

STANDARDS COMMITTEE - FRIDAY, 30 SEPTEMBER 2022

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD REMOTELY - VIA MICROSOFT TEAMS ON FRIDAY, 30 SEPTEMBER 2022 AT 15:30

Present

Councillor Mr C Jones OBE – Chairperson

MJ Williams
Mr J Baker

G Thomas
G Walter

Mr P Clarke

Mrs J Kiely

Officers:

Rachel Keepins
Julie Ellams
Kelly Watson

Democratic Services Manager
Democratic Services Officer - Committees
Chief Officer Legal, HR and Regulatory Services

105. DECLARATIONS OF INTEREST

Cllr M Williams declared a personal interest in item 4, Standards of Conduct as he was married to one of the Group Leaders.

Cllr G Walter declared a prejudicial interest in Item 11, Approval of Exempt Minutes as the subject of the referral was a close personal friend. He therefore left the meeting when this item was being considered.

106. APPROVAL OF MINUTES

RESOLVED: That the Minutes of the meetings of the Standards Committee dated 21 September 2021 and 23 June 2022 be approved as a true and accurate record.

107. STANDARDS OF CONDUCT

The Chief Officer Legal, HR and Regulatory Services presented a report apprising the Committee of the new duties under the Local Government and Elections (Wales) Act 2021 in relation to leaders of political groups taking steps to promote and maintain high standards of conduct of their members.

The Chief Officer Legal, HR and Regulatory Services explained that Group Leaders were required to report compliance with their duty to the Standards Committee. Group Leaders should also report any serious concerns about members' behaviour which had not been remedied by informal actions, in line with the requirement in the Code for councillors to report breaches. It was recommended that the Council's political Group Leaders and the Standards Committee agree on the form and frequency of a report from each Group Leader to the Committee. The Committee should then consider each report and provide feedback to the Group Leaders. The Chair of the Standards Committee had therefore invited the three Group Leaders to attend the Committee meeting for this item.

The Chief Officer Legal, HR and Regulatory Services added that training on the new duties had been arranged for the Committee and Group Leaders prior to the meeting on 30th September 2022, by an external facilitator.

The Group Leaders and the Committee discussed and agreed a way forward for reporting to Standards Committee.

RESOLVED: Standards Committee noted the report and agreed that:

- The Chief Officer Legal, HR and Regulatory Services to prepare a joint statement from the 3 Group Leaders to promote the new duties to be circulated to the Group Leaders for approval before being circulated to all Members together with the training slides from the Leadership in Standards Training.
- A standardised template for a report to be prepared to be submitted to Standards Committee every 6 months from each individual Group. Each report to include details of attendance at mandatory training sessions, complaints and other relevant information.
- The reports to be shared with the Chief Officer Legal, HR and Regulatory Services before being submitted to Standards Committee. The individual Group Leaders to attend Standards Committee when the reports were being considered.

108. **AMENDMENTS TO THE STANDARDS COMMITTEE TERMS OF REFERENCE**

The Chief Officer Legal, HR and Regulatory Services presented a report apprising the Committee of amendments to the Standards Committee Terms of Reference as a result of the Local Government and Elections (Wales) Act 2021 which came into force on 5th May 2022.

The Chief Officer Legal, HR and Regulatory Services explained some of the requirements of the 2021 Act relevant to the Standards Committee which took effect on 5th May 2022 including details of the annual report to the Authority. The final guidance would be reported to a future meeting of the Committee. The Committee considered and noted the provisions outlined at paragraph 4.1 and noted that these revised provisions would be incorporated into the new model constitution to be formally approved by Cabinet and Council.

A member suggested that they should set out a framework for the Annual Report to include measures that could be reported on consistently so that progress could be monitored around matters such as training and the number of referrals made.

The Chief Officer Legal, HR and Regulatory Services confirmed that she would bring a report to the next meeting out a framework on the basis of the reports from the Group Leaders at 6 monthly intervals. She would also look at the scheduled meetings for full Council to see when it would be most appropriate to report back.

A member advised that he was available to help with the development of the framework for the Annual Report if required.

RESOLVED: Committee noted the report and agreed that a report be submitted to the next meeting of Standards Committee providing a framework for the Annual Report and a schedule for reporting to Council.

109. **APPOINTMENT TO THE STANDARDS COMMITTEE**

The Chief Officer Legal, HR and Regulatory Services advised the Committee of an amendment to the size and membership of the Council's Standards Committee and of proposals to appoint an Independent Member (co-opted) to the Committee. She explained that a meeting of the Standards Committee would only be quorate when at least three Members, including the Chairperson, were present; and at least half the Members present (including the Chairperson) were Independent Members. This placed

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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. On 20 July 2022, Council approved that the membership of the Committee be increased to eight Members and an additional Independent Member (co-opted) be appointed to the Committee. It was proposed that the Monitoring Officer go through the usual process of advertising the vacancy in two newspapers circulating in the area and that a Panel (consisting of not more than five Members and at least one Independent Member and one Town and Community Council Member) be convened to consider applications and conduct interviews. Following interviews, the Panel would make a recommendation on the appointment to Council.

Members requested further information regarding the recent changes in relation to the 12 month time limit, the position with Town and Community Councillors and if one was appointed as an Independent Member, could they be appointed for a consecutive term. The Chief Officer Legal, HR and Regulatory Services agreed to pull together some guidance to be circulated before the position was advertised. When it was advertised, it would usually be sent to Town and Community Councils to circulate through their networks.

RESOLVED: Committee noted the report. The Chief Officer Legal, HR and Regulatory Services agreed to circulate updated guidance in relation to Town and Community Councils and Terms of Office.

110. OMBUDSMAN ANNUAL LETTER 2021-2022

The Chief Officer Legal, HR and Regulatory Services presented to the Committee the Ombudsman's Annual Letter for 2021-2022. She explained that the Public Service Ombudsman for Wales (PSOW) was independent of all government bodies and had legal powers to investigate complaints about public services and independent care providers in Wales. They also investigated complaints that Members of local government bodies had breached their authority's Code of Conduct. The PSOW reported annually on the number of complaints against public bodies received by its office.

The Chief Officer Legal, HR and Regulatory Services reported the number of complaints against the Authority, how this compared to the previous year and the outcome of the complaints.

A member raised concerns about the number of Town and Community Council complaints and in particular the fact that of the 21, none had any substance. He was concerned that the complaints process was being "weaponised" for want of a better description. He referred to a Councillor who had been the subject of a number of complaints over a few years that had amounted to nothing but had caused that Councillor great distress. He asked that that point be noted and hoped that fellow Councillors recognised the problem and that potentially, under the new duties that the Group Leaders could address this issue.

RESOLVED: Committee noted the Annual Letter attached as Appendix 1 to the report.

111. ADJUDICATION PANEL FOR WALES - CODE OF CONDUCT DECISION

The Chief Officer Legal, HR and Regulatory Services notified the Committee of a recent Case Tribunal decision of the Adjudication Panel for Wales (APW) in respect of former Member Gordon Lewis.

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The Chief Officer Legal, HR and Regulatory Services explained that the APW had two statutory functions in relation to breaches of the Members' Code of Conduct:

- To form case or interim case tribunals to consider references from the Public Services Ombudsman for Wales (“the Ombudsman”) following the investigation of allegations that a Member had failed to comply with their Authority's Members' Code of Conduct; and
- To consider appeals from Members against the decisions of Local Authority Standards Committees that they may have breached the Members' Code of Conduct.

The Chief Officer Legal, HR and Regulatory Services explained that by letter dated 17 March 2022, the Adjudication Panel for Wales received a referral from the Ombudsman in relation to allegations made against former Member Gordon Lewis. The Case Tribunal determined its adjudication on the basis of the papers only, at a meeting on 10 June 2022, conducted by means of remote attendance technology. The Case Tribunal found by unanimous decision that the Respondent was subject to the Code of Conduct (“the Code”) of Pencoed Town Council at the relevant time. Paragraph 6(1)(a) of the Code stated that a Member must not conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute. The Case Tribunal found that the Respondent had failed to comply with paragraph 6(1)(a) of the Code, having deliberately or recklessly completed election paperwork which falsely declared that he was eligible to stand for election in 2018, and having continued to act as Member despite being disqualified for being elected. The Case Tribunal concluded by unanimous decision that the Respondent be disqualified for a period of 24 months from being, or becoming, a member of Pencoed Town Council or of any other relevant authority within the meaning of the Local Government Act 2000, with effect from the date of the Notice.

RESOLVED: Members noted the report and decision of the APW.

112. URGENT ITEMS

None

113. EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following item of business, as the minutes contained exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A and Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the provisions of the Act referred to above, to consider the under mentioned item in private with the public being excluded from the meeting, as it would involve the disclosure to them of exempt information as stated above.

114. APPROVAL OF EXEMPT MINUTES

The exempt minutes of the meeting of the Standards Committee dated 23 June 2022, were approved as a true and accurate record.