

Pecyn Dogfennau Cyhoeddus

Penallta House,
Tredomen Park,
Ystrad Mynach,
Hengoed CF82 7PG

Ty Penallta,
Parc Tredomen,
Ystrad Mynach,
Hengoed CF82 7PG



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Am bob ymholiad ynglŷn â'r agenda hwn cysylltwch â Emma Sullivan
(Rhif Ffôn: 01443 864420 Ebst: sullie@caerphilly.gov.uk)

Dyddiad: Dydd Iau, 16 Tachwedd 2023

I Bwy Bynnag a Fynno Wybod,

Cynhelir cyfarfod aml-leoliad o'r **Pwyllgor Safonau** yn cael ei gynnal trwy Microsoft Teams ar **Dydd Iau, 23ain Tachwedd, 2023** am **10.00 am** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny.

Bydd y cyfarfod hwn yn cael ei recordio a bydd ar gael i'w weld trwy wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd delweddau/sain yr unigolion sy'n bresennol ac/neu sy'n siarad yn ystod ar gael i'r cyhoedd trwy'r recordiad ar wefan y Cyngor yn www.caerffili.gov.uk

Yr eiddoch yn gywir,

Christina Harrhy
PRIF WEITHREDWR

A G E N D A

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb
- 2 Datganiadau o Ddiddordeb.

Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

A greener place Man gwyrddach



3 Penodi Is-Gadeirydd y Pwyllgor Safonau.

I gymeradwyo a llofnodi'r cofnodion canlynol:-

4 Pwyllgor Safonau a gynhaliwyd ar 28 Chwefror 2023. 1 - 4

I dderbyn ac ystyried yr adroddiad(au) canlynol:-

5 Ombwdsmon Gwasanaethau Cyhoeddus Cymru – Llythyr Blynyddol 2022/23. 5 - 18

6 Protocol Aelodau ar Ymwneud â Wardiau Eraill. 19 - 24

7 Protocol Datrysiad Lleol. 25 - 34

8 Datganiad yr Aelodau o Anrhegion a Lletygarwch. 35 - 40

9 Ceisiadau am Ollngiad - Eitem Wybodaeth. 41 - 44

Cylchrediad:

Cynghorwyr: J. Taylor a Mrs P. Cook

P. Brunt, J. Card, L.M. Davies, C. Finn, Ms. L. Jay a V. Yadh

Cynghorydd Cymunedol Mrs A. Gray

A Swyddogion Priodol

SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar www.caerffili.gov.uk ac eithrio am drafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig.

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym amdanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu.

Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn ar ein gwefan <http://www.caerffili.gov.uk/Pwyllgor/Preifatrwydd> neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio griffd2@caerffili.gov.uk neu ffoniwch 01443 863028.



STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON 28TH FEBRUARY 2023 AT 10:30AM.

PRESENT:

P. Brunt, J. Card, L.M. Davies, L. Jay and V. Yadh

Community Councillor A. Gray

County Councillor J. Taylor

Together with:

R. Tranter (Head of Legal Services and Monitoring Officer) and E. Sullivan (Senior Committee Services Officer)

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor D. Price

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. TO APPOINT A VICE CHAIR OF THE STANDARDS COMMITTEE

Following consideration and discussion the Standards Committee deferred the appointment of a Vice Chair to the next meeting, to allow Members more time to consider the role which must be taken up by a Lay-Member.

4. MINUTES – 20TH JANUARY 2022

A Member having reviewed the minutes sought clarification on the wording of the resolution minuted for Agenda Item No. 7 and this was discussed at length. The Monitoring Officer advised caution when discussing this matter in any detail as it had been considered in a closed session at the meeting held on the 20th January 2022.

The Monitoring Officer then confirmed that the wording used had been taken directly from a section of the procedures for dealing with complaints of breaches of the members' code of conduct, 2(9)b, and referred to sections 6(1)a and 6(1)b of the code of conduct which the Standards Committee had considered at the time.

The Monitoring Officer clarified that the minutes were not a verbatim account and were further complicated by the fact that this was an open minute about something discussed in closed session and could not therefore contain too much detail on the deliberations that had taken place.

The Member once again expressed his reservations with regard to the wording of the resolution and the Chair following advice from the Monitoring Officer suggest that the Member abstain from voting on the approval of the minutes, which would be formally noted in the minutes of this meeting.

It was moved and seconded that the minutes of the meeting held on the 20th January 2022 be approved as correct record and by show of hands this was agreed by the majority present.

J. Card wished it noted that he had abstained from voting on the minutes.

L. Jay, V. Yadh, Councillor J. Taylor and Community Councillor A. Gray wished it noted that as they were not members of the Standards Committee at this time they had not voted on the accuracy of the minutes.

RESOLVED that the minutes of the meeting held on the 20th January 2022, be approved as a correct record.

REPORTS OF OFFICERS

5. GROUP LEADERS' DUTIES AND ANNUAL REPORT OF STANDARDS COMMITTEE

Consideration was given to the report which outlined 2 changes brought about by the Local Government and Election (Wales) Act 2021 relating to the new duties placed on Group Leaders to promote and maintain standards of conduct by members of their respective political groups and the responsibility of the Standards Committee to produce an annual report to Council.

The Standards Committee noted that Leaders of political groups must under the Act take reasonable steps to promote and maintain high standards of conduct by the members of the group and must co-operate with the Council's Standards Committee in the exercise of the Standards Committee functions.

The Standards Committee were referred to Section 5.3 of the report which gave examples of what Group Leaders could do to achieve this.

Members noted the template attached at Appendix A of the report and queried if the same pro-forma would be used by all Councils. The Monitoring Officer confirmed that its use and format had been endorsed by the Ombudsman for Wales and it was hoped that it would provide consistency and a framework for the process.

Members queried if it could be amended depending on the needs of the individual local authorities and where responsibility would lie should a Group Leader failed to make the reasonable steps required under the Act. The Monitoring Officer confirmed that the template

could be changed but did not feel that it would need amending at the present time. The Standards Committee would be able to meet with Group Leaders at a mutually agreed frequency to consider progress and support.

The Standards Committee noted the requirement of an Annual Report and fully supported its introduction and asked if any timeline had been established for its production. The Monitoring Officer confirmed that it would likely be submitted to the Annual Meeting of Council in May and subsequently to the Ombudsman.

Having fully considered the report the Standards Committee unanimously endorsed the recommendations contained therein.

RESOLVED that the changes to the legislation be noted and how the Standards Committee will monitor compliance with the duties by the Group Leaders and how the Standards Committee will produce an annual report to Council be endorsed.

6. ANNUAL WHISTLEBLOWING REPORT

Consideration was given to the report which provided an anonymised summary of whistleblowing investigations during the period 1st April 2021 to 31st March 2022.

The Monitoring Officer explained the importance of the Whistleblowing Policy and referred the Standards Committee to section 5.2 of the Officer's report which detailed categories of wrongdoing included in the policy and how it sought to reassure employees that it is safe and acceptable to speak up and raise serious concerns about malpractice without risk of disciplinary action.

The Standards Committee noted that the Charity Public Concern at Work (now Protect) had supported the best practice in this area and provided an ongoing facility for employees to access their confidential support helpline for independent advice.

Clarification was sought as to whether Staff would be spoken to as part of the policy review process being conducted this year and the Monitoring Officer anticipated that they would speak to staff and confirmed that any changes they suggested as a result would be a matter for Council.

The Standards Committee noted that there had been no investigations undertaken in line with the Council's Whistleblowing Policy during the period 1st April 2021 to 31st March 2022.

7. PUBLIC SERVICES OMBUDSMAN FOR WALES – ANNUAL LETTER 2021/22

Consideration as given to the report which sought to inform the Standards Committee of the publication of the Annual Letter for 2021/22 in respect of Caerphilly Council by the Public Services Ombudsman for Wales.

The Standards Committee were referred to Section 5.8 of the Officer's report which detailed complaints for Caerphilly and highlighted that the Ombudsman received 60 complaints compared to 46 last year.

The Monitoring Officer referred to Appendices to the Ombudsman Letter which detailed complaints received for all 22 Local Authorities, complaints received by subject, complaint outcomes, complaints in relation to code of conduct together with Town and Community

Council code complaints.

Having fully considered the report and its content the Standards Committee noted the content of the Annual Letter from the Public Services Ombudsman for Wales.

The meeting closed at 11.40am.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the next meeting of the Standards Committee they were signed by the Chair.

CHAIR



STANDARDS COMMITTEE - 23RD NOVEMBER 2023

**SUBJECT: PUBLIC SERVICES OMBUDSMAN FOR WALES – ANNUAL LETTER
2022/2023**

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To inform the Standards Committee of the publication of the Annual Letter for 2022/2023 in respect of Caerphilly Council by the Public Services Ombudsman for Wales.

2. SUMMARY

- 2.1 To advise the Standards Committee of the publication of the Public Services Ombudsman for Wales Annual Letter for 2022/2023 which deals with complaints relating to maladministration and service failure, complaints relating to alleged breaches of the Code of Conduct and the actions being taken to improve public services.

3. RECOMMENDATIONS

- 3.1 It is recommended that Standards Committee considers and notes the content of the Annual Letter.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To satisfy the Council's statutory duties under the Public Services Ombudsman (Wales) Act 2019.

5. THE REPORT

- 5.1 The Public Services Ombudsman for Wales (PSOW) issues an Annual Letter to each Local Authority in Wales which sets out a summary of all complaints received and investigated by her office during 2022/2023 relating to that Authority. The Annual Letter issued in respect of Caerphilly is attached at Appendix 1 to this report.
- 5.2 In general terms the Committee will note that 1,020 complaints were referred to the Ombudsman regarding local authorities last year a reduction of 11% compared to the

previous year. During this period the Ombudsman intervened in (upheld, settled or resolved at an early stage) 13% of local authority complaints.

- 5.3 Fewer Code of Conduct complaints were received in 22/23 compared to the previous year relating to both Principal Councils and Town and Community Councils.
- 5.4 The Ombudsman has pushed forward with her proactive improvement work and launched a new Service Quality process to ensure they deliver the standards they expect. Work also began on their second wider Own Initiative investigation looking into carers assessments within local authorities.
- 5.5 The Complaints Standards Authority has continued its work with public bodies providing training sessions which included staff at Caerphilly. We also continue to provide the Ombudsman with quarterly data which forms part of the statistics published biannually.
- 5.6 The Factsheet attached to the Annual Letter sets out the Local Authority complaints received across Wales which includes 49 referrals in respect of Caerphilly, this compares to 60 last year broken down as follows with the previous years' figures in brackets.

Adult Social Services	7	(6)
Benefits Administration	1	(1)
Children's Social Services	6	(8)
Community Facilities, Recreation and Leisure	2	(1)
Complaints Handling	7	(10)
Covid19	0	(3)
Education	0	(1)
Environment and Environmental Health	5	(6)
Finance and Taxation	3	(0)
Housing	10	(8)
Licensing	0	(0)
Planning and Building Control	6	(11)
Roads and Transport	0	(3)
Various Other	2	(2)
Total	49	60

- 5.7 The Complaint Outcomes are set out in section C with 6 referrals requiring early resolution/voluntary settlement. The comparison figures with other authorities in Wales is set out in section D.

- 5.8 The Letter also includes a summary of the Code of Conduct complaints relating to members of the Council at Appendix E and Town and Community Councils at Appendix F.

Conclusion

- 5.9 Members will note that the Ombudsman has asked Councils to take the following actions
- Present the Annual Letter to the Cabinet and to the Governance & Audit Committee at the next available opportunity and notify the Ombudsman of when these meetings will take place.
 - Continue to engage with the Complaints Standards work, accessing training for your staff, fully implementing the model policy, and providing accurate and timely complaints data.
 - Inform the Ombudsman of the outcome of the Council's considerations and proposed actions on the above matters at the earliest opportunity.
- 5.10 Whilst the Ombudsman has asked that the Annual Letter be reported to Cabinet and the Governance and Audit Committee this Council's reporting process is to the Standards Committee and full Council which provides all members with the ability to review the referrals to the Public Services Ombudsman for Wales.
- 5.11 In relation to the work with the Complaints Standards Authority, officers from a cross section of service areas have undertaken training and further training will be sourced at the start of next year.
- 5.12 The Ombudsman will be advised of the presentation of this report to the Standards committee and Council together with the outcomes.

6. ASSUMPTIONS

- 6.1 No assumptions are necessary within this report.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 This report is for information and so there is no requirement to undertake an Integrated Impact Assessment.

8. FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications arising from this report.

9. PERSONNEL IMPLICATIONS

- 9.1 There are no personnel implications arising from this report.

10. CONSULTATIONS

- 10.1 This Report reflects the contents of the Annual Letter and therefore there has been no formal consultation on the content of the Report. A copy of the Report has been provided to the Consultees below.

11. STATUTORY POWER

11.1 Public Services Ombudsman (Wales) Act 2019

Author: Lisa Lane Head of Democratic Services and Deputy Monitoring Officer

Consultees: Christina Harray Chief Executive
Dave Street Deputy Chief Executive
Richard (Ed) Edmunds Corporate Director Education and Corporate Services
Mark S Williams Corporate Director for Economy and Environment
Robert Tranter Head of Legal Services and Monitoring Officer
Stephen Harris Head of Corporate Finance/Section 151 Officer
Councillor Sean Morgan Leader
Councillor Lindsay Whittle Leader of Plaid Cymru
Councillor Nigel Dix Leader of the Independent Group
Councillor Nigel George Cabinet Member for Corporate Services
Mr Peter Brunt Chair of the Standards Committee

Appendix 1 Annual Letter 2022/2023



Date: 17 August 2023

Ask for: Communications
01656 641150
Communications
@ombudsman.wales

Cllr. Sean Morgan
Caerphilly County Borough Council
By Email only: seanmorgan@caerphilly.gov.uk

Annual Letter 2022/23

Dear Councillor Morgan

I am pleased to provide you with the Annual letter (2022/23) for Caerphilly County Borough Council which deals with complaints relating to maladministration and service failure, complaints relating to alleged breaches of the Code of Conduct for Councillors and the actions being taken to improve public services.

This letter coincides with my Annual Report – “[A year of change – a year of challenge](#)” – a sentiment which will no doubt resonate with public bodies across Wales. My office has seen another increase in the number of people asking for our help – up 3% overall compared to the previous year, and my office now receives double the number of cases we received a decade ago.

In the last year, I have met with public bodies across Wales – speaking about our casework, our recommendations, and our proactive powers. The current climate will continue to provide challenges for public services, but I am grateful for the positive and productive way in which local authorities continue to engage with my office.

1,020 complaints were referred to us regarding local authorities last year - a reduction of 11% compared to the previous year. During this period, we intervened in (upheld, settled or resolved at an early stage) 13% of local authority complaints.

We received fewer Code of Conduct complaints in 22/23 compared to the previous year, relating to both Principal Councils and Town and Community Councils. My role is such that I do not make final findings about breaches of the Code of Conduct. Instead, where investigations find the most serious concerns, these are referred to the Standards Committee of the relevant local authority, or the

Adjudication Panel for Wales. In 2022/23, the Ombudsman made 12 such referrals – a welcome reduction from 20 last year.

Supporting improvement of public services

Despite the challenges of last year, we have pushed forward with our proactive improvement work and launched a new Service Quality process to ensure we deliver the standards we expect.

Last year, we began work on our second wider Own Initiative investigation – this time looking into carers assessments within local authorities. This investigation will take place throughout the coming year, and we look forward to sharing our findings with all local authorities – not just those involved in the investigation.

The Complaints Standards Authority (CSA) continued its work with public bodies in Wales last year, with more than 50 public bodies now operating our model policy. We've also now provided more than 400 training sessions since we started, with local authorities, in September 2020.

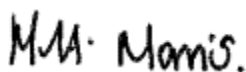
We continued our work to publish complaints statistics into a second year, with data now published twice a year. This data allows us to see information with greater context – for example, last year 9% of Caerphilly County Borough Council's complaints were referred to PSOW.

I would encourage Caerphilly County Borough Council, and specifically your Audit and Governance Committee, to use this data to better understand your performance on complaints and consider how well good complaints handling is embedded throughout the Authority.

Further to this letter can I ask that your Council takes the following actions:

- Present my Annual Letter to the Cabinet and to the Governance and Audit Committee at the next available opportunity and notify me of when these meetings will take place.
- Continue to engage with our Complaints Standards work, accessing training for your staff, fully implementing the model policy, and providing accurate and timely complaints data.
- Inform me of the outcome of the Council's considerations and proposed actions on the above matters at the earliest opportunity.

Yours sincerely,



Michelle Morris
Public Services Ombudsman

cc. Christina Harrhy, Chief Executive, Caerphilly County Borough Council.
By Email only: harrhc@caerphilly.gov.uk



Factsheet

Appendix A - Complaints Received

Local Authority	Complaints Received	Received per 1000 residents
Blaenau Gwent County Borough Council	16	0.24
Bridgend County Borough Council	55	0.38
Caerphilly County Borough Council	49	0.28
Cardiff Council*	142	0.39
Carmarthenshire County Council	53	0.28
Ceredigion County Council	35	0.49
Conwy County Borough Council	31	0.27
Denbighshire County Council	32	0.33
Flintshire County Council	65	0.42
Cyngor Gwynedd	36	0.31
Isle of Anglesey County Council	25	0.36
Merthyr Tydfil County Borough Council	17	0.29
Monmouthshire County Council	23	0.25
Neath Port Talbot Council	39	0.27
Newport City Council	42	0.26
Pembrokeshire County Council	44	0.36
Powys County Council	38	0.29
Rhondda Cynon Taf County Borough Council**	54	0.23
Swansea Council	94	0.39
Torfaen County Borough Council	16	0.17
Vale of Glamorgan Council	49	0.37
Wrexham County Borough Council	65	0.48
Total	1020	0.33
* inc 9 Rent Smart Wales		
** inc 2 South Wales Parking Group		



Appendix B - Received by Subject

Caerphilly County Borough Council	Complaints Received	% share
Adult Social Services	7	14%
Benefits Administration	1	2%
Children's Social Services	6	12%
Community Facilities, Recreation and Leisure	2	4%
Complaints Handling	7	14%
Covid19	0	0%
Education	0	0%
Environment and Environmental Health	5	10%
Finance and Taxation	3	6%
Housing	10	20%
Licensing	0	0%
Planning and Building Control	6	12%
Roads and Transport	0	0%
Various Other	2	4%
Total	49	



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Appendix C - Complaint Outcomes (* denotes intervention)

Caerphilly County Borough Council		% Share
Out of Jurisdiction	9	17%
Premature	13	25%
Other cases closed after initial consideration	24	46%
Early Resolution/ voluntary settlement*	6	12%
Discontinued	0	0%
Other Reports - Not Upheld	0	0%
Other Reports Upheld*	0	0%
Public Interest Reports*	0	0%
Special Interest Reports*	0	0%
Total	52	

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holwch@ombwdsmon.cymru
0300 790 0203
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ombudsman.wales
ask@ombudsman.wales
0300 790 0203
1 Ffordd yr Hen Gae, CF 35 5LJ
We are happy to accept and respond
to correspondence in Welsh.



Appendix D - Cases with PSOW Intervention

	No. of interventions	No. of closures	% of interventions
Blaenau Gwent County Borough Council	0	16	0%
Bridgend County Borough Council	5	57	9%
Caerphilly County Borough Council	6	52	12%
Cardiff Council	25	145	17%
Cardiff Council - Rent Smart Wales	1	9	11%
Carmarthenshire County Council	7	60	12%
Ceredigion County Council	13	44	30%
Conwy County Borough Council	5	35	14%
Denbighshire County Council	2	33	6%
Flintshire County Council	5	70	7%
Cyngor Gwynedd	5	33	15%
Isle of Anglesey County Council	5	25	20%
Merthyr Tydfil County Borough Council	1	18	6%
Monmouthshire County Council	1	22	5%
Neath Port Talbot Council	7	38	18%
Newport City Council	8	48	17%
Pembrokeshire County Council	3	45	7%
Powys County Council	8	44	18%
Rhondda Cynon Taf County Borough Council	2	54	4%
Rhondda Cynon Taf County Borough Council - South Wales Parking Group	0	2	0%
Swansea Council	10	99	10%
Torfaen County Borough Council	1	17	6%
Vale of Glamorgan Council	15	53	28%
Wrexham County Borough Council	6	67	9%
Total	141	1086	13%



Appendix E - Code of Conduct Complaints

**Caerphilly County Borough
Council**

Decision not to investigate	6
Discontinued	0
No evidence of breach	0
No action necessary	0
Refer to Adjudication Panel	0
Refer to Standards Committee	0
Total	6



Appendix F - Town/Community Council Code of Complaints

Town/Community Council	Decision not to investigate	Investigations				Total
		Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	
Bedwas, Trethomas & Machen Community Council	0	0	0	0	0	0
Blackwood Town Council	0	0	0	0	0	0
Penyrheol, Trecenydd & Energlyn Community Council	2	0	0	0	0	2
Rhymney Community Council	0	0	0	0	0	0



Information Sheet

Appendix A shows the number of complaints received by PSOW for all Local Authorities in 2022/23. These complaints are contextualised by the population of each authority.

Appendix B shows the categorisation of each complaint received, and what proportion of received complaints represents for the Local Authority.

Appendix C shows outcomes of the complaints which PSOW closed for the Local Authority in 2022/23. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix D shows Intervention Rates for all Local Authorities in 2022/23. An intervention is categorised by either an upheld complaint (either public interest or non-public interest), an early resolution, or a voluntary settlement.

Appendix E shows the outcomes of Code Of Conduct complaints closed by PSOW related to Local Authority in 2022/23. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix F shows the outcomes of Code of Conduct complaints closed by PSOW related to Town and Community Councils in the Local Authority's area in 2022/23. This table shows both the volume, and the proportion that each outcome represents for each Town or Community Council.

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holwch@ombwdsmon.cymru
0300 790 0203
1 Ffordd yr Hen Gae, CF 35 5LJ
Rydym yn hapus i dderbyn ac
ymateb i ohebiaeth yn y Gymraeg.

ombudsman.wales
ask@ombudsman.wales
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We are happy to accept and respond
to correspondence in Welsh.

Gadewir y dudalen hon yn wag yn fwiadol



STANDARDS COMMITTEE – 23RD NOVEMBER 2023

SUBJECT: MEMBER PROTOCOL ON INVOLVEMENT IN OTHER WARDS

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

To make Standards Committee aware of the recently adopted Member Protocol on Involvement in Other Wards.

2. SUMMARY

- 2.1 The protocol is designed to provide a simple process when a resident asks a member from a different ward to act on their behalf. The protocol only deals with 'local issues', meaning issues within a ward and not wider.

3. RECOMMENDATIONS

- 3.1 To note the introduction of the Member Protocol on Involvement in Other Wards.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 The Standards Committee has a role to play in ensuring members adhere to the requirements of the Protocol. Repeated breaches of the protocol could lead to a complaint to the Standards Committee.

5. THE REPORT

- 5.1 At its annual meeting in May earlier this year, the Council decided to adopt a protocol on when members may act for residents from another ward. The protocol is attached as an appendix to the report.
- 5.2 One of key roles of a member set out in Article 2 in part 2 of the Council's Constitution is that they will *effectively represent the interests of their electoral division and individual constituents*. The principal is that members should represent the members of the public from their own wards. There should be sufficient queries and requests for help from their own constituents without having to act for individuals from other wards. As the protocol describes in paragraph 1.2, *if the involvement in another ward is because of a direct approach by a resident, this is potentially contentious*.

- 5.3 However, the protocol sets out a simple process for dealing with this situation. In paragraph 3 of the protocol, it says that where a resident approaches a non-ward member about 'a local issue' (defined as an issue within a ward and not wider), the non-ward member should explain to the resident that they are not the local member and refer them to the local members to deal with the issue. If the resident does not want their local member to represent them then the non-ward member should inform the local members of their involvement. Further the non-ward member should provide a signed authority from the resident to the relevant Head of Service that they wish the non-ward member to act on their behalf.
- 5.4 The protocol says that the member needs to notify the Monitoring officer where they act outside their own ward. This will then be reported in the annual report of the Standards Committee to the annual meeting of Council in May.
- 5.5 Where members are acting contrary to the protocol, the issue will be flagged up with the group leader. Repeated breaches of the protocol may lead to a complaint to the Standards Committee.

6. ASSUMPTIONS

- 6.1 There are no assumptions contained in this report.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 As this report is for information only there is no requirement for an Integrated Impact Assessment to be completed.

8. FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications arising from this report.

9. PERSONNEL IMPLICATIONS

- 9.1 There are no personnel implications arising from this report.

10. CONSULTATIONS

- 10.1 Any consultation responses have been reflected within the body of the report.

11. STATUTORY POWER

- 11.1 Local Government Act 2000

Author: Robert Tranter, Head of Legal Services and Monitoring Officer

Consultees: Christina HARRY, Chief Executive
Dave Street, Deputy Chief Executive
Ed Edmunds, Corporate Director for Education and Corporate Services
Lisa Lane, Deputy Monitoring Officer and Head of Democratic Services
Cllr Sean Morgan, Leader of Council
Cllr Lindsay Whittle, Leader of Plaid Cymru
Cllr Nigel Dix, Leader of the Independent Group

Gadewir y dudalen hon yn wag yn fwriadol

Appendix 1 – Member Protocol on Involvement in Other Wards

MEMBER PROTOCOL ON INVOLVEMENT IN OTHER WARDS

1. Introduction

- 1.1 Sometimes as a Member, you might become involved in a ward other than your own. If this is at the invitation of the local Member, this shouldn't be an issue, for example, you could be approached to act by the local member because they have a conflict of interest, and there is no other member in the ward.
- 1.2 However, if the involvement in another ward is because of a direct approach by a resident, this is potentially contentious. This protocol has been written to help you. "Local Member" means the Councillor(s) who represent the ward. "Local issue" means within a ward and not wider.

2. Exceptions to the protocol

- 2.1. The following are not seen as local issues for the ward member(s) alone:-
 - a) Pursuing something as a prospective Senedd or Parliamentary candidate.
 - b) Involvement because of a role you have on other public bodies or organisations rather than as a member of Caerphilly CBC.
 - c) Acting because of your role as a Cabinet Member or as Mayor or as Deputy Mayor.
 - d) Canvassing at election times.
 - e) Pursuing a county borough-wide issue or a council-wide policy.
 - f) Where you have been contacted because of an item to be considered at a meeting of the County Council or of a Committee which you sit on.

3. Procedure to be followed:-

- 3.1 Where you have been approached by a resident about a local issue not in your ward, you should:-
 - a) Explain that you are not the local Member and refer them to the local Member(s) to deal with the issue.
 - b) If the resident still wants you to pursue the matter, you should inform the local Member(s) as a matter of courtesy of the approach that has been received and your intended involvement. If an officer will be involved with the issue, you must provide a signed authority from the resident to the relevant Director or Head of Service that they wish you to act on their behalf.
- 3.2 Particular care should be taken when commenting on issues on social media relating to other Member's wards.

4. Monitoring

- 4.1. If you do need to act outside your own ward, please notify the Monitoring Officer of the local issue so that a record is kept of all such occasions. Where Members are acting contrary to this protocol, the issue will be flagged up with their Group Leader for discussion. Repeated breaches of the protocol may lead to a complaint to the Standards Committee.

4.2 Breaches of the protocol will be reported annually to the Standards Committee as part of a report monitoring compliance.



STANDARDS COMMITTEE – 23RD NOVEMBER 2023

SUBJECT: LOCAL RESOLUTION PROTOCOL

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

1.1 To advise Members of the Standards Committee on the Local Resolution Protocol.

2. SUMMARY

2.1 All 22 principal councils in Wales, along with the National Park Authorities and Fire and Rescue Authorities have local resolution protocols in place to deal with low-level member on member complaints. Similarly One Voice Wales has produced a model local protocol for adoption by town and community councils.

2.2 Attached at Appendix 1 is a copy of the Local Resolution Protocol used by Caerphilly CBC.

3. RECOMMENDATIONS

3.1 The Standards Committee are asked to note the information contained in this report.

4. REASONS FOR THE RECOMMENDATIONS

4.1 For the Standards Committee to be aware of the Local Resolution Protocol and to consider whether it can be improved in any way.

5. THE REPORT

5.1 The Council has adopted a Local Resolution Protocol for a number of years. It is designed to deal with low-level member on member complaints at a local level, rather than members making complaints to the Public Services Ombudsman for Wales ('the Ombudsman') and using up her precious resources. The Ombudsman expects that the protocol is used to deal with these low level complaints.

5.2 The protocol specifies the standards of behaviour expected of members in paragraphs 2.1 and 2.2 of the protocol:

2.1 Public Behaviour

- (a) *Show respect to each other*
- (b) *Not make personal abusive comments about each other*
- (c) *Not publish anything insulting about each other*
- (d) *Not make malicious allegations against each other*
- (e) *Not publish or spread any false information about each other*
- (f) *Show respect to each other's diverse backgrounds and circumstances*
- (g) *Use social media responsibly and in accordance with the Members' Code of Conduct and this protocol.*

2.2 Behaviour In Meetings

- (a) *Behave with dignity*
- (b) *Show respect to the Chairman and obey his/her decisions and conversely Members can expect the Chairman to show mutual respect to Members*
- (c) *Not use indecent language nor make discriminatory remarks that may be deemed to be offensive to any section of society*

5.3 The protocol defines a low-level member on member complaint as :

In order to fall within the remit of this Protocol a complaint should satisfy all of the following criteria:

- (a) *The complaint made by a Member of the Council and relates to a breach of the Code by a fellow Member.*
- (b) *The complaint is "low-level" in nature. Whether or not a complaint is "low-level" in nature will be dependant on the individual circumstances of a complaint.*

The Ombudsman has indicated that "typically these complaints will be about alleged failures to show respect and consideration for others as required by paragraph 4(b) of the Code or the duty not to make vexatious, malicious or frivolous complaints against other Members under paragraph 6(1)(d) of the Code".

If you are unsure whether a matter you wish to complain about is "low-level" then you may wish to discuss this with the Monitoring Officer (who may consult with the Ombudsman's office) to obtain guidance.

- (c) *The complaint does not relate to repeated occurrences of similar conduct that has already been dealt with under this Protocol or by the Ombudsman. In the event that the complaint relates to such a "repeated offence" it is likely that it will be appropriate to refer the matter to the Ombudsman directly.*

- 5.4 The protocol details the procedure to deal with a complaint. At stage 1, described in paragraph 4.4 of the protocol, the complaining member, the member complained against and the monitoring officer will informally try to resolve the complaint.
- 5.5 If the complaint cannot be informally resolved, a formal hearing before the Standards Committee will take place following the process as set out in paragraph 4.5 of the protocol. At the conclusion of the hearing, the Standards Committee can come to a number of conclusions as follows:
- (a) that there is no basis to the complaint and no further action required
 - (b) that there is a basis to the complaint but that no further action is required
 - (c) that there is a basis to the complaint and that the Member should be censured at the next meeting of Council and/or additional action should be taken
 - (d) referral to the Ombudsman for investigation and if the complaint is considered to be deserving of more serious sanctions than the Standards Committee has the power to impose.
- 5.6 The Standards Committee has no power to suspend a member under the protocol. The only sanction it can impose is to request that the member is censured at the next meeting of the Council. The member can offer a public apology to the meeting of Council. The Standards Committee could also ask for the member to undergo some form of training relevant to the complaint.
- 5.7 Any complaints made under the protocol will be included in the annual report of the Standards Committee made to the annual meeting of Council in May.
- 5.8. **Conclusion**
- 5.9 The Standards Committee are asked to note the content of this report and consider whether the protocol can be improved upon.
- 6. ASSUMPTIONS**
- 6.1 There are no assumptions contained in this report.
- 7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT**
- 7.1 As this report is for information only there is no requirement for an Integrated Impact Assessment to be completed.
- 8. FINANCIAL IMPLICATIONS**
- 8.1 There are no financial implications arising from this report.
- 9. PERSONNEL IMPLICATIONS**
- 9.1 There are no personnel implications arising from this report.

10. CONSULTATIONS

10.1 Any consultation responses have been reflected within the body of the report.

11. STATUTORY POWER

11.1 Local Government Act 2000

Author: Robert Tranter, Head of Legal Services & Monitoring Officer

Consultees: Christina HARRY, Chief Executive
Dave Street, Deputy Chief Executive
Ed Edmunds Corporate Director for Education and Corporate Services
Lisa Lane, Deputy Monitoring Officer and Head of Democratic Services
Cllr Sean Morgan Leader of Council
Cllr Lindsay Whittle Leader of Plaid Cymru
Cllr Nigel Dix Leader of the Independent Group

Appendix 1: Local Government Resolution Protocol

**Caerphilly County Borough Council
Local Resolution Protocol**

1. Introduction

- 1.1 By way of background, around a third of complaints referred to the Public Services Ombudsman for Wales (**Ombudsman**) are made by a Member against a fellow Member. Many of these complaints relate to low-level behavioural issues, typically during what may often be seen as the "cut and thrust" of normal Council debates and local politics. Many of these, if investigated by the Ombudsman, would not result in a sanction being imposed.
- 1.2 This Protocol has been adopted in response to the Ombudsman's latest guidance on the Code of Conduct for Members (**Code**) which states that "low-level, Member-on-Member" complaints relating to the breaches of the Code should be dealt with at a local level. The Ombudsman's aim of doing so is to seek the resolution of matters at an early stage so as to avoid unnecessary escalation. The Protocol should be read in conjunction with the Members Code. It adds to this document and does not detract from it.
- 1.3 This Protocol seeks to define what is meant by "low-level, Member-on-Member" complaints and sets out the procedure to be adopted in response to them.
- 1.4 It is important to note that this Protocol does not preclude Members from referring any complaint to the Ombudsman if they so wish. However Members should note that the Ombudsman has made clear that, in normal circumstances, it is expected that in the first instance Members should exhaust the procedures set out in this Local Protocol before referring low-level complaints to the Ombudsman.

2. The Standards of Conduct

Members shall:-

2.1 Public Behaviour

- (a) Show respect to each other
- (b) Not make personal abusive comments about each other
- (c) Not publish anything insulting about each other
- (d) Not make malicious allegations against each other
- (e) Not publish or spread any false information about each other
- (f) Show respect to each other's diverse backgrounds and circumstances
- (g) Use social media responsibly and in accordance with the Members' Code of Conduct and this protocol

2.2 Behaviour In Meetings

- (a) Behave with dignity
- (b) Show respect to the Chairman and obey his/her decisions and conversely Members can expect the Chairman to show mutual respect to Members
- (c) Not use indecent language nor make discriminatory remarks that may be deemed to be offensive to any section of society

3. What Is A "Low-Level, Member On Member" Complaint?

3.1.1 In order to fall within the remit of this Protocol a complaint should satisfy all of the following criteria:

- (a) The complaint made by a Member of the Council and relates to a breach of the Code by a fellow Member.
- (b) The complaint is "low-level" in nature. Whether or not a complaint is "low-level" in nature will be dependant on the individual circumstances of a complaint.

The Ombudsman has indicated that *"typically these complaints will be about alleged failures to show respect and consideration for others as required by paragraph 4(b) of the Code or the duty not to make vexatious, malicious or frivolous complaints against other Members under paragraph 6(1)(d) of the Code"*.

If you are unsure whether a matter you wish to complain about is "low-level" then you may wish to discuss this with the Monitoring Officer (who may consult with the Ombudsman's office) to obtain guidance.

- (c) The complaint does not relate to repeated occurrences of similar conduct that has already been dealt with under this Protocol or by the Ombudsman. In the event that the complaint relates to such a "repeated offence" it is likely that it will be appropriate to refer the matter to the Ombudsman directly.

4. Procedure

4.1 Allegations by a Member of a breach of one (or more) of the standards of conduct set out in paragraph 2 of the Protocol by another Member will be dealt with in accordance with the procedures set out below.

4.2 It is important that any allegations made under the protocol are dealt with quickly and effectively with the co-operation of all parties involved. Each party must make themselves available to attend a hearing held thereunder as a matter of priority and within the timescales set out in this Protocol.

4.3 Should following commencement of the Protocol process any member elects at any time to refer the matter to the Ombudsman for investigation the Protocol process will be discontinued and cannot subsequently be resumed.

4.4 Stage One - Making The Complaint And Informal Resolution

- (i) Any Member who wishes to submit an allegation under the Protocol should send the complaint to the Monitoring Officer. The complaint must be submitted to the Monitoring Officer within one month of the event that has given rise to the

complaint occurring or, within one month of the substance of the complaint coming to the attention of the Member submitting the allegation.

- (ii) Following receipt of the complaint the Monitoring Officer will advise whether the allegation falls within the Protocol or whether the complainant(s) should consider referral to the Ombudsman as an allegation of breach of the Members' Code of Conduct.
- (iii) If there is a formal referral to the Ombudsman then legislation and regulations set out how the Ombudsman may investigate that matter and if appropriate refer the result of any investigation to the Standards Committee so that the Committee may determine that complaint.
- (iv) If the Monitoring Officer determines that the allegation falls within the Protocol he/she will seek to try and resolve the matter informally.
- (v) If following Stage One the Monitoring Officer cannot resolve the matter informally between the parties and the Member(s) wishes to proceed with the allegation under the protocol the matter will be referred to a hearing before the Standards Committee under Stage Two.

NB: The Monitoring Officer may choose not to deal with the allegation at this stage in order to be able to advise the Committee later in the process, in which case the Deputy Monitoring Officer or a Legal Officer will advise the Member complainant(s).

4.5 Stage Two – Standards Committee Hearing

- (i) Stage Two is a hearing before the Standards Committee.
- (ii) The Member(s) making the complaint will be asked to re-confirm the substance of the complaint in writing to the Monitoring Officer (including identifying which standard(s) of conduct set out in paragraph 2 above is/are alleged to have been breached) together with all the written evidence they wish to submit for consideration at the hearing within two weeks of notifying the Monitoring Officer they wish the complaint to be dealt with by way of hearing before the Standards Committee.
- (iii) The Member(s) who is the subject of that complaint must provide a written response to that complaint within one month of receipt of notification of it together with all written evidence they wish to submit for consideration at the hearing.
- (iv) The Monitoring Officer if he/she participated in Stage One will notify the Deputy Monitoring Officer or a Legal Officer of receipt of the complaint who shall thereafter have conduct of the matter (the 'Investigating Officer').
- (v) If the Monitoring Officer chose not to deal with the allegation at Stage One he/she shall be the Investigating Officer.
- (vi) Both the Member(s) making the complaint and the Member(s) against whom the allegation(s) has been made must respond promptly to all correspondence relating to the matter including requests to confirm availability in respect of scheduling the hearing itself. Member(s) will be given dates within a two month

window in which they must confirm a date they are available to attend the hearing.

- (vii) The papers referred to in paragraph 4.5(ii) and 4.5(iii) will be distributed to the Members of the Committee in accordance with the Council's Access to Information Rules.
- (viii) No additional evidence may be produced without the prior consent of the Chair of the Committee.
- (ix) Each Member must give notification in writing to the Investigating Officer of any witnesses they intend to call to give evidence at the hearing. It is the responsibility of the Member calling the witness to ensure that the witness is available to attend on the agreed date.
- (x) If either side wishes not to be present or fails to attend, the hearing may be held in their absence.
- (xi) Should they deem it appropriate the Standards Committee may invite Council officers to attend the hearing to answer any questions they may have relevant to the matter before it.
- (xii) The proceedings at the Standards Committee hearing itself shall be conducted as follows:-
 - (a) Opening address by the Chairman;
 - (b) Member(s) who submitted the complaint be invited to address the Committee;
 - (c) Questions by Committee Members;
 - (d) Member(s) who the allegations have been made against be invited to address the Committee;
 - (e) Questions by Committee Members;
 - (f) Witnesses for Member(s) who submitted the complaint address the Committee;
 - (g) Questions by Committee Members;
 - (h) Witnesses for Member(s) who the allegations have been made against be invited to address the Committee;
 - (i) Questions by Committee Members;
 - (j) The Member(s) who has made the complaint be invited to address the Committee with any closing remarks;
 - (k) The Member(s) who is/are the subject of the complaint be invited to address the Committee with any closing remarks;

- (l) Questions by Committee Members (if any) to Council Officers who have been invited to attend by the Committee;
- (m) Committee to retire to deliberate in private on the representations and decide whether or not the Member(s) who the allegations have been made against has failed to comply with the Protocol and what sanction, if any, to impose;
- (n) Committee to reconvene in public for the Chairman to announce the Committee's finding.

NB: There will be no cross examination of any of the parties save for questions asked by Committee members.

- (xiii) The Investigating Officer will be available to advise the Committee.
- (xiv) The Committee can come to one or more of the following conclusions, namely:-
 - (a) that there is no basis to the complaint and no further action required
 - (b) that there is a basis to the complaint but that no further action is required
 - (c) that there is a basis to the complaint and that the Member should be censured at the next meeting of Council and/or additional action should be taken
 - (d) referral to the Ombudsman for investigation and if the complaint is considered to be deserving of more serious sanctions than the Standards Committee has the power to impose.
- (xv) The conclusion reached by the Committee will be minuted and reported to Council. In addition, the Committee can make recommendations to Council regarding changes to the Protocol or taking any further action (for example the removal of Members from specific committees or further training requirements).

4.6 In making a decision on the sanction to be imposed, the Standards Committee may take into account (but is not limited to considering):

- a. The severity of the offence;
- b. The level of remorse the Member in question has shown and any apologies they have made.

NB: The time-limits and deadlines set out in these procedures are subject to there being flexibility in exceptional circumstances as determined by the Chairman.

5. **General**

- 5.1 Both the name of the complainant and the Councillor against whom the complaint has been made will be kept confidential at Stage 1 of the Protocol process.
- 5.2 Where complaints are resolved at Stage 1 the Monitoring Officer shall report to Standards Committee periodically the numbers and types of complaints determined

under this Protocol, but shall maintain the anonymity of both the complainant and the Councillor concerned.

- 5.3 The Stage 2 hearing before the Standards Committee will generally be conducted in an open session of the Standards Committee.



STANDARDS COMMITTEE – 23RD NOVEMBER 2023

SUBJECT: MEMBERS' DECLARATIONS OF GIFTS AND HOSPITALITY

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To advise Members of the Standards Committee of the gifts and hospitality declared by elected Members for the period August 2018 to October 2023.

2. SUMMARY

- 2.1 Attached at Appendix 1 is a list of gifts and hospitality declared by elected Members for the period August 2018 to October 2023 .

3. RECOMMENDATIONS

- 3.1 The Standards Committee are asked to note the information contained in this report.
- 3.2 Going forward, the Standards Committee will receive an annual report on gifts and hospitality received or declined by members.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 The Authority acting through this Committee has an obligation to maintain high standards and probity and conduct throughout the Council and the Community Councils within the County Borough area.

5. THE REPORT

- 5.1 Paragraph 17 of the code of conduct for members requires members within 28 days of the date of receipt notify the monitoring officer of the existence and nature of any gifts, hospitality, material benefits or advantage received or offered to them and declined where the value of the item or benefit exceeds £25. The paragraph applies equally to any gift accepted by the member on behalf of the Council.
- 5.2 Paragraph 9(b) of the code of conduct for members states that members must avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch authorised by the Council), material benefits or

services for the member or any person which might place the member, or reasonably appear to place the member under an improper obligation.

5.3 As part of the drive to strengthen governance arrangements back in 2013, the informal arrangements of reporting gifts and hospitality declared by elected Members were replaced by the presentation of a quarterly report to the Standards Committee. The last report was presented in 2018. In more recent years, in the main as a result of the impact of the Covid pandemic, quarterly reports have proved unnecessary as there have been very few or no gifts or hospitality declared.

5.4 The Standards Committee last received a report on Members Declarations of Gifts and Hospitality at the meeting held on the 13th September 2018 which related to declarations for the period August 2017 to August 2018.

5.5 The Appendix attached lists the gifts and hospitality as declared by elected Members for the period August 2018 to October 2023.

5.6 It is proposed that the Standards Committee will receive an annual report on gifts and hospitality received or declined by members going forward.

5.7 **Conclusion**

The Standards Committee are asked to not the content of this report.

6. **ASSUMPTIONS**

6.1 There are no assumptions contained in this report.

7. **SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

7.1 As this report is for information only there is no requirement for an Integrated Impact Assessment to be completed.

8. **FINANCIAL IMPLICATIONS**

8.1 There are no financial implications arising from this report.

9. **PERSONNEL IMPLICATIONS**

9.1 There are no personnel implications arising from this report.

10. **CONSULTATIONS**

10.1 Any consultation responses have been reflected within the body of the report.

11. **STATUTORY POWER**

11.1 Local Government Act 1972

Author: Lisa Lane Head of Democratic Services and Deputy Monitoring Officer

Consultees: Christina HARRY, Chief Executive
Dave Street, Deputy Chief Executive
Ed Edmunds Corporate Director for Education and Corporate Services
Robert Tranter, Head of Legal Services AND Monitoring Officer
Cllr Sean Morgan, Leader of Council
Cllr Lindsay Whittle, Leader of Plaid Cymru
Cllr Nigel Dix, Leader of the Independent Group

Appendix 1

Declaration Made By	Date	Gift Received & Cost
Cllr. E. Aldworth	18 th July, 2018	At a presentation evening when Cllr. Aldworth resigned as governor for Tyn-Y-Wern primary school, she received I received a Bouquet of flowers A Marks and Spencer gift card for £50 A glass engraved plaque Card
Cllr. P. Marsden	16 th January, 2020	Attended the South Wales Argus Schools and Education Awards, 2020 at the Celtic Manor. As part of the evening a meal was provided. The Local Authority paid for the tickets at a cost of £30.00
Cllr. B. Jones	16 th January, 2020	Attended the South Wales Argus Schools and Education Awards, 2020 at the Celtic Manor. As part of the evening a meal was provided. The Local Authority paid for the tickets at a cost of £30.00
Cllr. K. Etheridge	24 th May 2022	Complimentary tickets and two nights stay from the Local Government Association to attend the Local Government Association Conference
Cllr. J. Simmonds	30 th June, 2023	1 x bottle of liquor 2 x bars or chocolate 1 x coffee table book featuring the town of Ludwigsburg 1 x pack of instant coffee 1 x pack of hot chocolate 1 x tea towel 1 x presentation box 1x biro Total Value £30.00

Cllr. S. Morgan	22 nd June, 2023	A bottle of liquor. Total Value £25.00
Cllr. S. Morgan	20 th July, 2023	Attending an event at the ICC Wales and will receive a meal. Total Value £50.00

Background papers

[Standards Committee Report – Members Declarations of Gifts and Hospitality
September 2017 to August 2018](#)

Gadewir y dudalen hon yn wag yn fwriadol



STANDARDS COMMITTEE – 23RD NOVEMBER 2023

SUBJECT: APPLICATIONS FOR DISPENSATION - INFORMATION ITEM

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

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1. PURPOSE OF REPORT

- 1.1 To advise Members of the decision of the Chair Mr Peter Brunt and Independent Member Ms Lisa Jay of the Standards Committee in relation to an application for dispensation to speak at a meeting made by Town Councillor George Edwards-Etheridge.

2. SUMMARY

- 2.1 To ask Members to note the decision of the Chair and Independent Member of the Standards Committee regarding the application for dispensation set out below in accordance with the terms of reference of the Standards Committee.

3. RECOMMENDATIONS

- 3.1 The Standards Committee is asked to note the dispensation granted.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 The Authority acting through this Committee has an obligation to maintain high standards and probity and conduct throughout the Council and the Community Councils within the County Borough area and can grant dispensations to enable elected members to speak at committees where they would otherwise be prevented.

5. THE REPORT

- 5.1 On 28th June 2023 Town Councillor George Edwards-Etheridge applied to the Standards Committee for a dispensation to enable him to participate in a meeting of the Blackwood Town Council on 17th July 2023 to answer any questions from his fellow town councillors regarding the future of the toilets at Blackwood bus station.
- 5.2 The application was made under the following ground of the Standards Committee (Grant of Dispensation) (Wales) Regulation 2001:-

(vi) The participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

Background

- 5.3 Until now, Councillor Edwards-Etheridge has always declared a personal and prejudicial interest and withdrawn from a meeting when the matter has been discussed by the town council. His interests are that he is chair of the local taxi drivers association who run the toilets at the bus station and that he is the owner of a café located at the bus station.
- 5.4 A special meeting of Blackwood Town Council was scheduled for 17th July 2023 to discuss the future of the toilets and would be discussing a number of options, including that the town council employing a toilet assistant; to enter a contract with a private company or perhaps make a payment to the taxi association for them to employ an assistant. The toilets have been beset with a number of problems over the years including regular spates of vandalism resulting in damage and filth so that the taxi association is considering withdrawing its support, leaving the bus station without any proper public toilet facilities.
- 5.5 In accordance with the Terms of Reference of the Standards Committee an urgent meeting was arranged for 10th July 2023 with the Chair and Independent Member to consider the application. The Council's Head of Legal Services was also in attendance.

Decision

- 5.6 The Standards Committee members decided to grant the dispensation on the ground that *the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise.*
- 5.7 It was felt that as Councillor Edwards-Etheridge had detailed knowledge of the running of the toilets he would be able to answer any questions from fellow town councillors at the special meeting of council on 17th July so that the town council will be better able to make a decision on the future of the toilets. However the Standards Committee members decided that Councillor Edwards-Etheridge must withdraw from the meeting immediately after he has answered any questions of the members and he must not take part in any subsequent debate of the issue or vote. He must declare that he has a personal and prejudicial interest in the bus station toilets item at the beginning of the meeting on the 17th July, but that he has a dispensation from the Standards Committee of Caerphilly CBC to remain in the meeting to answer any questions from the town councillors before leaving the meeting.
- 5.8 Councillor Edwards-Etheridge will be able to rely on the dispensation for any further meetings that discuss the toilets after 17th July for the rest of 2023.
- 5.9 Councillor Edwards-Etheridge was informed of the decision by the Head of Legal Services and Monitoring Officer.

6. ASSUMPTIONS

- 6.1 No assumptions are necessary within this report.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 The application for a dispensation was a procedural matter set out in legislation and therefore an Integrated Impact Assessment was not required.

8. FINANCIAL IMPLICATIONS

- 8.1 There are no personnel implications arising from this report.

9. PERSONNEL IMPLICATIONS

- 9.1 There are no personnel implications arising from this report.

10. CONSULTATIONS

- 10.1 The application followed the process set out in the Standards Committee's Terms of Reference and as such there was no requirement to consult.

11. STATUTORY POWER

- 11.1 Standards Committee (Grant of Dispensation) (Wales) Regulation 2001

Author: Lisa Lane Head of Democratic Services and Deputy Monitoring Officer
Consultees: Robert Tranter Head of Legal Services and Monitoring Officer
Christina Harray – Chief Executive
Dave Street – Deputy Chief Executive
Richard Edmunds – Corporate Director Education and Corporate Services
Mark S. Williams – Corporate Director Economy and Environment
Steve Harris – Head of Finance and Section 151 Officer

Gadewir y dudalen hon yn wag yn fwriadol