

Minutes



Standards Committee

Date: 14 July 2022

Time: 5.30 pm

Venue: Council Chamber – Hybrid Meeting

Present: Councillors A. Mitchell (Chair), K. Watkins (Vice Chair) J. Davies, P. Worthington, R. Morgan, G. Nurton, Councillor D Fouweather, P Cockeram, F Hussain. Gareth Price (Head of Law and Regulation). Taylor Strange (Governance Support Officer)

Apologies: Councillor D Fouweather

1 Apologies for Absence

Councillor Fouweather.

2 Declarations of Interest

None.

3 Minutes of the Previous Meeting

The minutes of the previous meeting held on Thursday, 14th April 2022 were accepted as a true record.

4 Matters Arising

No matters arising.

5 Chair's Announcements

The Chair had no announcements to be made.

6 Forward Work Programme report

The Head of Law and Standards welcomed the committee members to the first standards meeting following the election and introduced councillor Cockeram to the well as thanking councillor Davies for his continued participation as the community council representative. The membership and terms of reference of Standards Committee was set out in the first section of the report.

The Head of Law and Standards highlighted that every year, the Standards Committee annual report to Council sets of a draft work program for the forthcoming year. However, it was for the Committee to decide what matters to raise and when to raise them.

The Head of Law and Standards noted that there were two items to consider at the next meeting in November, the first being the new requirements for the committee to meet with political group leaders within 6 months of the election to review compliance with their new duty to promote ethics within their political groups. The Head of Law and Standards noted that this has been done voluntarily for years but now it's a required duty. The second item was to consider their annual report to Council, which was now a statutory requirement and copies had to be sent to the Ombudsman and the community councils.

The Head of Law and Standards stated that there was flexibility in how this could be done informally or in a formal setting and could consist of meeting individual leaders or meeting them as part of a group, as well as having the leaders create a written document. It was also noted a governance handbook was due in May but the final version was still awaited from Welsh Government.

Regarding the reports it was noted by the Head of Law and Standards that other committees in Wales asked the leaders for a written report. The Head of Law and Standards then went on to state the number of political groups and their composition such as the requirement of two members for a group to be formed.

The Head of Law and Standards asked for clarification from the committee on how they would like this requirement to take place.

- Councillor Cockeram queried that there were 4 independents in Lliswerry rather than the three stated by the Head of Law and Standards when the breakdown of political groups was given. The Councillor also asked if a formal and informal process could occur with the leaders of the political groups. Lastly it was asked why the committee only dealt with complaints and not compliments given to the council.

The Head of Law and Standards noted only three independents of the four had grouped together. The Head of Law and Standards also went on to state that the Governance and Audit committee were responsible for both compliments and complaints under new regulations.

- G.Nurton also agreed with both a formal meeting with the leaders and a written report.
- R.Morgan also agreed with Councillor Cockeram and asked whether the first meeting the political leaders could explain their thoughts and that they fully understand what they wanted.
- The Chair also agreed with the above sentiment and asked if the meeting could take place before the Council meeting in November.
- G.Nurton also asked whether single member political groups could also be contacted to inform them that the committee is there should they need assistance.

The Head of Law and Standards stated that including these single members in a formal meeting is unlikely due to their nature of not being duty bound, however the gesture of writing to them is something that could be done.

The Chair noted that this will be arranged with the governance team as well as Law and Standards so that an appropriate response can be drafted

The Chair highlighted the range of dates to work towards in the upcoming year and to use the dates within the forward work programme as key milestones as well as dealing with issues as they would arise.

The Head of Law and Standards stated a review of the council's whistleblowing policy had been incorrectly included within the Scrutiny forward work programme and that this would be brought to the standards committee.

The Head of Law and Standards also asked for clarification of what the committee would like from the written report regarding the political group leaders as well as highlighting whether they wanted to modify the examples from other councils as well as whether the report is desired before or after the meeting with the group leaders.

- The chair recommended the report come after the first meeting with the group leaders.
- R.Morgan agreed with the chair that it would be better to speak to them first.

The Head of Law and Standards then asked whether they would like to meet the members individually whether that be on the same day in different time slots or on different days, or whether one group meeting with them all would be better suited.

The chair preferred meeting everyone together to avoid any ambiguity should the meetings be conducted separately.

Several other committee members agreed with the chair's sentiment.

- The chair asked whether community Councillors also were given the same message as regards to ethics and standards.

The Head of Law and Standards stated that they did not need to but that a review of the community council's ethics does occur, information provided by community council clerks support this as the community councils have a variety of systems set up as well. The Head of Law & Standards had delivered a presentation on standards for those community councillors attending the last Liaison group meeting, as well as handing the information from the presentation to members who could not attend. It is also noted by the Head of Law & Standards that the presentation received positive feedback as well as stating that many of the community councils subscribe to "One Voice Wales".

The Chair stated the next key item was to occur in December, which was the training review, he asked whether a meeting could be added that also included the community councils.

The Head of Law and Standards that this was unlikely due to the total size of members of the community councils, but that the information is typically circulated by the Clerks. Additional training could be provided but due to the subscription to "one voice wales" the community councils are likely to know what to do. It was stated however by December there should be more concrete information on this. As well as a hybrid training meeting that occurred with those not in attendance being sent the information from the training.

The Head of Law and Standards mentioned a lot of new training is needed for the council following the election so he informed the community council that training for them would occur on the other side of December.

The Chair would like the meeting to occur in the first half of December.

7 Complaints

The Head of Law and Standards gave a general update on the number of complaints and highlighted two specific cases from the previous meeting, one of which had been dealt with, with the other still being investigated. It was further noted two section 69 complaints in the report, neither were investigated by the Ombudsman the report in the agenda gave summaries of the complaints.

The first complaint regarded a former member of the community council, the Ombudsman did not find it in the public interest to investigate the member as he had resigned as well as not finding enough evidence to deal with the complaint.

The second complaint also involved a former community council member and concerned an altercation of a physical assault within the Member's ward which had been referred to the police. The Ombudsman concurred that the altercation occurred within the Member's private life and did not bring their office or the council.

- Councillor Davies asked about a complaint in a previous meeting, of which he highlighted his disappointment that the Ombudsman did not follow through with the complaint as he felt the harm caused to the Clerk who was the complainant was significant. Councillor Davies asked if some action could be taken on this.

The Head of Law and Standards stated the Ombudsman has the final say in what they deem should be investigated and brought to committee, and then referred to the process of how the ombudsman decides what is significant enough to refer.

- Councillor Davies found it strange that there is no right to appeal the Ombudsman decision.
- Councillor Cockeram also agreed, and highlighted why there was no process in place to sanction members of a council in reference to disbarment of their ability to be a councillor in the future.
- The Head of law and Standards referred to the Ombudsman's processes and how he takes actions, as well as stating that in that particular case the resignation of the member did not play a role in the decision not to investigate the complaint.
- R.Morgan understood there was no formal appeal but asked if there was an informal feedback that could be provided.

The Head of Law and Standards that the right to correct facts so that they are true and not missing information is permitted but the right to feedback of a decision is something that is not required.

- R.Morgan highlighted again if any form of feedback could be given.

The Head of Law and Standards noted that a customer satisfaction questionnaire may be provided. It was also noted that the Ombudsman has too much power and not enough action can be done by committees.

The Head of Law and Standards also highlighted one further new complaint involving a city councillor but that the complaint was not being considered by the Ombudsman as the councillor was not acting as a member of the council when the complaint occurred as under article 10 members do have a right to freedom of expression. The complaint concerned comments posted on a community Facebook page which was managed by the councillor in question.

The Head of Law and Standards noted 4 complaints from Langstone community council, no action was taken on the complaints by the Ombudsman, with 2 members having resigned. It was also noted in 2 of the complaints it was a dispute between members with the Head of Law & Standards highlighting the Ombudsman is unlikely to take up these disputes.

Another allegation was referred to, but that involved the private life of a councillor of which the Ombudsman does not review due to the impact not being on the councillor's role as a member of the council. Lastly, he did highlight that there are quite a few complaints from certain community councils.

The Chair referred to the next meeting on the 10th of November which was also include political group leaders.

8 Date of the Next Meeting

The next meeting will be held on the 10th November 2022 at 5:30pm