

STANDARDS AND ETHICS COMMITTEE: 21st APRIL 2015

REPORT OF THE COUNTY CLERK & MONITORING OFFICER

AGENDA ITEM: 5

REVISED GUIDANCE ON MEMBER CODE OF CONDUCT

Reason for this Report

1. To update the Committee on revised guidance from the Public Services Ombudsman published in March 2015

Background

2. This revised Guide provides an overview of the Model Code of Conduct (“the Code”) introduced in 2008. It is intended to help members understand their obligations under the Code. The Code applies to all members and co-opted Members of local authorities, community councils, fire and rescue authorities and national park authorities in Wales.
3. This is the third version of this Guidance and is the first by Nick Bennett as Public Services Ombudsman for Wales. This version, for the first time, explains the revised two stage test that will be used when deciding whether to investigate or to continue with an investigation of a breach of the Code to the stage of referring the matter to a standards committee or the Adjudication Panel for Wales.
4. It also includes further guidance on the use of social media and political expression, and aims to provide assistance to members on the issue of interests which some members find challenging.
5. It contains examples drawn from recent cases considered by the Ombudsman, standards committees across Wales and the Adjudication Panel for Wales. The Ombudsman intends to publish further examples of recent cases quarterly in “The Code of Conduct Casebook” at www.ombudsman-wales.org.uk.

Issues

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6. The Ombudsman reinforces the importance of member training on the Code whether by the Monitoring Officer or from a representative body. As part of next year's Member Development Programme we will arrange for refresher courses to be made available to ensure members are fully aware of the provisions of the Code and the standards expected of them in public life. A similar approach needs to be put in place for Community Councillors.
7. The Ombudsman also uses the Guidance to encourage members to continue to avail themselves of local arrangements for dealing with member versus member complaints which have proved very effective as a means of resolving many of these cases.
8. The Ombudsman comments on his increasing concerns about the number of low level complaints that are being received by his office. He notes that whilst these complaints appear to have been generated by a small number of members, in these challenging times of public austerity, it is increasingly important to ensure the effective use of public resources and that any investigation undertaken is proportionate and required in the wider public interest.

Legal Implications

There are no direct legal implications arising from the recommendations of this report.

Financial Implications

There are no direct financial implications arising from the recommendations of this report.

Recommendations

The Committee is recommended:

1. To welcome the approach taken in the revised Guidance to 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.
2. To request that the Monitoring Officer arranges to distribute the revised Guidance to all Councillors including community Councillors in Cardiff and to arrange suitable refresher training as part of the Member Development Programme

**Marie Rosenthal,
County Clerk & Monitoring Officer
21st April 2015**

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The following Appendix is attached:

Guidance from the Public Services Ombudsman for Wales dated March 2015

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