

# Agenda

## Pwyllgor Safonau

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Date: Dydd Iau, 7 Ionawr 2021

Time: 5.30 pm

Venue: Canolfan Dinesig

To: Councillors Westwood (Cadeirydd), Davies, D Wilcox, P Hourahine, H Britton, A Mitchell, Watkins, Worthington and W Routley

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Item	Wards Affected
1	<u>Ymddiheuriadau dros Absenoldeb</u>
2	<u>Datganiadau o ddiddordeb</u>
3	<u>Cofnodion y Cyfarfod Diwethaf</u> (Tudalennau 3 - 6)
4	<u>Materion yn codi</u>
5	<u>Cyhoeddiadau'r Cadeirydd</u> Derbyn unrhyw gyhoeddiadau y mae'r Cadeirydd yn dymuno eu gwneud.
6	<u>Succession Planning and Appointment of Independent Members</u> (Tudalennau 7 - 18)
7	<u>Cwynion</u> Bydd y Swyddog Monitro yn adrodd ar unrhyw gwynion a dderbyniwyd ers y cyfarfod diwethaf.
8	<u>Dyddiad y Cyfarfod Nesaf</u> 15 <sup>th</sup> Ebrill 2021
9	<u>Digwyddiad a Recordiwyd</u>  <a href="#">Cliciwch yma i weld y cyfarfod a recordiwyd</a>

Contact: Pamela Tasker, Governance Support Officer  
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Date of Issue: Date Not Specified





# Draft Minutes

## Standards Committee

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Date: 16 January 2020

Time: 5.30 pm

Present: P. Westwood (Chair), J. Davies, H Britton, A. Mitchell, K. Watkins and P. Worthington, Councillors H. Thomas, P. Hourahine.

Gareth Price (Head of Law & Regulation) and Pamela Tasker (Governance Officer)

Apologies: None

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### 1 Apologies for Absence

None

### 2 Declarations of Interest

None

### 3 Minutes of the Previous Meeting

Agreed: That the minutes of the 7 November 2019 meeting were a true record.

### 4 Matters Arising

The Standards Committee Annual Report was received by Council in November and was accepted without question

### 5 Chair's Announcements

No announcements from the Chair.

### 6 Local Government and Elections (Wales) Bill

The Head of Law & Regulation referred Members to the Local Government and Elections (Wales) Bill and identified one or two relevant parts for the Standards Committee.

The important issues noted were:

- The Reform of Electoral Arrangements, allowing 16 to 17 years old to vote in local government elections which would be a radical reform for elections. Welsh Government had already legislated to allow 16 and 17 year olds to vote in the next Assembly elections in 2021.
- Corporate Joint Committees- this was a restructure of Local Government to facilitate more consistent and coherent regional working mechanisms and would allow joint groups of Councillors to deliver certain services on a collaborative basis. This was

different to existing Joint Committees, which did not have any separate legal status and operated as voluntary joint arrangements between councils.

- The initial services to be delivered via CJC's were Regional transport and regional planning and development.

Some provisions would come into force before the next local government elections in May 2022, which meant quite extensive changes in Local Government, how they were managed etc as well as local councils. The public would participate in local democracy with the mandating of all Committee meetings being broadcast live. At present only full Council and Planning Committees were being Webcast from the Council Chamber.

It was noted that all Councils meeting rooms would have to be adapted in order to allow Committees to be webcast so this would be a considerable cost.

Instead of physically attending, Committee Members could use Skype or MS Teams which was useful for remote councils e.g. Powys Council.

It was discussed what would be done if IT failed during a critical vote and the practicalities of managing a meeting with a large number of remote attendances.

Three important points were discussed:

-There was a duty on group leaders to promote ethical standards in political groups; the Standards Committee monitors how Leaders do this. Welsh Government would be providing guidance on this and it would have to be observed as to how this would develop. This was a statutory duty.

Councillor Hourahine stated that at a previous school Governor meeting they attended it was mentioned that Skype could be made available but then it was not allowed as a physical presence was needed at meetings and the cost could not rest with the school. The Head of Law & Regulation stated that this was a separate area of legislation. Welsh government could legislate on this however and it was a practical problem issue for the Council.

Having the facility there did not mean people would dial in and people could avoid it if they wanted to.

-There was now a compulsory requirement for Councillors to produce an annual report, and Newport already facilitated this. This report would also need to be made public.

-Ombudsman Investigation-They had previously lost some of their investigatory powers and so this put back what was lost. This meant that the Ombudsman could demand information from people and avoid claims of defamation both technical and procedural, under Section 69 of the 2000 Act.

It was discussed that the duty of group leaders was interesting and it would be interesting to observe the sanctions for this.

Questions:

Dr Worthington stated that the report was a very helpful summary of the notable points and the leaders issue was most pertinent.

In practice, a group of two political members were not necessarily in a certain political group. For example, Newport Independents are on Council, they were not a recognised party political group but they have a group leader.

The Chair questioned that if the Standards Committee have to refer to the Ombudsman whose decision would it be to go to the adjudication panel. The Head of Law & Regulation confirmed that it was the Ombudsman and if serious enough, then it will investigate. If the issue was within the Standards Committee remit then Standards could decide what the outcome could be but if a higher body was needed then it could go to a higher independent panel, as their powers were higher. When an appeal was made from the Standards Committee to panel for example and a Councillor had a suspension for two months then that

Councillor could appeal but the panel would then have discretion to increase as well as reduce any sanction.

## **7 Ethical Standards Questionnaire**

The Head of Law & Regulation confirmed that the Ethical Standards Questionnaire again yielded another poor response but it was statistically the same response as the previous questionnaire, which was 20%, and this was targeted and expected. Enquiries had been made with other local Councils, Swansea, Caerphilly and Torfaen. Caerphilly and Torfaen Councils confirmed that they were not aware of the Ethical Standards Questionnaire. Swansea Council confirmed that they invited their Political Group Leaders, and certain Chairs of Committees to their Standards Committee on an annual basis to have an open and honest chat about general ethics, standards and behaviour in Swansea.

The Head of Law and Regulation requested Committee Members to observe the Questionnaire and commented that Questions 1-4 were quite positive. Question 4 there was a balanced response and for Question 5 there was more uncertainty as to whether there was clarity in the differing roles between Members and Officers in the Council. Question 6 showed most people in agreement; where Question 7 and 9 most agreed with one disagree answer. Question 10 showed that most people agreed that they would benefit from training.

It was then discussed how there was a difficulty at times to get Members to attend training. The Head of Law and Regulation confirmed that Councillors could now have some online training rather than attend meetings. They also confirmed that Community Councils Clerk training was to be arranged in the future.

Councillor Hourahine stated that they had attended Fire Services training, which would not have worked as well if the training were online. The Head of Law and Regulation confirmed that the Fire Services training was an information session rather than formal training. The Chair commented as to whether Senior Officers knew about the Councillor Code of Conduct as stated in the comments at the end of the Questionnaire.

It was expected that Officers were familiar with the employee code and expected them to know that there was a code of conduct. The Head of Law & Regulation confirmed that this was covered in all new staff training and was covered in the Senior Managers Forum. The Chair commented that there was nothing stated in the comments section to action. The Head of Law & Regulation confirmed that new Managers receive induction training and so there was already framework in place. In relation to Councillor training, this was only mandatory every 5 years. Planning Committee Members have training every 2-3 years into the role.

The Chair stated they had spoken to the Council Leader and the Leader of the Opposition previously and now they needed to be spoken to, to inform them about the results of the Questionnaires.

The Head of Law & Regulation confirmed that the Council Leader and the Leader of the Opposition could be written to separately but this was up to the Chair. Minutes of the Meeting were also reported to Council.

**Agreed:** The Chair to write a Letter as a courtesy, to the Leader of the Council and the Leader of the Opposition to inform them of the outcome of the Ethical Standards Questionnaires.

### **Any Other Business:**

The Head of Law and Regulation confirmed that further guidance had been received from the Adjudication Panel about members exercising their rights to attend and be represented at panel hearings. Members were given 21 days to confirm that they would be attending and the details of any representatives and witnesses. However Members were not replying within the 21 days. The Panel were not satisfied with this and so they have said that they were in default if not all the information came back in 21 days. It was important to fill in the form within 21 days as the Member could lose the right to a full hearing otherwise.

## **8 Complaints**

The Head of Law and Regulation confirmed that there was one more complaint, which had been made to the Ombudsman. It was not related to behaviour in the Council but was related to a Councillors alleged behaviour in the ward. There were personal issues between a ward member and a neighbour and the Police have gotten involved. The Councillor refutes the allegation of misconduct and was waiting to hear from the Ombudsman as to whether it would be investigated further. Police will say whether there was a case to answer.

## **9 Date of the Next Meeting**

16 April 2020

The meeting terminated at Time Not Specified

# Report

## Standards Committee

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### Part 1

Date: 7<sup>th</sup> January 2021

Item No: 6

**Subject**      **Succession Planning – Appointment of new Independent Members of Standards Committee**

**Purpose**        To agree the process for the appointment of two new Independent Members of Standards Committee.

**Author**        Head of Law and Regulation

**Ward**            General

**Summary**     In accordance with the Standards Committee (Wales) (Amendment) Regulations 2006 “the Regulations”, independent members are appointed for a period of four years, but they can be re-elected for a second term of office. However, after a consecutive period of 8 years’ service, their term of office automatically comes to an end.

The terms of office of two independent members will end in March 2021 and October 2021 respectively. Therefore, Standards Committee are requested to agree the process for the appointment of replacement independent members.

**Proposal**      To agree the process for the appointment of two new Independent Members of Standards Committee.

**Action by**     Head of Law and Regulation

**Timetable**    Immediate

## Background

1. In accordance with the Standards Committee (Wales) (Amendment) Regulations 2006 “the Regulations”), independent members are appointed for a period of four years, but they can be re-elected for a second term of office. However, after a consecutive period of 8 years’ service, their term of office automatically comes to an end.
2. The current Chair of Standards Committee was originally appointed in March 2013 and, after serving two terms of office, his current tenure will end in March 2021. Mrs Tracey Britton was originally appointed in October 2013 and, therefore, her two successive terms of office will end in October 2021.
3. Therefore, it will be necessary for Standards Committee to agree the arrangements and process for succession planning, to appoint new replacement independent members, to succeed the current members when their respective terms of office expire. In addition, a new independent Chair of Standards Committee will need to be appointed at the next meeting of the Committee.
4. The Regulations provide for an open and transparent appointments process and require that the vacancies for new independent members need to be advertised in two local newspapers (which cannot include the Council’s own newspaper, “Newport Matters”). Therefore, it is recommended that the vacancies should be advertised in the South Wales Argus and the Western Mail, in addition to being published on the Council website. A draft form of advertisement is attached at [Appendix 1](#).
5. The Regulations also provide that independent members of Standards Committee must be independent of the Council and cannot be,
  - (a) a serving Member or officer (or the spouse or partner of a Councillor or officer) of the Council, any other local authority or community council
  - (b) a former member or officer of Newport City Council
  - (c) have been a former member or officer of any other council within the last 12 months
  - (d) be active in local or national politics

A draft job requirement form and application form is attached at [Appendix 2](#)

6. In accordance with the Regulations, an appointments panel must be established to interview shortlisted candidates and make recommendations to the Council regarding the appointment of the successful applicants. The appointments panel must comprise at least one Councillor, one Community Council representative and two independent members.
7. The immediate requirement for succession planning is to appoint a replacement for the Chair of the Committee whose term of office ends in March 2021. Mrs Britton’s term of office will not end until October 2021 but Committee may wish to consider applications for her replacement at the same time, to avoid the need to re-advertise and recruit in the Autumn.

## Options Available

8. Standards Committee are, therefore, requested to



- (a) note the Report and the requirements for succession planning to appoint two new independent members;
- (b) approve the draft advertisement, job requirement form and application form;
- (c) establish an appointments panel.

### **Comments of Chief Financial Officer**

9. There are no financial implications. The new independent members will be entitled to payment of an attendance allowance and also reimbursement of expenses, in accordance with the Council's Scheme of Allowances. However, these payments are already provided for in the current budget.

### **Comments of Monitoring Officer**

10. Included in the Report.

### **Staffing Implications: Comments of Head of People and Business Change**

11. There are no staffing or policy implications.

Dated: 30<sup>th</sup> December 2020

## **Appendix 1**

### **NEWPORT CITY COUNCIL**

#### **VACANCIES FOR INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE**

The Council is looking to appoint new independent members to its Standards Committee, following the expiry of the terms of office of the current members.

The Standards Committee is established under the Local Government Act 2000 and the Standards Committees (Wales) Regulations 2001 (as amended). The Committee is responsible for promoting and maintaining high standards of ethical conduct by elected and co-opted members of the Council and local community councils, monitoring compliance with the Members Code of Conduct, dealing with any reports of breaches of the Code and determining any appropriate action.

The Committee comprises 5 independent members, 3 Council members and 1 Community Council member. The Chair and Vice-Chair must be independent members.

To be eligible, applicants must be independent of the Council and, therefore,

- must not be a current member or officer (or the spouse of any current member or officer) of Newport City Council, any other local authority or community council
- must not be a former member or officer of Newport City Council
- must not have been a former member or officer of any other council within the last 12 months

In addition, applicants should

- have a knowledge and understanding of local government
- not be active in local or national politics
- recognise and understand the principles of high ethical standards in public life
- be able to display independent thought and an unbiased attitude
- be able to understand and weigh up evidence

The Committee meets at least four times a year and more frequently, as required. The quarterly meetings are usually held after 5.00 pm on week-days, but special meetings and hearings may need to be arranged at other times. Currently, under Covid-19 restrictions, meetings of the Committee are held remotely using Microsoft Teams applications.

A fee as prescribed by the Independent Remuneration Panel for Wales will be paid for attendance at meetings (currently £210 per day/£105 per half day or £256 per day/£128 per half day for the Chair). Independent members are appointed for a term of 4 years but are eligible to be re-elected for one further term. Appropriate training will be provided.

Interviews will be conducted by a panel of 5 members of the Standards Committee who will make recommendations to the Council. The successful applicants would be expected to take up the appointment following confirmation of the appointment by the Council.

To apply for one of these vacancies, please click on this link <Application Form> download the application form and, once completed, please return to:-

Head of Law & Regulation, Civic Centre, Newport, South Wales NP20 4UR [f.a.o. Anne Jenkins] or return by e-mail to [anne.jenkins@newport.gov.uk](mailto:anne.jenkins@newport.gov.uk) by [date]

Newport City Council is committed to working towards being more representative of the population that we serve and particularly welcomes applications from minority, ethnic communities represented or living in the City. Selection will be made on ability and skills to undertake the role.

## **Appendix 2**

# **NEWPORT CITY COUNCIL**

## **INDEPENDENT MEMBER OF STANDARDS COMMITTEE**

### **KEY PURPOSE**

Newport City Council ("the Council") has established a Standards Committee in accordance with the Local Government Act 2000 and the Standards Committees (Wales) Regulations 2001 (as amended). The Committee comprises 5 independent members, 3 Council members and 1 Community Council member. The Chairperson and Vice-Chairperson must be independent members.

### **KEY ACCOUNTABILITIES**

The role of the Standards Committee is to:-

- promote and maintain high standards of ethical conduct by elected and co-opted members of the Council and local community councils
- monitor compliance with the Members Code of Conduct
- deal with any reports of breaches of the Code and determine any appropriate action

Independent members are required to:-

- Attend (either in person or remotely via MS Teams) a minimum of 4 committee meetings per year and additional meetings, as required.
- Participate in the promotion of high ethical standards and compliance with the Members Code of Conduct and contribute towards the effective discharge of the statutory role and responsibilities of the Standards Committee.

### **QUALIFICATIONS AND EXPERIENCE**

Independent members should have

- High ethical standards
- An ability to understand and weigh up evidence
- An ability to display independent thinking and an unbiased attitude
- Good communication skills, both written and oral

Knowledge and experience of local government functions would be advantageous

A fee as prescribed by Independent Remuneration Panel for Wales will be paid for attendance at meetings.

### **SPECIAL CONDITIONS**

Independent members must be independent of the Council and cannot

- be a serving Member or officer (or the spouse or partner of a Councillor or officer) of the Council, any other local authority or community council
- be a former member or officer of Newport City Council
- have been a former member or officer of any other council within the last 12 months
- be active in local or national politics

Independent members will be required to sign an undertaking to comply with the Council's Code of Conduct.

Independent members are appointed for a term of 4 years but are eligible to be re-elected for one further term. Appropriate training will be provided.

## JOB REQUIREMENT FORM

### INDEPENDENT MEMBER OF STANDARDS COMMITTEE

Requirement	Essential or Desirable	How tested (S) used at shortlisting
<b>Education/Qualifications/ Knowledge</b>	.	
1.1 Good educational background	E	Application Form (S)
1.2 Good understanding of the principles of high ethical standards in public life	E	Application Form (S)/ Interview
1.3 Knowledge and understanding of local government	D	Application Form (S)/Interview
<b>Experience</b>		
1.1 Relevant work experience in the public sector, voluntary sector or business community	E	Application Form (S)
1.2 Local Government experience	D	Application Form (S)
1.3 Experience of a role in the public sector with public accountability	D	Application Form (S)
<b>Aptitude and Skills</b>		
1.1 Good communication and interpersonal skills, both written and oral;	E	Interview
1.2 An ability to understand and weigh up evidence	E	Interview
1.3 An ability to work effectively with Councillors and officers	E	Interview
1.4 An ability to assess issues relating to ethical standards and to identify and evaluate solutions.	E	Interview
1.5 Ability and confidence to challenge and hold to account in a fair and impartial manner	E	Interview
<b>Personal Attributes</b>		
1.1 Demonstrate high ethical standards	E	Interview
1.2 Demonstrate commitment and enthusiasm	E	Interview
	E	Interview

1.3 Demonstrate independent thinking and an unbiased attitude	E	Interview
1.4 Demonstrate independence and objectivity		
<b>Circumstances</b>		
1.1 Be able to commit to attending a minimum of 4 Standards Committee meetings a year and attend any essential training and development courses.	E	Application Form (S)/Interview
1.2 Flexibility to attend meetings at different times of the day (should the need arise)	E	Application Form (S)/Interview
<b>Equal Opportunities</b>		
1.1 Understand and demonstrate a willingness to promote positively the Equalities policy of Newport City Council	E	Interview

# APPLICATION TO SERVE AS INDEPENDENT MEMBER ON NEWPORT CITY COUNCIL STANDARDS COMMITTEE

1. Surname:	Title: (Mr/Mrs/Miss/Ms)
2. Forenames:	
3. Permanent Address:  <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Post Code:	
4. Home Telephone No:	
5. E-mail Address:	
6. Present Occupation (if any):	
7. Name, Address and Tel No. of Present Employer (if applicable)  <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/>	
8. Please give details of any relevant experience or knowledge of ethical standards in public life  <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/>	



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<p>9. Are you a Member or officer, former Member or officer or related to any Member or officer of Newport City Council? If so, please give details</p> <hr/> <hr/> <hr/> <hr/>
<p>10. Please indicate whether you are a member of any Political Party and provide details of any activities of a political nature in which you are involved</p> <hr/> <hr/>
<p>11. Please give details of any business connection with Newport City Council or any previous dealings with the Council.</p> <hr/> <hr/> <hr/> <hr/>
<p>12. Please indicate and give details of any unspent criminal convictions (excluding driving offences).</p> <hr/> <hr/>
<p>13. Please give details of your availability to attend meetings of the Standards Committee and any particular working days or times when you would generally be unable to attend:</p> <hr/>

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14. Do you undertake any other public role, for example, Justice of the Peace, School Governor, Trade Union Official or Community Council Member? If so, please provide details	
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15. Please indicate why you are interested in serving on the Council's Standards Committee (continue on separate sheet, if necessary):	
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Signed:	Date: