



RHONDDA CYNON TAF

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

19 MARCH 2021

PUBLIC SERVICES OMBUDSMAN FOR WALES – CONSULTATION ON REVISED CODE OF CONDUCT GUIDANCE FOR MEMBERS OF PRINCIPAL COUNCILS AND COMMUNITY & TOWN COUNCILS

REPORT OF THE MONITORING OFFICER

1. PURPOSE OF REPORT

To inform Members of the consultation initiated by the Public Services Ombudsman for Wales in respect of new draft guidance on the Members' Code of Conduct for both Principal Councils and Community and Town Councils and invite any comments to be provided in response to that consultation.

2. RECOMMENDATION

2.1 The Committee is recommended to:

2.1.1 consider the Ombudsman's revised draft guidance on the Members' Code of Conduct for (i) Members of Principal Councils; and (ii) Members of Town and Community Councils (attached as Appendix A and B respectively);

2.1.2 provide any comments in response to the consultation; and

2.1.3 request the Monitoring Officer respond to the consultation on behalf of the Committee.

3. BACKGROUND

3.1 Under section 68 of the Local Government Act 2000, the Public Services Ombudsman for Wales ('the Ombudsman') may issue guidance to relevant authorities on matters relating to the conduct of their members and co-opted members. Under this statutory power, the Ombudsman has issued two separate sets of guidance on the Members' Code of Conduct – one for Members of Principal Councils and another for Members of Town and Community Councils, intended to help Members to understand their obligations under the Code. The Ombudsman's guidance was last updated in 2016.

3.2 The Ombudsman has initiated a consultation on revised draft guidance for:

(i) Members of Principal Councils and (ii) Members of Town and Community Councils. These are attached at Appendix A and B respectively. The deadline for consultation responses in respect of both sets of guidance is 21st March 2021.

- 3.3 The revised draft guidance outlines Members' duties under the Code and explains the test applied by the Ombudsman when deciding whether to investigate an alleged breach of the Code of Conduct. It also includes examples drawn from cases considered by the Ombudsman, local standards committees and the Adjudication Panel for Wales and reflects on issues of concern and recent trends.
- 3.4 The separate guidance for Members of Town and Community Councils is tailored to the different nature of the role that community councillors undertake in their communities.
- 3.5 The changes to both sets of guidance do not fundamentally alter current advice on the meaning of the Code of Conduct. The revised guidance seeks to improve wording to aid clarity, place greater emphasis on key messages (e.g. through the use of bold text) and provides fresh examples from real life of where the Code has been breached.
- 3.6 The principle changes appear to be:
- a. the Ombudsman has expanded the explanation of the two stage test applied to decide whether to investigate a complaint;
 - b. Slightly clearer and more emphatic guidance on freedom of speech as it effects the requirement to treat people with respect, the prohibition on bullying and disrepute; and
 - c. the guidance on what to do if one has a personal interest is expanded and more explicit.

Whilst most changes are small, they do add clarity and/or emphasis to the guidance. The changes appear to make the guidance easier to follow

- 3.7 The Committee is invited to consider the two separate sets of revised draft guidance on the Members' Code of Conduct issued by the Ombudsman and provide any comments to be given in response to the consultation.

4. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

5. LEGAL IMPLICATIONS

Relevant legal provisions are set out in the body of the report.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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BACKGROUND PAPERS

Freestanding Matter

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