

Agenda



Pwyllgor Safonau

Dyddiad: Dydd Iau, 18 Ionawr 2024

Amser: 5.30 pm

Lleoliad: Siambr y Cyngor - Canolfan Ddinesig

At: Cyngorwyr: P Cockeram, F Hussain and W Routley. A Mitchell (Cadeirydd), K Watkins (Dirprwy Gadeirydd), P Worthington, J Davies, G Nurton and R Morgan.

Eitem

Wardiau Dan Sylw

- 1 Ymddiheuriadau dros Absenoldeb
- 2 Datganiadau o ddiddordeb
- 3 Cofnodion y Cyfarfod Diwethaf (Tudalennau 3 - 12)
- 4 Materion yn codi
- 5 Cyhoeddiadau'r Cadeirydd
Derbyn unrhyw gyhoeddiadau y mae'r Cadeirydd yn dymuno eu gwneud.
- 6 Cwynion
Bydd y Swyddog Monitro yn adrodd ar unrhyw gwynion a dderbyniwyd ers y cyfarfod diwethaf.
- 7 Adroddiad Blynyddol yr Ombwdsmon 2022/23 (Tudalennau 13 - 22)
- 8 Adroddiad Rhoddion a Lletygarwch. (Tudalennau 23 - 36)
- 9 Canllawiau Statudol ac Anstatudol Llywodraeth Cymru ar gyfer Prif Gyngorau yng Nghymru - rôl y Pwyllgor Safonau. (Tudalennau 37 - 42)
- 10 Dolen i'r Recordiad Cyfarfod
[Standards Committee - Thursday 18 January 2024, 5:30pm - Newport City Council Webcasts \(public-i.tv\)](#)

Mae'r dudalen hon yn wag yn



Draft Minutes

Standards Committee

Date: 19th October 2023

Time: 5:30pm

Venue: Microsoft Teams Meeting

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

Elizabeth Bryant (Head of Law and Standards), Leanne Rowlands (Democratic and Electoral Services Manager), Katherine Majer (Deputy Democratic and Electoral Services Manager), Emily Mayger (Governance Officer), Simon Richards (Governance Officer)

1 Apologies for Absence

Cllr Allan Morris, Richard Morgan

2 Declarations of Interest

none

3 Minutes of the Previous Meeting: (Pages 3 - 8)

Accepted.

Resolved:

The Minutes of the Previous Meeting on the 13th July were agreed as a true and accurate record.

4 Chair's Announcements

To receive any announcements the Chair wishes to make.

No Announcements.

5 Group Leaders Discussion

The Leader of the Council – Councillor Jane Mudd

The Leader of the Opposition – Councillor Matthew Evans

The Leader of the Newport Independents Party – Councillor Kevin Whitehead

The Chair gave a brief description on why the Standards Committee had requested the Groups Leaders' attendance. The Chair noted that the Committee had previously expressed concern regarding the number of Councillors who had completed Code of Conduct training and wished to ensure that the Group Leaders encouraged accountability in ensuring that the training had been completed by their groups.

The Chair asked the Group Leaders to provide their verbal updates.

The Leader informed the committee that the group had 100% compliance with the Code of Conduct training and added that she wished to highlight the engagement of members with other available training. The Leader noted that it was important to highlight that Members were not always able to take up additional training opportunities due to other commitments and she had been pleased with the progress that had been made.

The Leader wished to raise an issue around the duty of group leaders but noted that this could be discussed following the other Group Leader's presentations. The Leader informed the Committee that there would be training on Member safety in the next quarter and highlighted the importance of this session.

The Chair thanked the Leader for her presentation and commented that it was positive to note the 100% Attendance for Code of Conduct training.

The Chair asked the Leader of the Opposition, Councillor Matthew Evans to provide an update.

Cllr Evans informed the Committee that all Members had completed the Code of Conduct training and added that the figures for attending additional training had been requested. Cllr Evans noted that it had been previously discussed that there was often an overlap with training where Members may be required to repeat the same training for external positions they hold and queried whether this could be discussed. Cllr Evans noted that there had been no complaints about Councillor Conduct since the last update.

The Chair thanked Cllr Evans and invited the Leader of the Newport Independents Party, Cllr Whitehead to speak.

Cllr Whitehead thanked the Chair and stated his agreement with the Leader regarding personal safety training. Cllr Whitehead noted the importance of the relevancy of training for individuals and added that he trusted Members to be aware of what was relevant to themselves and their roles. Cllr Whitehead stated that he was open to all training opportunities.

The Chair highlighted that the Standards Committee's role was to minimise the likelihood of complaints about Members being made by encouraging Members to complete relevant training.

Cllr Whitehead noted the importance of attending training and putting the training into action, as there was a risk of reports being made to the Ombudsman for issues that may be considered trivial, and this was something that Members should be prepared for.

The Democratic and Electoral Services Manager read out the supplied statement from the Leader of the Lliswerry Independent Party, Councillor Morris which read:

“I am pleased to report that the Lliswerry Independent Group Continues to uphold the highest possible standards in representing our constituents. We communicate via regular monthly Ward Surgeries, social media, and a regular column in the South Wales Argus. We are amongst the few Councillors who publish our mobile phone numbers making us available 24/7 to our Constituents.

All of us are active school governors with good attendance records.

We have regular meetings and communications between ourselves and work closely as a team. My colleagues are on a very steep learning curve, I am delighted at their progress and the feedback they have from the public.

As far as I am aware, all statutory training is up to date. No problems or complaints have been reported to me.”

The Chair thanked the Group Leaders for their input and opened the floor for any questions.

A Committee Member noted that he chaired the training sessions and informed the Committee that they are mostly very well supported with attendance between 18 to 30 Members.

The Chair noted that there had been a steep uptake in the training since he had first joined and praised the Group Leaders for their support in the huge steps forward that have been taken.

A Committee Member noted the Councillors had busy lives and gave his appreciation that they had kept on top of the training.

The Chair invited the Leader to share her comments.

The Leader firstly wished to speak on the Member Safety Training and stated its alignment with the Code of Conduct due to its focus on behaviour. The Leader stated that Members are required to be conscious that on occasion they are exposed to risk and informed the Committee that she was very pleased with the developed programme which would shortly be rolled out. The Leader stated that due to the importance of the training she would not only be encouraging her group to partake the training but also that it will be available to the Community Councillors. The Leader wished to highlight the Councils serious stance on matters of safety.

The Chair queried whether a large uptake was expected.

The Leader stated that a large uptake was expected and added that it would be particularly helpful for those who are the only Member in their ward, and those who have a greater public profile.

Cllr Evans noted that he had completed the Elected Member safety training some time ago and informed the Committee that within their group they used a buddy system. Cllr Evans stated that one Member had encountered issues on social media and commented that the amount of abuse Councillors can receive is concerning. Cllr Evans stated that a former Councillor had stepped down due to abuse from the public.

A Committee Member expressed thanks to the organisers for including the Community Councillors in the Safety Training.

A member of the Committee stated that he welcomed the training from his perspective as a Committee Member as well as a Member of Newport City Council. Cllr Routley informed the Committee that in 2019 he had had two experienced two incidents and at that point in time

felt that there was not support from the authority. The Committee Member added that he welcomed the training that would help to address to a long-standing issue.

Cllr Whitehead agreed and added that he too welcomed the training and noted that he had seen comments online and had avoided posting anything on social media himself. Cllr Whitehead gave an example of a time where he may have made himself vulnerable and noted that it was important to be aware and mindful of placing oneself in situations where you may be open to risk.

The Chair noted that it was positive to hear that the training will also be available to Community Councillors.

A Committee Member noted the importance that the awareness training was available to all Members and suggested that the Ethics Training could be linked in at the same time and thanked the Group Leaders for their I reports.

The Chair proposed the possibility of the Group Leaders providing a written report for every other Standards Committee meeting with their attendance only being required in person once in a 12-month period.

The Monitoring Officer explained to the committee that the frequency of the Group Leader's attendance had been decided at the start of the year but added that this could be looked at again at the start of the following year.

The Chair informed the Committee that he had attended a Liaison Meeting with Community Councils and highlighted the benefits of raising the profile of the Standards Committee with them. The Chair noted that he wished to continue to build on raising the profile of the Standards Committee within their remit.

The Leader noted an anomaly within the legislation which noted that although the Group Leaders should be accountable for their group Members they would not be informed if a complaint was made to the Ombudsmen regarding one of their group Members. The Leader highlighted that this could put Group Leaders into a situation where they are held accountable for something that they are unaware of. The Leader stated that although this was not the intention of the Legislation, she wished to bring it to the attention of the Standards Committee. The Leader stated that she felt in principle the Legislation was largely positive but that there may be issues with the practical application.

The Head of Law and Standards informed the Committee that she would be reporting on the Statutory Guidance later in the Meeting in which the Group Leaders role would be covered and added that it did clarify within the guidance that the Leaders should not be held personally responsible for the behaviour of individuals. The Head of Law and Standards noted that the main responsibility of the Group Leaders is to encourage good conduct and added that they would be made aware if a report from the Ombudsman relating to one of their Members was brought to the Standards Committee.

The Leader noted that there could have been scope for earlier intervention if they had been aware of issues as soon as possible.

Both Cllr Evans and Cllr Whitehead stated their agreement with the Leader and Cllr Evans noted that he would hope that his group Member's would approach him themselves but added he may not be aware of any allegations made.

The Chair stated that the Head of Law and Standards would pick this up.

Resolved:

The Committee noted that the Group Leaders should attend Standards Committee again after a 6-month period to provide an update.

A decision on the frequency of Group Leader reports and attendance to Committee would be agreed in the new financial year.

6 Complaints (Pages 9 - 18)

The Monitoring Officer will report on any complaints received since the last meeting.

The Head of Law and Standards noted that there had not been any upheld complaints, and there had been some complaints that were not taken forward for investigation by the Ombudsman, including un-disclosed interests from Community Councillors. The Head of Law and Standards informed the Committee that Community Councillors did not have the requirement to disclose interests within 28 days of taking up office. The Head of Law and Standards explained that in one instance there had been a potential breach however, advice had been offered to the Member in order to remediate this.

The Head of Law and Standards stated that there had been one complaint alleging a failure to speak objectively in a meeting, and a lack of response to emails. There had not been any evidence of a breach in this case.

The Head of Law and Standards stated that there had been a report of violent and discriminatory speech and bullying but noted that there was no evidence to substantiate the claims, so again there was no breach.

A Committee Member noted that there had been some discussion surrounding the Declaration of Interests for Community Councillors and stated that although they are required to declare their interests, they are not required to declare them immediately when joining. They noted that in many cases new Community Councillors would be provided a form to complete when in attendance, but this had fallen off due to online meetings.

The Head of Law and Standards stated that there was an ongoing duty to declare interests and informed the Committee that the Community Council Clerks should be monitoring this. The Head of Law and Standards noted that there was an argument to make Code of Conduct training available to Community Councillors and this would be explored.

A Committee Member highlighted that if Community Council Members are unsure about anything including the declarations of interest, then it is always worth asking.

The Head of Law and Standards stated that the Clerks should be able to provide advice on this matter as part of their remit.

Resolved:

The Standards Committee noted the Complaints report.

7 Welsh Government Statutory and Non-Statutory Guidance for Principal Councils (for comments) (Pages 19 - 24)

The Head of Law and Standards introduced the Welsh Government Statutory and Non-Statutory Guidance for Principal Councils and highlighted the relevant sections for Standards Committee. The Head of Law and Standards reminded Committee of the draft report shared with them in March 2022 when the consultation had begun and confirmed that this was the final version of the report. The Head of Law and Standards stated that there were four

relevant areas under the Section 4 Statutory Guidance which included guidance on the function of the Group Leaders in relation to conduct and monitoring of them, the function of Standards Committees and the Standards Committee Annual Report.

The Head of Law and Standards highlighted to the Committee the guidance in support of the Group Leaders and noted that it clarified the role; stating that although conduct is a matter for each individual Member the Group Leaders should take reasonable steps to maintain high standards of conduct by promoting high standards and tackling non-compliance. The Head of Law and Standards noted that the report outlined some examples of steps that could be taken such as training, development opportunities and modelling behaviour. The Head of Law and Standards stated that the Group Leaders have a duty to cooperate and maintain good working relationships with the Standards Committee and the Monitoring Officer to ensure Member co-operation. The Head of Law and Standards added that the Group Leaders have the duty to report any concerns regarding Member behaviour.

The Head of Law and Standards informed the Committee that it was stipulated in the report that at the beginning of each municipal year the Group Leaders will meet with the Standards Committee to consider how they will work together, the frequency of attendance of the Group Leaders at meetings and to set a threshold of compliance of the Group Leaders in relation to the Code of Conduct. The Head of Law and Standards highlighted that the Group Leader must stand by any disciplinary actions agreed by the Standards Committee.

The Head of Law and Standards stated that Section 5 mirrored the previous points from the perspective of the Standards Committee functions. The Head of Law and Standards added that the Committee also would have a role in the approach to Gifts and Hospitality and informed the Committee that Newport City Council's current approach was in line with the All-Wales approach.

The Head of Law and Standards informed the Committee that Section 6 of the report contained information relating to advice and training for Group Leaders to ensure that they are compliant with their duties and noted that there was not any training offered to them at present. The Head of Law and Standards stated that this would be discussed with the Democratic and Electoral Services Manager and brought to the next Standards Committee meeting.

The Head of Law and Standards stated that the Standards Committee had a duty to provide an annual report and added that the new version would be due as soon as possible following the end of the financial year. The Head of Law and Standards explained to the Committee that the guidance covered what should be included in the report and added that it would be required to be reported to full Council within a period of 3 months following consideration by the Standards Committee.

The Head of Law and Standards highlighted that it included the need of Members to declare interest in owned property but noted that they were not required to provide a full address just the ward it is situated within.

A Committee Member queried what constituted a Group Leader and the Head of Law and Standards informed the Committee that the group had to be 2 or more Members but noted that she would confirm this.

The Chair requested that the sections of the Welsh Government Statutory and Non-Statutory Guidance for Principal Councils highlighted by the Head of Law and Standards be added to Agenda for the next meeting so that they could be discussed in further detail.

A Committee Member requested further information on the current level of Gifts and Hospitality and the Head of Law and Standards stated that this could also be included on the agenda for the next meeting.

A Committee Member queried whether the updated information regarding property declaration applied to Community Councillors.

The Head of Law and Standards stated that as far as she was concerned it was for principal councils only but added that this could be clarified. The Head of Law and Standards stated that Community Councillors were not required to have a register of interests but that they should declare them when they arise at meetings.

Resolved:

The Committee noted the Welsh Government Statutory and Non-Statutory Guidance for Principal Councils, and it was decided that the relevant sections should be looked at in more detail in the next meeting as well as a discussion surrounding gifts and hospitality.

8 Standards Committee Annual Report 2022/23 (for comments) (Pages 25 - 40)

The Chair noted that this report would be shorter as previously noted by the Head of Law and Standards.

The Democratic and Electoral Services Manager noted the requirement to produce a report at the end of the financial year. The Democratic and Electoral Services Manager informed the Committee that the report would consist of a summary of Actions and Recommendations of the Committee as well as an assessment of the Group Leaders and their compliance with their duties. A copy of the report would be provided to the Ombudsman and Community Councils.

The Democratic and Electoral Services Manager highlighted that this had last been covered in November 2022 and that the report would be shorter to allow for alignment with the new time frames.

The Chair thanked the Democratic and Electoral Services Manager and noted that it was positive that the Committee were able to engage with the report and the Group Leaders prior to the changes.

A member of the Committee praised the report and stated that it was a good and helpful summary and context. They did however request that a table of contents be included and highlighted that there were some typos and formatting that would need to be corrected.

The Democratic and Electoral Services Manager informed the Committee that the Annual Report would go to full Council on the 28th November.

The Chair noted that Cllr Hourahine had presented the previous year's report at full Council and queried whether the Committee were content with a Member of the Committee presenting the report.

The Head of Law and Standards noted that the Chair would be welcome to present the report.

The Chair noted that it may be valuable for him to attend Council to present the report to continue raising the profile of the Standards Committee and to support a continued Liaison. This was supported by Committee Members as the Standards Committee sits independently from Newport City Council as a body, and the Councillors may wish to ask follow-up

questions. The Committee Members felt that this would show that the Standards Committee is functioning, meaningful and relevant.

The Head of Law and Standards noted that a formal invitation from the Leader would be required to speak at full Council.

The Chair stated that his attendance would be good to build relationships and to highlight the commitments from their side.

Resolved:

The Committee noted the report, and it was decided that the Chair of Standards would present the report at full Council on the 28th November 2023.

9 Adjudication Panel for Wales: verbal update on recent cases in Wales

<https://adjudicationpanel.gov.wales/decisions/1/2023-04--2024-04>

The Head of Law and Standards noted the report from the Ombudsman summarising the cases in Wales over the last year. The Head of Law and Standards highlighted a case of interest where there had been an interim measure put in place by both the Ombudsman and the Tribunal Courts.

The Head of Law and Standards noted that the case related to a Ceredigion Councillor who allegedly made approaches to various individuals, and harassments akin to stalking. The Head of Law and Standards noted that in order to make an interim decision the case tribunal are required to consider whether there is prima facie evidence to show that there had been a failure to comply with the Code of Conduct, whether the breach would be likely to lead to a suspension as well as whether a suspension was in the interest of the public. The Head of Law and Standards stated that the panel considered all the evidence and decided that the above conditions were met and that a decision was made to suspend the former Councillor for a period of 6 months to allow the Ombudsman to complete the case.

The Committee discussed the case and explored the relevance of the Code of Conduct in relation to police investigations such as this. as whilst stalking would not relate to the Code of Conduct if a person were then convicted it would become a Code of Conduct issue. The Head of Law and Standards gave the example that when there had been an issue with a Newport City Councillor, they had been unable to put anything into action regarding Code of Conduct until the Police had completed their investigation. The Head of Law and Standards highlighted to the Committee that in this case the Councillor had misused his position as Councillor and so it would have immediately become a Code of Conduct issue.

The Head of Law and Standards stated that there were other examples in the report provided such as an example where a Member had bombarded officers with emails, had made derogatory remarks and had disclosed information and as a result had been disqualified. The Head of Law and Standards noted that there had been another case where a Member had given misleading information to Audit Wales to promote a better image of himself.

Resolved

The Committee noted the verbal update on the Adjudication for Wales.

10 Forward Work Programme

The Chair noted that the Head of Law and Standards was to provide a short update on the All-Wales Standards Committee and Monitoring Officer group.

The Head of Law and Standards stated that it had been discussed that the minutes from the National Standards Committee Forum were to be put into an appropriate format where it could be shared to the Local Authorities without disclosing information and stated that this would be brought to the next Committee meeting.

The Chair stated the additional work needed to comply with the All-Wales standard was of great importance and that effort should be put into fully understanding that and its implications.

The Democratic and Electoral Services Manager noted that the Ombudsman Annual Letter, the Annual Report, the Community Council Review and Gifts and Hospitality were on the forward work programme.

Resolved

The following items were decided to be added to the forward work programme; verbal update on the All-Wales Standards Committee, discussion on the work required to comply with the National Statutory Guidance for Principal Councils, the ombudsman annual letter, the Standards Annual Report, Community Council Review and Gifts and Hospitality.

Mae'r dudalen hon yn wag yn

Report



Standards Committee

Part 1

Date: 18th January 2024

Subject Ombudsman's Annual Report 2022/2023

Purpose To report the Ombudsman's Annual letter and Annual Report and the numbers of complaints of maladministration and misconduct dealt with during 2022/23

Author Head of Law and Standards

Ward General

Summary Following the publication of his Annual Report for 2022/23, the Ombudsman has issued the Council with his Annual letter, which sets out information relating to the numbers of complaints of maladministration and misconduct which were referred to his office during this period relating to Newport City Council and its Councillors

Proposal To note the Report and the Ombudsman's Annual letter and Annual report for 2022/23

Action by Head of Law and Standards

Timetable Immediate

Background

1. The role of the Public Services Ombudsman for Wales is to investigate complaints about public services and independent care providers in Wales. The Ombudsman also considers complaints that members of local government bodies have breached their authority's code of conduct. The Ombudsman aims to put things right when they have been treated unfairly or received poor service, and to promote improvement in public service delivery and standards in public life.
2. The Ombudsman's office publishes an Annual Report every year, which provides an overview of its activities, achievements and challenges during the previous financial year. The report also includes statistical information on the number and type of complaints received, the outcomes of investigations and the actions taken by public bodies and councillors in response to the Ombudsman's recommendations.
3. Following the publication of their Annual Report for 2022/23, the Ombudsman has issued the Council with their Annual letter, which sets out information relating to the numbers of complaints of maladministration and misconduct which were referred to their office during this period relating to Newport City Council and its Councillors.
4. The report covers the period from 1 April 2022 to 31 March 2023, which was the first term of office by the newly appointed Ombudsman, Michelle Morris. The new Public Services Ombudsman for Wales developed a new Strategic Plan setting out how her office would work to continue to deliver a fair and independent complaints service, for those dissatisfied with public services, and use the learning from complaints to make improvements. The Ombudsman's strategy has four key aims:
 - Delivering justice with a positive impact for people and public services
 - Increasing accessibility and inclusion
 - Increasing the impact of our proactive improvement work
 - Ensuring that we are a healthy, efficient and accountable organisation.
5. The Ombudsman reported an increase of 3% overall in reports made to them compared to the previous year, and they now receive double the number of cases they received a decade ago. 1,020 complaints regarding local authorities were referred to the Ombudsman in 2022/23 - a reduction of 11% compared to the previous year. During this period, the Ombudsman intervened in (upheld, settled or resolved at an early stage) 12% of local authority complaints and 19% of all complaints received about public services. The Ombudsman reflected on the challenges that the current climate posed and that will continue to challenge for public services, and remarked on the positive and productive way in which local authorities continued to engage with her office.
6. One of the features of the Annual Report is the annual letter that the Ombudsman sends to each local authority in Wales, summarising the complaints and inquiries received about their services and performance. The letter also provides feedback on how the local authority has responded to the Ombudsman's recommendations and suggestions for improvement.
7. The annual letter for Newport City Council for 2022/23 is included in background papers. The letter acknowledges the challenges and pressures faced by the council and the impact on service delivery and complaint handling. The letter also commends

the council for its positive engagement with the Ombudsman's office and its willingness to learn from complaints and implement changes where appropriate.

8. During the financial year from April 2022 to March 2023, the Ombudsman received 1,020 new complaints of maladministration on the part of local authorities in Wales. 48 of these complaints were concerning Newport City Council compared to the total of 39 in the previous year, an increase of 23%. For context, this represents 0.26 per 1,000 residents, which remains the same as figure for the previous year. The average for Wales overall was 0.33 complaints per 1,000 residents. The letter notes that the main areas of complaint for Newport were housing and complaints handling, which accounted for 57% of all complaints received.
9. 4% of all of the complaints received by Newport City Council during the year were referred to the Ombudsman by the complainant. There was an increase in the level of interventions (upheld, settled or resolved at an early stage) with the Ombudsman's office intervening in 17% of complaints against Newport City Council local authorities compared with 11% in the previous year. The Wales average for interventions in 2022/23 was 12%. There were no public interest reports issued in 2022/23 relating to findings of serious maladministration.

Key Statistics

10. A summary of the key statistics lifted from the Ombudsman's Annual Report 2022/23



Governance

11. In May 2021, the Governance and Audit Committee agreed new terms of reference to align with the Local Government and Elections (Wales) Act 2021. One of the new requirements of the Committee is to: Make reports and recommendations in relation to the authority's ability to handle complaints effectively.
12. In September 2023 the Committee was presented with an overview of how the Council manages Compliments, Comments and Complaints and the annual report on the Council's performance in 2022/23.
13. All annual statistics and corporate actions for improvement are passed onto the Chief Internal Auditor and are then fed into the Annual Governance Statement and Annual

Corporate Self-Assessment Report. The policies and procedures in place for Compliments, Comments and Complaints comply with the legislative requirements of the Welsh Language (Wales) Measure 2011 and associated standards, specifically ensuring that the Council promote the 'Active Offer'. Social Services statutory requirements remain in operation alongside the Corporate Policy to ensure they are aligning with; Social Services Complaints Procedure (Wales) Regulations 2014 and the Representations Procedure (Wales) Regulations 2014, ("the Regulations").

Code of Conduct

14. Code of Conduct complaints regarding City Councillors and Community Councillors are dealt with under a separate ethical standard's regulatory framework. In accordance with Part III of the Local Government Act 2000, all complaints about breaches of the Member Code of Conduct are referred to the Ombudsman to consider whether any breach has been committed and, if so, whether that breach is serious enough to warrant any sanction. Serious breaches are then investigated and reported to either Standards Committee or the Adjudication Panel for Wales. Standards Committee have the power to suspend a Councillor for up to 6 months and the Adjudication Panel can suspend for up to 1 year or disqualify for up to 5 years. All Code of Conduct complaints received by the Ombudsman are reported to Standards Committee, on an anonymised and confidential basis, and they are also notified of the reasons why the Ombudsman has decided not to accept or investigate the complaints.
15. The Report provides some data on the Code of Conduct complaints received by the Ombudsman in 2022/23. The Ombudsman's office received 283 new Code of Conduct cases in 2022/23, which was a slight reduction of 4% compared with the previous year. Over a half of these complaints (56%) were about councillors at Town and Community Councils. However, for the first time since 2019/20, the Ombudsman saw a decrease in the number of complaints about this group of councillors. In contrast, they received 7% more complaints about councillors at principal councils.
16. The Ombudsman applies a 'public interest test' to decide which cases they should investigate. Public interest can be described as something which is of serious concern or benefit to the public. Generally, they investigate only a small proportion of the Code of Conduct complaints received. This shows that the standards of conduct in local government are generally good. In 2022/23, they assessed or investigated 280 complaints about the Code of Conduct - about the same number as the previous year. They investigated 35, or 13%, of these complaints – a slightly lower proportion than the previous year (14%).
17. 61% of the complaints that the Ombudsman could look into were about the promotion of equality and respect. This was a higher proportion than the previous year (51%). Generally, the cases that categorised under 'respect' were lower level complaints. These are the concerns where the Ombudsman tends to decide quickly that they will not investigate, or where they recommend that the complaint is resolved locally. The complaints that they categorise under 'equality' commonly involve more serious allegations of bullying or discrimination.
18. The Report highlights that 12 of the 35 reports they investigated were referred to the relevant standards committees or the Adjudication Panel for Wales for determination, which was fewer than the previous year when 20 were referred.

19. In Newport, 7 Code of Conduct complaints were referred to the Ombudsman about City Councillors in 2022/23 and 8 complaints regarding Community Councillors. 6 of the complaints against City Councillors were not accepted for investigation as there was no evidence of any breach and 1 was referred to Standards Committee. Of the 8 community council complaints, 6 were not investigated, 1 was found to have no action necessary, and 1 was found to have no evidence of a breach of the Code. The outcome of these complaints has been reported to Standards Committee throughout the year, on an anonymised basis.

Whistle-blowing

20. The Annual Report notes that, since 1 April 2017, the Ombudsman is a 'prescribed person' for the purposes of whistle-blowing under the Public Interest Disclosure Act 1998. The Act provides protection for employees who make a whistle-blowing complaint in the public interest about alleged wrongdoing.
21. As a 'prescribed person', the Ombudsman is required to report annually on whistleblowing disclosures made in the context of Code of Conduct complaints only. In 2022/23, the Ombudsman received 24 Code of Conduct complaints that would potentially meet the statutory definition of disclosure from employees or former employees of a council. 8 of these complaints related to promotion of equality and respect. The Ombudsman investigated 13 of these complaints. They have discontinued 1 of those investigations, as the Ombudsman decided that it was not in the public interest to pursue it. In 2022/23 they concluded an investigation into 1 relevant complaint that was ongoing since 2020/21 and concluded that they found no evidence of breach. The Ombudsman also concluded investigations into 6 relevant complaints which were received in 2021/22. Of these:
- 4 were referred to the Adjudication Panel for Wales.
 - it was determined that no further action was needed for 2 complaints.
22. Of the 4 referred to the Adjudication Panel for Wales, a former member of St Harmon Community Council was disqualified by the Panel from holding office as a councillor for 12 months. The other 3 cases are awaiting hearing. 4 investigations opened in 2021/22 are still ongoing.

Case studies

23. The Annual Report makes reference to a number of case studies, as examples of misconduct and sanctions:-
- Carmarthenshire County Council
Carmarthenshire County Council's Standards Committee suspended a councillor for 1 month for breaches of the Council's Code of Conduct, which included a failure to show 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.
 - Pembrokeshire County Council

A member of Pembrokeshire County Council was disqualified from holding office as a councillor for 3 years for bullying behaviour towards another councillor, harassment of a member of the public and other serious misconduct which brought his Council into disrepute. You can read about this decision on the Adjudication Panel's website which is included as a link in background papers.

- Llansantffraed Community Council

A former member of Llansantffraed Community Council was disqualified from holding office as a councillor because she brought her office as a councillor into disrepute, having been convicted of the criminal offence of causing bodily harm by 'wanton and furious driving' contrary to Section 35 of the Offences against the Person Act 1861. You can read about this decision on the Adjudication Panel's website which is included as a link in background papers.

Promoting better practice

24. Each quarter all local authorities in Wales report to the Ombudsman. The Complaints Standards Authority (CSA) continued its work with public bodies in Wales last year, with more than 50 public bodies now operating within their model policy. They have also provided more than 400 training sessions to local authorities since September 2020. They continue to publish complaints statistics into their second year, with data now published twice a year. This data allows us to see information with greater context – for example, last year 4% of all Newport City Council's complaints were referred to the Ombudsman. The Ombudsman continues to determine that authorities and other organisations should not view complaints as negative. If volumes of reported complaints are too few, this calls into question whether processes are clear enough and whether residents are given enough opportunities and access points to raise these concerns. The Ombudsman does not provide benchmarking information, however they do support Local Authorities with advice and guidance. We will continue to engage with the Ombudsman's Complaints Standards work, accessing training for officers, fully implementing the model policy, and providing complaints data.
- There will also be a focus on training for elected members and community councillors in 2024/25 as part of the ongoing programme of development and support.
25. The Ombudsman also welcomes the additional responsibilities that Group Leaders at principal councils have to promote good standards of behaviour by working with Monitoring Officers and Standards Committees concerning their additional duties.

Financial Summary

There are no financial implications

Risks

| Risk Title / Description | Risk Impact score of Risk if it occurs* (H/M/L) | Risk Probability of risk occurring (H/M/L) | Risk Mitigation Action(s) What is the Council doing or what has it done to avoid the risk or reduce its effect? | Risk Owner Officer(s) responsible for dealing with the risk? |
|--|--|---|---|--|
| Failure to comply with the requirements of the Public Services Ombudsman for Wales (PSOW) in dealing with complaints | H | L | <p>The Council has.</p> <ul style="list-style-type: none"> • All policies have been reviewed in line with Public Services Ombudsman (Wales) Act 2019 • Policy revised in March 2023 • Training and support for elected members and community councillors • Code of Conduct is part of the Constitution • Elected members have signed up to the Code of Conduct • Regular updates from Group Leaders on work undertaken to encourage upholding standards within their group • Regular reports and updates considered by Standards Committee • Complaints recording, monitoring and performance is also embedded in the Council's wider governance arrangements | Head of Law and Standards |

Links to Council Policies and Priorities

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

Proposed action

To note the report and the Ombudsman's annual letter and Annual Report for 2022/23

Comments of Chief Financial Officer

There are no financial implications arising from this report.

Comments of Monitoring Officer

Set out in the Report.

Comments of Head of People Policy and Transformation

The annual letter for Newport City Council for 2022/23 acknowledges the challenges and pressures faced by the council and the impact on service delivery and complaint handling. The letter also commends the council for its positive engagement with the Ombudsman's office and its willingness to learn from complaints and implement changes where appropriate. It is noted that the Ombudsman encourages the Council, through the Governance and Audit Committee, to use the data in the report to better understand performance on complaints and consider how good complaints handling is embedded throughout the Authority.

There are no direct staffing implications in this report.

Scrutiny Committees

Not Applicable, however complaints are also reported through certain service plans to performance Scrutiny Committee.

Fairness and Equality Impact Assessment:

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

The principles of fairness and equality are embodied within the Members Code of Conduct and the Ethical Framework. No FEIA is required, as the Ombudsman's Annual letter is for information purposes only.

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

Long-term – The Annual Report will assist Standards Committee in taking a long-term view about improving ethical standards

Prevention – The Annual Report guide will help to prevent future complaints of maladministration and misconduct

Integration – The Annual Report has been produced in consultation with key stakeholders

Collaboration – The Annual Report will assist people in interacting with councils and elected members, in a more collaborative way. It will also facilitate collaboration between Standards Committee in discussing matters of common interest.

Involvement – The Annual Report will encourage greater involvement in reporting and resolving complaints

Whilst this is an information only report to the Standards Committee, this work is also reported in the Strategic Equalities Annual Report.

Consultation

Not Applicable.

Background Papers

[Ombudsman's letter 2022/23](#)

A copy of the Annual Report can be found at
[Annual-Report-and-Accounts-2022-23-19-07-2023-Auditor-signed.pdf \(ombudsman.wales\)](#)

[The Adjudication Panel Website](#)

Dated: 9th January 2024

Report



Standards Committee

Part 1

Date: 18th January 2024

Item No:

Subject Register of Gifts and Hospitality

Purpose To enable the Standards Committee to:

- (i) Consider the current arrangements for the acceptance and registration of gifts and hospitality by Members.
- (ii) Consider the threshold for registration in the interests of consistency across Wales.

Author Head of Law and Standards

Ward General

Summary As part of their terms of reference, the Standards Committee are required to promote and maintain high standards of conduct by councillors. This report presents the current arrangements for registration of gifts and hospitality by Members including the current financial threshold for registration of member gifts and hospitality.

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

Action by Head of Law and Standards

Timetable Immediate

Background

1. The Members Code of Conduct.

Paragraph 9(b) of the Code provides that: -

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

Paragraph 7(a) provides that: -

"You must not - in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage."

Paragraph 17 provides that: -

"You must within 28 days of being offered any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's Monitoring Officer of the existence and nature of that gift, hospitality, material benefit or advantage."

2. The Members Register of Gifts and Hospitality is open to public inspection. There is a de minimis level of £25 for the registration of members' gifts and hospitality. Appendix 1 contains details of the register of members interests from 2015-2023
3. The relevant form for the registration of members' interests is set out in Appendix 2. Gifts and hospitality valued at less than £25 do not need to be registered, although this does not mean that anything of less value should be accepted.
4. Appendix 3 sets out the comparable values fixed by other Welsh Local Authorities for the registration of members gifts and hospitality. The Newport threshold of £25 in line with the average.
5. Appendix 4 sets out the full Protocol for Members on Gifts and Hospitality that has been in place since 2017. The Welsh Government Statutory and Non-Statutory Guidance for Principal Councils in Wales (including guidance on standards of conduct) recommends the approach to gifts and hospitality 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 and will be reflected in the committee's next annual report which will be prepared following the end of the financial year 2023/24.

Financial Summary

6. There are no financial implications.

Risks

| Risk | Impact of Risk if it occurs* (H/M/L) | Probability of risk occurring (H/M/L) | What is the Council doing or what has it done to avoid the risk | Who is responsible for dealing with the risk? |
|------|--------------------------------------|---------------------------------------|---|---|
|------|--------------------------------------|---------------------------------------|---|---|

| | | | | |
|--|---|---|--|---------------------------|
| | | | or reduce its effect? | |
| Failure to consider the protocols and guidance in place to support good governance may lead to a lack of good governance | M | M | Mitigated through the controls set out in the Constitution and regular reporting to relevant Committee for consideration | Head of Law and Standards |

Links to Council Policies and Priorities

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

Options Available

- (a) To note the Report and retain the current threshold of £25 for the registration of Members gifts and hospitality.
- (b) To note the report and make a recommendation to Council that the current threshold of £25 for the registration of Members gifts and hospitality should be revised

Preferred option and why

- (a) That the Committee notes the Report and retains the current threshold of £25 for the registration of Member gifts and hospitality, in line with the national average.

Comments of Chief Financial Officer

There are no financial implications arising from this report.

Comments of Monitoring Officer

Included in the Report.

Comments of Head of People, Policy, and Transformation

The Gifts and Hospitality guidance form part of the Council's governance arrangements, ensuring transparency and fairness. The proposed threshold of £25 is in line with the average across other Welsh Local Authorities. There are no staffing implications within this report.

Fairness and Equality Impact Assessment:

- Wellbeing of Future Generation (Wales) Act
- Equality Act 2010

- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

Whilst this is not a new policy or protocol, the arrangements in place to record and monitor gifts and hospitality supports the 'Prevention' way of working under the Wellbeing of Future Generation (Wales) Act. Having adequate controls in place to manage matters relating to the Code of Conduct protects employees, members and the Council from potential breaches and the consequences of failing to comply with the relevant legislation.

Consultation

As the Code of Conduct is an established protocol no consultation has been conducted in the development of this paper

Background Papers

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

[HR-Employee-Code-of-Conduct \(newport.gov.uk\)](#)

Dated: 8th January 2024

APPENDIX 1

Members Register of Gifts and Hospitality (May 2015 – December 2023)

| <i>Details of Gift / Hospitality (Provider)</i> |
|--|
| 1. Attendance at Health and Care Awards Dinner (Aneurin Bevan University Health Board) |
| 2. Ticket and hospitality for Newport County Game (Kevin Ward Media) |
| 3. Attendance at Health and Care Awards Dinner (South Wales Argus and St. Joseph's Hospital) |
| 4. Attendance at Health and Care Awards Dinner (Newport City Council) |
| 5. Attendance at Health and Social Care Awards Dinner (South Wales Argus) |
| 6. Refreshments at reception celebrating the opening of a restaurant (Seafood Shack) |
| 7. Attendance at awards lunch at the Celtic Manor (Pride in Pill Awards) |
| 8. Attendance at dinner incorporating the inaugural Zienkiewicz lecture (Swansea University) |
| 9. Attendance at Health and Care Awards dinner (South Wales Argus and St. Joseph's Hospital) |
| 10. Refreshments at reception at Chepstow Racecourse (South Wales Argus, St Joseph's Hospital) |
| 11. Attendance at Health and Care Awards Dinner (South Wales Argus and St. Joseph's Hospital) |
| 12. Vouchers received for spa treatments, Celtic Manor (from Head Coach of Gassors Tournament Team, in appreciation of support in fundraising for a youth to attend a Tai Kwando world championship) |
| 13. Lunch for two (Tour of Britain) |
| 14. Attendance at 25 th Business Anniversary Dinner at the Coldra Court (Kymin Financial Services) |
| 15. Attendance at 40 th Business Anniversary Dinner plus wine (Premier Forest Ltd) |
| 16. Attendance at Pride of Gwent Awards lunch (Pride in Pill) |

| |
|--|
| 17. Attendance at gala dinner at the Celtic Manor (The Wales Bangladesh Chamber of Commerce) |
| 18. Two tickets to a theatre show (Riverfront Theatre) |
| 19. Hospitality at Newport County Game (Armed Forces Veterans Hub) |
| 20. Meal and drinks (Dragons Rugby) |
| 21. Hospitality at Newport County Game (Armed Forces Veteran Hub) |

APPENDIX 2

NEWPORT CITY COUNCIL

DECLARATION BY COUNCILLORS OF RECEIPT OF GIFT AND/OR HOSPITALITY

Paragraph 17 of the Authority's Code of Conduct requires that Councillors must provide written notification to the Monitoring Officer of the receipt of any gift, hospitality, material benefit or advantage above **£25** in value.

| | |
|--|-------------|
| Name of Councillor | |
| | |
| Details of gift and/or hospitality received | |
| | |
| Member's comments if any | |
| | |
| Signed | Date |

This form should be completed and returned to the Head of Law and Standards **within 28 days** of the receipt of the gift or hospitality concerned.

APPENDIX 3

GIFTS & HOSPITALITY THRESHOLD – 2023/24

| Authority | Threshold | Comment |
|--|------------------|---|
| Blaenau Gwent | £20 | |
| Bridgend | £25 | |
| Caerphilly | £25 | |
| Cardiff | £25 | Procedures were reviewed in February 2023, but the threshold was not changed. |
| Carmarthenshire | £25 | |
| Ceredigion | £21 | |
| Conwy | £25 | |
| Denbighshire | £25 | Last reviewed just before the 2012 elections |
| Flintshire | £10 | |
| Gwynedd | £25 | |
| Merthyr | | Everything must be registered |
| Mid and West Wales Fire and Rescue Service | £25 | |
| Monmouthshire | | No specific threshold |
| Neath Port Talbot | | Everything must be registered. |

| Authority | Threshold | Comment |
|-------------------------------------|-------------------------------------|--|
| Pembrokeshire | £25 | |
| Powys | £25 | |
| Rhondda Cynon Taf | £25 | |
| South Wales Fire and Rescue Service | £25 | |
| South Wales Police | | Everything must be registered |
| Swansea | £25 | |
| Torfaen | £25 | |
| Vale of Glamorgan | £50 – gifts £25 - hospitality | all gifts and hospitality totalling over £100 from a single source within a year also to be registered |
| Wrexham | £25 | |
| Ynys Mon | £20 | |

APPENDIX 4

PROTOCOL FOR MEMBERS ON GIFTS AND HOSPITALITY

1. Introduction

- 1.1 This Protocol is intended to provide general guidance for Members (and co-opted members) of the Council in connection with the acceptance and registration of gifts and hospitality. It is not possible to provide comprehensive and definitive advice in relation to every conceivable scenario, only general principles, and guidelines to assist Members in taking decisions.
- 1.2 If Members have any doubt about whether to accept any specific offers of gifts or hospitality, or whether there is any need to record such gifts or hospitality in the Register of Members interests, then they should seek further advice from the Monitoring or Deputy Monitoring Officer. However, the final decision and responsibility rests with each individual Member.
- 1.3 As an overriding principle, Members should treat with extreme caution any offer of a gift or hospitality made to them personally in any official capacity or in their role as Councillors or members of the Council. Members are personally responsible for any decision to accept an offer of a gift or hospitality, and any inappropriate acceptance of such an offer can give rise to a serious breach of the Members Code of Conduct and seriously damage the reputation of both the individual Member concerned and the Council.

2. The Legal Framework.

2.1 Criminal Offences.

Accepting any bribe or any other fee or inducement in return for any favour in connection with Council business is a criminal offence under the Bribery Act 2010 and the Prevention of Corruption Acts. An abuse of public trust by anyone holding public office can also constitute an offence of misconduct in public office. If any Member has received any gift, loan, fee, reward, or advantage from somebody seeking to obtain a contract or any favourable decision from the Council, then the onus will be on the Member concerned (and the person giving the gift or reward) to prove that there was no dishonesty involved.

2.2 The Members Code of Conduct.

Paragraph 9(b) of the Code provides that: -

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

Paragraph 7(a) provides that: -

"You must not - in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage."

Paragraph 17 provides that: -

"You must within 28 days of being offered any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's Monitoring Officer of the existence and nature of that gift, hospitality, material benefit or advantage."

3. General Principles.

3.1 Improper obligation

A gift or hospitality should never be accepted as a reward or inducement to act or vote in a particular way as a Councillor or as a means of obtaining influence. They should also be refused where acceptance of the gift or hospitality could give the impression that this would place the member under any improper obligation.

3.2 Benefit to the Council

Gifts or hospitality should only be accepted if there is a clear benefit to the Council (rather than to Members personally). The benefit should be proportionate to the value of the gift or hospitality.

Any offers which do not have any proper purpose connected with the Council should be refused (e.g. private holidays, hospitality for purely sporting or social events outside the Council area where there is no general expectation that the Council should be represented, nor any clear connection with Council functions).

3.3 Public perception

Gifts or hospitality should not be accepted if to do so would leave the Council or the Member open to accusations of misconduct. Members must not only conduct themselves properly, but they must also avoid any perception of impropriety.

3.4 Soliciting a gift or hospitality.

Gifts or hospitality should never be sought or invited in connection with a Member's official role.

3.5 Private gifts and hospitality

Members do not need to register gifts and hospitality which are not related to their role as a Member, such as personal gifts from friends and family.

4. Gifts

4.1 A "gift" includes free goods and services, the opportunity to buy goods/services subject to a discount or terms which are not available to the public, or the opportunity to buy goods/services that are not available to the public. It also includes any material benefit or advantage offered to a Member which is not available to the general public.

4.2 Members may accept civic gifts on behalf of the Council and such gifts do not need to be registered. For example, the Mayor or Leader of the Council may accept commemorative gifts and items in recognition of events or work that the Council has been involved in, such as twinning arrangements, civic functions, or major projects.

Such civic gifts are the property of the Council, not the individual Member, and must be retained at the Council offices.

- 4.3 Members should not accept personal gifts in connection with their position as a Councillor. However, Members may accept small and insignificant gifts such pens, diaries etc.
- 4.4 Members should refuse any gift offered to them, or to members of their immediate family, from any person or organisation doing business or seeking to do business with the Council or applying to the Council for any decision (e.g. licensing or planning applications or tendering for any Council contract).
- 4.5 When a gift has to be declined, the offerer should be courteously but firmly informed of the procedures and standards operating within the Council. If such a gift is delivered:
 - it must be returned immediately to the sender giving reasons for its rejection.
 - the acceptance and return of gifts over £25.00 should be registered.
 - where an offerer insists that a Member accepts the gift, with the agreement of the offerer it may be donated to the Mayor's charity or some other suitable charitable purpose.

5. Hospitality.

- 5.1 It is accepted that events which include hospitality can often be an appropriate and successful forum for promoting the Council and its aims and objectives, economic, social, or otherwise. A balance therefore needs to be achieved between the aims of promoting the Council and the City of Newport and the need for Members to be mindful of the perception of others when accepting hospitality. The following principles should be observed by Members.
- 5.2 Members should never ask for or solicit hospitality at any time.
- 5.3 Members should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the event where hospitality is provided. Particular care should be taken that the level of hospitality provided is proportionate to the nature and importance of any issues to be discussed at such an event.
- 5.4 Members should avoid hospitality in any situation where they would be the sole guest or where the offer of hospitality is from anyone doing business or seeking to do business with the Council or applying to the Council for any decision.
- 5.5 Offers to attend social or sporting functions should only be accepted when there is a legitimate reason to promote the economic or social wellbeing of the city, and the Monitoring Officer's advice should be obtained in respect of any such functions which are outside the Newport area.
- 5.6 Where site visits are required as part of the process of making decisions, Members should ensure that the Council meets the cost of such visits to avoid undermining or compromising the integrity of subsequent decisions.
- 5.7 Members may accept hospitality through attendance at relevant conferences and courses where it is clear that the hospitality is corporate rather than personal, and where attendance is an approved Council duty.
- 5.8 Members may accept normal refreshment in connection with their work as a Councillor (tea, coffee, biscuits etc.).

- 5.9. Attendance at Civic or other events organised or sponsored by the Council do not need to be registered, for example, Mayor-making, Civic Sunday, Remembrance Sunday.
- 5.10 If a Member receives hospitality as a representative of an outside body, then the Member concerned should comply with that organisation's Protocol on Gifts and Hospitality.
- 5.11 When receiving authorised hospitality, Members should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

6. Registration

- 6.1 Under the Council's Code of Conduct, a Member must register any gift or hospitality that he/she receives that is worth more than £25.00. In accordance with the Ombudsman's Guidance, it is also good practice to provide a written note of any offers of gifts and hospitality which have been refused or declined.
- 6.2 The register of gifts and hospitality register is maintained by the Monitoring Officer who should be informed in writing of any gift or hospitality received or refused that is worth more than £25.00. Members should complete and return the attached Form within 28 days of being offered the gift or hospitality. The register of gifts and hospitality will be available for public inspection.
- 6.3 The figure of £25.00 is only relevant when considering whether the gift or hospitality needs to be registered. It does not mean that Members can accept all gifts or hospitality worth less than that. Members must consider very carefully whether or not to accept any offer, whatever its value, in accordance with the Code of Conduct and the advice contained in this Protocol.
- 6.4 The Ombudsman's Guidance provides that, if a Member is in any doubt as to the value of any gift or hospitality, you should err on the side of caution and register it as a matter of good practice, in accordance with the principles of openness and accountability in public life.
- 6.5 Members may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts received from the same source over a short period of time that add up to more than £25 should be registered.
- 6.6 The Code of Conduct also refers to any "material benefit or advantage". The test is whether an informed independent observer could conclude that a Member might be perceived to be better off as a consequence of receiving this benefit or advantage.
- 6.7 The Ombudsman's Guidance also refers to the need to register a separate "personal interest" under the Code, where a gift or hospitality is offered or received in particular circumstances. If any matter is under consideration by the Council which is likely to affect the person who gave a Member any gift or hospitality, then that should be declared and recorded in the register of members' interests where that is considered to be a "personal interest" under the Code. If the interest is also a "prejudicial" one, then the Member should not participate in the Council decision.

Mae'r dudalen hon yn wag yn

| Section pertaining to Standards Committee | Purpose of the Guidance | Current Measures in Place | Further Measures |
|--|--|---|---|
| <p>Section 4 Statutory Guidance on duties of leaders of political groups in relation to standards of conduct (pg 25-35)</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Tudalen</p> | <p>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.</p> <p>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.</p> <p>This guidance specifically addresses the following duties:</p> <ul style="list-style-type: none"> - 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. | <p>Group Leaders provide a report to Committee on a six-monthly basis. One report is delivered in person, the other is by way of a written update. The report must set out how they are promoting high standards of conduct within their group.</p> <p>Group Leaders submit written updates on an annual basis outlining the active role they are taking to promote high standards of conduct within their group.</p> | <p>The frequency and method of receipt of updates from Group Leaders will be reviewed in the new municipal year 2024/25 and review annually thereafter.</p> |
| <p>Section 5 Statutory guidance on the functions of standards committees. (pg 35-37)</p> | <p>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. A principal council is required by section 53 of the 2000 Act to establish a standards committee.</p> <p>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. In addition, a</p> | <p>Standards Committee is embedded as part of the Council’s Governance arrangements and Constitution.</p> <p>The Code of Conduct for Newport City Council reflects the CoC published by the Public Services Ombudsman for Wales.</p> | <p>Develop e-learning module for Code of Conduct training to support regular refresher training for elected members.</p> |

| | | | |
|--|--|--|--|
| | <p>standards committee also has specific functions under section 54(2) of the 2000 Act, namely to:</p> <ul style="list-style-type: none"> - advise the authority on the adoption or revision of a Code of Conduct - monitor the operation of the Code of Conduct - provide advice or provide or arrange training on the Code of Conduct for members of the authority <p>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.</p> <p>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.</p> | <p>Standards Committee consider updates on compliance rates with Code of Conduct training following local elections.</p> <p>Standards Committee receive regular updates on complaints and Code of Conduct matters from the Monitoring Officer.</p> <p>Standards Committee receive an annual report on Gifts and Hospitality for elected members. This will also form part of the Annual Report of Standards Committee from 2024.</p> | |
| <p>Section 6 Duty of a standards committee to monitor group leaders' compliance with their duties, and provision of advice and training. (pg 37-38)</p> | <p>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</p> | <p>Group Leaders attend Committee on an annual basis to give an update on the active role they are taking to promote high standards of conduct within their group.</p> <p>Group Leaders submit written updates on an annual basis outlining the active role they</p> | <p>The frequency and method of receipt of updates from Group Leaders will be reviewed in the new municipal year 2024/25 and annually thereafter.</p> |

| | | | |
|---|--|--|--|
| | <p>then consider each report and provide feedback to the group leaders.</p> <p>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 6 months of the election and be reviewed at least annually.</p> <p>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.</p> | <p>are taking to promote high standards of conduct within their group.</p> <p>The Committee met with the Group Leaders informally to agree the method and frequency of the arrangements in 2023.</p> | <p>The Committee to discuss how advice and training can be provided to group leaders on compliance with their new duties.</p> |
| <p>Duty of standards committee to make annual report. (pg 38-40)</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Annex 39</p> | <p>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.</p> <p>As a minimum, the report must:</p> <ul style="list-style-type: none"> - 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 | <p>The Standards Committee makes an Annual Report and this is presented by the Chair to full Council.</p> | <p>In order to comply with the new duties, the next annual report will be prepared as soon as practicable in the new municipal year 2024/25.</p> <p>Any gaps in reporting that the new duties present will be resolved in the 2023/24 Annual Report.</p> <p>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</p> |

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.
- 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.

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.

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.

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 3 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.

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. 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.

Mae'r dudalen hon yn wag yn