

# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Friday, 27 January 2023

## Notice of meeting

### Standards Committee

Monday, 6th February, 2023 at 10.00 am,  
Conference Room - Usk, NP15 1AD

### AGENDA

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1.	Apologies for absence	
2.	Declarations of interest	
3.	Minutes of the previous meeting	1 - 6
4.	Letter from PSOW to Chairs of Standards Committees dated 10th November 2022	7 - 8
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6.	National forum for standards committees - Friday 27th January 2023	13 - 16
7.	Code of Conduct training delivered, scheduled and requested since 10th October 2022	Verbal Report
8.	Training Plans for Town & Community Councils	17 - 20
9.	Gifts & hospitality: code of conduct, PSOW guidance and the MCC register	21 - 22
9.1.	Additional Document - Cardiff Council Gifts & Hospitality 2022 - 2023	23 - 24
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11.	Date of next meeting - 12th June 2023	

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**Paul Matthews**  
**Chief Executive**

MONMOUTHSHIRE COUNTY COUNCIL  
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

Fay Bromfield  
Ben Callard  
Frances Taylor

Independent Members:

R. Stow (Independent Member)  
R Williams-Flew  
P. Easy  
M. Gibson  
Ben Callard  
Frances Taylor  
Fay Bromfield

## Public Information

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### Welsh Language

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# Aims and Values of Monmouthshire County Council

## Our purpose

Building Sustainable and Resilient Communities

### Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

## Our Values

**Openness.** We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

**Fairness.** We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

**Flexibility.** We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

**Teamwork.** We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

**Kindness:** We will show kindness to all those we work with putting the importance of relationships and the connections we have with one another at the heart of all interactions.



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# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Standards Committee held  
at Conference Room - Usk, NP15 1AD on Monday, 10th October, 2022 at 10.00 am

**PRESENT:** Richard Stow (Chair – Independent Member)

County Councillors: Frances Taylor and Fay Bromfield

Independent Members: Rhian Williams-Flew and Peter Easy

### **OFFICERS IN ATTENDANCE:**

Matt Phillips	Chief Officer People and Governance and Monitoring Officer
Nicola Perry	Senior Democracy Officer
Joanne Chase	Solicitor and Deputy Monitoring Officer
Ben Davies	Solicitor and Deputy Monitoring Officer

### **APOLOGIES:**

Marion Gibson and County Councillor Ben Callard

#### **1. Election of Chair**

Richard Stow was elected as Chair of Standards Committee.

#### **2. Appointment of Vice Chair**

Peter Easy was appointed Vice Chair of Standards Committee.

#### **3. Declarations of interest**

None.

#### **4. Minutes of previous meeting**

The minutes of the meeting of Standards Committee held on 21<sup>st</sup> March 2022 were confirmed as an accurate record.

#### **5. Code of Conduct and School Governors**

The item was brought to the Committee as a follow up to a special meeting in July 2021, to consider two dispensation requests in relation to discussions at the Children and Young People Select Committee. In doing so an anomaly was identified that treats councillors who are school governors differently in terms of whether they could have a prejudicial interest. An action to talk to Welsh Government had been raised.

The Chief Officer for People and Governance and Monitoring Officer explained that that Welsh Government (WG) had agreed to take this as an action to consider alongside the ongoing considerations around the Penn review. There has been no update since that response a year ago and discussions on the Penn report are ongoing.

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The Chair commented that it would be good to get a commitment from WG that they accept that this is a Code of Conduct anomaly that they understand and are going to fix it. The Chief Officer agreed to follow this up as an action.

#### **6. Review of the ethical standards framework (Penn Report)**

The Chief Officer for People and Governance explained that he had attended a Monitoring Officer meeting on 28<sup>th</sup> July 2022. Conversations had focused on Code of Conduct training and whether it should be mandated or not.

A key concern had related to the mandating of a local resolution as a preliminary step before a complaint can be submitted to the Ombudsman. There had been no support for that at the meeting given that a fundamental strength of the ethical standards framework is that it has an independent body to deal with complaints and to carry out investigations thus providing confidence to complainants that there will be an independent approach.

A conversation took place around the need to develop the relationship between the Ombudsman and organisations such as One Voice Wales, Audit Wales etc. The Ombudsman has been trialling a period where if a complaint is made about a Councillor, rather than informing the Councillor and the Monitoring Officer, the Ombudsman will go through a 2 stage process where it is determined whether to investigate first and notify afterwards to streamline process. Feedback will be sent to Monitoring Officers on the types of complaints received and anonymised information will be shared with Standards Committee.

The powers and sanctions of the Adjudication Panel for Wales and Standards Committees were discussed. There are mixed views on the value of the power to direct that someone undergoes training or provides an apology. There was also discussion on whether a suspended power would be a useful addition.

There will be more conversation around the use of social media. The WLGA guidance on this is very good.

There will be consultation on any proposed changes with stakeholders.

The Chair was pleased to see the local resolution mandate has gone and welcomed consultation on changes.

A Member sought clarification on the trial of a new notification process and expressed concerns about the anonymised feedback in terms of fairness to the person being complained about. It was explained that the process prior to the pilot was that the Councillor and Monitoring Officer would be informed. There was no duty to inform anyone else.

The view was expressed that the Councillor should only be informed after an assessment that indicates potential breach of the code of conduct due to the protracted time involved. If, however, processes are to be speedier, it would not be so much of an issue. The converse view was expressed that it is better to know as soon as there is a complaint.

It was suggested that Code of Conduct training should be mandatory for Community Councils. It was queried which councils had undertaken training. The Chair explained that all town and community councils must publish a training plan by 5<sup>th</sup> November. The statutory guidance provides that there must be induction, finance, and Code of Conduct training. The Monitoring Officer explained that mandatory training will require new legislation. Locally, Group Leaders may agree that elected members can't attend a committee before training and signing the Code of Conduct. It was pointed out that this would not work for the Independent Group and



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Community Councils because there is no affiliation to political parties with their own constitution and standards.

#### **7. PSOW Annual Report & Accounts 2021-22**

The section of the report relating to Code of Conduct complaints was considered referring to the table on p.40 which shows the volume of complaints by type of authority and what is being complained about for all councils in Wales.

The number of Town and Community Council complaints is similar to the previous year and complaints about County Councils has reduced. The number of referrals (20) to Standards Committees had been highlighted and this will be monitored. The referrals listed were upheld which indicates thoroughness of the investigations.

The Monitoring Officer informed the Committee to bear in mind that the figures from the previous year were unusually high so the reduction this year is not necessarily positive. Additionally, this year could see higher numbers because it has been an election year.

The Chair noted that the Ombudsman had highlighted the increase in referrals to Standards Committees and Adjudication Panel. There was no breakdown of the type of complaint/public authority, so it is difficult to identify trends. It was suggested that a new table could be requested with the number of complaints closed by authority, how many were investigated and how many referred to either Standards Committees or Adjudication Panels to enable us to compare Community Councils with principle authorities.

#### **8. PSOW Annual Letter to MCC**

The Annual Letter refers to all the services area complaints dealt with by the authority. There were only two complaints about County Councillors; both were dismissed with no evidence of breach of the Code of Conduct.

The Monitoring Officer queried the accuracy of the number of Community Council complaints and this has been raised with the Ombudsman. A response has not been received but will be circulated to Committee Members when received.

The Standards Committee commended the County Council on the low number of complaints, noting that despite this being a difficult period of change due to Covid, standards remained high.

#### **9. APW Annual Report 2021-22**

The Adjudication Panel Wales Annual Report 2021/22 was considered.

There was an unusually high number of cases. Of the 7 decided cases, one refused permission for appeal. Of the remaining 6, 3 related to principle authority Councillors and 3 to Community Councillors.

The Monitoring Officer highlighted the view of monitoring officers across Wales of the disproportionate amount of time dealing with potential Community Council complaints where early intervention prevents submission to the Ombudsman.

There is no overarching trend identifiable in the types of complaints.

Register of Tribunals shows all the cases decided ever and provides evidence that the Adjudication Panel works well.

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A Member noted that often Community Council complaints are between members rather than from members of public indicating wider governance issues within the Community Council. The Ombudsman can write to Community Councils to remind them that vexatious, malicious, or frivolous complaints against other members or anyone who works for, or on behalf of the authority, could constitute a breach of the Code of Conduct. A complaint to the Ombudsman would have to be made to investigate.

It was commented that good training on how to behave, respect and equality could avoid most complaints.

#### **10. Code of Conduct training 2022-23**

The Monitoring Officer reported that following the election on 5<sup>th</sup> May, new Councillors had their first full week w/c 9<sup>th</sup> May. The Code of Conduct training was the second induction course on 12<sup>th</sup> May with a follow up evening session. There were lots of questions and it was found useful to do an evening session.

A Member recalled that the training was very useful and advocated refresher training on an annual basis. Regular Planning Committee training would be useful too.

A Member attended the Community Council training and highlighted the usefulness of scenarios to discuss and consider if there are potential breaches of the Code of Conduct. Clarity in declarations of, and types of, interest was also helpful as was encouraging councillors to check with the Monitoring Officer or Group Leader. It was added that informal mechanisms can be as important as formal training.

The attendance numbers at Code of Conduct training was queried and the Monitoring Officer confirmed that just one Councillor missed it. This will be followed up.

It was commented that Councillors became quickly engaged and asked questions. Certain areas for further training were also highlighted.

It was observed that a lot of examples were from England and it was requested that examples from Wales could be included in future especially as there is a more robust system in Wales.

The Monitoring Officer met with Group Leaders and a Member provided feedback that there is awareness of the need to comply with the new duty and as a Group Leader herself, would always encourage good conduct, adherence to the code of conduct and early conversations about concerns or declarations of interest including conduct in and outside the Council Chamber.

In response to a question, a Member confirmed there is a commitment by all the groups to behave appropriately. The Monitoring Officer said that there were no concerns currently. Monthly Political Leaders Group meetings have been reinstated and Pre-Council meetings offer the opportunity for discussion.

The Monitoring Officer confirmed that after the election training was delivered to one community council and another council has requested training. 2 open online sessions for councillors has been issued to all clerks. 2 online sessions held have been well attended. The Monitoring Officer will circulate the slides from the training. Links to Welsh examples will be included where appropriate.

A conference for clerks will be arranged next year.

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The Chair reminded Members that Councils will be publishing training plans and asked that review of plans should be added to the agenda for the next meeting.

It was requested that all Standards Committee Members are invited to all Code of Conduct training.


**11. Date of next meeting 6th February 2023**

Noted.


**The meeting ended at 11.30 am**

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Ask Communications  
for:

 01656 641150

Dat 10 November 2022  
e:

 Communications  
@ombudsman.wales

## **Our Code of Conduct complaints guidance and process**

Dear Chairs

I took up my role as Public Services Ombudsman for Wales on 1 April 2022. Since then we have continued to promote high standards in public life to maintain trust and confidence in those who hold public office.

As political leaders and Standards Committees across Wales take forward their new duties to promote high standards of conduct under the Local Government & Elections (Wales) Act 2021, I have taken the opportunity to review my guidance for members. This will help my office support them in their work and help all members fully understand the requirements placed upon them when fulfilling their role.

To support the Standards Committees, we will be making some minor changes to our process. We will continue to share our decisions with Monitoring Officers, as required by legislation. However, we will now be sharing the complaint and our decision in a standalone decision notice to facilitate the Monitoring Officers in sharing complaint information with Standards Committees (when they consider it appropriate to do so).

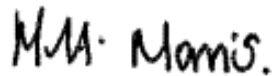
Since June, we have been trialling a fresh approach to how we inform members about complaints made against them. Our practice had been that we informed the accused member, the Monitoring Officer, and the Clerk (if a Town/Community Council) of a complaint as soon as it was received. We now inform the relevant parties at the point when we either decline to investigate or decide to investigate the complaint. During the trial, we found that this approach sped up our process. It also helped to avoid unnecessary concern for members complained about, as they waited for a decision on whether the complaint should be investigated. Therefore, we will be continuing with this approach.

Whenever possible, I would like to see any concerns about a member's conduct to be resolved locally and at an early stage. This can calm situations down and prevent the need for further escalation and formal investigation by my office. The guidance and the changes we have made to our process will assist Standards Committees by keeping them informed of current issues, so they can take steps to address any potential concerns.

Ensuring Standards Committees are adequately informed will also support them to draw up training plans. I, and members of the public, expect all members to take advantage of training which is available to them. I would also urge members to use any local arrangements for dealing with 'member versus member' complaints, which have proved very effective as a means of resolving many of these cases.

We should continue to work collaboratively to drive up standards in public life and to create a culture where members are respected for their selflessness, objectivity and respectful behaviour. If we do so, we can build public confidence in our democratic institutions and promote good governance for the benefit of the people in all of our communities. I, and my office, look forward to engaging with you all via the National Forum for Standards Committees.

Yours sincerely,

A handwritten signature in black ink that reads "M.M. Morris." The signature is written in a cursive, slightly slanted style.

**Michelle Morris**  
**Public Services Ombudsman**

Cc. Monitoring Officer

## MCC Constitution approved by Council on 19th May 2022 (Extract)

### 42 PROTOCOL FOR SELF REGULATION OF MEMBER CONDUCT

#### 42.1 General Principles

42.1.1 To promote high standards of conduct and behaviour as a means of strengthening respect and trust amongst members.

42.1.2 The protocol does not replace the Member-Officer Relations Protocol set out in the Council's Constitution.

42.1.3 It is not intended to replace the Code of Conduct rather it is intended to sit alongside it, enabling behaviour which may not reach the Ombudsman's threshold to be dealt with.

42.1.4 Members will make all reasonable attempts to resolve disputes through agreed internal processes subject to their obligations under the Members' Code of Conduct.

42.1.5 Members will avoid personal confrontation in any public forum, especially full Council and through the media.

42.1.6 These commitments will not stifle legitimate political debate or scrutiny.

42.1.7 Group discipline will become the cornerstone of self-regulation with Group Leaders taking responsibility for their own members.

42.1.8 Group Leaders individually and collectively will work to ensure compliance with this protocol.

42.1.9 Members will commit to training and development in support of this protocol.

#### 42.2 Working to avoid problems

42.2.1 To minimise the number of instances of alleged breaches all Group Leaders are asked to commit to:

(a) a Member Learning and Development Strategy – to which they will seek to secure the commitment of their group members. All reasonable endeavours will be made to ensure that the Learning and Development Strategy identifies and responds to the needs of members;

(b) attending relevant Member training events - in particular those relating to the Code of Conduct or probity courses within the scope of their role;

(c) support the provision made by the County Council for complying with sections 5 and 7 of the Local Government Measure 2011 (Annual reports & Training and development)

#### 42.3 Role of Group Leaders

42.3.1 There is a general duty on the leader of a political group to:

(a) take reasonable steps to promote and maintain high standards of conduct by the members of the group; and

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

In complying the a) and b) above, you must have regard to any guidance issued by the Welsh Ministers.

42.3.2 A complaint by a member relating to a member of the same group will be referred to the Group Leader. A complaint by a member concerning the activities of a member of a different

political group will be discussed with the complainant's own Group Leader, who will then refer the issue to the Group Leader with responsibility for the member against whom the complaint is made.

42.3.3 Upon receiving a complaint, it is the role of Group Leaders to take responsibility for discipline within their groups. Group discipline should seek to be informal, resolved through face to face meetings. Group Leaders will need to retain some records but the process will not be "document heavy". The emphasis should be on training, education, mediation and conciliation.

42.3.4 When appropriate, a sanction such as removal from a committee or an outside body, may be used in extreme cases or after persistent breaches and the matter will be referred to the Public Services Ombudsman for Wales.

42.3.5 Prior to considering any sanction, or training, the relevant Group Leader may consult with a member of the Standards Committee in conjunction with the Monitoring Officer or Deputy Monitoring Officer. The Standards Committee will seek to ensure fairness and consistency in the discipline imposed within each Group.

42.3.6 At the next available Group Leaders' meeting any issue of discipline which has been referred to a Group Leader will be discussed with the group and with the objective of seeking to ensure that fair and consistent sanctions are applied.

#### **42.4 Unaffiliated Members**

42.4.1 As far as unaffiliated members are concerned, the Chair of the Council will fulfil the role of Group Leader. Concerns regarding the conduct of an unaffiliated member should be referred to the Chair who will apply the same principles and standards as those of the Group Leaders in terms of training/mediation/conciliation.

42.4.2 In the event that an unaffiliated member refuses to provide reasonable co-operation to the Chair of the Council, or if the breach is significant, or in the event of repeated breaches, then the Council may remove the unaffiliated member from any committee seats allocated by the full Council. Such a proposal should be put to the Council jointly by the Group Leaders. In the case of persistent breaches the matter shall be referred to the Ombudsman by the Monitoring Officer.

#### **42.5 Persistent Breaches**

42.5.1 In the case of persistent breaches, or areas where the Group Leaders have concerns that the conduct of an individual member or members is damaging to relations between political groups or to the reputation of the Council, then the Group Leaders will meet with the Chief Executive and Monitoring Officer to agree a way forward. Consideration will be given to joint references to the Ombudsman, by the Group Leaders, for persistent low level breaches. The collective Group Leaders will also assume this responsibility in relation to unaffiliated members.

#### **42.6 Standards Committee**

42.6.1 The Standards Committee Members will play a supporting/advisory role to the Group Leaders. This process will be initiated at the request of the Group Leader, in a particular case.

42.6.2 Such meetings will be private and informal. Any documentation, attendance notes, file notes or advisory notes passing between a Group Leader (or as appropriate the Chair of the Council) and the members of the Standards Committee shall remain private and confidential.

42.6.3 When acting in an advisory role to the Group Leaders/Chair of the Council, the Standards Committee has no right of sanction. However, it shall be open to the Group Leader to request that the Standards Committee, as a last resort, issue a public censure against a group member. Where this is to be considered, the member who may be subject to censure will be provided with a



reasonable opportunity to make submissions to the Standards Committee members, either in person or in writing.

42.6.4 The recommendations available to the Standards Committee will include a recommendation that a Group Leader takes action against one of their members, including removal from committee or outside body.

#### **42.7 Protocol - Standard of Conduct Expected of Members**

42.7.1 This protocol sets out the standards of conduct expected from Members within Monmouthshire County Council in dealing with each other. It should be read in conjunction with the Members Code of Conduct. It adds to these documents and does not detract from them.

42.7.2 Members are expected to:

(a) public behaviour:

- (i) show respect to each other;
- (ii) not to make personal abusive comments about each other;
- (iii) not to publish anything insulting about each other;
- (iv) not to make malicious allegations against each other;
- (v) not to publish or spread any false information about each other;
- (vi) show respect to diversity and equality;

(b) behaviour in meetings:

- (i) behave with dignity;
- (ii) show respect to the Chair and obey their decisions;
- (iii) not to use indecent language nor make racial remarks or remarks which prejudice any section of society;

(c) confidentiality:

- (i) keep the confidentiality of exempt papers and any other documents which are not public;
- (ii) not to release confidential information to the press or the public;
- (iii) not to use confidential information for purposes other than intended;

(d) local members:

- (i) work with Members of adjoining electoral divisions for the benefit of the locality;
- (ii) if dealing with any matter relating to another electoral division:
- (iii) explain to anyone seeking assistance that they are not the local Member;
- (iv) inform the local Member, unless it would lead to a breach of confidentiality.

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## National Forum for Standards Committees

**Via Zoom**

**14:00-16:00**

Friday, 27<sup>th</sup> January 2023

### Agenda

1. Election of Chair
2. Election of Vice-Chair
3. Role and Terms of Reference
4. Update on the Penn Report
5. Discussion on implementation of the new duty on group leaders and how this will be reported as part of the Standards Committee annual report
6. Guest Speaker: Michelle Morris, Public Services Ombudsman for Wales
7. AOB:
  - a) Members Annual Reports
  - b) Chairing Skills for Chairs and Vice Chairs of Standards Committees

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**National Standards Committee Forum**  
**Terms of Reference (2022)**

The purpose of the Forum is to share best practice and provide a forum for problem solving across the

- 1) 22 principal councils
- 2) 3 fire and rescue authorities
- 3) 3 national park authorities

in relation to the work of Standards Committees.

The role of the forum is to share information and so any decisions will have to be made by the individual Standards Committees. There will be times when the Forum would need to make a decision about administrative matters relating to its own practices and administration of meetings.

- Membership – Chair, with the Vice-Chair to attend in the absence of the Chair
- Decision making will typically be by consensus but where a formal decision is required then there will be one vote per authority with the Chair of the Forum having the casting vote
- Election of Chair and Vice Chair – every two years to provide consistency
- Secretariat Support – the WLGA will send out agendas, prepare minutes and can prepare basic reports analysing practice across Wales. Officer support to prepare more extensive reports is dependent upon a monitoring officer from a council volunteering/agreeing to undertake the work
- Frequency of Meetings – 2 meetings per year following a meeting of the Monitoring Officers Group of Lawyers in Local Government
- Agendas items will be suggested by Monitoring Officers based on discussions with their Standards Committees and the Forum will also have a forward work pan to which members could contribute
- Each region will be asked to send 1 monitoring officer to represent the local authorities in that area, with 1 additional monitoring officer each for fire & rescue authorities and national park authorities (making 6 monitoring officers in total)

*Each meeting could have a small agenda followed by a Training Session  
Speakers from the Ombudsman's Office, Adjudication Panel for Wales and Welsh Government could address the Forum on their work*

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## 5. Chapter 5 - Training Plans

5.1. Community councils and their staff should seek to equip themselves to be as effective and efficient as possible when exercising functions. Councils should regularly review whether there are opportunities to improve their administration and governance so that they are better able to perform their responsibilities and serve their communities. Having identified development gaps, the next step is to develop a plan to address these gaps.

5.2. Section 67 of the 2021 Act requires community councils to make and publish a plan about the training provision for its members and staff. The first training plan must be ready and published by 5 November 2022, six months after the duty comes into force. This is considered to be an appropriate period of time for councils to assess needs, agree its training budget and adopt a plan.

5.3. The training plan should reflect on, and address, whether the council collectively has the skills and knowledge it needs to deliver its plans most effectively.

### **Purpose of the training plan**

5.4. Planning for the provision of training can be carried out in a proportionate way, taking into account factors such as the activities undertaken by that council, the current expertise of councillors and clerks and the nature and significance of any training needs identified. Overall, the intention is that the preparation of a training plan would support councillors to have the relevant training to carry out their role - as well as professional clerks and other employees.

### **Training needs analysis**

5.5. In order to determine the training priorities for the community council, it is necessary to assess the essential skills needed by the council and whether the council feels there is sufficient coverage and depth across the council. The full list of essential skills will depend on the activities within the council. For instance, a council intending to exercise the GPoC may find it essential that councillors are familiar with preparing a business case or setting up a business.

5.6. There are areas which *all* councils should ensure that they have sufficient skills and understanding. These are:

- Basic induction for councillors;
- The Code of Conduct for members of local authorities in Wales; and
- Financial management and governance.

5.7. In addition to these areas, the council will want to consider if there are new challenges and opportunities it may wish to explore, such as those offered by the GPoC. In which case, it may decide there are new skills for councillors and clerks to attain.

5.8. A number of training analysis templates are available online to help councils determine their own approach to analysing training needs. The most basic approach would list those essential skills identified above and by the council, and ask individual councillors and staff to self-appraise a level of competence e.g. between one and four (where four is fully proficient). The council can use that information to determine its training needs and then its collective training priorities.

5.9. The next stage is to determine what steps it will take to address relevant skills gaps and prioritise accordingly.

## **Agreeing and publishing the training plan**

5.10. The training plan should reflect the training needs of the council and its plan for addressing those needs. The plan must be approved by the full council prior to publication. The plan should provide, as a minimum, information about:

- The type of training;
- Numbers participating;
- The timeframe over which the training is expected to be completed; and
- The overall cost of the training.

5.11. The National Training Advisory Group (NTAG) for the community and town council sector publishes a strategy for securing sufficient and relevant training provision for councils. It details the courses available and support materials. The council is likely to find this information helpful in determining opportunities to address training needs. As of publication of this document, the NTAG Wales Training Strategy is due to be updated.

5.12. Councils may want to consider the broader range of opportunities to build expertise including formal and informal training, such as shadowing other councillors or staff, or online learning.

5.13. Training costs must be met by councils themselves, although bursary schemes for councillors and clerks may be available to subsidise these costs. Part of the costs of running an effective council includes ensuring that the members and staff have sufficient capability to carry out their functions effectively. Councils should take account of the training costs when setting their budgets.

5.14. Smaller councils, in particular, may wish to share training plans with neighbouring councils to identify any common training requirements that could be negotiated on a larger group basis and potentially reduce the training costs for all.

5.15. The published training plan should not seek to name individuals without their consent. Where this is impossible, e.g. there is one member of staff, the training plan should focus on what the training priorities are rather than who they are for.

## **Training for employees of more than one community council**

5.16. A single clerk may act in this capacity for more than one community council. Other staff may also work across multiple community councils. It is recommended that community councils take a pragmatic approach to meeting the training needs. For instance, councils could agree collectively what training such staff are to receive and how the costs may be shared between the councils. This could be recorded in the training plans of all councils affected, although care would need to be taken to prevent the information identifying a particular individual.

## **Review of training plans**

5.17. Under section 67(4) of the 2021 Act there is a duty on councils to review their training plan from time to time.

5.18. As a minimum this would be at least at every ordinary election of community councillors. Under section 67(3) of the 2021 Act, once the first plan is published, subsequent plans must be prepared within three months of an ordinary election of community councillors



5.19. In practice, the plan is likely to require revising more frequently, for example, following a council by-election or a new co-opted councillor joining; staff changes; or taking on new responsibilities such as new services or assets.

5.20. Where a council revises or replaces its training plan, under section 67(5) of the 2021 Act, the council must publish the revised or new plan.

### **Publication**

5.21. The publication of the council's training plan should be consistent with the wider approach to publication required by the 2021 Act and be published electronically

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MCC Standards Committee - Monday 6th February 2023

## **Gifts and hospitality - the MCC Code of Conduct and PSOW Guidance**

Gifts and hospitality are covered by two paragraphs of the Code of Conduct, 9(b) and 17. The text from these two paragraphs is printed below, followed by the relevant PSOW guidance.

The Code paragraphs are extracted from the current version adopted by MCC on 12th May 2016, and the PSOW guidance from the revised version published in May 2021.

### **Code of Conduct paragraph 9(b)**

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

### **Ombudsman guidance on paragraph 9(b)**

*Think carefully before accepting a gift or hospitality*

2.74 It is important that you do not accept any gifts or hospitality for yourself, or on behalf of others, which would place you under obligation or appear to do so. Accepting such gifts or hospitality could be regarded as compromising your objectivity when you make decisions or carry out the work of your Council. This is also true of any services or gifts in kind. This does not prevent you from attending official events such as a civic reception or working lunch where these are authorised by your authority. (See also the section of this guidance on registering gifts and hospitality under paragraph 17 of the Code).

### **Code of Conduct paragraph 17**

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

### **Ombudsman guidance on paragraph 17**

*You must register gifts and hospitality*

4.10 You must register any gifts or hospitality worth more than the amount specified by your authority that you receive in connection with your official duties as a member, and the source of the gift or hospitality, within 28 days.

4.11 You must register the gift or hospitality and its source within 28 days of receiving it. Like other interests in your register of interests, you may have a personal interest in a matter under consideration if it is likely to affect a person who gave you a gift or hospitality that is registered. If that is the case, you must declare the existence and nature of the gift or hospitality, the person who gave it to you, how the business under consideration relates to that person and then decide whether that interest is also a prejudicial interest. It is also good practice to provide a note of any offers of gifts or hospitality which you have declined and this may be a requirement of your authority's gifts and hospitality policy.

*Is the gift or hospitality connected to my official duties as a member?*

*Check your authority's rules about registering*

4.12 You should ask yourself, "would I have been given this if I was not a member of the authority?" If you are in doubt as to the motive behind a gift or hospitality, I recommend that you register it or speak to your Monitoring Officer.

4.13 You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept (unless required to do so by your authority). However, you should always register a gift or hospitality if it could be perceived as something given to you because of your position as a member, or if your authority requires you to do so.

*What if I do not know the value of a gift or hospitality?*

*Make a reasonable estimate, if in doubt, register it*

4.14 The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life. You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to the value specified by your authority or over should be registered.

4.15 The Code also refers to material benefit or advantage. The measure of this would be if an informed independent observer could conclude that you might be perceived to be better off as a consequence.

Richard Stow  
Chair, Standards Committee  
30th January 2023

**ELECTED MEMBER REGISTER OF GIFTS & HOSPITALITY APRIL 2022 – MARCH 2023**

<b>Councillor</b>	<b>Date of Hospitality / Gift</b>	<b>Provider of Hospitality/Gift Name and address</b>	<b>Nature/Purpose of Hospitality/ Gift / Other Benefit</b>	<b>Venue/ Location of Event</b>	<b>Role or Capacity Hospitality / Gift Received</b>	<b>Approx. Value</b>
Ash Lister	02.06.22	Glamorgan Cricket Club	Ticket to the T20 match and hospitality	Glamorgan Cricket Club, Cardiff	Cabinet Member	Unknown
Dan Naughton	13.06.22	South Wales Fire & Rescue Authority	Water Container	-	Representative on Outside Body	Unknown
Elizabeth Jane Henshaw	18.08.22	NoFit State Circus	Two tickets for the show	Nofit State Circus, Sophia Gardens, Cardiff	Ward Member	£34
Huw Thomas	05.06.22	Football Association for Wales	Hospitality and ticket (2) – FIFA World Cup Play-Off Final Cymru v Scotland/Ukraine	Cardiff City Stadium	Leader	Unknown
Jennifer Burke-Davies	02.06.22	Glamorgan Cricket Club	Ticket to the T20 match and hospitality	Glamorgan Cricket Club, Cardiff	Cabinet Member	Unknown
Julie Sangani		TAW Cricket Club	Ticket to Wales Indian Cricket Tournament and Finals	Sohpia Gardens	Cabinet Member	£100
Julie Sangani	24.08.22	Cricket Wales	Ticket to Cohesion Cup Final	Sophia Gardens	Cabinet Member	£50
Julie Sangani	24.09.22	Ethnic Minority Women in Welsh Healthcare	Conference and dinner	Mercure Hotel	Cabinet Member	£50
Peter Huw Jenkins	20.07.22	Cardiff Metropolitan University	Seat/Dinner Cardiff Metropolitan University Annual Graduation Dinner	Cardiff Museum	Ward Member	Unknown
Sarah Merry	17.05.22	Sherman Theatre, Cardiff	Tickets (2) plus refreshments	Sherman Theatre	Ward Member	£50

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## Local Government Act 2000

### 2000 CHAPTER 22

#### PART III

##### CONDUCT OF LOCAL GOVERNMENT MEMBERS AND EMPLOYEES

#### CHAPTER I

##### CONDUCT OF MEMBERS

##### *Standards committees*

#### **[<sup>F1</sup>56B Annual reports by standards committees**

- (1) As soon as reasonably practicable after the end of each financial year, a standards committee of a relevant authority must make an annual report to the authority in respect of that year.
- (2) The annual report must describe how the committee's functions have been discharged during the financial year.
- (3) In particular, the report must include a summary of—
  - (a) what has been done to discharge the general and specific functions conferred on the committee by section 54 or 56;
  - (b) reports and recommendations made or referred to the committee under Chapter 3 of this Part;
  - (c) action taken by the committee following its consideration of such reports and recommendations;
  - (d) notices given to the committee under Chapter 4 of this Part.
- (4) An annual report by a standards committee of a county council or county borough council in Wales must include the committee's assessment of the extent to which leaders of political groups on the council have complied with their duties under section 52A(1) during the financial year.

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**Changes to legislation:** *Local Government Act 2000, Section 56B is up to date with all changes known to be in force on or before 05 October 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (5) An annual report by a standards committee of a relevant authority may include recommendations to the authority about any matter in respect of which the committee has functions.
- (6) A relevant authority must consider each annual report made by its standards committee before the end of 3 months beginning with the day on which the authority receives the report.
- (7) The function of considering the report may be discharged only by the relevant authority (and accordingly is not a function to which section 101 of the Local Government Act 1972 [<sup>F2</sup>or, in the case of a relevant authority which is a corporate joint committee, regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (arrangements for discharge of functions)] applies).
- (8) In this section “financial year” means a period of 12 months ending with 31 March.]

#### **Textual Amendments**

- F1** S. 56B inserted (W.) (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), ss. **63(1)**, 175(7); S.I. 2021/231, art. 6(m)
- F2** Words in s. 56B(7) inserted (6.5.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(3), **3(8)**



**Changes to legislation:**

Local Government Act 2000, Section 56B is up to date with all changes known to be in force on or before 05 October 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(2ZA) inserted by [2011 nawm 4 s. 59\(3\)](#)
- s. 21(13)(c) inserted by [2011 nawm 4 s. 59\(5\)\(b\)](#)
- s. 21(15A) inserted by [2011 nawm 4 s. 59\(6\)](#)
- s. 21(18) inserted by [2011 nawm 4 s. 59\(7\)](#)
- s. 21C(6)(aa)(ab) inserted by [2012 c. 7 Sch. 5 para. 97\(a\)](#)

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## MCC Constitution approved by Council on 19th May 2022 (Extract)

### 11 THE STANDARDS COMMITTEE

#### 11.1 Composition

11.1.1 Membership. The Standards Committee will be composed of 9 members. Its membership will include:

- (a) 5 independent members, who are not either a councillor or an officer or the spouse of a councillor or an officer of this council or any other relevant authority as defined by the Act, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001 (as amended);
- (b) 3 county councillors other than the Leader and not more than one member of the executive;
- (c) one member of a town or community council wholly or mainly in the Council's area (a 'community committee member').

11.1.2 Term of office:

- (a) independent members are appointed for a period of not less than 4 nor more than 6 years and may be reappointed for one further consecutive term not exceeding 4 years;
- (b) members of the local authority who are members of the Standards Committee will have a term of office of no more than 5 years or the period until the next ordinary local government election following their appointment, whichever is the shorter. They may be reappointed for one further term;
- (c) a community committee member will have a term of office of no more than 5 years or the period until the next ordinary local government election following their appointment, whichever is the shorter. They may be reappointed for one further term.

11.1.3 Quorum. A meeting of the standards committee shall only be quorate when:

- (a) at least 3 members, including the Chair, are present, and
- (b) at least half the members present (including the Chairman) are independent members.

11.1.4 Voting. Independent members and community committee members will be entitled to vote at meetings.

11.1.5 Community committee members. A community committee member shall not take part in the proceedings of the standards committee when any matter relating to their town or community council is being considered.

11.1.6 Chairing the Committee:

- (a) only an independent member of the standards committee may be the Chair;

- (b) the Chairman will be elected by the members of the standards committee for a period not exceeding one year. The Chairman is eligible for re-election;
- (c) the election of a Chairman will be the first item of business for the standards committee at the commencement of each municipal year.

## **11.2 Role and Function**

11.2.1 The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members;
- (b) assisting the councillors and co-opted members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring and from time to time reviewing the operation of the Members' Code of Conduct and protocols which apply to members of the Council, employees, contractors and other parties or organisations associated with Council activity;
- (e) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales;
- (h) mentoring and supporting the Council's Monitoring Officer in the discharge of their role;
- (i) receiving and investigating (where statute permits) reports and complaints relating to the Members' Code of Conduct and protocols approved by the Council from time to time;
- (j) the exercise of (a) to (i) above in relation to the town and community councils wholly or mainly in its area and the members of those town and community councils;
- (k) monitoring compliance by leaders of political groups on the council with their duties to:
  - (i) take reasonable steps to promote and maintain high standards of conduct by the members of the group, and
  - (ii) co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions.
- (l) advising, training or arranging to train leaders of political groups on the council about matters relating to their duties under 11.2.1 (k)

### **11.3 Annual Report**

11.3.1 As soon as reasonably practicable after the end of each financial year, the standards committee must make an annual report to Full Council in respect of that year.

11.3.2 The annual report must describe how the committee's functions have been discharged during the financial year.

11.3.3 In particular, the report must include a summary of:

- (a) what has been done to discharge the general and specific functions conferred on the committee;
- (b) reports and recommendations made or referred to the committee;
- (c) action taken by the committee following its consideration of such reports and recommendations;
- (d) notices given to the committee;

11.3.4 The annual report must include the committee's assessment of the extent to which leaders of political groups on the council have complied with their duties under 11.2.1(k);

11.3.5 The annual report may include recommendations to the authority about any matter in respect of which the committee has functions.

11.3.6 Council must consider each annual report made by its standards committee before the end of 3 months beginning with the day on which it receives the report.

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