

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD IN REMOTELY VIA MICROSOFT TEAMS ON THURSDAY, 18 FEBRUARY 2021 AT 10:00

Present

Councillor Mr C Jones OBE – Chairperson

G Thomas  
Mr J Baker

Mr P Clarke

MC Clarke

Mrs J Kiely

Apologies for Absence

Cllr Paul Davies

Officers:

Kelly Watson - Chief Officer – Legal, HR and Regulatory Services  
Michael Pitman - Democratic Services Officer - Committees

73. DECLARATIONS OF INTEREST

None

74. APPROVAL OF MINUTES

RESOLVED: That the minutes of the 19/11/2020 and 21/12/2020 be approved as a true and accurate record.

75. LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

The Chief Officer Legal, HR and Regulatory Services presented a report which updated the Committee on the Local Government and Elections (Wales) Act 2021 in so far as it directly impacts on the functions of the Committee.

She explained that the Bill was passed by the Senedd on 18<sup>th</sup> November 2020 and received Royal Assent on 20<sup>th</sup> January 2021, and was a substantial piece of legislation with a number of parts effecting Local Government, Town and Community Councils and some elements effective the Standards Committee. She added that there was a complex timetable for implementation whereby not every aspect of the Bill was to be implemented at once.

The Chief Officer Legal, HR and Regulatory Services that parts of the Bill were due to roll out in May 2021 with the majority of the Bill being implemented alongside the time frame of the Local Government Elections in 2022.

The Chief Officer Legal, HR and Regulatory Services explained the sections of the Bill that effected the Standards Committee which were as follows:

- Duties of leaders of political groups in relation to standards of conduct – take reasonable steps to promote and maintain high standards of conduct by the members of the group, and must co-operate with the Committee in the exercise of the Committee’s functions. Monitoring compliance by leaders with their duties under this section, and advising, training or arranging to train leaders about matters relating to those duties.

## STANDARDS COMMITTEE - THURSDAY, 18 FEBRUARY 2021

- Duty of standards committee to make annual report – describe how the Committee’s functions have been discharged during the financial year. This included training provided to Standards Committee Members and a summary of investigations undertaken.
- Certain investigations by the Public Services Ombudsman for Wales – Schedule 8 of the Bill makes amendments to the Local Government Act 2000 and other Acts, about investigations by the Ombudsman concerning failures to comply with a code of conduct.

The Chief Officer Legal, HR and Regulatory Services explained that more detail was awaited on these and further updates would be provided to the Standards Committee as and when appropriate.

A Member asked what the introduction of the Bill meant for Town and Community Councils and their leaders.

The Chief Officer Legal, HR and Regulatory Services stated that there was not yet specific guidance provided for Town and Community Councils as of yet as this was something that we were awaiting substantive regulations and guidance on.

A Member stated that many of the Standards Committee hearings had involved Independent Members. He asked what the new Bill meant for Independent Members and who was responsible for ensuring high levels of standards among them.

The Chief Officer Legal, HR and Regulatory Services explained that the current guidance did not give specifics on this but once substantive guidance followed, she would provide further reports outlining the guidance for Independent Members.

RESOLVED: That the Standards Committee noted the report.

## 76. STANDARDS COMMITTEE - HEARINGS PROCESS

The Chief Officer Legal, HR and Regulatory Services presented a report which asked the committee to note the adopted procedure to determine Code of Conduct complaints which were referred to the Committee to ensure that matters were dealt with fairly and efficiently.

She explained that Appendix 1 to the report set out the procedure that the committee would follow where it was required to make decisions about the conduct of Councillors following investigations by the Public Services Ombudsman for Wales or the Council’s Monitoring officer.

The Chief Officer Legal, HR and Regulatory Services explained that all elected members received training on the Code of Conduct and as recently as January 2021, a refresher training was provided to members of the committee.

A Member asked if there were any further training sessions provided on Code of Conduct, as he did not attend the previous one offered.

The Chief Officer Legal, HR and Regulatory Services stated that there were two further refresher training sessions being provided, but the dates had not yet been confirmed, as the provider was currently on leave. She added that the sessions were likely to be held towards the end of March/early April, and would ensure any members that were not able to attend previous sessions would be invited to the future sessions.

A Member added that he recently attended a session provided by One Voice Wales which was very detailed and while catered to town and community councillors, it was available for any member to attend.

**RESOLVED:** That the Standards Committee noted the report the adopted procedure to be applied to hearings before the Committee attached as Appendix 1.

77. **ADJUDICATION PANEL FOR WALES - SANCTION GUIDANCE**

The Chief Officer Legal, HR and Regulatory Services presented a report which apprised Members of the Sanction Guidance received from the Adjudication Panel for Wales (APW) which had recently been revised and modernised.

She explained that following a recent consultation was to improve and modernise its Sanctions Guidance, a new Sanctions Guidance had been published by the APW. The primary purpose of the Guidance was to assist the APW's case tribunals, when considering the appropriate sanction to impose where a Councillor had been found to have breached the Code of Conduct.

She advised that the sanction guidance was attached at appendix 1 of the report and stated that the sanctions could only be applied by the APW, not the standards committee. However, it was important for members' information to understand the procedures while supporting them in their role and maintaining, promoting and adjudicating on the Code.

**RESOLVED:** that the Committee noted the Sanctions Guidance issued by the APW attached as Appendix 1

78. **URGENT ITEMS**

None

79. **EXCLUSION OF THE PUBLIC**

**RESOLVED:** The Minutes relating to the following item is not for publication as it contains exempt information as defined in Paragraph 12 of Part 4, and Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

If following the application of the public interest test the Committee resolves pursuant to the Act to consider this item in private, the public will be excluded from the meeting during such consideration.

80. **APPROVAL OF EXEMPT MINUTES**

**RESOLVED:** That the exempt minutes of the 19/11/2020 and 21/12/2020 be approved as a true and accurate record.

The meeting closed at 10:30