recap on Code of Conduct and ethical standards. The session will prompt members to review their declarations and submit an updated form. If adopted, the new form will be shared with elected members at this session.

Financial Summary

1. There are no financial implications. The suggested amendments to the form and process support the Constitutional arrangements already in place.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect?	Who is responsible for dealing with the risk?
Failure to provide appropriate support and guidance regarding statutory requirements may contribute to a lack of	M	M	Mitigated through the controls set out in the Constitution and regular review of arrangements	Head of Law and Standards

adequate governance				
------------------------	--	--	--	--

Links to Council Policies and Priorities

The Council's Corporate Plan commits to deliver a number of key objectives in relation to regeneration, investment, environmental and digital objectives. Having appropriate governance arrangements in place supports the successful delivery of these objectives by complying with relevant legislation and best practice, and minimising risk to the Council.

Options Available

- (a) To note the Report and retain the current form for elected members to declare personal and financial interests.
- (b) To note the Report and support the adoption of the updated form for members to declare personal and financial interests, with an annual reminder issued to members to submit an updated return.

Preferred option and why

- (b) That the Committee notes the Report and supports the changes to the declaration form which will provide greater clarity for elected members on their obligations to declare personal and financial interests.

Comments of Chief Financial Officer

There are no financial implications arising from this report.

Comments of Monitoring Officer

The legal requirements for the Council to maintain a register of members' interests and for members to ensure that their interests are declared are set out in the report. There are no further legal implications. The adoption of the new declaration form should assist members in identifying which interests need to be declared and the extent of the information regarding those interests which needs to be provided. The issuing of an annual reminder to members to review their declarations and ensure that they remain up to date will also be of assistance in helping members to comply with their duties.

Comments of Head of People, Policy, and Transformation

This report forms part of the Council's approach to ensuring continuous improvement in governance arrangements. High standards of probity, openness and transparency will sustain public confidence in the Council and local government more widely.

There are no direct human resources implications in this report.

Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

The principles of fairness and equality are embodied within the Members Code of Conduct and the Ethical Framework. Whilst this is not a new policy or protocol, the arrangements in place to record declarations of interest supports the 'Prevention' way of working under the Wellbeing of Future Generation (Wales) Act. Having adequate controls in place to manage matters relating to the Code of Conduct protects employees, members and the Council from potential breaches and the consequences of failing to comply with the relevant legislation. No FEIA is required for the information presented in this report.

- There are no negative impacts in terms of equalities or social disadvantage.
- In terms of the sustainable development principle and 5 ways of working

Long-term – The updated form will assist Standards Committee and the Council in taking a long-term view about improving ethical standards.

Prevention – The updated form will help to prevent future complaints of misconduct.

Integration – The report has been produced in consultation with key stakeholders.

Collaboration – The report facilitates collaboration between Standards Committees and elected members in improving matters of common interest.

Consultation

As the Declaration of Interests under the Council's Constitution is an established protocol no consultation has been conducted in the development of this paper

Background Papers

Dated: 8th April 2024

Appendices

Appendix A – Code of Conduct, under Newport City Council's Constitution

[5.1.1 Code of Conduct.pdf \(newport.gov.uk\)](#)



Appendix A 5.1.1
Code of Conduct.pdf

Appendix B – Model Code of Conduct

[Local Authorities \(Model Code of Conduct\) \(Wales\) Order 2008](#)



Appendix B Local
Authorities (Model Co

Appendix C – current declaration of interest form



Form 2 - ALL -
Register of Interests.d

Appendix D – draft updated declaration of interest form



Appendix D Draft
Register of Interests F

NEWPORT CITY COUNCIL

CODE OF CONDUCT

PART 1 INTERPRETATION

1.—(1) In this code —

"co-opted member" ("*aelod cyfetholedig*"), in relation to a relevant authority, means a person who is not a member of the authority but who —

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

"meeting" ("*cyfarfod*") means any meeting —

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("*aelod*") includes, unless the context requires otherwise, a co-opted member;

"registered society" means a society, other than a society registered as a credit union, which is —

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

"register of members' interests" ("*cofrestr o fuddiannau'r aelodau*") means the register established and maintained under section 81 of the Local Government Act 2000;

"relevant authority" ("*awdurdod perthnasol*") means—

(a) a county council,

(b) a county borough council,

(c) a community council,

(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,

(e) a National Park authority established under section 63 of the Environment Act 1995;

"you" ("*chi*") means you as a member or co-opted member of a relevant authority; and

"your authority" ("*eich awdurdod*") means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) "proper officer" ("*swyddog priodol*") means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) "standards committee" ("*pwyllgor safonau*") means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

PART 2 GENERAL PROVISIONS

2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct —

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority —

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must —

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3 INTERESTS

Personal Interests

10.—(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[Note: subparagraph (b) is omitted.]

(c) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your

authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

- (a) details of the personal interest;
- (b) details of the business to which the personal interest relates; and
- (c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.—(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

- (i) another relevant authority of which you are also a member;
- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
- (iii) a body to which you have been elected, appointed or nominated by your authority;
- (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
- (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.—(1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4 THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests

15.—(1) Subject to sub-paragraph (4), you must, within 28 days of—

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

Sensitive information

16.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

This page is intentionally left blank

Current version of the Model Code of Conduct

Schedule to the Local Authorities (Model Code of Conduct) (Wales) Order 2008, as amended (current as at 4 November 2022)

THE MODEL CODE OF CONDUCT

PART 1 INTERPRETATION

1.—

(1) In this code—

“co-opted member” (*“aelod cyfetholedig ”*), in relation to a relevant authority, means a person who is not a member of the authority but who—

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

“meeting” (*“cyfarfod ”*) means any meeting—

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” (*“aelod ”*) includes, unless the context requires otherwise, a co-opted member;

“register of members’ interests” (*“cofrestr o fuddiannau’r aelodau ”*) means the register established and maintained under section 81 of the Local Government Act

2000;

“registered society” means a society, other than a society registered as a credit union, which is—

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

“relevant authority” (*“awdurdod perthnasol ”*) means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (ca) a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

“you” (*“chi ”*) means you as a member or co-opted member of a relevant authority;

and

“your authority” (*“eich awdurdod ”*) means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

- (a) *“proper officer”* (*“swyddog priodol ”*) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and
- (b) *“standards committee”* (*“pwyllgor safonau ”*) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

PART 2 GENERAL PROVISIONS

2.—

(1) Save where paragraph 3(a) applies, you must observe this code of conduct—

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3.

Where you are elected, appointed or nominated by your authority to serve—

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4.

You must—

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5.

You must not—

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.—

(1) You must—

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7.

You must not—

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority—
 - (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;

- (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
- (v) improperly for political purposes; or
- (vi) improperly for private purposes.

8.

You must—

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by—

(i) the authority's head of paid service for authorities other than county councils and county borough councils, and the authority's chief executive if the authority is a county council or county borough council;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

You must—

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3 INTERESTS

Personal Interests

10.—

(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if—

(a) it relates to, or is likely to affect—

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any—

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion

or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

(c) a decision upon it might reasonably be regarded as affecting—

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—

(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the

commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make—

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing—

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.—

(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to—

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to—

(i) the housing functions of your authority where you hold a tenancy or lease with your authority,

provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. –

You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.—

(1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee—

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business,

provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under a statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if—

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you—

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing—

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide

details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

LOCAL GOVERNMENT ACT 2000, SECTION 81

REGISTER OF MEMBERS' INTERESTS

NAME OF COUNCILLOR: _____

Please give details of the following “personal interests”, as defined in paragraph 10 (2) (a) of the Authority’s Code of Conduct. Continue on a separate sheet if necessary.

If you consider that the information relating to any of these personal interests is “sensitive information” as defined in paragraph 16 of the Code (i.e. information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person with whom you live may be subjected to violence or intimidation) then you do not need to include this information in the relevant Section, if the Monitoring Officer agrees.

1. Any employment or business carried on by you	1.
2. Any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director	2.
3. Any person, other than the Council, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a Member	3.
4. Any corporate body which has a place of business or land in the Council’s area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body	4.
5. Any contract for goods, services or works made between the Council and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in (4) above	5.
6. Any land in which you have a beneficial interest and which is in the Council’s area.	6.

<p>7. Any land where the Council is the landlord and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in (4) above</p>	<p>7.</p>
<p>8. Any body to which you have been elected, appointed or nominated by the Council</p>	<p>8.</p>
<p>9. Any —</p> <ul style="list-style-type: none"> (a) public authority or body exercising functions of a public nature; (b) company, industrial and provident society, charity, or body directed to charitable purposes; (c) body whose principal purposes include the influence of public opinion or policy; (d) trade union or professional association; or (e) private club, society or association operating within the Council's area in which you have membership or hold a position of general control or management; 	<p>9.</p>
<p>10. Any land in the Council's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;</p>	<p>10.</p>

Note:

Members must notify the Head of Law and Standards of any changes to the personal interests registered above or any new personal interests within 28 days.

If information which has been excluded ceases to be "sensitive information" then Members must notify the Head of Law and Standards of this change within 28 days and request that the information is included in the register.

This form should be completed and returned to the Senior Democratic Services Officer, Civic Centre, Newport, NP20 4UR.

Signed : _____

Dated: ____ / ____ / ____

Updated: 12 April 2024

Register of Interests

<insert name>

I, <insert name>, an elected member of Newport City Council give notice of the following interests.

1. Details of any employment or business carried on by you

Name of Employer or Body	Description of your Employment Activity

2. Details of any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director:

Name of person or body making payments

--

3. Details of any person, other than Newport City Council, who has made a payment to you in respect of your election, or any expenses incurred by you in carrying out your duties as a member:

Name of Person or Body making payments

--

Register of Interests

4. Details of any corporate body which has a place of business or land in the Local Authority area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth (1/100) of the total issued share capital of that body:

Name of Corporate Body

--

5. Details of any contract for goods, services or works made between the Local Authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in (4) above:

Description of Contract

--

6. Details of any land (give the address or other description sufficient to identify the location) in which you have a beneficial interest, and which is in the Local Authority's area:

Address/Description of Property

Nature of Interest in Property

--	--

Register of Interests

--	--

7. Details of any land (give the address or other description sufficient to identify the location) where the landlord is the Local Authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in (4) above

Address/Description of Property	Nature of Interest in Property

8. Details of any body to which you have been elected, appointed or nominated by the Local Authority:

Name of body	Position

9. Any of the following in which you have membership or hold a position of general control or management:

1.1. Public authority or body exercising functions of a public nature:

Name of Body	Position

Register of Interests

--	--

9.1. Company, registered society, charity, or body directed to charitable purposes:

Name of body	Position

1.1. Body whose principal purposes include the influence of public opinion or policy:

Name of Body	Position

1.2. Trade union or professional association:

Name of Body	Position

1.1. Private club, society or association operating within the Local Authority's area:

--	--

Register of Interests

Name of Body	Position

1.1. Give the address or other description (sufficient to identify the location) of any land in the Local Authority's area in which you have a licence (whether alone or jointly with others) to occupy for 28 days or longer:

Name of Body	Position

15. Any other interests not disclosed above but which you consider should be disclosed:

Details

--

16. Confirmation of 'No Change' to Register of Interests

Date of Submission	Received by Monitoring Officer

17. Date of Submission

Register of Interests

RoI Submission Date	Received by Monitoring Officer

DRAFT

Report



Standards Committee

Part 1

Date: 18th April 2024

Subject **Review of Community Councils' Compliance with Legislative Requirements for Register of Interests and Code of Conduct**

Purpose The purpose of this report is to provide an overview of the information that is publicly available on Community Council websites regarding their Register of Interests and Code of Conduct. These are two key aspects of the ethical framework for Community Councils, which aim to ensure transparency, accountability, and integrity in their decision-making and conduct.

Author Democratic and Electoral Services Manager

Ward City wide

Summary One of the roles of Standards Committees is to promote and maintain high standards of conduct among the members of Community Councils, and to assist them to observe their codes of conduct. The Standards Committee has the power to:

- Issue guidance and advice on ethical issues and the Code of Conduct to Community Councils and their members;
- Grant or refuse dispensations to Community Council members who have a personal and prejudicial interest in a matter before their council;
- Deal with any reports from the Public Services Ombudsman for Wales that a Community Council member may have breached the Code of Conduct, and hear any complaints referred by the Ombudsman;
- Determine appropriate action, including the imposition of sanctions, in cases where a breach of the Code of Conduct has been found;
- Monitor the operation of the Code of Conduct and make recommendations for its improvement.

In support of their duty, Standards Committee requested this report that examines the current state of compliance and good practice amongst Community Councils, as well as identify any areas for improvement or support.

Proposal To consider the content of the report and make recommendations concerning areas of improvement or support for Community Councils.

Action by Head of Law & Standards and Democratic & Electoral Services Manager

Timetable Immediate

This report was prepared after consultation with:

- Head of Finance
- Head of People, Policy & Transformation

Background

1. Terms of reference of Standards Committee

The Local Government Act 2000 Part III requires the Standards Committee to carry out a number of statutory functions including:

- (a) Promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- (b) Assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (f) Granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Dealing with any reports from the Monitoring Officer and hearing any complaints of misconduct or breaches of the Members' Code of Conduct referred by the Public Services Ombudsman for Wales and determining appropriate action, including the imposition of any sanctions;
- (h) The exercise of (a) to (g) above in relation to the Community Councils and the members of those Community Councils.

This report supports Standards Committee to fulfil their statutory functions by providing an overview of some of the statutory requirements of Community Councils in Wales, as defined by the Local Government Act 1972 and the Local Government (Wales) Measure 2011. The Committee requested this review as part of their programme of work.

2. Community Councils

Community Councils are the lowest tier of local government in Wales, representing the interests of local communities and delivering some local services. Community Councils are required to comply with various statutory duties and obligations, such as holding regular meetings, publishing annual accounts, maintaining Registers of Interests, and adopting the Code of Conduct published by the Public Services Ombudsman for Wales.

The Local Government Act 1972 establishes the basic framework and powers of local authorities, including Community Councils. The Act also sets out the procedures for the election, composition, and functions of Community Councils, as well as their financial and audit arrangements. The Local Government Act 2000, which introduced a new ethical framework for local government, includes a Code of Conduct for members of Community Councils and a requirement to maintain a register of interests.

The Welsh Government supports and monitors the performance of Community Councils and provides guidance and training on good governance and best practice.

One of the roles of the Monitoring Officer of principal councils is to advise and assist Community Councils on matters relating to their governance, conduct, and legality. The Monitoring Officer also receives and investigates complaints about breaches of the Code of Conduct by members of Community Councils and may refer them to the Adjudication Panel for Wales or the Public Services Ombudsman for Wales for further action. The Monitoring Officer may also issue reports and recommendations to Community Councils on any issues of concern or non-compliance.

3. Register of Interests

One of the statutory obligations of Community Councils in Wales is to keep and maintain a register of interests of their members, in accordance with the Local Government Act 2000 and the Code of Conduct for Members of Community Councils in Wales (2016). The register of interests is a public document that records any personal or financial interests that could potentially influence or affect a member's decision-making or conduct in their role as a Community Councillor.

The register of interests should include information such as:

- Any employment or business carried on by the member or their spouse or partner.
- Any person or body who has made a payment to the member or their spouse or partner in respect of their election or any expenses incurred by them in carrying out their duties.
- Any corporate body that has a place of business or land in the Community Council's area, and in which the member or their spouse or partner has a beneficial interest.
- Any contract for goods, services or works made between the Community Council and the member or their spouse or partner or a firm in which they are a partner, a company of which they are a director, or a body of the description specified in the previous bullet point.
- Any land in the Community Council's area in which the member or their spouse or partner has a beneficial interest.
- Any land in the Community Council's area for which the member or their spouse or partner has a licence (alone or jointly with others) to occupy for 28 days or longer.
- Any body to which the member or their spouse or partner has been elected, appointed or nominated by the Community Council.

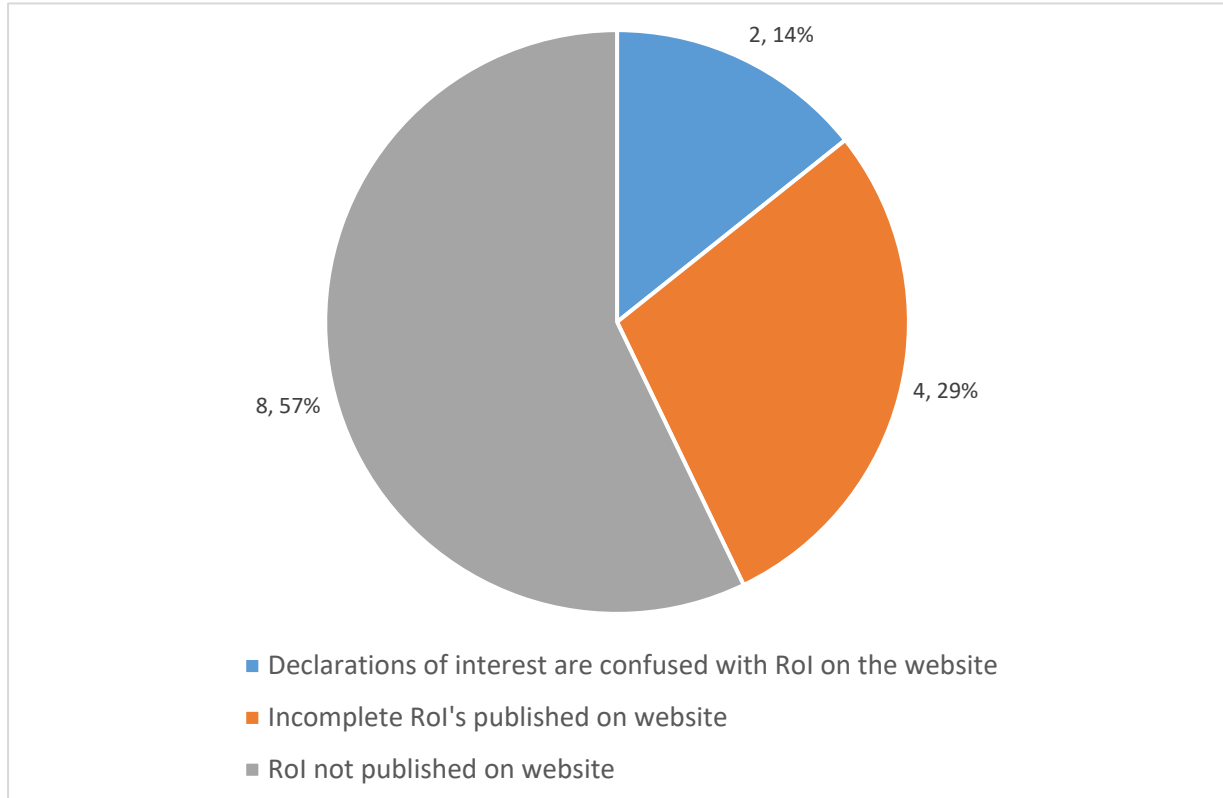
- Any public authority or body exercising functions of a public nature in which the member or their spouse or partner holds a position of general control or management.
- Any body directed to charitable purposes or whose principal purposes include the influence of public opinion or policy in which the member or their spouse or partner holds a position of general control or management.
- Any trade union or professional association of which the member or their spouse or partner is a member.

The register of interests should be updated within 28 days of any change in the circumstances of a member or their spouse or partner that affects their interests. Members should also declare any relevant interests at the start of any meeting of the Community Council or its committees or sub-committees and leave the room while any discussion or voting takes place on the matter to which the interest relates.

The register of interests should be published on the Community Council's website and made available for inspection by any member of the public at reasonable times and places. The register of interests should also be sent to the Monitoring Officer of the principal council for the area, who has the duty to establish and maintain a Register of Interests of all members of Community Councils in their area.

4. Findings on Register of Interests

In the review of the information available on Community Council websites, the information accessible to the public does not meet the legislative requirements.



4 out of 14 Community Councils had some Registers of Interests (RoI's) published on their website. Of these 4, there were some RoI's missing for individual councillors, and some of the RoI's published were more than 2 years old. Some of the published RoI's were not dated or signed by the Community Councillor who had filled it out.

None of the Community Councils met the expectations regarding compliance with legislation on maintaining RoI's and making them publicly available to support transparency and impartiality in decision-making.

From discussions with representatives from Community Councils, it is clear that there are differences in understanding of the duties relating to RoI's. Many Community Councils consider that they do not have to publish their RoI publicly, and that holding a private RoI is compliant with legislation. However, whilst changes to legislation means that the specific details like property or business addresses can be redacted in the published register, it must be available online to satisfy requirements for openness and transparency. An example of a summarised RoI with redacted address details published by is shared under Appendix A.

There were 2 Community Councils that confused Registers of Interest with Declarations of Interest, and records of Declarations of Interest were presented on their website as a Register of Interest.

5. Code of Conduct

Members of the Community Council are required to comply with the Code of Conduct, published by the Public Services Ombudsman for Wales, who sets out the standards of behaviour expected of them in their official capacity. The Code of Conduct covers matters such as respect, honesty, integrity, accountability, and leadership. Members should also act in accordance with the seven principles of public life, which are selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

The Code of Conduct also regulates the personal interests of members and their spouses or partners, and how they should deal with conflicts of interest. As outlined earlier in the report, members have a duty to register and declare any interests that might affect or be seen to affect their ability to act impartially and objectively in the public interest. These include financial interests, such as employment, contracts, land ownership, or shares, as well as non-financial interests, such as membership of public bodies, charities, clubs, or societies.

Members who have a personal interest in any matter being considered by the Community Council or any of its committees or sub-committees must declare that interest and, unless they have been granted a dispensation, refrain from participating in any discussion or voting on the matter. Members who have a prejudicial interest, which is an interest that a reasonable member of the public would think is so significant that it would impair the member's judgement, must also leave the room where the meeting is taking place until the matter has been dealt with.

The Monitoring Officer receives complaints about the conduct of members of Community Councils. The Monitoring Officer has a duty to promote and maintain high standards of conduct by councillors and to advise them on the Code of Conduct. The Monitoring Officer can also provide training and guidance to Community Councils on the Code of Conduct and ethical issues.

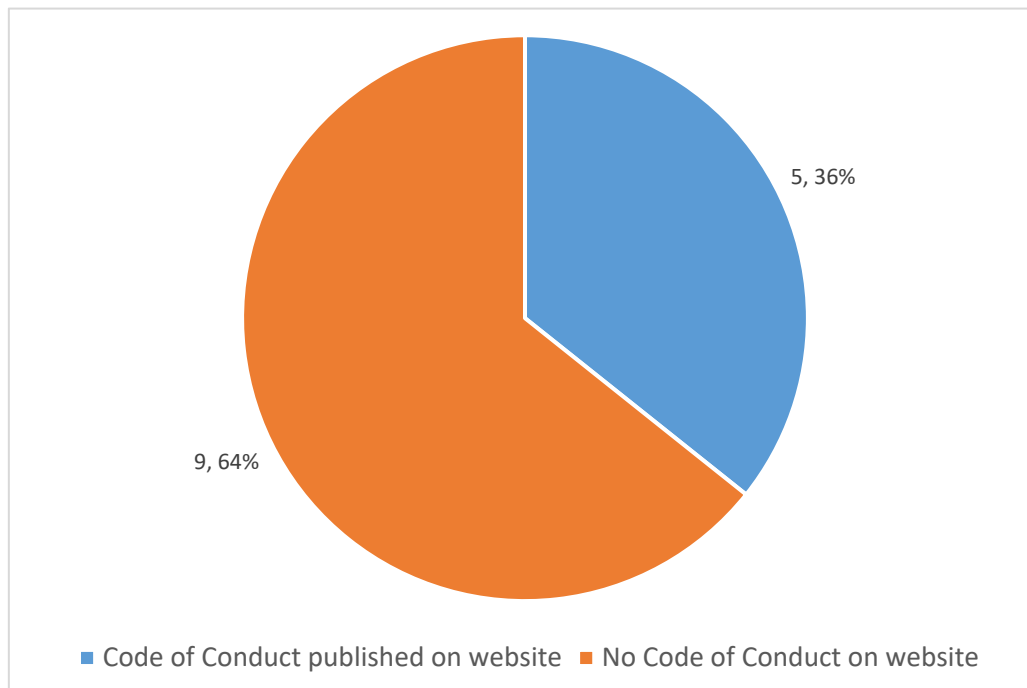
The Monitoring Officer will assess any complaint received and decide whether it merits investigation by the ombudsman or whether it can be resolved locally or informally. The Monitoring Officer may also refer a complaint to the Standards Committee of the principal council, which is a body of councillors and independent members that oversees the implementation and enforcement of the Code of Conduct. The Standards Committee can

issue advice, warnings, or recommendations to Community Councils or individual councillors on matters relating to the Code of Conduct.

Members who breach the Code of Conduct may be subject to complaints and sanctions by the Public Services Ombudsman for Wales, who is the independent body responsible for investigating allegations of misconduct by members of Community Councils and other public authorities in Wales. The ombudsman can refer serious cases to the Adjudication Panel for Wales, which has the power to impose penalties such as suspension or disqualification from office. Members who are suspended or disqualified are also barred from standing for election or co-option to any Community Council or principal council in Wales for the duration of the penalty.

6. Findings on Code of Conduct

The findings regarding Register of Interests summarised earlier in this report indicate that the requirements under the Code of Conduct require further work to ensure awareness and compliance with the Code. Furthermore, only a third of the Community Council websites included the Code of Conduct for Community Councillors and the community they serve to refer to.



7. Further Action

There are a number of potential actions that could be implemented to support the Community Councils to address gaps in their approach to Registers of Interest and Code of Conduct matters.

The Committee is invited to consider the options set out in the table below, and any additional actions they consider would facilitate improvement in Community Council's complying with Register of Interest and Code of Conduct requirements.

Action	Owner
Arrange a training session for community councillors on Code of Conduct	Head of Law and Standards / Democratic and Electoral Services Manager

Write to Chairs of Community Councils outlining their duties regarding Register of Interests and Code of Conduct	Head of Law and Standards / Standards Committee
Arrange an informal session for Community Council clerks to attend and discuss the requirements for Register of Interests and Code of Conduct	Democratic and Electoral Services Manager
Share example of Register of Interests best practice referenced in this report with Community Councils	Democratic and Electoral Services Manager
Follow up review to assess progress made and identify any remaining gaps	Deputy Democratic and Electoral Services Manager
Promote the external bodies that can support Community Councils in fulfilling their statutory duties, for example One Voice Wales, Society of Local Council Clerks, Welsh Local Government Association	Deputy Democratic and Electoral Services Manager

8. Financial Summary

There are no financial implications.

9. Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Community Councils do not receive further support to address gaps in statutory requirements.	M	L	Recommendations from Standards Committee will be actioned to provide further support to Community Councils	Head of Law & Standards and Democratic and Electoral Services Manager

*Taking account of proposed mitigation measures.

Links to Council Policies and Priorities

The Nolan principles, which underpin the ethical standards framework, are enshrined in the Council's corporate and well-being objectives.

Options Available

- (a) To note the report and take no further action.
- (b) To note the report and make recommendations to support the Community Councils to address gaps in statutory requirements.

Preferred option and why

- (a) That the Committee notes the Report and make recommendations to support the Community Councils to address gaps in statutory requirements.

Comments of Chief Financial Officer

There are no financial implications arising from this report.

Comments of Monitoring Officer

relevant legal provisions are set out in the report. Given the range of issues identified in this report and the role of the Council's Monitoring Officer in promoting compliance by Community Councils with the various statutory provisions which govern them, it would be beneficial for this Committee to endorse the proposed actions set out above with a view to enabling officers to assist Community Councils in fulfilling their statutory duties.

Comments of Head of People Policy & Transformation

The Code of Conduct and Register of Interests aim to ensure high standards in the undertaking of Community Council's duties. The report suggests a series of actions to address gaps in these requirements and demonstrates a joined-up approach to delivering local government functions in Newport.

There are no human resources implications within this report.

Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

The principles of fairness and equality are embodied within the Members Code of Conduct and the Ethical Framework. No FEIA is required for the information presented in this report.

- There are no negative impacts in terms of equalities or social disadvantage.
- In terms of the sustainable development principle and 5 ways of working

Long-term – The review will assist Standards Committee and the Council in taking a long-term view about improving ethical standards.

Prevention – The Forward Work Programme will help to prevent future complaints of misconduct.

Integration – The review has been produced in consultation with key stakeholders.

Collaboration – The review will facilitate collaboration between Standards Committees and Community Councils in improving matters of common interest.

Involvement – The review will encourage greater involvement in reporting and resolving issues relating to Standards.

Consultation

No comments at this stage.

Background Papers

[Local Government Act 1972](#)

[Local Government Act 2000](#)

[The Local Government Investigations \(Functions of Monitoring Officers and Standards Committees\) \(Wales\) Regulations 2001](#)

[The Public Services Ombudsman for Wales Act 2005](#)

[Local Government \(Wales\) Measure 2011](#)

[New Code of Conduct for Members of Community Councils in Wales \(2021\)](#)

[The Local Government and Elections \(Wales\) Act 2021: Statutory Guidance for Community and Town Councils](#)

[The Seven Principles of Public Life](#)

Dated: 4th April 2024

Appendix 1

REGISTRATION OF PERSONAL INTERESTS

MEMBERS' CODE OF CONDUCT

Date	Councillor	Personal Interest
11/05/2023	Jane Croad	Old St. Mellons Community Council Tennis Club - Member
	Gaynor Hassan	None
	Anne Hopewell-Ash	None
	Rosemary James	Old St Mellons Village Association - Member Easter Cardiff Ministry Area
	Dianne Rees	Old St. Mellons Community Council Tennis Club - Member St. Edeyrns - Family Plot Ty'r Winch Playing Field - proximity to home
	John Summers	None
	Debra Brown	Old St Mellons Village Association - Member Old St Mellons Entertainers - Member Old St. Mellons Church in Wales School - L.A. Governor
	Ieuan Burrige-Bryant	Old St. Mellons Community Council Tennis Club - Vice Chair & Member
	Samuel Evans	None

I hereby certify that the above list of forms (as attached signed forms) under the Members' Register of Interest - Registration of Personal Interests have been completed and signed by the above Councillors in the year 2022 and are recorded in the Council Minutes - 11th May 2023

REGISTRATION OF PERSONAL INTERESTS

MEMBERS' CODE OF CONDUCT

Date	Councillor	Personal Interest
11/05/2023	Jane Croad	Old St. Mellons Community Council Tennis Club - Member
	Gaynor Hassan	None
	Anne Hopewell-Ash	None
	Rosemary James	Old St Mellons Village Association - Member Easter Cardiff Ministry Area
	Dianne Rees	Old St. Mellons Community Council Tennis Club - Member St. Edeyrns - Family Plot Ty'r Winch Playing Field - proximity to home
	John Summers	None
	Debbra Brown	Old St Mellons Village Association - Member Old St Mellons Entertainers - Member Old St. Mellons Church in Wales School - L.A. Governor
	Ieuan Burr ridge-Bryant	Old St. Mellons Community Council Tennis Club - Vice Chair & Member
	Samuel Evans	None

I hereby certify that the above list of forms (as attached signed forms) under the Members' Register of Interest - Registration of Personal Interests have been completed and signed by the above Councillors in the year 2022 and are recorded in the Council Minutes - 11th May 2023

Neried Evelyn- Gauci - Clerk to the Council



Statement from Public Services Ombudsman for Wales

Following the allegation of political bias, made against a former officer of PSOW, the Ombudsman has (today) announced that an independent review will be conducted to provide assurance that its code of conduct processes are sound, free from political bias and that lessons are learned from what has happened.

The Ombudsman, Michelle Morris, fully accepts that PSOW now needs to rebuild trust in the work of the organisation on complaints against Councillors. The remit will include reviewing discretionary decisions previously made, by the former officer and her team, not to investigate complaints when applying the Ombudsman's processes.

The review will be led by James Goudie KC and is expected to report this summer.

Issued: Tuesday 9th April 2024

Note to Editors:

1. The Ombudsman's process includes the application of a two-stage test, first whether the evidence suggests that a breach of the Code of Conduct has occurred and second, whether an investigation is required in the public interest.
2. 10% of the Office's caseload last year were complaints against Councillors;
3. 90% of caseload were complaints about public services, specifically:-
 - a. NHS Bodies 46%
 - b. Local Authorities 37%
 - c. Housing Associations 12%
 - d. Welsh Government & Sponsored Bodies 2%

This page is intentionally left blank



Datganiad gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru

Yn dilyn yr honiad o ragfarn wleidyddol, a wnaed yn erbyn cyn swyddog OGCC, mae'r Ombwdsmon wedi cyhoeddi (heddiw) y bydd adolygiad annibynnol yn cael ei gynnal i roi sicrwydd bod ei brosesau cod ymddygiad yn gadarn ac yn rhydd o ragfarn wleidyddol, a bod gwersi'n cael eu dysgu o'r hyn sydd wedi digwydd.

Mae'r Ombwdsmon, Michelle Morris, yn derbyn yn llwyr fod angen i OGCC yn awr ailadeiladu ymddiriedaeth yng ngwaith y sefydliad ar gwynion yn erbyn Cynghorwyr. Bydd y cylch gwaith yn cynnwys adolygu penderfyniadau dewisol a wnaed yn flaenorol, gan y cyn swyddog a'i thîm, i beidio ag ymchwilio i gwynion wrth gymhwyso prosesau'r Ombwdsmon.

Bydd yr adolygiad yn cael ei arwain gan James Goudie CB a disgwylir iddo adrodd yr haf hwn.

Cyhoeddwyd: Dydd Mawrth 9 Ebrill 2024

Nodiadau i Olygyddion:

1. Mae proses yr Ombwdsmon yn cynnwys cymhwyso prawf dau gam, yn gyntaf, a yw'r dystiolaeth yn awgrymu achos o dorri'r Cod Ymddygiad ac yn ail, a oes angen ymchwiliad er budd y cyhoedd.
2. Roedd 10% o lwyth achosion y Swyddfa y llynedd yn gwynion yn erbyn Cynghorwyr;
3. Roedd 90% o'r llwyth achosion yn gwynion am wasanaethau cyhoeddus, yn benodol:-
 - a. Cyrff y GIG 46%
 - b. Awdurdodau Lleol 37%
 - c. Cymdeithasau Tai 12%
 - d. Llywodraeth Cymru a'i Chyrff Noddedig 2%

This page is intentionally left blank

Report



Standards Committee

Part 1

Date: 18th May 2024

Subject Forward Work Programme 2024/25

Purpose To agree the Forward Work programme for Standards Committee.

Author Head of Law & Standards

Ward City wide

Summary The Standards Committee Annual Report for 2022/23 was received by full Council in November 2023.

The Annual Report stated that a draft Forward Work programme for the next 12 months would be considered by committee members. Standards Committee are asked to approve the Work Programme, identify any further items of work that should be included and to prioritise specific items for review.

Proposal To agree the Forward Work programme and prioritise specific items for review.

Action by Head of Law & Standards and Democratic & Electoral Services Manager

Timetable Immediate

This report was prepared after consultation with:

- Head of Finance
- Head of People, Policy & Transformation

Background

1. Terms of reference

The Local Government Act 2000 Part III requires the Council to establish a Standards Committee to carry out the following statutory functions:-

- (a) Promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- (b) Assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (f) Granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Dealing with any reports from the Monitoring Officer and hearing any complaints of misconduct or breaches of the Members' Code of Conduct referred by the Public Services Ombudsman for Wales and determining appropriate action, including the imposition of any sanctions;
- (h) The exercise of (a) to (g) above in relation to the community councils and the members of those community councils.

As from May 2022, the Standards Committee has the following additional statutory functions, in accordance with the Local Government & Elections (Wales) Act 2021

- (i) Monitoring compliance by leaders of political groups on the Council with their duties under section 52A (1) of the 2000 Act (as amended) to take reasonable steps to promote and maintain high standards of conduct by the members of their groups, and to co-operate with Standards Committee in the exercise of these functions.
- (j) Advising, training or arranging to train leaders of political groups on the Council about matters relating to those duties

Standards Committee also carries out the following additional functions, making recommendations to the Council, as appropriate:-

- (k) The hearing and determination of "low level" complaints of misconduct at Stage 3 of the Local Resolution Protocol;

- (l) Providing advice to the Council on the Council's Codes of Practice, including the Officers' Code of Conduct and the Whistle Blowing policy;
 - (m) Monitoring and updating the Codes of Practice as required; and
 - (n) Overseeing the Council's confidential complaints procedure;
2. The composition and membership of the Standards Committee is prescribed by the Standards Committees (Wales) Regulations 2001 (as amended). The Committee is comprised of 5 Independent members, 3 Councillors and 1 community council representative. The Chair and Deputy are both independent members.
 3. The Standards Committee is required to meet at least once annually in accordance with the Local Government Act 2000. In practice, the Committee meets on a scheduled quarterly basis and additional special meetings are arranged, as necessary, to deal with specific matters such as misconduct hearings and requests for dispensation.
 4. Three members are required to attend for a quorum at meetings (including the independent Chair or Deputy Chair) and at least half of those present must be independent. The community council representative is not "independent" for this purpose.
 5. **Forward work programme**
The purpose of a work programme is to enable the Committee to plan, organise and prioritise its workload. The Committee will need to plan out its projects and meetings, be clear on its aims and objectives, and properly assess at the end of the year the extent to which its aims have been achieved.
 6. The Standards Committee is asked to consider the following draft Forward Work programme for the next 12 months.

Date	Topic	Information
As and when applications received Review annually	Dispensations	Granting individual and blanket dispensations to Councillors. Reviewing decisions annually to identify common issues and consistency of approach. Produce guidance to Members on any issues arising.
As and when required	Local Resolution Protocol complaints	Update of numbers of complaints received and outcomes.

		Update on complaints resolved through Local Resolution Protocol
Quarterly	Complaints of Misconduct	Conducting hearings into any Stage 3 complaints by Members or Officers.
Frequency to be agreed by Standards Committee at beginning of municipal year – April 2024	Review of arrangements by Leaders of political groups to secure compliance with new duties	<p>Review compliance by leaders of political groups on the Council with their duties under section 52A of the 2000 Act to take reasonable steps to promote and maintain high standards of conduct by the members of their groups, and to co-operate with Standards Committee in the exercise of these functions.</p> <p>Advising, training or arranging to train leaders of political groups about matters relating to those duties, as necessary</p>
As and when feedback and updates are available from the forum	National Standards Committee Forum	The Chair to present highlights and updates from the Forum with the Committee as appropriate.
July 2024	Annual Report to Council	<p>Review of work undertaken in the past 12 months, identifying any specific ethical standards issues facing the Council and priorities for the forthcoming year. This is a statutory requirement</p> <p>The statutory report must describe how the Committee's functions have been discharged during the previous year and, in particular, must include a summary of any reports, actions or recommendations made or referred to the Committee. In addition the Annual Report must include an assessment of the extent to which leaders of political</p>

		<p>groups on the Council have complied with their new duties to promote and maintain high standards of conduct within their groups.</p> <p>Copies of the Annual Report must be sent to the ombudsman and all community councils.</p>
July 2024	Update on member training and development.	
October 2024	Equality and Human Rights Casebook	<p>Every year the Public Services Ombudsman for Wales publish a casebook focused on cases they have dealt with that have a human rights or equality element to them. This is shared with the Committee as an Information Only update.</p>
October 2024	Annual Letter 2023/24 from the Public Service Ombudsman for Wales	<p>Following the publication of his Annual Report for 2023/24, the Ombudsman will issue the Council with her Annual Letter, which sets out information relating to the numbers of complaints of maladministration and misconduct relating to Newport City Council and its Councillors which were referred to her office during this period.</p>

7. Standards Committee are asked to approve the Work Programme, identify any further items of work that should be included and to prioritise specific items for review. The Governance Team will then ensure that the Forward Work programme is updated accordingly and that the relevant items are include on the agendas for future meetings.
8. In particular, Standards Committee are asked to consider how they wish to take forward the review of compliance by Leaders of political groups on the Council with their new duties under section 52A of the 2000 Act to take reasonable steps to promote and maintain high standards of conduct by the members of their groups. They are not

responsible and accountable for any misconduct on the part of their individual group members, but they are responsible for promoting a positive culture and setting a good example to their group members. The Committee will need to consider how they wish to work with group leaders to fulfil this duty during 2024/25. There is a requirement to engage with group leaders and to review progress within 6 months of the election and group Leaders must receive appropriate advice and training to enable them to fulfil their duties. It is suggested that the Committee may wish to agree with the group leaders, at their next meeting, how they should work together to fulfil these new statutory duties. This could be in the form of an annual letter from each of the group leaders (an example of which is set out in [Appendix 1](#)) or, alternatively there could be an annual review meeting with the Committee, or a combination of these approaches

9. In accordance with the requirements of the Local Government (Wales) Measure 2011, each Committee is required to review annually the timing and frequency of their meetings, to ensure that they are sufficient and convenient in order to effectively conduct business. The timing of the meetings can be varied according to the availability and preferences of the majority of the Committee members, although the use of hybrid technology and multi-location meetings should provide greater flexibility in terms of attendance.

Financial Summary

10. There are no financial implications

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
No action taken	M	L	Work programming arrangements are in place to ensure they are timely, meaningful, informative, and transparent, balanced, monitored, and joined up.	Head of Law & Standards and Democratic and Electoral Services Manager
The process is not embraced by report authors and members	M	M	If there is proliferation of unplanned or late items, the opportunity to ensure work programming is timely, meaningful, informative, and transparent, balanced, monitored, and joined up will diminish	Head of Law & Standards and Democratic and Electoral Services Manager

*Taking account of proposed mitigation measures.

Links to Council Policies and Priorities

The Nolan principles, which underpin the ethical standards framework, are enshrined in the Council's corporate and well-being objectives.

Proposal

To consider and agree the Committee's Forward Work Programme for 2024/25.

Comments of Chief Financial Officer

There are no financial implications in adopting a programme of work.

Comments of Monitoring Officer

There are no legal implications in adopting a programme of work.

Comments of Head of People Policy & Transformation

There are no specific HR or policy implications in adopting this programme of work.

Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

The principles of fairness and equality are embodied within the Members Code of Conduct and the Ethical Framework. No FEIA is required for the Forward Work Programme.

- There are no negative impacts in terms of equalities or social disadvantage.
- In terms of the sustainable development principle and 5 ways of working

Long-term – The Forward Work Programme will assist Standards Committee and the Council in taking a long-term view about improving ethical standards

Prevention – The Forward Work Programme will help to prevent future complaints of misconduct

Integration – The Forward Work Programme has been produced in consultation with key stakeholders

Collaboration – The Forward Work Programme will assist people in interacting with councils and elected members, in a more collaborative way. It will also facilitate collaboration between Standards Committees and external bodies in discussing matters of common interest.

Involvement – The Forward Work Programme will encourage greater involvement in reporting and resolving issues relating to Standards.

Consultation

No comments at this stage.

Background Papers

None

Dated: 4th April 2024

Appendix 1

Promoting Compliance With the Code of Conduct

Report by:					
Political Group:					
No. of members:		No. trained on Code:	X (Y%)		
For the period:					
<u>Number, Source and Level of Complaints</u>					
	Informal	Local Resolution (Stage)			PSOW
		1	2	3	
Public					
Officers					
Councillors					
<u>Steps taken to Promote Compliance (To Be Completed by Group Leader)</u>					
Include matters such as:					
<ul style="list-style-type: none"> - demonstrating personal commitment to and attending relevant development or training around equalities and standards; - encouraging group members to attend relevant development or training around equalities and standards; - ensuring nominees to a Committee have received the recommended training for that Committee; 					
<ul style="list-style-type: none"> - promoting civility and respect within group communications and meetings and in formal Council meetings; - promoting informal resolution procedures in the Council, and working with the Standards Committee and monitoring officers to achieve local resolution; - promoting a culture within the group which supports high standards of conduct and integrity; - attend a meeting of the Council's Standards Committee if requested to discuss Code of Conduct issues; 					
<ul style="list-style-type: none"> - work to implement any recommendations from the Standards Committee about improving standards; - work together with other group leaders, within reason, to collectively support high standards of conduct within the Council. 					