

Minutes

Standards Committee

Date: 11th November, 2021

Time: 5:30pm

Venue: Microsoft Teams Meeting

Present: A. Mitchell (Chair), K. Watkins (Vice Chair) J. Davies, R. Morgan, G. Nurton, Councillors D Fouweather, D Wilcox, Gareth Price (Head of Law and Regulation). Samantha Schanzer (Governance Support Officer), Anne Jenkins (Governance Team Leader).

Apologies: P. Worthington

Non-attendance: Councillor P Hourahine

1. Apologies for Absence

Dr P. Worthington

2. Declarations of Interest

None.

The chair welcomed new member Mrs Nurton and introduced the committee.

3. Minutes of the Previous Meeting: held 15th July 2021

The minutes of the meeting held on the 15th July 2021 were **accepted as a true and accurate record.**

4. Ombudsman's Annual Report 20/21

The Head of Law and Regulation introduced the Ombudsman's Annual letter and report. The numbers of maladministration complaints received and the level of intervention by the Ombudsman was broadly similar to the previous year.

The Head of Law and Regulation informed committee that while there had been some referrals to the Ombudsman, most complaints were resolved in local settlement or apologies with 5 cases requiring the Ombudsman's intervention, 3 of which were resolved and the other 2 were settled. However, there were no public interest reports issued in 2020/21 relating to findings of serious maladministration in Newport.

The Head of Law and Regulation informed committee that Code of Conduct complaints were up significantly nationally compared to the previous year at around 47% and 500 new complaints were submitted to the Ombudsman.

However, in Newport only 2 complaints were referred to the Ombudsman about City Councillors in 2020/21 and 1 complaint regarding a Langstone Community Councillor. None of these complaints was accepted for investigation on the basis that there was no evidence of any serious breaches of the Code. The Head of Law and Regulation reminded committee that these numbers were out of step with the cases reported in the Committee's annual Report to Council as they related to the last financial year whereas the Standards Committee Annual Report runs from November to November.

The Head of Law and Regulation informed committee that there had been many complaints from smaller town and Community Councils that were regarded as "low level complaints" that involved personality clashes and memberships of committees.

5. Review of Ethical Framework

The Head of Law and Regulation reminded committee of the previously mentioned WGLA commissioned independent review of the Ethical Framework in Wales from Richard Penn prior to the local elections and new legislation being introduced. The Head of Law and Regulation informed committee that WGLA were conscious that the original framework had been in place since 2006 and had not been amended for some time and the current circumstances offered an opportunity to review this and decide whether it was still fit for purpose.

The Head of Law and Regulation informed committee that this review had been published in full and was being considered by the Minister for Finance and Local Government. The Head of Law and Regulation informed committee that the model for the Code of Conduct would be changing before May 2022 in readiness for the new Community and City Councillors. The Head of Law and Regulation informed committee that there were no significant changes but some fine-tuning and strengthening of provisions, particularly in relation to equalities.

The Head of Law and Regulation highlighted the potential changes to be made to the enforcement regime. The Head of Law and Regulation reminded committee that all complaints must go to the Ombudsman before they are

referred to the Standards Committee. The Head of Law and Regulation noted that this process has received criticism as only a few are referred to the Standards Committee. The Head of Law and Regulation reminded the committee that while low level complaints can be dealt with by the Standards Committee without going to the Ombudsman, Standards Committee have no powers of sanction without the Ombudsman's referral. The Head of Law and Regulation informed committee that the suggestion was that there would be a wider role in future for Monitoring Officers and Standards Committees regarding investigations and dealing with complaints on a local level.

Questions:

Councillor Wilcox asked whether there would be cost implications for councils, what were the implications for Monitoring Officers, and whether this would shift more responsibility to local authorities.

- The Head of Law and Regulation informed committee that there was no budget provision given by Welsh Government for this and would have to be found within existing resources. The Head of Law and Regulation felt that there were considerable implications for himself and the Deputy Monitoring Officer with no extra resources.
- The Head of Law and Regulation felt it was not WG shifting responsibility as many Standards Committees have made this comment during the consultation wherein they requested more power and felt that the Ombudsman was doing too much, but regardless it had resource implications.
- Councillor Wilcox asked whether a letter should be sent from the Council to note these resource implications.
- The Head of Law and Regulation informed committee that they were not consulted as it was just an information report and this was based on of a statement made by the minister. The Head of Law and Regulation informed committee of the promise made for consultation to occur if they decided to proceed and if there were radical changes to be made, comments could be submitted but there was nothing further to do at this stage.
- Councillor Wilcox asked for this to be noted and introduced herself to Mrs Nurton.

6. Standards Committee Annual Report

The Head of Law and Regulation reminded committee that every year at Council, a report is submitted to Council detailing work undertaken by the Standards Committee and that this report was open for discussion as it was only a draft. The Head of Law and Regulation informed committee that this report would go to Council on the 23rd November 2021 and once a final draft was agreed, a

councillor could be invited to present the report on behalf of the committee. The Head of Law and Regulation informed committee that the full copy of the determination of the previous hearing had been attached as it was an important decision for all members to note.

The Chair felt that the report was adequate as it was and invited committee to comment.

Mr Watkins asked the Head of Law and Regulation whether there was a timeframe for clause 2.2 of the report.

- The Head of Law and Regulation informed committee that there wasn't a timeframe as it was difficult to undertake training due to remote meetings but there was an upcoming meeting to address this with a community council. The Head of Law and Regulation felt that there was a difficulty in training members now as elections were due within 6 months, and the Code of Conduct was being changed. The Head of Law and Regulation informed committee that he was picking up queries on an ad hoc basis from clerks but a structured roll out of training would be left until May's elections as part of the induction.
- Mr Watkins felt that this was an excellent idea.
- The Head of Law and Regulation informed committee that WGLA were working with local councils to change the training modules for members as part of the induction programme to standardise training. The Head of Law and Regulation informed committee that this would be delivered online and face to face.

Mrs Nurton felt that it was a comprehensive report.

Dr Morgan agreed with Mrs Nurton's comments.

Councillor Fouweather had no comments to add.

Councillor Wilcox felt it was an excellent report and had nothing to add.

Mr Davies agreed that it was a comprehensive report and wanted to reiterate the need for training for community councillors and found it hard to believe that some training was not already compulsory.

The Head of Law and Regulation informed committee that the report had been presented on a voluntary basis until now but from next April it becomes a legislative requirement. The Head of Law and Regulation informed committee that they may need to consider bringing the reporting year into line with the financial year.

Councillor Wilcox asked whether Council would still be held virtually.

- The Head of Law and Regulation informed committee that it would be as guidance was still in place and work to facilitate hybrid meetings had not yet been completed. The Head of Law and Regulation informed committee that under new legislation, from next May there would be a requirement for hybrid meetings and work to upgrade facilities was underway to meet this.

- Councillor Wilcox expressed that this would be beneficial for democracy.

The Chair asked for a councillor to present the report to Council and liaise with The Head of Law and Regulation on this report.

The Head of Law and Regulation reminded the committee that the custom was for the longest serving councillor to present this.

The Chair also indicated that he would present if necessary

7. Chair's Announcements

None.

8. Complaints Update

The Head of Law and Regulation reminded committee that there had been a hearing since the last official meeting of the Standards Committee. The Head of Law and Regulation informed committee that there would be no appeal resulting from that hearing, that the sanctions had been implemented and the recommendation regarding the removal of the Councillor from the Health Board would go to November's Council.

The Head of Law and Regulation reminded committee that there were a number of outstanding complaints against community councillors.

- The Head of Law and Regulation informed committee that there had been a reference back from the Ombudsman to say that 2 of these had not been accepted for investigation.
- The Head of Law and Regulation informed committee that there were still 4 cases with the Ombudsman awaiting a decision, and these would be brought back to the committee at the next meeting if anything further is reported.

The Head of Law and Regulation informed committee that the misconduct hearing determination had been published and a public notice has been given.

The Chair thanked the Head of Law and Regulation for his support during the hearing and processes.

9. Date of Next Meeting:

5:30pm on the 6th January, 2022

Meeting finished at 18:15pm.