

# Minutes



## Standards Committee

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Date: 11 July 2019

Time: 5:30pm

Venue: Committee Room 4 Civic Centre

Present: P. Westwood (Chair), Councillors H. Thomas, P. Hourahine.

Dr P. Worthington, J. Davies, T. Britton, K. Watkins, A. Mitchell, Pamela Tasker (Governance Officer), Juliet Owen (Chief Legal Officer), Gareth Price (Head of Law & Regulation), Pamela Tasker (Governance Officer)

Apologies: Councillor V Dudley

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### 1. Apologies for Absence

None

### 2. Declarations of Interest

None

### 3. Minutes of the Previous Meeting 11 April 2019

A member of the Committee advised that on page 5 Item 6; Social Media for Councillors Guidelines, there should be a full stop after the sentence "It was announced that Ms Britton intended to attend Council on the 30th April 2019" and it was requested that the rest of the sentence be removed.

Agreed: That the minutes from the 11 April 2019 was a true record.

### 4. Matters Arising

The Chair commented on the Response to the Ethical Standards Questionnaire and that the completed revised questionnaire would be circulated to the eight heads of service and the eleven members of the senior management team. It was also requested that the Questionnaire be sent to planning and licensing officers.

## **5. Chairs Announcements**

There were no announcements from the Chair.

## **6. Complaints**

The Head of Law and Regulation confirmed that there were no further complaints and there had been no further action regarding the pending complaints. These complaints were regarding Councillors and were not a code of conduct issue.

A Member of the Committee remarked on questions from Ward members that Councillors had received over the years and that some ward members had lost their temper if they haven't had the right response and as a result they wanted to complain.

It was confirmed that if a complaint was made to the Ombudsman regarding a Councillor then that Councillor was informed about the complaint and were informed as to whether the Ombudsman accepted the complaint to be investigated or not.

The Head of Law and Regulation confirmed that Newport City Council would advise the complainant to refer to the Ombudsman as the Council could not log an issue as a complaint as the Council could not deal with complaints about Councillors. If a member of the public complained they were referred to the Ombudsman and were given their contact details and it was up to that individual if they wanted to pursue it.

A Member of the Committee questioned whether the Council would ever be aware of a complaint made that a Councillor would not be aware of. It was reiterated that the member of the public would be informed the complaint could not be accepted by Newport City Council and so they would be referred to the Ombudsman.

It was commented that over the last couple of years more people have said that they wanted to complain. It was also mentioned that there had been complaints within political groups but that this would be a party discipline issue and nothing to do with the Council.

It was discussed how if a member of the public complained to the Ombudsman then the Ombudsman notified the Council and it would then be looked at as to whether a code of conduct was breached. It was clarified that the Ombudsman would not investigate how Councillors discharged their duty to a constituent.

A Member commented that there was a complaint made when they were a Chair of Governors and if it raised a code of conduct issue then it was raised in a different way- i.e. in a school the Council wouldn't be aware of the complaint. If a complaint came in about a Governor then it would be dealt with by a panel of Governors. It was discussed how complaints have come in, in the past, in relation to LEA appointed Governors and the governing body had responded regarding the behaviour of a Governor and removed them because of their behaviour. This would only apply to LEA appointed Governors.

It was commented that there had been reports of complaints within the Labour Party recently of anti-Semitism that had allegedly not been dealt with properly. It was noted that all public authorities were being probed at present.

## **7. Draft Ethical Standards Questionnaire**

Members of the Committee were requested to view The Ethical Standards Questionnaire. It was reported that it was a redraft of the same questionnaire that was previously circulated. It made reference to the Code of Conduct etc.

The Chair commented that it was a nice piece of work. Dr Worthington stated that they had been studied other Councils and that training was certainly an issue.

A Member of the Committee recommended that between the option of 'agree' and 'disagree' should there be another option if a person did not agree or disagree. It was discussed that maybe another option should not be offered as people would then take the middle ground.

It was agreed that the option of entering in free text at the end where people could make comments was really useful for providing feedback.

The Chair stated that this was the start of trying to highlight issues and it was hoped that there would be a lot of responses returned.

If the questionnaire met with the Standards Committee approval then it could be sent out.

It was noted that if Members attended all the seminars then it should be straightforward but not all Members did attend.

The Chair commented that maybe there should be further training on the Code of Conduct but as this covered a lot of issues maybe the question should be expanded? However it was stated that the more the questions were expanded then the more difficult it would be and it was agreed that the questionnaire should not be expanded so as not to make it too lengthy.

**Agreed:** It was agreed that the Governance Officer would circulate the Ethical Standards Questionnaire to all Members, Heads of Service, Directors and all Senior managers as well as planning and licensing Junior Officers to be returned by the 26 September 2019.

## **8. Local Government Ethical Standards Report (England)**

The Chair requested for the Members of the Committee to view the Local Government Ethical Standards Report (England) which may be of interest to members. The report discussed the Code of Conduct in England and gave some background on this.

It was stated that the process had come full circle as it was not working so a standardised approach was needed with sanctions etc.

It was noted in the recommendations that clerks should hold some kind of qualification. However it was noted that in relation to Town Councils some had a large budget and 20 staff. Some Community Councils have a part time clerk and part time staff.

It was noted that some Community Councils had trouble recruiting people for a clerk post as it was quite often a part time post.

The Chair referred to page 20 and 21 of the report in relation to the Localism Act 2011 and whether the Community Councils in Wales must adapt the Code of Conduct?

The Head of Law and Standards confirmed that the Community Councils in Wales adhered to the same Code of Conduct as Newport City Council.

This particular point was mentioned as during a previous Community Council Liaison Meeting it had been discussed as to whether a Member should leave the room when declaring an interest and clerks were not aware at that time that a form should be filled in at the meeting.

As a result of the Liaison meeting, information regarding Declarations of Interest was circulated to all Community Council Clerks for consistency.

One Voice Wales advised that a register should be taken of a member's interest and the Member also had to sign a form which was interlinked.

In relation to the register it was noted that some Councils had an interest up front and in the Review the model code referred only to city councillors. When a Councillor had refused to sign it this was declared unlawful by One Voice Wales.

It was confirmed that in relation to Community Councillors it was not unlawful, however at a Community Council meeting a Declaration of Interest had to be declared verbally and then the Councillor leaves the room and also needs to declare it in writing and then this goes on the public register.

It was questioned as to whether further training for clerks was needed?

It was discussed how it was the issue of leaving the room during a Community Council meeting that clerks were not aware of. They also did not seem to be aware that a form also had to be filled in.

Community Clerks had thought that filling in the register was enough but if an issue occurred at a meeting, just minuting this was not enough. As long as the person declaring the interest left the room at that point, this was the main issue as this made it transparent and it's a technical breach of the code if it was not followed.

The Chair asked whether Community Councils required any further training to assist them to follow guidelines. It was also noted that a questionnaire had been sent out to Community Councils but none had been returned.

It was questioned by the Chair as to whether a follow up was needed on the code of conduct as it did not say any extra form needed to be filled in.

The Head of Law and Regulation assured that it did declare this in the small print that a form needed to be submitted. If there was any confusion then the details could be recirculated.

The Chair commented on whether it came up in the annual meeting and it was confirmed that there was no annual training as it was not an issue as it only applied to City Councillors who did have annual training.

It was confirmed by Head of Law and Regulation that all the Community Councillors had received the appropriate forms on the Code of Conduct as a result of the previous Community Councils Liaison Meeting and they had also been supplied with the appropriate Declaration of Interest forms.

The Chair referred back to the Ethical Standards report on page 42 and in particular to Best Practice 3: Principal authorities should regularly seek the views of the public and community organisations. The Chair noted that there could be a lot of misunderstanding amongst the public at times and the role of the Standards Committee should be promoted more, for example more information online on the Council Website might be useful.

It was discussed how health councils could be abolished in the future. Dr Worthington confirmed that they were involved in the legislation and that the scheduled stage 1 and 2 would be in October with the health councils becoming abolished in the next couple of years.

In relation to Licensing a Member stated that when someone gave an objection to a venue, that person was wise to object but when they realised what it involved then it was accepted. The problem was that people sometimes objected to something before they accepted it.

It was discussed by the Committee how Councillors had their own code in England. Consulting the people in Wales would just be ascertaining how effective it was in practice. Some Councils wanted to change local codes by consulting the public but this could be quite vague but in England it was increasing.

Dr Worthington referred to Recommendation 25 on page 99 of the report which stated that Councillors should be required to attend formal induction training by their political groups, it was felt that it was implied that the role of political groups was to arrange the training.

It was noted that if there was a non-attendance of Councillors at training then Business Heads were informed and it was then circulated but the Council could not impose it. Councillors who attend Planning or Licensing must attend training. The Party Group discipline enforces member engagement and sanctions this.

It was commented that Political groups should enforce this and not assign Councillors who have not had the proper training. Those Councillors who did not attend training which had been 3 Councillors in total, the training was circulated to them. A Member noted that there were huge disadvantages in not receiving the training especially in relation to Licensing and Planning etc as this was very important training.

## **9. Date of Next Meeting:**

7 November 2019