

Public Document Pack

Standards Committee

Meeting Venue

Hybrid meeting - Zoom - County Hall

Meeting date

Wednesday, 25 October 2023

Meeting time

2.00 pm

For further information please contact

Carol Johnson

01597 826206

carol.johnson@powys.gov.uk



County Hall
Llandrindod Wells
Powys
LD1 5LG

19 October 2023

Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod.

Rhowch wybod pa iaith rydych am ei defnyddio erbyn hanner dydd, ddau ddiwrnod gwaith cyn y cyfarfod.

You are welcome to speak Welsh or English in the meeting.

Please inform us of which language you wish to use by noon, two working days before the meeting.

AGENDA

1.	APOLOGIES
-----------	------------------

To receive apologies for absence.

2.	MINUTES
-----------	----------------

To authorise the Chair to sign the minutes of the previous meetings of the Committee held on the following dates as a correct record.

(Pages 3 - 14)

3.	DECLARATIONS OF INTEREST
-----------	---------------------------------

To receive any declarations of interest from Members relating to items to be considered on the agenda.

4.	REPORT OF THE HEAD OF LEGAL AND MONITORING OFFICER
-----------	---

To receive the report of the Head of Legal and Monitoring Officer.

(Pages 15 - 50)

5.	OBSERVING COUNTY COUNCIL MEETINGS BY STANDARDS COMMITTEE MEMBERS
-----------	---

To consider the observation reports.

(Pages 51 - 56)

6.	OVERSEEING THE COUNCIL'S RULES AND PROTOCOLS ON ACCOUNTABILITY OF MEMBERS
-----------	--

To consider a report on the biennial review of Section 21 – Protocol on Member/Officer Relations and Section 25 Local Resolution Process.

(Pages 57 - 68)

7.	WORK PROGRAMME
-----------	-----------------------

To note the updated work programme.

(Pages 69 - 72)

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT HYBRID MEETING - ZOOM - COUNTY HALL ON WEDNESDAY, 21 JUNE 2023

PRESENT: Mr S Hays (Chair)

Independent Members: Mrs C Moore, Mr J Goolden and Mr N Steward

County Councillors: B Baynham and L Rijnenberg

County Councillor I McIntosh left the meeting to ensure that the meeting remained quorate when an Independent member left the meeting.

1.	APOLOGIES
-----------	------------------

Apologies for absence were received from County Councillor W Powell, who had a long standing diary commitment prior to his appointment to the Committee.

2.	MINUTES
-----------	----------------

The Chair was authorised to sign the minutes of the meeting held on 8 February 2023 as a correct record.

3.	DECLARATIONS OF INTEREST
-----------	---------------------------------

No declarations were received.

4.	REPORT OF THE HEAD OF LEGAL AND MONITORING OFFICER
-----------	---

The Committee received the report of the Head of Legal and Monitoring Officer (copy filed with signed minutes).

A. General Standards Issues for County Councillors and Co-opted Members

There was no update.

B. Members attendance

The Committee noted that six members had attendance under 60% for the period 9 May 2022 to 17 May 2023 inclusive. Of these three had absences due to personal reasons. The Chair had written to the other three and as a result the Committee noted that the attendance details for one had been amended, which had resulted in their attendance rising to above 60%, one had absences for personal reasons and one had not responded to the letter and was now on holiday. The Committee noted that the Monitoring Officer would contact this member on their return.

In response to a question the Monitoring Officer advised that a reminder could be sent to members regarding seeking absences for personal reasons or seeking leave of absence.

C. Referral of Councillors to the Public Services Ombudsman

C1. County Council Referrals

The Committee noted the current position regarding referrals to the Ombudsman:

- 02/CC/2020 Ombudsman referred to Standards Committee
- 04/CC/2021 Referred to Adjudication Panel for Wales [APW] - APW hearing regarding former Councillor Karen Laurie-Parry will be held on 6 July 2023.
- 03/CC/2022 Ombudsman investigating
 04/CC/2022 Ombudsman not investigating
 05/CC/2022 Ombudsman investigating.

D. Dispensations**D1. Applications - County Councillors**

There were no applications for dispensation from County Councillors.

E. Appointment to the Standards Community Sub-Committee

Following nominations and an election for the vacancy of a Town and Community Councillor to represent Brecknockshire the Committee was advised of the successful candidate.

RESOLVED THAT	REASON FOR DECISION
<p>1. That Councillor Karen Coldrick elected by the Town and Community Councils in Brecknockshire, be appointed to the Standards Community Sub-Committee.</p> <p>2. That the term of office of the Town and Community Councillor be for the maximum term permitted by the existing regulations or by any amending regulations (currently a maximum of five years) or until they cease to be a Councillor or resign whichever shall first occur.</p>	<p>To constitute the Standards Community Sub-Committee.</p>

As previously advised, the Committee noted the vacancy on the Sub-Committee due to the resignation of Nigel Dodman as a councillor. The Committee noted the timescale for the nominations and election if required, as detailed in the report.

F. Ombudsman Wales – Our Findings

The Committee noted the Ombudsman Wales – our findings.

G. National Forum for Standards Committee

The Committee noted the minutes of the first meeting of the Forum. The next meeting was scheduled for 30 June 2023.

H. Consultation on the Penn Review response (Local Authorities Ethical Standards Framework and Code of Conduct)

The Monitoring Officer advised that the Monitoring Officers Group in Wales had already submitted comments. The Monitoring Officer asked that the Committee forward comments to him or the Democratic Services Officer to enable a response to be submitted by the consultation deadline.

I. Meeting dates

The next meeting date was noted:
25 October 2023 at 2pm.

5.	ANNUAL MEETINGS WITH GROUP LEADERS REGARDING THEIR NEW DUTIES
-----------	--

The Committee considered the Summary of the main points from the meetings with Group Leaders regarding their new duties.

The Committee noted the action points which would be incorporated into its Work Programme for the next year and those actions which would be forwarded to others in the Council. The summary would be added to the Committee's Annual report.

6.	ANNUAL REPORT
-----------	----------------------

The Committee considered the draft Annual report and noted that the Summary of the meeting with Group Leaders would be added to the report as Appendix 3 and it would be noted that Group Leaders welcomed the opportunity to meet with the Standards Committee. Reference to councillors referred to the Committee and the Adjudication Panel Wales by the Ombudsman would be checked to ensure they are reported correctly.

RESOLVED that	Reason for decision
The draft Annual report be approved subject the Summary of the Committee's meeting with Group Leaders being added at Appendix 3 and that the Chair provides a short statement.	To enable the final Annual report to be presented to the Council meeting on 20 July 2023.

7.	ANNUAL REVIEW OF REGISTER OF INTEREST OF MEMBERS, CO-OPTED MEMBERS AND CHURCH AND PARENT GOVERNOR REPRESENTATIVES AND OFFICERS
-----------	---

The Committee considered the report in respect of its Annual review of Register of Interest of members, Co-opted members and Church and Parent Governor representatives and Officers.

RESOLVED that	Reason for decision
1. To note the report 2. the Monitoring Officer to continue to remind the 3 Co-opted members and Church and Parent Governor Representatives to return their new forms.	To ensure the Committee undertakes an annual review of the Register of Interest of members, Co-opted members and Church and Parent Governor representatives and Officers as part of its work programme.

8.	ANNUAL REVIEW OF THE USE OF GENERAL DISPENSATIONS
-----------	--

The Committee was advised that during the year 9 May 2022 - 17 May 2023 inclusive, the General dispensation - School Governors [councillors who are school governors appointed otherwise than by the Council] – was used by one councillor at a County Council meeting.

Mr S Hays (Chair)

**MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT BY ZOOM
ON FRIDAY, 27 JANUARY 2023**

PRESENT: Mr S Hays (Chair)

Independent Members: Mr N Steward, I McIntosh and L Rijnenberg

County Councillors: I McIntosh and LRijnenberg

Elin Prysor [EP], Monitoring Officer, Ceredigion County Council

In attendance: Mr L McAndrew, Assistant Investigation Manager, Public Services
Ombudsman for Wales

Carol Johnson, Democratic Services Officer, Committee Clerk

1.	APOLOGIES
-----------	------------------

There were no apologies for absence.

2.	DECLARATIONS OF INTEREST
-----------	---------------------------------

Stephan Hays declared a personal interest as he was aware, in a professional capacity, of the former councillor who was the subject of the complaint. He also declared a personal interest as he knew of some individuals referred to in some of the correspondence contained in the Ombudsman's report.

County Councillor I McIntosh declared a personal interest as he knew of the former councillor. County Councillor L Rijnenberg declared a personal interest as he knew of the former councillor.

As none of the above interests were prejudicial the members could participate in the meeting.

3.	CONFIDENTIAL ITEM
-----------	--------------------------

RESOLVED to exclude the public for the following item of business on the grounds that there would be disclosure to them of exempt information under category 8 of The Council's Access to Information Rules.

4.	PRELIMINARY HEARING - 2/CC/20
-----------	--------------------------------------

The Chair advised that the meeting was now a preliminary hearing to consider how to manage the final hearing. The Monitoring Officer advised that the Committee should consider the medical evidence received and also the request from the former councillor and his legal Representative for an adjournment. The Monitoring Officer referred the Committee to 18.4.12 of the adopted procedures, which states the following in respect of illness or incapacity

“If the Standards Committee is satisfied, based upon the medical evidence supplied, that any party is unable, through physical or mental sickness or impairment, to attend the hearing and that the party's inability

27-01-23 Standards Committee – preliminary hearing
is likely to continue for a long time, the Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter, which may include adjourning the hearing to a suitable date or proceeding with the hearing in the absence of the party if appropriate to do so in the opinion of the Standards Committee.”

The Ombudsman’s Representative advised that their report was published in February 2022 and the former councillor was legally represented throughout the investigation. The Standards Committee held an initial meeting in July 2022 and had agreed to progress to a hearing. The Ombudsman’s opinion was that the former councillor has had ample opportunity to prepare for this meeting and to make relevant submissions. Consequently, the Ombudsman’s opinion was that an adjournment was not required.

The Committee noted that as this was a preliminary meeting, if the Committee was minded to proceed, the former councillor would have an opportunity to make representations before a final hearing. It was moved and duly seconded to continue with the meeting.

Resolved that the meeting should continue.

The Ombudsman’s Representative advised that the former councillor was legally represented throughout the investigation and the report was published in February 2022. It is the Ombudsman’s opinion that the evidence submitted since this date is not relevant to the report. The former councillor has advised that he disagrees with the whole report however there are 14 undisputed facts in the report. The former councillor has had ample opportunity to provide information on the disputed facts. The recent information and details of witnesses provided is, in the Ombudsman’s opinion, irrelevant and not material. The Ombudsman’s Representative advised that the former councillor may wish to call character witnesses, but the Committee would need to consider this.

The Ombudsman’s Representative noted the medical evidence and recent health issues and advised that the proportionate way forward would be for the Committee to consider written evidence. He also advised that the complainants behaviour and actions are irrelevant.

In response to a question the Ombudsman’s Representative advised that it was still appropriate to continue to consider the case as the former councillor continues to be town councillor. The Committee, if it holds a hearing, has two actions available to it; to determine that no action is required or to agree a written censure. The Ombudsman considers that there is merit on having a decision on public record, which would assist the Standards Committee in maintaining high standards by members and assist other Standards Committees across Wales and also would be a learning point for all Council members in Wales as to their use of the resources of their authority.

In response to a question about the use of Council resources the Ombudsman’s Representative advised that the Committee would need to consider, at any hearing, whether any responsibility should be placed on the officer supporting the former member and whether they should have advised that what was requested could not be undertaken using council resources.

The Ombudsman's Representative, in response to a question, advised that potential breaches of the Code were as follows and the Committee was asked to consider all of these:

- 4(a) – to carry out his 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.
- 4(b) – to show respect and consideration for others.
- 6(1)(a) – not to conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.
- 7(a) – not to, in an official capacity or otherwise, use or attempt to use his position improperly to confer on or secure for himself, or any other person, an advantage or create or avoid for himself, or any other person, a disadvantage.
- 7(b)(i) – not to use the resources of his authority imprudently.
- 7(b)(iv) – not to use the resources of his authority 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 he has been elected.
- 7(b)(vi) – not to use the resources of his authority improperly for private purposes.

In response to a question the Ombudsman's Representative advised that they would not be calling any witnesses. The Ombudsman had not sought a witness statement from the complainant. The complaint was focused on the correspondence of the former councillor, whether he was acting as a councillor, whether he was using council resources inappropriately and also the language he used during the investigation.

The Ombudsman's Representative advised that if the Committee proceeded to a hearing, the Ombudsman would not attend if the hearing was based on written evidence. The Ombudsman would be represented at a hearing held in person and would not call witnesses.

The Chair thanked the Ombudsman's Representative for attending. The latter and the Committee Clerk left the meeting.

Mr S Hays (Chair)

This page is intentionally left blank

**MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT BY ZOOM
ON MONDAY, 26 JUNE 2023**

PRESENT: Mr S Hays (Chair)

Independent Members: Mr N Steward, I McIntosh and L Rijnenberg

County Councillors: I McIntosh and L Rijnenberg

Monitoring Officer: Elin Prysor, Ceredigion County Council

Public Service Ombudsman for Wales [PSOW]:

- Gwydion Hughes, Counsel
- Leigh McAndrew - PSOW Investigator

Former Cllr Van-Rees (not in attendance but represented by):

- Philip Dayle Counsel

1. APOLOGIES

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Mr S Hays declared a personal interest as he had known Col Van-Rees on a professional basis, when the later has appeared before him in court.

County Councillors I McIntosh and L Rijnenberg declared a personal interest as Col Van-Rees was a county councillor in the previous Council term, when they were also councillors.

The Monitoring Officer advised that as were personal interests the above could continue to participate in the meeting.

3. EXEMPT ITEMS

The Committee considered whether to hold the hearing in public or private.

The Monitoring Officer advised the Committee it needed to consider under the Access to Information Procedure rules [paragraphs 12 and 13] as to whether it proceeds in private, provided that it is satisfied that one of the exemptions applies. The Committee needed to consider whether:

- Information may be heard which either identifies or might identify individuals,
- conducting deliberations in public, if this hearing was to continue in a full public session, might inhibit full and frank discussion to the detriment of the Committee.

The Committee needs to consider whether the public interest in maintaining the exception outweighs the public interest in disclosing the information.

In addition, the hearing falls under Section 71 (2) of the Local Government Act, 2000 which relates to reports presented to the Committee by the Ombudsman. Paragraph 18(a) refers to information which is subject to any obligations of confidentiality and also (c) it will include the deliberations of the Committee. The Monitoring Officer advised the Committee it may feel that these additional exemptions also apply.

Mr Dayle, counsel for former Councillor Van-Rees had no observations.

Mr Hughes counsel for the Ombudsman had no observations.

Concerns were raised about the risk of exposure for the complainant. The Monitoring Officer advised that if the meeting proceeds in public it would probably be inevitable that some information would be disclosed which may identify the individual and some personal circumstances. The Committee may feel that paragraphs 12 and 13 are made out.

Counsel for the Ombudsman advised that when an individual makes a complaint they are advised that the investigation may culminate in a public hearing and they are asked to confirm that they are content to proceed.

The above was noted but comment was made that information connected with the complainant could become public and affect them personally and so it was suggested that it would be better to hold the meeting in private.

It was moved and duly seconded that the meeting should be in private.

RESOLVED to exclude the public for the following item of business on the grounds that there would be disclosure to them of exempt information under category 8 of The Council's Access to Information Rules.

4.	CONSIDERATION OF REPRESENTATIONS AND FINAL DETERMINATION OF A REPORT PREPARED BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES UNDER SECTION 71(2)(C) OF THE LOCAL GOVERNMENT ACT 2000 - REF: 202002322
-----------	--

1. The Committee considered a Report of the Deputy Monitoring Officer, together with its enclosures including hearing submissions from the Ombudsman's counsel and former Councillor Tim Van-Rees who was not in attendance, but represented by counsel, in respect of the findings of the investigation and any allegation that former Councillor Tim Van-Rees had failed or may have failed to comply with the Code of Conduct contained in the report of the Public Services Ombudsman for Wales (PSOW) undertaken under Section 69 of the Local Government Act 2000, the Committee made a final determination.
2. In accordance with Part III of the Local Government Act 2000, the Council has adopted a Code of Conduct for Members, which is contained within the Councils Constitution, at Section 18. Former Councillor Tim Van-Rees had signed an undertaking to abide by this Code of Conduct. Section 18 of the

Constitution also sets out the procedure for dealing with allegations made against Councillors and referred (by the PSOW) to the Standards Committee.

3. The purpose of the Ombudsman investigation is to decide whether there has been a breach of the Code of Conduct and if so to refer back to the Standards Committee for determination and if deemed necessary, to impose a sanction.
4. The Standards Committee on the 15 July 2022 and in accordance with Section 18.4.5.1 of the Constitution, determined that;
the Member should be given the opportunity to make representations either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct. (Section 18.4.6.4(b)).
5. At the preliminary hearing on 27 January 2023, the Committee considered preliminary issues including initial correspondence and a medical report. The Committee then issued procedural Directions. A Hearing was arranged for 26 June 2023.
6. At a hearing on the 26 June 2023, the Standards Committee concluded that the former Member had breached the County Council's Code of Conduct for Members, namely paragraphs:
 - 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
 - 6 (i)(a) 1 You must – (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
 - 7 (b) (i) use, or authorise others to use, the resources of your authority - imprudently;
(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;
(vi) improperly for private purposes.
- 8 The Committee concluded that the former Member's conduct amounted to a breach of the Code of Conduct.
- 9 Accordingly, the Committee decided to exercise its power under Regulation 9 Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, as amended, that Col Van-Rees should be censured.

Mr S Hays (Chair)

This page is intentionally left blank

CYNGOR SIR POWYS COUNTY COUNCIL
Standards Committee
25 October 2023

REPORT BY: Head of Legal and Monitoring Officer

SUBJECT: Standards Issues

REPORT FOR: Decision, Information and Discussion

A. General Standards Issues for County Councillors and Co-opted Members

No update required.

B. Members attendance

At the previous meeting comments had not been received from one County Councillor regarding their attendance during the period 9 May 2022- 18 May 2023. Their attendance for this period was below 60%.

The response has been given to the Chair and vice Chair on a confidential basis as to include it in this report would easily reveal the identity of the Member and the Committee has not yet decided to do so. The Committee is advised that since May 2023 his attendance has been 100%.

C. Referral of Councillors to the Ombudsman Wales

C1. County Councillor Referrals

In response to a request from the Committee the information regarding referrals to the Ombudsman Wales is presented in a different format, showing the dates for each stage of the process.

The abbreviations used in the headings are as follows:

MO – Monitoring Officer

OW – Ombudsman Wales

Stds – Standards Committee

APW - Adjudication Panel for Wales

Ref	Date OW notified MO of complaint	Date OW advised investigating or not investigating	Date OW's decision	Date considered by Stds	Date considered by APW
02/CC/20	14/09/20	19/11/20 investigating	17/0222 referred to Stds	15/07/22, 27/01/23 and 26/06/23 former	N/A

				Councillor T Van-Rees censured	
04/CC/21		21/07/21 investigating	22/02/23 Referred to APW		Former Councillor Karen Laurie-Parry Hearing 06/07/23 agreed 18 month disqualification
03/CC/22		17/04/23 investigating			
05/CC/22		28/06/22 investigating			
01/CC/23		18/07/23 not investigating			

D. Dispensations

D1. Applications - County Councillors

No applications for dispensation have been received from County Councillors.

E. Appointments to the Standards Community Sub-Committee

One nomination was received for the vacancy of a Radnorshire Town and Community Councillor on the Sub-Committee.

RECOMMENDED:	
<p>1. That Town Councillor Stephen Deeks-D'Silva, be appointed to the Standards Community Sub-Committee to represent the Town and Community Councils in Radnorshire.</p> <p>2. That the term of office of the Town and Community Councillor be for the maximum term permitted by the existing regulations or by any amending regulations (currently a maximum of five years) or until they cease to be a Councillor or resign whichever shall first occur.</p>	<p>To constitute the Standards Community Sub-Committee.</p>

F. Ombudsman Wales – Our Findings

Details of cases are available in [Ombudsman Wales - Our Findings](#)

It should be noted that “Our Findings” covers all matters investigated by the Ombudsman and not just Code of Conduct matters. “Our Findings” is updated on a monthly basis.

‘Our Findings’ contains a search facility, which includes “Subject”. Under the “Subject” heading the following categories of the Code are listed:

- Integrity
- Promotion of equality and respect
- Disclosure and registration of interest
- Duty to uphold the law
- Selflessness and Stewardship

At a recent meeting of all Welsh Monitoring Officers, the Ombudsman’s office was asked to consider re-instating the “ Casebook”, which was considered to be more helpful.

G. Adjudication Panel for Wales

Details of cases considered by the APW are available via the following link:
[Decisions | The Adjudication Panel for Wales \(gov.wales\)](#)

(i) Cllr Steve Davies

The Decision in respect of Cllr Steve Davies from Ceredigion is interesting in that it is the first case in which the PSOW has requested the APW to temporarily suspend a Member during its investigation stage of safeguarding allegations. The APW agreed to a 6 month temporary suspension on the basis that :

- There was prima facie evidence such that it appears that the Respondent has failed to comply with the Code of Conduct of the relevant authorities? ; and
- The nature of that failure such as to likely to lead to disqualification under section 79(4)(b); and
- It was in the public interest to suspend or partially suspend the Respondent immediately on the basis that it would facilitate the PSOW’s effective and expeditious investigation, would minimise any disruption to the business of the authority concerned during an investigation, maintain the reputation of the Councils or protect the Authorities from a legal challenge. The APW were satisfied that the allegations raised issues of such gravity that they jeopardised public confidence in the Councils concerned.

(ii) Cllr Karen Laurie Parry

This will be of particular interest to the Committee as it involves a former County Councillor. The Member was disqualified for 18 months for:

- making repeated unsubstantiated allegations about officers;
- broke confidentiality;
- repeated allegations of a lack of transparency, conflicts of interest and corruption in public fora and over a significant period of time, without evidential proof, which were capable of undermining public confidence in the Council and its officers;
- sent an unreasonable amount of emails to officers which were a drain on the Council's resources in dealing with them, such as to use the council's resources imprudently, when she had been asked to stop sending repeated emails, particularly about matters which had been answered and/or dealt with.

H. National Forum for Standards Committees

The Forum met on 30 June 2023 and the notes are attached, Appendix 1. The next meeting is scheduled January 2024.

I. Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021

In June 2023, Welsh Government issued new Guidance to Principal Councils and Sections 4 – 7 of Part 2 of the Guidance are relevant to the Committee as they provide guidance on (a) the duties of leaders of political groups in relation to standards of conduct and (b) statutory guidance on the functions of standards committees. Copy of sections 4 -7 of Part 2 the Guidance can be found in Appendix 2.

- (i) Guidance on duties of leaders of political groups in relation to standards of conduct

Paragraph 4.23 of the Guidance makes it clear that leaders of a political group are accountable for the behaviour of their members as conduct must be a matter of individual responsibility and accountability. However, they do have a role in taking reasonable steps in maintaining high standards, setting an example, using their influence to support a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues of alleged non-compliance as soon as they arise.

Paragraph 4.23 of the Guidance that the Reasonable steps that a Group Leader could take include the following:

- demonstrating personal commitment to and attending and participating in relevant development or training around equalities and standards, including on the Code of Conduct;

- actively encouraging group members to attend relevant development or training around equalities and standards including in relation to the Code of Conduct;
- ensuring nominees to a committee have received the recommended training for participating on that committee;
- promoting modelling civility and respect within group communications and meetings and in formal council meetings;
- supporting informal resolution procedures in the council, and working with the standards committee and monitoring officers to achieve local resolution;
- encouraging 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 participate in discussions on Code of Conduct issues;
- drive forward work to implement any recommendations from the standards committee about improving standards;
- work with the standards committee to proactively identify, consider and tackle patterns of inappropriate behaviour;
- work together with other group leaders, within reason, to collectively support high standards of conduct within the council and where any issues identified involve more than one political group.

(ii) The Duty to Co-operate with MO and the Standards Committee

Paragraphs 4.34 – 4.37 of the Guidance provides as follows:

- Leaders of a political group should build good relations, and work constructively with the monitoring officer, seeking advice from them and the standards committee on matters of behaviour and conduct when required, both promoting positive behaviours and addressing inappropriate one;
- Group leaders should also report any serious concerns about members' behaviour which have not been remedied by informal actions, in line with the requirement in the Code of Conduct to report such breaches;
- Group leaders should also report compliance with their duty to the standards committee. At the beginning of each council year Political group leaders should meet with the standards committee to agree the following:
 - How group leaders and the standards committee will work together to ensure appropriate standards of behaviour;
 - Frequency of meetings between group leaders and the standards committee throughout the year;

- The threshold which the standards committee will use to establish whether it is content that political group leaders have complied with the duties of the 2021 Act;
- The mechanism for political group leaders to provide reports to the standards committee about the actions they have taken to comply with the duties within the 2021 Act.

Monitoring officers across Wales are collaborating on revising the standard form used last year by group leaders to report compliance with the new duties, and it is hoped that a copy of the revised form will be available for consideration and amendment by the committee at its next meeting.

Monitoring officers are also putting together some ideas on the thresholds which individual Standards Committees might consider using to establish whether or not a political group leader has complied with their new duties. It is hoped that these will be available for consideration at the next meeting.

(iii) Guidance on the Functions of Standards Committees

The Guidance confirms that the general function of the standards committee is to:

- promote and maintain high standards of conduct by members and cooperative members;
- to assist members to observe the members code of conduct;
- to advise the authority on the adoption or division of a code of conduct;
- to monitor the operation of the code of conduct to provide advice or provide or arrange training on the code of conduct for members;
- to regularly review the approach taken in respect of gifts and hospitality and the use of thresholds and to include the outcomes of such a review in their annual report;
- to monitor group leaders' compliance with the duties, and provision of advice and training;
- to make an annual report (see section 7 of Guidance).

J. Meeting Dates

To note dates of meetings in 2024 as follows, all starting at 2pm:

7 February

10 April – annual meeting with Group Leaders

12 June

30 October

Contact Officer Name:	Tel:	Fax:	Email:
Clive Pinney – Head of Legal and Monitoring Officer	01597 826746	01597 826220	clive.pinney@powys.gov.uk

Standards Committees Forum - Wales

Friday, 30th June 2023 @ 2pm, via Teams

Notes

1. Notes of previous meeting 27 January 2023.

The notes of the previous meeting on 27 January 2023 were agreed.

a. Circulation of the meeting notes

- The Chairs were asked whether the notes of the meetings should be circulated to members of the standards committees.
- If the notes were shared with standards committees, they would be made public.
- The Chairs wanted to share as much as possible with their standards committees and the public.
- Davina Fiore, The Director of Governance and Legal and Monitoring Officer at Cardiff Council, who was advising the Forum, advised that if the minutes were to be made public as part of the Standards Committee agenda at individual Councils, it was important that any issues raised on individual ongoing cases or potential cases to assist with the process/problem solving/best practise were anonymised to ensure that individual members and councils could not be identified. She also advised that, if necessary, it was possible for part of the minutes to be confidential and not be circulated more widely.

AGREED: that the notes may be circulated to Standards Committees, provided no individual complainant or councillor complained of could be identified. This will be kept under review at/after each meeting.

b. Training for Chairs

ACTION: The WLGA to arrange a training session on chairing Standards

2. Chair of the Committee on Standards in Public Life (CSPL) Research

Advisory Board, Professor Mark Philp

- Professor Mark Philp outlined his role as a member of the CSPL and provided an overview of the standards regime in England and the implementation of recommendations from the Local Government Ethical Standards Report (2019).

ACTION: WLGA to provide a link to the CSPL report "[Leading in Practice](#)".

3. Michelle Morris - Public Services Ombudsman for Wales (PSOW) – Update

Michelle Morris updated the Forum on her annual report for 2022/23.

Noted

- A 4% reduction in the number of complaints alleging misconduct by local authority members.
- A decrease in the number of complaints against Town and Community councillors.

- The PSOW investigated 35 cases which, although not a high number, involved a huge amount of work.
- The number of complaints involving equality and respect had increased again. Just over 60% of cases involving a breach of the code were in this category.
- 12 cases had been referred to standards committees and the adjudication panel for Wales, compared to 20 the year before.
- Since the PSOW last spoke to the Forum there had been 6 Standards Committee hearings and 1 decision from the tribunal and a further 3 were scheduled. One of which involved an interim referral.
- Of the 280 complaints made to PSOW only 35 met the public interest test. Feedback was given to standards committees and Monitoring Officers about lower-level issues that didn't require further investigation.

Open forum, comments.

- The interim intervention process needed to be shortened.
- Concern was expressed about the wellbeing of individuals who came before a standards committee given the lengthy time to complete the process.
- The public interest test had three stages i.e., was there sufficient evidence that there had been a breach of the code; if there was evidence to support

it, would it be significant enough to result or likely result in a sanction and was there wider public interest in taking forward the investigation.

ACTION: PSOW to forward case law in respect of the public interest test to the Forum members via the WLGA.

4. Promoting high standards

- The forum discussed the Group Leaders duty to take reasonable steps to promote and maintain high standards of conduct by members of the group and, the duty on the Standards Committee to comment on Group Leaders' compliance with that duty as part of its annual report.
- Experiences had generally been positive and encouraging.
- Leaders had shown a willingness to engage with the process and some authorities were more advanced than others.
- Typically, Standards Committees had already met with the group leaders.
- There appeared to be an anomaly with recent government guidance. It was unclear whether the leaders should meet with the Standards committee or just the chair.

ACTION: WLGA to seek clarification on the statutory guidance and update members.

1

¹ This has already taken place. Monitoring Officers and Heads of Democratic Services received an email from Welsh Government on Tuesday 4th July at 2.37pm informing them: "We would like to draw your attention to an amendment to the consolidated statutory and non-statutory guidance for principal councils in Wales at part 2, section 6.0, paragraph 6.4. The guidance has been amended to read that the standards committee (as opposed to standards committee chairs) should meet with group leaders at the beginning of each council year to agree a number of issues. The updated guidance has been published; the links remain the same".

5. Supporting Town and Community Councils (T&CCs)

Comments

- It was difficult to identify a successful approach.
- Standards Committees were attending T&CC meetings.
- T&CCs were encouraged, in one area, to adopt a local resolution process.

Take up had been slow.

- Meetings between the Chairs and Clerks could be helpful.
- Sharing anonymous feedback after attending meetings of T&CCs including good practice.
- Support of Monitoring Officers particularly to the Clerks.
- A T&CC compact setting out what support was on offer had been developed in one area.

ACTION Compact to be shared with members of the forum.

6. Resourcing of Standards Committees.

Comments

- The resourcing of Standards Committees was a challenge.
- Welsh Government should provide additional funding when they placed more responsibilities on Standards Committees.
- Additional work inevitably fell on Monitoring Officers as Standards Committees workloads increased.

- Setting a budget for the committee could be difficult because the level of demand could not be anticipated in advance.
- Achieving a consistency in terms of budgets would be difficult.
- Monitoring officers may be able to provide comparative information on how much time they spent on T&CC work and what their budgets were.

ACTION Chair and Davina Fiore to discuss the possibility of raising the issue of budgets with the Monitoring Officer group.

7. Richard Penn Review update

- The closing date for responses to the consultation on the Richard Penn report was 23 June 2023.
- The responses were being analysed and the results would be published during the autumn.
- Depending on what the results were, it may require secondary legislation followed by a 12-week consultation period.
- It must also fit in with the legislative programme which was unlikely during the current Senedd term.

9. Minimum value for gifts and hospitality

- £25 was the minimum value for most councils.
- Monitoring Officers were seeking to introduce it as a consistent amount across Wales.
- It could be difficult to place a value on hospitality e.g., invitations to sporting events.

10. Consideration of agenda items for future meetings

The following items would be considered at the next meeting.

- Local resolution protocols.
- Corporate Joint Committees (CJCs) and Joint Standards Committees

11. Date of next meeting.

To be confirmed, January 2024.

Fforwm Pwyllgorau Safonau - Cymru
Dydd Gwener, 30 Mehefin 2023 am 2pm, trwy gyfrwng Teams

Nodiadau

1. Nodiadau cyfarfod blaenorol a gynhaliwyd ar 27 Ionawr 2023

Cytunwyd ar nodiadau'r cyfarfod blaenorol a gynhaliwyd ar 27 Ionawr 2023.

a. Dosbarthu nodiadau'r cyfarfod

- Gofynnwyd i'r Cadeiryddion a fyddai nodiadau'r cyfarfodydd yn cael eu dosbarthu i aelodau'r Pwyllgorau Safonau.
- Petai'r nodiadau'n cael eu rhannu gyda Pwyllgorau Safonau, byddent yn rhai cyhoeddus.
- Roedd y Cadeiryddion eisiau rhannu cymaint â phosibl gyda'u Pwyllgorau Safonau a'r cyhoedd.
- Dywedodd Davina Fiore, Cyfarwyddwr Llywodraethu a'r Gyfraith a Swyddog Monitro yng Nghyngor Caerdydd, a oedd yn cynghori'r Fforwm, petai'r cofnodion yn cael eu cyhoeddi yn rhan o agenda Pwyllgor Safonau ym mhob Cyngor unigol, roedd hi'n bwysig bod unrhyw fater oedd yn cael ei godi oedd yn ymwneud ag achosion unigol parhaus neu achosion posibl i gynorthwyo â'r broses/datrys problem/arfer gorau yn rhai di-enw, er mwyn sicrhau nad oedd modd adnabod aelodau unigol a Chynghorau. Dywedodd hefyd, petai angen, y byddai'n bosibl cadw rhan o'r cofnodion yn gyfrinachol a pheidio â chael eu dosbarthu'n eang.

CYTUNWYD: Y gellir dosbarthu cofnodion i'r Pwyllgorau Safonau, cyn belled nad oedd modd adnabod unrhyw achwynydd na chynghorydd oedd â chwyn amdanynt. Fe fydd hyn yn cael ei adolygu ym mhob cyfarfod/ar ôl pob cyfarfod.

b. Hyfforddiant i Gadeiryddion

CAM GWEITHREDU: CLILC i drefnu sesiwn hyfforddiant am gadeirio Pwyllgor Safonau.

2. Cadeirydd y Pwyllgor ar Safonau mewn Bywyd Cyhoeddus, Bwrdd

Ymgynghorol Ymchwil, Yr Athro Mark Philp

- Fe amlinellodd yr Athro Mark Philp ei rôl fel aelod o Bwyllgor ar Safonau mewn Bywyd Cyhoeddus a rhoddodd drosolwg o'r gyfundrefn safonau yn Lloegr a rhoi'r argymhellion o Adroddiad Safonau Moesegol Llywodraeth Leol (2019) ar waith.

CAM GWEITHREDU: CLILC i ddarparu dolen i adroddiad Pwyllgor Safonau mewn Bywyd Cyhoeddus "[Leading in Practice](#)".

3. Michelle Morris - Ombwdsman Gwasanaethau Cyhoeddus Cymru (OGCC) -

Y wybodaeth ddiweddaraf

Rhoddodd Michelle Morris y wybodaeth ddiweddaraf i'r Fforwm am ei hadroddiad blynyddol ar gyfer 2022/23.

Nodwyd

- Gostyngiad o 4% yn y nifer o gwynion yn honni camymddwyn gan aelodau o awdurdodau lleol.
- Gostyngiad yn y nifer o gwynion yn erbyn cynghorwyr Tref a Chymuned.
- Fe ymchwiliodd Ombwdsman Gwasanaethau Cyhoeddus Cymru i 35 achos, er nad oedd hwn yn rhif uchel, roedd yn golygu llawer o waith.
- Roedd y nifer o gwynion oedd yn ymwneud â chydraddoldeb a pharch wedi codi eto. Roedd ychydig dros 60% o'r achosion yn ymwneud â thorri'r cod yn y categori hwn.
- Cafodd 12 achos eu cyfeirio i Bwyllgorau Safonau a Phanel Dyfarnu Cymru, o'i gymharu ag 20 y llynedd.
- Ers i Ombwdsman Gwasanaethau Cyhoeddus Cymru siarad â'r Fforwm ddiwethaf, cynhaliwyd 6 gwrandawriad Pwyllgor Safonau, ac roedd 1 penderfyniad o'r tribiwnlys a 3 phellach wedi'u trefnu. Roedd un ohonynt yn ymwneud ag atgyfeiriad dros dro.
- O'r 280 o gwynion a wnaed i Ombwdsman Gwasanaethau Cyhoeddus Cymru, dim ond 35 oedd yn cyrraedd prawf lles y cyhoedd. Rhoddwyd adborth i Bwyllgorau Safonau a Swyddogion Monitro am faterion lefel is nad oedd angen ymchwiliad pellach.

Fforwm agored, sylwadau.

- Roedd angen byrhau'r broses ymyrraeth dros dro.

- Mynegwyd pryder am les unigolion oedd yn mynd gerbron Pwyllgor Safonau o ystyried yr amser hir yr oedd yn ei gymryd i gwblhau'r broses.
- Mae yna dri cham i brawf lles y cyhoedd, h.y. a oes yna ddigon o dystiolaeth bod y cod wedi cael ei dorri; a oes yna dystiolaeth i'w gefnogi, a fyddai'n ddigon sylweddol i arwain at neu'n debygol o arwain at gosb, ac a oedd yna les ehangach i'r cyhoedd wrth symud ymlaen â'r ymchwiliad.

CAM GWEITHREDU: Ombwdsman Gwasanaethau Cyhoeddus Cymru i anfon cyfraith achosion ymlaen mewn perthynas â phrawf lles y cyhoedd i aelodau'r Fforwm drwy'r CLILC.

4. Hyrwyddo safonau uchel

- Trafododd y Fforwm y ddyletswydd ar Arweinwyr Grwpiau i gymryd camau rhesymol i hyrwyddo a chynnal safonau ymddygiad rhagorol gan aelodau'r grŵp, a dyletswydd ar y Pwyllgor Safonau i gyflwyno sylwadau ar gydymffurfiaeth Arweinwyr Grwpiau gyda'r ddyletswydd fel rhan o'r adroddiad blynyddol.
- Ar y cyfan bu profiadau yn gadarnhaol ac yn galonogol.
- Roedd arweinwyr wedi dangos parodrwydd i ymgysylltu gyda'r broses ac roedd rhai awdurdodau wedi symud ymlaen yn bellach nag eraill gyda hyn.
- Yn nodweddiadol, roedd Pwyllgorau Safonau eisoes wedi cyfarfod ag arweinwyr grwpiau.

- Roedd yn ymddangos fod yna anghysondeb gyda chanllaw diweddar y llywodraeth. Roedd hi'n aneglur a ddylai arweinwyr gyfarfod gyda'r Pwyllgor Safonau neu dim ond y Cadeiryddion.

CAM GWEITHREDU: CLILC i geisio eglurhad ar y canllaw statudol ac yna diweddarau aelodau.

1

5. Cefnogi Cyngorau Tref a Chymuned

Sylwadau

- Roedd hi'n anodd dewis dull llwyddiannus.
- Roedd Pwyllgorau Safonau'n mynychu cyfarfodydd Cyngorau Tref a Chymuned.
- Roedd Cyngorau Tref a Chymuned yn cael eu hannog, mewn un ardal, i fabwysiadu proses datrysiaid lleol. Roedd derbyn hyn wedi bod yn isel.
- Gallai cyfarfodydd rhwng Cadeiryddion a Chlercod fod yn gynorthwyol.
- Rhannu adborth dienw ar ôl mynychu cyfarfodydd Cyngorau Tref a Chymuned, yn cynnwys arfer da.
- Cefnogaeth Swyddogion Monitro yn benodol i'r Clercod.

¹ Mae hyn eisoes wedi digwydd. Derbyniodd Swyddogion Monitro a Phenaethiaid Gwasanaethau Democrataidd e-bost gan Lywodraeth Cymru ddydd Mawrth 4 Gorffennaf am 2.37pm yn nodi: "Fe hoffem dynnu eich sylw at ddiwygiad i'r canllaw statudol ac anstatudol wedi'u cydgrynhoi ar gyfer y Prif Gyngorau yng Nghymru yn Rhan 2, Adran 6.0, paragraff 6.4. Mae'r canllaw wedi cael ei ddiwygio i ddweud mai'r Pwyllgor Safonau (yn hytrach na Chadeiryddion Pwyllgorau Safonau) ddylai gwrdd ag arweinwyr grwpiau ar ddechrau pob blwyddyn gyngor er mwyn cytuno ar nifer o faterion. Mae'r canllaw sydd wedi'i ddiweddarau wedi cael ei gyhoeddi; nid yw'r dolenni wedi newid."

- Roedd cytundeb Cyngor Tref a Chymuned yn nodi pa gefnogaeth oedd ar gael wedi cael ei ddatblygu mewn un ardal.

6. Adnoddau ar gyfer Pwyllgorau Safonau

Sylwadau

- Roedd adnoddau ar gyfer Pwyllgorau Adnoddau yn heriol.
- Dylai Llywodraeth Cymru ddarparu cyllid ychwanegol ar ôl iddynt roi mwy o gyfrifoldebau ar Bwyllgorau Safonau.
- Yn anorfod, roedd yn golygu mwy o waith ychwanegol ar Swyddogion Monitro wrth i lwyth gwaith Pwyllgorau Safonau gynyddu.
- Gallai gosod cyllideb ar gyfer y Pwyllgor fod yn anodd gan nad oedd modd rhagweld lefel y galw ymlaen llaw.
- Byddai cyflawni cysondeb o ran cyllidebau yn anodd.
- Efallai y bydd Swyddogion Monitro yn gallu rhoi gwybodaeth gymharol o ran faint o amser roeddynt yn ei dreulio ar waith Cyngorau Tref a Chymuned a beth oedd eu cyllidebau.

CAM GWEITHREDU Cadeirydd a Davina Fiore i drafod y posibilrwydd o godi'r mater o gyllidebau gyda'r grŵp Swyddogion Monitro.

7. Y wybodaeth ddiweddaraf am Adolygiad Richard Penn

- Y dyddiad cau ar gyfer ymateb i'r ymgynghoriad ar adroddiad Richard Penn oedd 23 Mehefin 2023.

- Roedd yr ymatebion yn cael eu dadansoddi a bydd y canlyniadau'n cael eu cyhoeddi yn ystod yr hydref.
- Yn dibynnu beth oedd y canlyniadau, efallai y byddai angen ail ddeddfwriaeth ac yna cyfnod ymgynghori o 12 wythnos.
- Mae'n rhaid iddo hefyd gyd-fynd â rhaglen ddeddfwriaethol a oedd yn annhebygol yn ystod tymor presennol y Senedd.

9. Isafswm gwerth ar gyfer rhoddion a lletygarwch

- £25 oedd yr isafswm gwerth ar gyfer y mwyafrif o Gynghorau.
- Roedd Swyddogion Monitro yn ceisio ei gyflwyno fel swm cyson ar draws Cymru.
- Gallai fod yn anodd rhoi gwerth ar letygarwch e.e. gwahoddiad i ddigwyddiadau chwaraeon.

10. Ystyried eitemau ar y rhaglen ar gyfer cyfarfodydd yn y dyfodol

Byddai'r eitemau canlynol yn cael eu hystyried yn y cyfarfod nesaf.

- Protocolau penderfyniadau lleol.
- Cyd-bwyllgorau corfforedig (CJC) a Chyd-bwyllgorau Safonau.

11. **Dyddiad y Cyfarfod nesaf**

I'w gadarnhau, Ionawr 2024.

This page is intentionally left blank



Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021 (WG23-23)

June 2023

4.0 Statutory Guidance on duties of leaders of political groups in relation to standards of conduct

Status of this Guidance

4.1 This is statutory guidance issued under section 52A of Local Government Act 2000 (the 2000 Act) inserted by section 62 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act).

Purpose of this Guidance

4.2 This guidance sets out how leaders of political groups in principal councils should meet their duties contained in section 52A of the Local Government Act 2000 (“the 2000 Act”), inserted by section 62, of the 2021 Act, which relates to the promotion and maintenance of high standards of conduct by the members of the group.

4.3 This guidance is designed to support leaders of political groups understand and discharge their duties in relation to high standards of conduct, whilst recognising that they will wish to and should be encouraged to develop their own approach in line with their wider statutory obligations, local circumstances, and best practice. However, the basic principles set out in the guidance should apply to all.

4.4 This guidance specifically addresses the following duties:-

Duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group

4.5 Section 52A(1)(a) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must take reasonable steps to promote and maintain high standards of conduct by the members of the group.

Duty to co-operate with the council’s standards committee (and any sub-committee) in the exercise of the standards committee’s functions

4.6 Section 52A(1)(b) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must co-operate with the council’s standards committee (and any sub-committee of the committee) in the exercise of the standards committee’s functions.

4.7 This guidance refers specifically to these duties on a leader of a political group, and sets out the expectations on how they will perform these duties. All of the duties apply from 5 May 2022.

4.8 There are other provisions within Part 3 of the 2000 Act relating to standards committees, inserted by sections 62 and 63 of the 2021 Act. These aspects of the 2021 Act are also described in this guidance.

4.9 This guidance is set out as follows:-

- Policy context within which the duties are set and the purpose of the duties;
- Duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group;
- Duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions.

Policy context and purpose of the duties set out in section 52A of the Local Government Act 2000

Policy context

4.10 Part 3 of the 2000 Act established a statutory framework to promote and maintain high standards of ethical conduct by members and employees of relevant authorities in Wales. A 'relevant authority' is a county or county borough council ("a principal council"), community council, fire and rescue authority, a national park authority and a Corporate Joint Committee.

4.11 The framework consists of the ten general principles of conduct for members (derived from Lord Nolan's 'Seven Principles of Public Life'), set out below:

- Selflessness;
- Honesty;
- Integrity and propriety;
- Duty to uphold the law;
- Stewardship;
- Objectivity in decision-making;
- Equality and respect;
- Openness;
- Accountability;
- Leadership.

4.12 These are included in the statutory Model Code of Conduct ("the Code")(as required under section 50 of the 2000 Act), which lays down a set of enforceable minimum standards for the way in which members should conduct themselves, both in terms of their official capacity and (in some instances) in their personal capacity. It also guides members on the declaration and registration of interests.

All elected members must familiarise themselves with and give a written undertaking to observe the Code before they can take up office. As the Code may from time to time be updated members must familiarise themselves with any changes with which they are required to observe.

- 4.13 Building on the existing arrangements, section 62 of the 2021 Act inserts a new section 52A into the 2000 Act which places a duty on leaders of political groups within a principal council to promote and maintain high standards of conduct by members of their group. Group leaders are required to co-operate with the council's standards committee in the exercise of its general and specific functions for promoting high standards (see below).
- 4.14 Subsection (3) amends section 54 of the 2000 Act to extend the specific functions of a standards committee to include monitoring compliance by leaders of political groups with the new duty imposed on them by the 2021 Act to promote and maintain high standards of conduct by members of their group. A standards committee must also provide advice or provide or arrange training for group leaders on the new duty.

Purpose of the standards of conduct provisions

- 4.15 The ethical standards framework in Wales aims to promote the observance of consistent standards of conduct by local government members. High ethical standards underpin and maintain public confidence in democratic governance and the decision making process. For any organisation to be effective it must respect diversity in all its forms and treat everyone with the respect they would expect for themselves. Engendering a culture within a principal council which embraces high standards of conduct, requires both local leadership and all elected members to accept responsibility and accountability for their actions both individually and collectively.
- 4.16 The standards of conduct provisions in the 2021 Act complement the existing statutory ethical framework and support the Code of Conduct process. The provisions are designed to ensure leaders of political groups in principal councils, supported by standards committees, promote and maintain high standards of conduct by the members of their group.

The wider environment in which the standards of conduct duties operate

- 4.17 The standards of conduct provisions contained in the 2021 Act support the Welsh Government's wider commitment to equality and diversity in public life. Action has been taken through the Diversity in Democracy Programme to tackle the barriers which prevent individuals' active participation in local democracy. Within local government, and through the Welsh Local Government Association

(WLGA), there has been a commitment to Diversity in Democracy, including councils signing Diverse Council declarations which seek, amongst other actions, to ensure councils 'demonstrate an open and welcoming culture to all'. Furthermore, the WLGA, working with the Local Government Association (LGA), Northern Ireland Local Government association (NILGA) and the Scottish body, COSLA, has been promoting the Civility in Public Life programme, which seeks to promote civil, constructive and respectful political discourse.

4.18 The Anti Racist Wales Action Plan sets out a series of goals and actions designed to improve the outcomes for black, Asian and minority ethnic people in Wales. It includes a number of goals and actions for local government relating to its leadership and representation role. It recognises that a more diverse elected representation is good for decision making and likely to lead to decisions which better reflect society as a whole. This in turn contributes to greater public confidence.

Duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group

Introduction

4.19 This is statutory guidance issued under section 52A of the Local Government Act 2000 (the 2000 Act) as amended by section 62 of the Local Government and Elections Act 2021 (the 2021 Act). This section of the guidance should be read by a leader of a political group in a principal council to support the discharge of their duties in section 52A of the 2000 Act, to take reasonable steps to promote and maintain high standards of conduct by the members of the group. The guidance here reflects the minimum requirements, recognising that leaders are best placed to build on this to develop the detail of their own approach, and work together to share best practice across political groups and with standards committees.

Definition of political groups and group leaders

4.20 Section 52A(3) of the 2000 Act enables the Welsh Ministers to make provision in regulations about the circumstances in which (a) members of a county council or county borough council in Wales are to be treated as constituting a political group; (b) a member of a political group is to be treated as a leader of the group.

4.21 The Local Government (Committees and Political Groups) Regulations 1990, made under the Local Government and Housing Act 1989, currently governs the position in this respect, until such time as regulations passed under 52A(3) of the 2000 Act are made.

4.22 Section 52A(1)(a) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must take reasonable steps to promote and maintain high standards of conduct by the members of the group.

4.23 The duty does not make leaders of a political group accountable for the behaviour of their members as conduct must be a matter of individual responsibility and accountability. However, they do have a role in taking reasonable steps in maintaining high standards, setting an example, using their influence to support a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues of alleged non-compliance as soon as they arise.

4.24 Reasonable steps the group leader *may* undertake include:

- demonstrating personal commitment to and attending and participating in relevant development or training around equalities and standards, including on the Code of Conduct;
- actively encouraging group members to attend relevant development or training around equalities and standards including in relation to the Code of Conduct;
- ensuring nominees to a committee have received the recommended training for participating on that committee;
- promoting modelling civility and respect within group communications and meetings and in formal council meetings;
- supporting informal resolution procedures in the council, and working with the standards committee and monitoring officers to achieve local resolution;
- encouraging 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 participate in discussions on Code of Conduct issues;
- drive forward work to implement any recommendations from the standards committee about improving standards;
- work with the standards committee to proactively identify, consider and tackle patterns of inappropriate behaviour;
- work together with other group leaders, within reason, to collectively support high standards of conduct within the council and where any issues identified involve more than one political group.

4.25 As set out above, the purpose of the new duties is to build on and support a culture which is proactive, acts on and does not tolerate inappropriate behaviour. The Guidance from the Public Services Ombudsman for Wales for members on the Code of Conduct provides advice on the Code and its requirements. It includes examples of cases considered by the Ombudsman and decisions reached by local standards committees and the Adjudication Panel for Wales

which demonstrate behaviours which are unreasonable or inappropriate. Leaders of political groups and all members, including independent members, should have regard to the Ombudsman's Guidance, which can be accessed on the [Ombudsman's website](#).

- 4.26 The importance of attendance at training on the Code of Conduct has been highlighted by the Ombudsman and was raised under the independent review of the Ethical Standards Framework and Model Code of Conduct carried out by Richard Penn. Leaders of political groups should actively encourage all members in their group to read the Ombudsman's Guidance and any local guidance issued by the monitoring officer or standards committee and to take up any offer of training. They should also work constructively with standards committees and monitoring officers to identify the training requirements for themselves and for their group members.
- 4.27 It is essential that relationships with members are established which encourage them to raise issues with the group leader. The group leader has a significant role to play in creating a culture of trust and mutual respect in their group. Where issues arise, the importance of resolving low-level complaints at a local level has been raised by the Ombudsman and the independent Review of the Framework. Typically, these complaints are about alleged failures to show respect and consideration for others and the making of frivolous and low-level complaints. The group leader should be pivotal in preventing the escalation of these complaints to the stage where more formal interventions become necessary. Leaders of political groups should have informal discussions with members who may be showing early signs of inappropriate behaviour to 'nip this in the bud' before it becomes problematic or in danger of breaching the Code. This may include suggesting and requesting appropriate training or refresher training for the members concerned, asking for social media posts they have made to be removed, and requesting they apologise where appropriate.
- 4.28 A leader of a political group who fails to comply with the new duty in a meaningful way, may potentially be regarded as bringing their office into disrepute, and likely to be in breach of the Code (see the Ombudsman's Guidance).
- 4.29 Political group leaders will want to ensure they are able to evidence the steps they have taken to help create an environment in which members demonstrate appropriate standards of behaviour, undertake appropriate training and address, with members, instances where standards of behaviour falls short of that expected. It is a matter for individual group leaders how they choose to evidence their compliance with this guidance, but it may include notes of meetings, copies of correspondence, audits of member training on issues such as equality and the Code of Conduct and action taken to address any gaps in that training.

4.30 A political group's internal disciplinary procedures remain a matter for that group or any associated political party's own rules on discipline. However, it is expected that the group leader will take reasonable steps to promote and maintain high standards of conduct by members within group communications and meetings as well as their 'public' conduct outside of the group setting.

Duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions

Introduction

4.31 This section of guidance is issued under section 52A of the Local Government Act 2000 (the 2000 Act) as amended by section 62 of the Local Government and Elections Act 2021 (the 2021 Act). It is about the duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions within section 52A of the 2000 Act.

4.32 The duties came into force on 5 May 2022.

Duty

4.33 Section 52A(1)(b) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions.

Role of leader of political group

4.34 It is essential the leaders of a political group co-operate, and ensure the members within their group co-operate, with the monitoring officer and standards committee when an issue is referred to the standards committee.

4.35 Leaders of a political group should build good relations, and work constructively with the monitoring officer, seeking advice from them and the standards committee on matters of behaviour and conduct when required, both promoting positive behaviours and addressing inappropriate ones. Group leaders should also report compliance with their duty to the standards committee. This can take the form of a short letter or report at a frequency agreed by the political group leaders in the council and its standards committee. Group leaders should also report any serious concerns about members' behaviour which have not been remedied by informal actions, in line with the requirement in the Code of Conduct to report such breaches.

4.36 At the beginning of each council year Political group leaders should meet with the standards committee to agree the following:

- How group leaders and the standards committee will work together to ensure appropriate standards of behaviour;
- Frequency of meetings between group leaders and the standards committee throughout the year;
- The threshold which the standards committee will use to establish whether it is content that political group leaders have complied with the duties of the 2021 Act;
- The mechanism for political group leaders to provide reports to the standards committee about the actions they have taken to comply with the duties within the 2021 Act.

4.37 If a member is found by the standards committee to be in breach of the Code of Conduct and is disciplined by the committee, the leader of the political group must support the action, in order to maintain the high standards of conduct expected in public life and the Code. Group leaders should observe the Ombudsman's Guidance and the Sanctions Guidance issued by the President of the Adjudication Panel for Wales, which can be accessed on the [Adjudication Panel's website](#).

5.0 Statutory Guidance on the Functions of Standards Committees

Status of this guidance

5.1 This guidance is issued under section 54(7) of the Local Government Act 2000 (the 2000 Act) inserted by section 63 of Local Government and Elections (Wales) Act (the 2021 Act).

5.2 The duties came into force on 5 May 2022.

Purpose of this guidance

5.3 Local standards committees play an important role in supporting members, individually and collectively, to develop and maintain a culture which embraces high standards of conduct.

5.4 A principal council is required by section 53 of the 2000 Act to establish a standards committee.

5.5 The general functions of a standards committee under section 54(1) of the 2000 Act are to promote and maintain high standards of conduct by members and co-opted members of a “relevant authority” and to assist them to observe the members Code of Conduct.

5.6 In addition, a standards committee also has specific functions under section 54(2) of the 2000 Act, namely to:

- advise the authority on the adoption or revision of a Code of Conduct;
- monitor the operation of the Code of Conduct; and
- provide advice or provide or arrange training on the Code of Conduct for members of the authority.

5.7 Section 56(1) of the 2000 Act provides that a principal council’s standards committee (or a sub-committee established for the purpose) also exercises these functions in relation to members of community councils in its area. Principal council standards committees should play a proactive role in promoting and supporting high standards of conduct in the town and community councils in their area, for example, by visiting them, working together to share good practice and identifying training opportunities.

5.8 Monitoring officers work closely with standards committees and support them in providing day-to-day advice to members on conduct matters.

5.9 A principal council may arrange for its standards committee to exercise such other functions as it considers appropriate, for example, monitoring the operation of corporate maladministration complaint procedures.

5.10 An important aspect of governance arrangements is the approach taken to gifts and hospitality. While there has been some support for a Wales wide approach we consider this is a matter to be dealt with by individual councils. We would expect standards committees to regularly review the approach taken in respect of gifts and hospitality and the use of thresholds. We would recommend this to be a matter included in standards committees annual reports. In addition it is considered this is a matter which would be routinely discussed at regular meetings of Monitoring Officers across Wales.

6.0 Duty of a standards committee to monitor group leaders' compliance with the duties, and provision of advice and training

Status of this guidance

6.1. This guidance is issued under section 54 of the Local Government Act 2000 (the 2000 Act) as amended by 62(3) of the Local Government and Elections (Wales) Act 2021 (the 2021 Act).

Purpose

6.2. Section 62(3) of the 2021 Act amends section 54 of the 2000 Act to extend the specific functions of a standards committee to include monitoring compliance by leaders of political groups with the duty imposed on them by the 2021 Act to promote and maintain high standards of conduct by members of their group. As noted above, a council's political group leaders and its standards committee should agree on the form and frequency of a report from each group leader to the standards committee. The standards committee should then consider each report and provide feedback to the group leaders.

6.3. A standards committee must also provide advice and training or arrange to train group leaders on the new duty. At the start of each administration this should take place within six months of the election and be reviewed at least annually.

6.4. As set out earlier in this guidance the standards committee should meet with group leaders at the beginning of each council year to agree a number of issues, including the frequency of meetings between political group leaders and the standards committee through the year to discuss compliance with the duties covered by this guidance, annual reporting processes and issues arising from the analysis of complaints in respect of standards of behaviour.

7.0 Duty of standards committee to make annual report

Status of this guidance

7.1. This guidance is issued under section 54(7) of the Local Government Act 2000 (“the 2000 Act”).

Purpose

7.2. Section 63 of the 2021 Act inserts section 56B into the 2000 Act which places a requirement on standards committees in each “relevant authority” to make an annual report to the authority concerned. In the case of a principal council, the requirement to report to “the authority” in this context includes any community councils in its area.

7.3. As a minimum, the report must:

- describe how the committee has discharged its functions during the preceding financial year;
- confirm the operation of a local protocol for the resolution of complaints and provide an assessment of its impact. Where no local protocol has been adopted, the standards committees must consider whether the adoption of such a protocol would support its functions in relation to promoting high standards of ethical conduct;
- include an analysis of complaints. This analysis must include information about the number of councillors who have been the subject of a complaint which has been upheld, and whether they have or have not attended a training session on the Code of Conduct prior to or after the complaint was received;
- include a summary of reports and recommendations made or referred to the committee by the Public Services Ombudsman for Wales relating to the investigation of alleged breaches of the member Code of Conduct, and any subsequent action taken by the committee;
- include a summary of notices given to the committee by the Adjudication Panel for Wales, relating to the Panel’s decisions on possible breaches of the member Code of Conduct;
- describe the advice it has provided on training for all members and how that has been implemented; in the case of a principal council set out how it has worked with the town and community councils in its area to promote and maintain high standards of conduct amongst town and community councillors; and
- in the case of a principal council, include the committee’s assessment of how political group leaders have complied with the new duty under section 52A(1) of the 2000 Act (inserted by section 62 of the 2021 Act) to promote high

standards of conduct, including the advice the standards committee has provided and the training it has suggested.

- 7.4. The committee may also wish to report on the number of cases considered under local resolution processes. This would help to capture data on an “all Wales” basis, on matters which do not reach the Public Services Ombudsman for Wales.
- 7.5. Approaches to the management and monitoring of gifts and hospitality are often sensitive matters. It is recommended the approach to this is reviewed and agreed within individual principal councils and that the regular review of thresholds for declaration of gifts, hospitality, material benefit or advantage, are included in standards committee’s annual report. This will assist in terms of transparency of the arrangements.
- 7.6. The requirement to make an annual report is intended to ensure there is a regular and consistent approach to the reporting and consideration of standards of conduct by members of relevant authorities in Wales. This is intended to promote local ownership and collective responsibility by members for ensuring high standards of conduct within their authority. To this end, section 56B places an obligation on a relevant authority to consider the report and any recommendations made by its standards committee within three months of its receipt. The authority’s consideration of a report will be a matter of public record through the published minutes of the meeting.
- 7.7. The standards committee should consider whether there are improvements that can be made to strengthen the standards of behaviour of members. This may include recommendations to the full council and town and community councils in its area about matters such as mandating training in equalities and the model code of conduct.
- 7.8. It would be good practice for standards committees to share their Annual Reports with the Public Services Ombudsman for Wales and town and community councils.

CYNGOR SIR POWYS COUNTY COUNCIL

Standards Committee

25 October 2023

REPORT BY: Head of Legal and Monitoring Officer

SUBJECT: Observing County Council meetings by Standards Committee members

REPORT FOR: Information / Decision

1. Purpose of Report

- 1.1 The Committee is asked to consider the reports on observing County Council meetings by Standards Committee members.

2. Background

- 2.1 The Committee has agreed to create a rota of independent members to observe County Council meetings in respect of standards and conduct by County councillors at these meetings. A reporting form has been developed on which observations can be recorded and the Committee will review the content of this form on an ongoing basis.
- 2.2 Observation reports will be considered at the next available Standards Committee. However, any major concerns regarding standards and conduct will be discussed with the Standards Chair, Vice Chair and Monitoring Officer. Any action taken by the Monitoring Officer will be reported to the Standards Committee as appropriate.

3 Observation reports

- 3.1 Standards Committee members have observed the Council meetings held on 20 July and 5 October 2023. The observation reports are attached as Appendix 1 and 2.

Recommendation:	Reason for Recommendation:
<p>1. To note the report</p> <p>2. To consider any actions.</p>	<p>To observe County Council meetings in respect of standards and conduct as part of its work programme.</p>

Relevant Policy (ies):			
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	N/A
----------------------------------	-----

Person(s) To Implement Decision:	Clive Pinney
Date By When Decision To Be Implemented:	

Contact Officer Name:	Tel:	Fax:	Email:
Clive Pinney – Head of Legal and Monitoring Officer	01597 826746	01597 826220	clive.pinney@powys.gov. uk

**STANDARDS COMMITTEE
FEEDBACK ON OBSERVATIONS OF COUNTY COUNCIL MEETINGS**

Meeting:	County Council
Date:	20 July 2023 (first 2 hours)
Format of meeting	Hybrid [online and in County Hall]
Independent member observing:	Stephan Hays

Please provide feedback on the following issues relating to standards and conduct.

Declarations of interest made at the start of the meeting:
<ul style="list-style-type: none"> • Numbers made and type – personal or prejudicial • If prejudicial interests made did the councillor leave the room/virtual meeting
None. Monitoring Officer [MO] mentioned that there would be concerning expenses.
At the start of a brief discussion of Councillor's remuneration package as all members have an interest. MO handed around a form for members to sign.

Declarations made during the meeting when they come to light:
<ul style="list-style-type: none"> • Numbers made and type – personal or prejudicial • If prejudicial interests made did the councillor leave the room/virtual meeting
None

Dispensations:
<ul style="list-style-type: none"> • Were any dispensations relied on? • State which dispensation
None

Code of Conduct, Standards and Ethic issues: Selflessness / Honesty / Integrity and Propriety / Duty to Uphold the Law / Stewardship / Objectivity and Decision-making / Equality and Respect / Openness / Accountability / Leadership Comment on any issues observed during the meeting
None. All conducted themselves properly.

Other general observations:

Nothing of direct concern to the Standards Committee.
There was a technical hitch at the start which delayed the commencement by 10mins.

There was another technical matter when the translator started and her translation clashed with the speaker's audio. This was sorted within 5 mins.

There were some protestors in the chamber but they conducted themselves with decorum.

This feedback will be considered at the next Standards Committee. However, any major concerns should be discussed with the Standards Committee Chair, Vice Chair and Monitoring Officer. Any action taken by the Monitoring Officer will be reported to the Standards Committee, as appropriate.

Email the completed form to: Carol Johnson, Democratic Services Officer

**STANDARDS COMMITTEE
FEEDBACK ON OBSERVATIONS OF COUNTY COUNCIL MEETINGS**

Meeting:	County Council
Date:	5 th October 23
Format of meeting	Hybrid [online and in County Hall]
Independent member observing:	Claire Moore

Please provide feedback on the following issues relating to standards and conduct.

Declarations of interest made at the start of the meeting:

- Numbers made and type – personal or prejudicial
- If prejudicial interests made did the councillor leave the room/virtual meeting

One member declared an interest in the YFC item as current president of a YFC and involved with Brecknockshire – The Chair of Council clarified that no formal business was part of this agenda item, and it was just a presentation.

Members were advised that if they were unsure during the meeting then to raise a hand and ask monitoring officer for advice.

Declarations made during the meeting when they come to light:

- Numbers made and type – personal or prejudicial
- If prejudicial interests made did the councillor leave the room/virtual meeting

None

Dispensations:

- Were any dispensations relied on?
- State which dispensation

None

Code of Conduct, Standards and Ethic issues: Selflessness / Honesty / Integrity and Propriety / Duty to Uphold the Law / Stewardship / Objectivity and Decision-making / Equality and Respect / Openness / Accountability / Leadership

Comment on any issues observed during the meeting:

No issues observed.

Other general observations:

Did hear the “beep” of mobile phones throughout the live webcast – could all be reminded to turn phones off at the start of the meeting?

Can all members who are attending the meeting remotely be reminded to put their screens/lights on in order to show participation in the debates.

Good chairing skills throughout – clear leadership and communication. Debates were handled well. There was an appropriate level of discussion of items on the agenda and the Chair ensured that actions were agreed to move some specific matters forward.

Use of the Welsh language throughout the meeting was very positive.

This feedback will be considered at the next Standards Committee. However, any major concerns should be discussed with the Standards Committee Chair, Vice Chair and Monitoring Officer. Any action taken by the Monitoring Officer will be reported to the Standards Committee, as appropriate.

Email the completed form to: Carol Johnson, Democratic Services Officer
carol.johnson@powys.gov.uk

CYNGOR SIR POWYS COUNTY COUNCIL

Standards Committee

25 October 2023

REPORT BY: Head of Legal and Monitoring Officer

SUBJECT: Overseeing the Council's rules and protocols on accountability of members - Biennial review of Section 21 – Protocol on Member/Officer Relations and Section 25 Local Resolution Process

REPORT FOR: Decision

1. Purpose of Report

1.1 The Committee is asked to complete the biennial review.

2. Background

2.1 As stated in Section 8.8.12 of the Constitution the Committee has a role in “overseeing the Council's rules and protocols on accountability of members”.

2.2 The relevant sections of the Constitution relating to the above are Section 21 - Protocol on member/officer relations and Section 25 Local Resolution Process.

3. Section 21 - Protocol on member/officer relations

3.1 The Section is provided as Appendix 1.

3.2 During the period May 2022 – September 2023 inclusive there were no complaints about potential breaches by members/officers.

4 Section 25 Local Resolution Process.

4.1 The Section is provided as Appendix 2.

4.2 The following number of complaints have been dealt with under the Local Resolution Process during the period May 2022 – September 2023 inclusive;

- Minor complaints from members about members - 0
- Minor complaints from officers about members - 0
- Members alleged to have not shown respect and consideration for others – either verbally or in writing - 0

Recommendation:	Reason for Recommendation:
1. To note the report.	To ensure the Committee undertakes a biennial review of the Council's

	rules and protocols on accountability of members as part of its work programme.
--	--

Relevant Policy (ies):			
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	N/A
----------------------------------	------------

Person(s) To Implement Decision:	Clive Pinney
Date By When Decision To Be Implemented:	

Contact Officer Name:	Tel:	Email:
Clive Pinney – Head of Legal and Monitoring Officer	01597 826746	clive.pinney@powys.gov.uk

SECTION 21 – PROTOCOL ON MEMBER / OFFICER RELATIONS

Introduction

- 21.1 The purpose of this Protocol is to guide Members and employees of the Council in their relations with one another.
- 21.2 Mutual respect between Members and employees is essential to good local government. However, close personal familiarity between individual Members and employees can damage this relationship and prove embarrassing to other Members and employees.
- 21.3 The relationship has to function without compromising the ultimate responsibilities of employees to the Council as a whole, and with due regard to such technical, financial, professional and legal advice that employees can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and employees.

Roles of Members

- 21.4 Members undertake many different roles. Broadly these are:
 - 21.4.1 Members express political values and support the policies of the party or group to which they belong (if any).
 - 21.4.2 Members represent their electoral division and are advocates for the citizens who live in the area.
 - 21.4.3 Members are involved in active partnerships with other organisations as community leaders.
 - 21.4.4 Members contribute to the decisions taken in Full Council and in its various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations. When reaching decisions Members must reach decisions having regard to any relevant advice provided by the authority's officers - in particular by:
 - 21.4.4.1 the authority's chief finance officer acting in pursuance of that officer's duties under section 114 of the Local Government Finance Act 1988;
 - 21.4.4.2 the authority's Monitoring Officer acting in pursuance of that officer's duties under section 5 of the Local Government and Housing Act 1989;
 - 21.4.4.3 the authority's chief legal officer, who should be consulted when there is any doubt as to the authority's power to act, or as to whether the action proposed lies within the policy framework agreed by the authority; where the legal consequences of action or failure to act by the authority might have important repercussions.
 - 21.4.5 Members help develop and review policy and strategy including approval of the budget and policy framework.
 - 21.4.6 Members monitor and review policy implementation and service quality.
 - 21.4.7 Members are involved in quasi-judicial work through their Membership of regulatory committees.
 - 21.4.8 From time to time Members will receive professional advice from officers and Members may wish to test this advice by questioning and

SECTION 21 – PROTOCOL ON MEMBER / OFFICER RELATIONS

challenging something they do not agree with, but they should not, by their conduct or actions, make employees feel intimidated or threatened. They should ensure that any challenge of advice given is made to an employee of suitable seniority, generally the Chief Executive, Strategic Director / Director, or Head of Service. Employees should remember that councillors are democratically elected to secure their objectives and fully entitled to question advice given, and to receive a full and complete explanation. Employees should always seek to meet the Council's objectives when advising, provided that this can be done legally and within financial resources.

Roles of Employees

21.5 Briefly, employees have the following main roles:

- 21.5.1 Managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services.
- 21.5.2 Providing impartial advice to the Council and its various bodies and to individual Members in respect of the services provided.
- 21.5.3 Initiating policy proposals.
- 21.5.4 Implementing agreed policy.
- 21.5.5 Ensuring that the Council always acts in a lawful manner.

Respect and Courtesy

21.6 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and employees. This plays a very important part in the Council's reputation and how it is seen in public. It is very important that both Members and employees remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Members, or other employees, in public places.

Undue Pressure

- 21.7.1 It is important in any dealings between Members and employees that neither should seek to take unfair advantage of their position.
- 21.7.2 In their dealings with employees (especially junior employees) Members need to be aware that it is easy for such employees to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior official and/or political office.
- 21.7.3 A Member should not apply undue pressure on an employee either to do anything that s/he is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.
- 21.7.4 Similarly, an employee must neither seek to use undue influence on an individual Member to make a decision in his / her favour, nor raise personal matters to do with their job, nor make claims or allegations about other employees. *(The Council has formal procedures for*

SECTION 21 – PROTOCOL ON MEMBER / OFFICER RELATIONS

consultation, grievance and discipline, and employees have the right to report possible wrongdoing under the Council's Whistleblowing Policy.)

Familiarity

- 21.8.1 Such familiarity could also cause embarrassment to other Members and/or other employees and even give rise to suspicions of favouritism.
- 21.8.2 For these reasons close personal familiarity must be avoided.

Breach of Protocol

- 21.9 If an employee considers that a Member has contravened the protocol he should consult his / her line manager who will if necessary involve the Head of Service, Director or Strategic Director. In certain circumstances breach of the Protocol may also constitute a breach of the Members' Code of Conduct. If the breach is sufficiently serious this may warrant a formal reference to the Monitoring Officer who may suggest that the matter is either dealt with under the Council's Local Resolution Process (Section 25) or where appropriate that the officer should complain to the Public Services Ombudsman for Wales.

Provision of Advice and Information to Members

- 21.10.1 Members are free to approach employees of the Council to provide them with such information and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.
- 21.10.2 Employees should always endeavour to respond to requests for information promptly and should in any event inform the Member if there is likely to be any appreciable delay in dealing with an enquiry. As a minimum the timescale for responding to correspondence should be observed i.e. either a full response or, if this is not possible, an acknowledgement that fully explains what is happening within [five] working days of the receipt of the enquiry.
- 21.10.3 The legal rights of Members to inspect Council documents are covered partly by statute and partly by common law.
- 21.10.4 The Access to Information Procedure Rules (Section 14) of this Constitution explain the position with regard to access to papers relating to the business of a Council body.
- 21.10.5 The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know". In this respect a Member has no right to "a roving commission" to examine any documents of the Council. Mere curiosity is not sufficient.
- 21.10.6 The information sought by a Member should only be provided by the respective Service as long as it is within the limits of the Service's resources. For their part, Members should seek to act reasonably in the number and content of the requests they make.

SECTION 21 – PROTOCOL ON MEMBER / OFFICER RELATIONS

- 21.10.7 It is important for Services and their staff to keep Members informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the area that s/he represents. Local Members should be informed about proposals that affect their electoral division and should also be invited to attend Council initiated events within their electoral division.
- 21.10.8 If a Member asks for specific information relating to the work of a particular Service, and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate Cabinet Member or Committee Chair concerned should be advised about the information provided.
- 21.10.9 Officers have to advise Members from time to time that a certain course of action cannot be carried out. Members sometimes assume that this is a case of officers deliberately obstructing the wishes of politicians. In fact this is hardly ever the case. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Members might achieve some or all of their objectives in other ways. Such officers are invaluable to any Council.
- 21.10.10 Members may be entitled under the Freedom of Information Act 2000 to receive information which falls outside their common law rights based on the “need to know”. Employees are encouraged to supply documents to Members without the need for a formal FOI request if it is apparent from the Member’s enquiry that any individual would be entitled to receive such documentation. The Council’s Information Governance Manager will be able to advise in consultation if necessary with the Monitoring Officer on whether any request would fall within the Freedom of Information Act.

Confidentiality

- 21.11.1 In accordance with the Code of Conduct for Members, a Member must not disclose information given to him/her in confidence by anyone, or information acquired which s/he believes, or ought reasonably to be aware, is of a confidential nature, except where:
- 21.11.1.1 s/he has the consent of a person authorised to give it;
- 21.11.1.2 s/he is required by law to do so;
- 21.11.1.3 the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- 21.11.1.4 the disclosure is:
- (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority.

SECTION 21 – PROTOCOL ON MEMBER / OFFICER RELATIONS

- 21.11.2 Confidential committee papers are to be treated as confidential information unless the relevant committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the committee. Other information may be confidential because to disclose it would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained.
- 21.11.3 Information and correspondence about an individual's private or business affairs will normally be confidential.
- 21.11.4 Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant officer, but treat the information as confidential in the meantime.
- 21.11.5 Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.
- 21.11.6 If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that officer.

Provision of Support Services to Members

- 21.12 The only basis on which the Council can lawfully provide support services (e.g. stationery, word processing, printing, photocopying, transport, etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

Correspondence

- 21.13 Officers should always try to respond to Members within the Council's target timescales for response to members of the public, and if they cannot, should keep the Member informed as to progress. If correspondence is referred by an officer to a Member for response, the Member should also use best endeavours to reply within Council target response times.

Media

- 21.14 Communication with the media can be an important part of a Member's workload. In general, Members provide comment and views while employees provide factual information. If a Member is unsure about the circumstances of a particular issue s/he should contact the appropriate Strategic Director, Director or Head of Service concerned or ask the Communications Team to do so.

SECTION 21 – PROTOCOL ON MEMBER / OFFICER RELATIONS

The Council's Role as Employer

21.15 In their dealings with officers, Members should recognise and have regard to the Council's role as employer. Members should be aware that officers could rely on inappropriate behaviour of a Member in an employment case against the Council.

Political Activity

21.16.1 There are a number of constraints that apply to an employee who occupies a post that is designated as "politically restricted" under the terms of the Local Government and Housing Act 1989.

21.16.2 In summary, such employees are prevented from:

21.16.2.1 being a Member of Parliament, European Parliament, National Assembly for Wales or local authority;

21.16.2.2 acting as an election agent or sub-agent for a candidate for election as a Member of any the bodies referred to in 21.16.2.1;

21.16.2.3 being an officer of a political party or any branch of a political party or a Member of any committee or sub-committee of such a party or branch, if his / her duties would be likely to require him / her to:

(i) participate in the general management of the party or branch;
or

(ii) act on behalf of the party or branch in dealings with persons other than Members of the party;

21.16.2.4 canvassing on behalf of a political party or a candidate for election to any the bodies referred to in 21.16.2.1;

21.16.2.5 speaking to the public with the apparent intent of affecting public support for a political party; and

21.16.2.6 publishing any written or artistic work of which he is the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection - if the work appears to be intended to affect public support for a political party.

Presentations / Attendance of Officers at Political Group Meetings.

21.17 The political neutrality and impartiality of all officers should be respected by Members.

21.18 Officers cannot be compelled to attend political group meetings.

21.19 The overriding principle is that any presentation that will be of benefit to members will be available to all political groups equally.

21.20 Consideration should first be given as to whether there is a more appropriate forum for the presentation e.g. County Council seminar, scrutiny committee.

21.21 The role of staff is to give information to members and assist them in making a decision. The presentations will focus on conveying information and facts rather than on giving an opinion. For the avoidance of doubt information which is essentially service based will be relayed to

SECTION 21 – PROTOCOL ON MEMBER / OFFICER RELATIONS

Members via Area (Shire) meetings or whole Council Seminars; only major issues such as those concerning the policy framework, budget or strategic matters will normally be the subject of officer briefings to the Groups.

- 21.22 Officers will not be involved in advising on matters of political group business. The observance of this distinction will be assisted if officers are not expected to be present at meetings, or parts of meetings, when matters of political group business are to be discussed.
- 21.23 Political group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such.
- 21.24 Similarly, where officers provide information to a political group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Council, Executive, Committee or Sub-Committee when the matter in question is considered.
- 21.25 Special care needs to be exercised whenever officers are involved in providing information to a political group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Members' Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers may not be able to provide the same level of information as they would to a Members' only meeting.
- 21.26 Officers must respect the confidentiality of any political group discussion at which they are present in the sense that they should not relay the content of any such discussion to another political group.
- 21.27 Any particular cases of difficulty or uncertainty in this area of officer information to political groups should be referred to the Monitoring Officer who will discuss them with the relevant political group leader(s).

Support Services to Political Groups.

- 21.28 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc) to Members is to assist them in discharging their role as members of the Council. Such support services must therefore only be used on Council business. Support services should never be used in connection with party political or campaigning activity or for private purposes.
- 21.29 Assistance will however be given to all political groups in connection with the booking of rooms in Council buildings for political group meetings (which may be arranged using the Council email system), and the provision of photocopies of documents which officers have requested the political groups to consider.

SECTION 21 – PROTOCOL ON MEMBER / OFFICER RELATIONS

Presentations / Advice to Non-Affiliated Members of the Council.

21.30 It is likely that there will be Members of the Council who choose not to be affiliated with any political group which is formed. In such cases officers will provide advice to those Members in the same manner as they would to the political groups.

Sanctions

21.31.1 Complaints about any breach of this Protocol by a Member may be referred to the Monitoring Officer. It should be noted that certain breaches may also amount to breaches of the Code of Conduct for Members.

21.31.2 Complaints about any breach of this protocol by an officer may be referred to the relevant Chief Officer, the Chief Executive or the Head of Legal Services and Monitoring Officer .

Conclusion

21.32 It is hoped that, by following good practice and securing sensible and practical working relationships between Members and employees, we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and employees.

SECTION 25 – LOCAL RESOLUTION PROTOCOL

Background.

25.1 The Public Service Ombudsman has made representations that Councils institute Local Resolution (LR) Processes to reduce the numbers of complaints sent to the Ombudsman. If there is no progress with setting up these processes there is a risk that Welsh Government will bring forward legislation to make this compulsory.

25.2 Set out below is the Powys County Council's Local Resolution Process.

The Local Resolution Process.

Issues which will be considered under this process

25.3 Low level complaints about Members e.g.

25.3.1 Minor complaints from Members about Members

25.3.2 Minor complaints from Officers about Members

22.3.3 Members alleged to have not shown respect and consideration for others – either verbally or in writing.

Issues which will not be considered under this process

25.4.1 Complaints which must be directed to the Public Services Ombudsman for Wales:

25.4.1.1 Complaints from the Public.

25.4.1.2 Serious complaints – breaches of the Code of Conduct / Failure to Disclose Interests / bullying.

25.4.2 Vexatious, malicious or frivolous complaints

25.4.3 Members' complaints about officers which should be dealt with using the Council's internal complaints process.

25.4.4 Repetitive low level complaints.

The Process

The complaint

25.5 The complaint would need to be sent to the Monitoring Officer of Powys County Council to undertake a first sift to ensure that the complaint is at a low level and should not be dealt with by way of a complaint to the Ombudsman.

Resolution Process.

25.6.1 The involvement of Group Leaders/ Chair of Council in the following process is not to adjudicate on the complaint, but to attempt to get the members / officers involved to come to an agreement as to how the issue(s) could be resolved on an amicable basis.

25.6.2 The Monitoring Officer or Deputy Monitoring Officer will act as a facilitator for the resolution process below.

25.6.2.1 If the complaint is between Members of the same political group – the Monitoring Officer and the relevant Group Leader will meet with the

SECTION 25 – LOCAL RESOLUTION PROTOCOL

complainant and Member subject of the complaint to seek an agreed resolution.

- 25.6.2.2 If the complaint is between Members of different political groups - the Monitoring Officer and the relevant Group Leaders will meet with the complainant and Member subject of the complaint to seek an agreed resolution.
 - 25.6.2.3 If the complaint is between a Member of a political group and a non-aligned Member (i.e. not belonging to any political groups) - the Monitoring Officer and the relevant Group Leader together with the Chair of the Council (who will act as the “Group Leader” for any non-aligned Member) will meet with the complainant and Member subject of the complaint to seek an agreed resolution.
 - 25.6.2.4 If the complaint is between non-aligned Members (i.e. not belonging to any political groups) - the Monitoring Officer and the Chair of the Council (who will act as the “Group Leader” for any non-aligned Member) will meet with the complainant and Member subject of the complaint to seek an agreed resolution.
 - 25.6.2.5 If the complaint has been made by an officer against a Member the Monitoring Officer and the Group Leader / Chair of Council (for any non-aligned Member) will meet with the officer and the Member subject of the complaint to seek an agreed resolution
 - 25.6.2.6 Where a Group Leader is involved in such a dispute, the Monitoring Officer and the relevant Deputy Group Leaders will meet with the complainant and Member subject of the complaint to seek an agreed resolution.
- 25.6.3 The Monitoring Officer or Deputy Monitoring Officer will not take a note of the meeting on the basis that the meeting is informal and what is said in the meeting cannot be used in any subsequent complaint to the Ombudsman. However, the Monitoring Officer or Deputy Monitoring Officer will note the outcome of the meeting and send a copy of the note to all participants on a private and confidential basis.

Possible results of the process

- 25.7.1 If an agreement is reached by Members and/or officers during this Stage then no further action is required.
- 25.7.2 If agreement cannot be reached the aggrieved Member / officer would always have the opportunity of referring the matter to the Ombudsman.

Time for the process.

- 25.8 It is the intention that all of the processes can be completed as quickly as possible to resolve the issue. However exact timing will depend on the availability of individuals to attend the meetings.

Standards Committee Work programme

Standing items on agendas:

- Monitoring Officer report – Code of conduct training, Attendance, Referral of Councillors to Public Services Ombudsman, Dispensation requests.
- Other items – Ombudsman Wales – Our Findings reports and Committee's Work Programme and National Standards Forum.

25 October 2023

Topic	Objective	Who is responsible	Outcome
Oversee the Council's rules and protocols on accountability of members	Review Section 21 [Protocol on Member / Officer Relations] and Section 25 [Local Resolution Process] of Constitution	Committee	Two yearly review [next review October 2025]
Code of Conduct, standards and ethical issues at Council meetings	On a rota basis, Independent Members to observe Council meetings and report back to Committee	Committee and Monitoring Officer	Ongoing support to members to observe the Code etc
Guidance / briefing notes for Group Leaders on emerging topics	To highlight issues around any emerging topics to support Group Leaders in their role	Committee and Monitoring Officer	As required

7 February 2024

Topic	Objective	Who is responsible	Outcome
Whistleblowing Policy	To review an anonymised report on the number of whistleblowing cases and outcomes over the previous 12 months	Committee Moved from October 2023 meeting	Complete an annual review
Monitor and review the acceptance of gifts and hospitality by Members	To review the register	Committee Moved from October 2023 meeting, as Monitoring Officers across Wales considering	Complete an annual review

		a consistent approach to the monetary levels for gifts and hospitality	
Code of Conduct, standards and ethical issues at Council meetings	On a rota basis, Independent Members to observe Council meetings and report back to Committee	Committee and Monitoring Officer	Ongoing support to members to observe the Code etc
Guidance / briefing notes for Group Leaders on emerging topics	To highlight issues around any emerging topics to support Group Leaders in their role	Committee and Monitoring Officer	As required

10 April 2024

Topic	Objective	Who is responsible	Outcome
Annual meeting with Group Leaders regarding duties	To monitor compliance by Group Leaders and assist them in their duties	Committee and Monitoring Officer	

12 June 2024

Topic	Objective	Who is responsible	Outcome
Annual report	Approval of Annual report for submission to Council	Committee	Presentation of Annual report at the Council meeting on 11 July 2024
Monitor members' attendance at relevant meetings	To review members attendance at relevant meetings and consider any whose attendance is below 60%	Committee	Complete an annual review
Oversee the Register of Interest of Members, Co-opted members and Church and Parent Governor	To review the Register of Interest	Committee	Complete an annual review

Topic	Objective	Who is responsible	Outcome
Representatives and Officers			
General Dispensations	To review the use of General dispensations over the previous 12 months	Committee	Complete an annual review.
Code of Conduct, standards and ethical issues at Council meetings	On a rota basis, Independent Members to observe Council meetings and report back to Committee	Committee and Monitoring Officer	Ongoing support to members to observe the Code etc
Guidance / briefing notes for Group Leaders on emerging topics	To highlight issues around any emerging topics to support Group Leaders in their role	Committee and Monitoring Officer	As required

30 October 2024

Topic	Objective	Who is responsible	Outcome
Code of Conduct, standards and ethical issues at Council meetings	On a rota basis, Independent Members to observe Council meetings and report back to Committee	Committee and Monitoring Officer	Ongoing support to members to observe the Code etc
Guidance / briefing notes for Group Leaders on emerging topics	To highlight issues around any emerging topics to support Group Leaders in their role	Committee and Monitoring Officer	As required

October 2025

Topic	Objective	Who is responsible	Outcome
Oversee the Council's rules and protocols on accountability of members	Review Section 21 [Protocol on Member / Officer Relations] and Section 25 [Local	Committee	Two yearly review [previous review October 2023]

	Resolution Process] of Constitution		
--	-------------------------------------	--	--

Standards Community Sub-Committee Work programme

Standing items on agendas:

- Monitoring Officer report – Referral of Councillors to Public Services Ombudsman, Dispensation requests.
- Other items – Ombudsman Wales – Our Findings reports and Committee’s Work Programme

25 October 2023

Topic	Objective	Who is responsible	Outcome

7 February 2024

Topic	Objective	Who is responsible	Outcome

12 June 2024

Topic	Objective	Who is responsible	Outcome

30 October 2024

Topic	Objective	Who is responsible	Outcome