

Meeting of:	COUNCIL
Date of Meeting:	19 JULY 2023
Report Title:	APPOINTMENTS TO THE STANDARDS COMMITTEE
Report Owner / Corporate Director:	MONITORING OFFICER
Responsible Officer:	LAURA GRIFFITHS GROUP MANAGER LEGAL AND DEMOCRATIC SERVICES
Policy Framework and Procedure Rules:	There is no effect upon the Policy Framework and Procedure Rules; however the Standards Committee contributes to the maintenance of probity in the Authority.
Executive Summary:	Vacancies for Independent Members have arisen on the Standards Committee. It is therefore necessary for appointments to be made to fill these vacancies.

1. Purpose of Report

- 1.1 Members will be aware that vacancies for Independent Members have arisen on the Council's Standards Committee. It is therefore necessary for appointments to be made to fill these vacancies.
- 1.2 Following feedback from a Standards Committee meeting, it was recommended that a report also be brought to Members to confirm the remit of the Committee and the legislative background.

2. Background

- 2.1 Part III of the Local Government Act 2000 introduced an Ethical Framework for Councils. As part of this framework, the Council has a Standards Committee. This Committee is also responsible for standards functions in relation to the Town and Community Councils (and their Members) in the area of the County Borough Council.
- 2.2 In accordance with Section 8 of the Constitution, the role and functions of the Committee are:
 - To promote and maintain high standards of conduct by Elected Members and co-opted Members
 - Advise the Council on the adoption or revision of the Members' Code of Conduct
 - Monitor the operation of the Code of Conduct and assist Members to observe the Code
 - Advising, training or arranging to train Members on the Code
 - Monitor the operation of the Council's Whistleblowing Policy

- Grant dispensations to Members from the prohibitions contained in the Code of Conduct (in certain circumstances Members may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because the member has a prejudicial interest. Provided Members act within the terms of their dispensation there is deemed to be no breach of the Code)
- Consider reports submitted by the Monitoring Officer and Public Services Ombudsman for Wales (PSOW) regarding Member conduct complaints
- Monitor compliance by political Group Leaders with their duties to promote and maintain high standards of conduct by the members of their group
- Advising, training or arranging to train Group Leaders on the matters outlined above.

2.3 In BCBC the Standards Committee are scheduled to meet 4 times per annum. During the year they will receive reports relating to training of members; PSOW updates; national standards updates; whistleblowing and other matters. This year they have also invited Group Leaders to meet them and have received annual reports from the three Group Leaders. The Committee can make recommendations to Group Leaders / Full Council if they feel there are standards that need to be improved or addressed.

2.4 In addition to scheduled business, the Committee also consider any reports submitted by the PSOW. This report would set out findings from PSOW in relation to any investigations they have taken into Member's behaviour. If the matter proceeds to a hearing the Standards Committee will hear all the evidence in the case, including from the PSOW and the Member concerned. The Committee then determine whether there has been a breach of the Code, and if so whether a sanction needs to be imposed. The Committee can censure a Member or suspend a Member for up to a period of six months.

2.5 The Local Government Act 2000 and the Standards Committees (Wales) Regulations 2001 provide for composition and operation of the Standards Committees. The Standards Committee of this Council has a current membership of six members comprised as follows:

- Cllr G Walter (County Borough Member)
- Cllr M Williams (County Borough Member)
- Cllr G Thomas (Town and Community Council)
- Mr P Clarke (Independent Member)
- Mrs J Keily (Independent Member)
- Mr C Jones OBE (Independent Member, Chair)

2.6 As prescribed by Regulations, where the total number of members of the committee is an even number at least half that number shall be independent members or if an odd number, a majority of that number shall be independent members.

2.7 Independent Members are appointed for a period of not less than four and not more than six years and may be reappointed for a consecutive term. Members of local authorities who are Members of the Standards Committee will have a term of office until the next ordinary local government election following their appointment. They may be reappointed for one further consecutive term.

2.8 A meeting of the Standards Committee will only be quorate when at least three

Members, including the Chairperson, are present; and at least half the Members present (including the Chairperson) are Independent Members. A quorum of the committee cannot therefore be constituted by the County Borough Members and Town and Community Council Member themselves as the majority should rest with the Independent Members. This places an unduly heavy burden on the Independent Members, and the committee being in danger of not having adequate or required numbers (a quorum) for meetings.

- 2.9 On 20 July 2022, Council therefore approved that the membership of the Committee be increased to eight Members and an additional Independent Member (co-opted) be appointed to the Committee. The Council has previously provided delegated authority to the Monitoring Officer to oversee recruitment processes and appointment to the Standards Committee, and to report back to Council any successful appointment.

3. Current situation / proposal

- 3.1 Since the last report to Council on 20 July 2022, the Monitoring Officer was informed of the sad passing of Mr J Baker (Independent Member). More recently, the formal resignations of Mrs J Kiely (Independent Member) and Mr C Jones OBE (Independent Member, Chair) have also been received for personal reasons. The Committee therefore has four vacancies for Independent Members.

- 3.2 In accordance with the Regulations, the Monitoring Officer has gone through the usual process of advertising the vacancies in two newspapers circulating in the area and a Panel (consisting of not more than five Members and at least one Independent Member and one Town and Community Council Member) was convened to consider applications and conduct interviews. Following interviews by the Panel, it is recommended that the following appointments are approved by Council:

- Mr Peter Baker
- Ms Sue Maughan
- Mr Roy Lynch
- Mr Shawn Cullen

- 3.3 Under the Standards Committees (Wales) Regulations 2001 the members of the Committee shall elect a Chairperson from amongst the Independent Members. The Chairperson of the Committee will be appointed at the next meeting of the Standards Committee.

- 3.4 At the Standards Committee meeting on 7th July 2023 the Committee agreed that they would reintroduce observations of BCBC and Town and Community Council meetings. The Committee members will be provided with the dates of all full Council meetings and they will attend on an ad hoc basis to observe proceedings. As a result of their observations they may report back to full Council or make recommendations.

4. Equality implications (including Socio-economic Duty and Welsh Language)

- 4.1 The protected characteristics identified within the Equality Act 2010, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the

review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

- 5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report. This report also assists in the achievement of the following well-being objective under the Well-being of Future Generations (Wales) Act 2015:-

A county borough where people feel valued, heard and part of their community.

- 5.2 Standards are an implicit requirement in the successful implementation of the corporate well-being objectives.

6. Climate Change Implications

- 6.1 There are no climate change implications.

7. Safeguarding and Corporate Parent Implications

- 7.1 There are no safeguarding and corporate parent implications.

8. Financial Implications

- 8.1 Any costs associated with this report will be met from existing budgets.

9. Recommendations

It is recommended that Council:

- Note the remit of the Standards Committee and the legislative background in which the Committee operates;
- Appoint the Independent Members outlined at paragraph 3.2 of the report with immediate effect for an initial period of four years;
- Note that the Chairperson will be appointed at the next meeting of the Standards Committee.

Background documents:

None