

Draft Minutes



Standards Committee

Date: 19th October 2023

Time: 5:30pm

Venue: Microsoft Teams Meeting

Present: A. Mitchell (Chair), K. Watkins (Vice Chair) J. Davies, P. Worthington, G. Nurton, Councillors W. Routley, F. Hussain and P. Cockeram, J Mudd, M Evans, K. Whitehead

Elizabeth Bryant (Head of Law and Standards), Leanne Rowlands (Democratic and Electoral Services Manager), Katherine Majer (Deputy Democratic and Electoral Services Manager), Emily Mayger (Governance Officer), Simon Richards (Governance Officer)

1 Apologies for Absence

Cllr Allan Morris, Richard Morgan

2 Declarations of Interest

none

3 Minutes of the Previous Meeting: (Pages 3 - 8)

Accepted.

Resolved:

The Minutes of the Previous Meeting on the 13th July were agreed as a true and accurate record.

4 Chair's Announcements

To receive any announcements the Chair wishes to make.

No Announcements.

5 Group Leaders Discussion

The Leader of the Council – Councillor Jane Mudd

The Leader of the Opposition – Councillor Matthew Evans

The Leader of the Newport Independents Party – Councillor Kevin Whitehead

The Chair gave a brief description on why the Standards Committee had requested the Groups Leaders' attendance. The Chair noted that the Committee had previously expressed concern regarding the number of Councillors who had completed Code of Conduct training and wished to ensure that the Group Leaders encouraged accountability in ensuring that the training had been completed by their groups.

The Chair asked the Group Leaders to provide their verbal updates.

The Leader informed the committee that the group had 100% compliance with the Code of Conduct training and added that she wished to highlight the engagement of members with other available training. The Leader noted that it was important to highlight that Members were not always able to take up additional training opportunities due to other commitments and she had been pleased with the progress that had been made.

The Leader wished to raise an issue around the duty of group leaders but noted that this could be discussed following the other Group Leader's presentations. The Leader informed the Committee that there would be training on Member safety in the next quarter and highlighted the importance of this session.

The Chair thanked the Leader for her presentation and commented that it was positive to note the 100% Attendance for Code of Conduct training.

The Chair asked the Leader of the Opposition, Councillor Matthew Evans to provide an update.

Cllr Evans informed the Committee that all Members had completed the Code of Conduct training and added that the figures for attending additional training had been requested. Cllr Evans noted that it had been previously discussed that there was often an overlap with training where Members may be required to repeat the same training for external positions they hold and queried whether this could be discussed. Cllr Evans noted that there had been no complaints about Councillor Conduct since the last update.

The Chair thanked Cllr Evans and invited the Leader of the Newport Independents Party, Cllr Whitehead to speak.

Cllr Whitehead thanked the Chair and stated his agreement with the Leader regarding personal safety training. Cllr Whitehead noted the importance of the relevancy of training for individuals and added that he trusted Members to be aware of what was relevant to themselves and their roles. Cllr Whitehead stated that he was open to all training opportunities.

The Chair highlighted that the Standards Committee's role was to minimise the likelihood of complaints about Members being made by encouraging Members to complete relevant training.

Cllr Whitehead noted the importance of attending training and putting the training into action, as there was a risk of reports being made to the Ombudsman for issues that may be considered trivial, and this was something that Members should be prepared for.

The Democratic and Electoral Services Manager read out the supplied statement from the Leader of the Lliswerry Independent Party, Councillor Morris which read:

“I am pleased to report that the Lliswerry Independent Group Continues to uphold the highest possible standards in representing our constituents. We communicate via regular monthly Ward Surgeries, social media, and a regular column in the South Wales Argus. We are amongst the few Councillors who publish our mobile phone numbers making us available 24/7 to our Constituents.

All of us are active school governors with good attendance records.

We have regular meetings and communications between ourselves and work closely as a team. My colleagues are on a very steep learning curve, I am delighted at their progress and the feedback they have from the public.

As far as I am aware, all statutory training is up to date. No problems or complaints have been reported to me.”

The Chair thanked the Group Leaders for their input and opened the floor for any questions.

A Committee Member noted that he chaired the training sessions and informed the Committee that they are mostly very well supported with attendance between 18 to 30 Members.

The Chair noted that there had been a steep uptake in the training since he had first joined and praised the Group Leaders for their support in the huge steps forward that have been taken.

A Committee Member noted the Councillors had busy lives and gave his appreciation that they had kept on top of the training.

The Chair invited the Leader to share her comments.

The Leader firstly wished to speak on the Member Safety Training and stated its alignment with the Code of Conduct due to its focus on behaviour. The Leader stated that Members are required to be conscious that on occasion they are exposed to risk and informed the Committee that she was very pleased with the developed programme which would shortly be rolled out. The Leader stated that due to the importance of the training she would not only be encouraging her group to partake the training but also that it will be available to the Community Councillors. The Leader wished to highlight the Councils serious stance on matters of safety.

The Chair queried whether a large uptake was expected.

The Leader stated that a large uptake was expected and added that it would be particularly helpful for those who are the only Member in their ward, and those who have a greater public profile.

Cllr Evans noted that he had completed the Elected Member safety training some time ago and informed the Committee that within their group they used a buddy system. Cllr Evans stated that one Member had encountered issues on social media and commented that the amount of abuse Councillors can receive is concerning. Cllr Evans stated that a former Councillor had stepped down due to abuse from the public.

A Committee Member expressed thanks to the organisers for including the Community Councillors in the Safety Training.

A member of the Committee stated that he welcomed the training from his perspective as a Committee Member as well as a Member of Newport City Council. Cllr Routley informed the Committee that in 2019 he had had two experienced two incidents and at that point in time

felt that there was not support from the authority. The Committee Member added that he welcomed the training that would help to address to a long-standing issue.

Cllr Whitehead agreed and added that he too welcomed the training and noted that he had seen comments online and had avoided posting anything on social media himself. Cllr Whitehead gave an example of a time where he may have made himself vulnerable and noted that it was important to be aware and mindful of placing oneself in situations where you may be open to risk.

The Chair noted that it was positive to hear that the training will also be available to Community Councillors.

A Committee Member noted the importance that the awareness training was available to all Members and suggested that the Ethics Training could be linked in at the same time and thanked the Group Leaders for their I reports.

The Chair proposed the possibility of the Group Leaders providing a written report for every other Standards Committee meeting with their attendance only being required in person once in a 12-month period.

The Monitoring Officer explained to the committee that the frequency of the Group Leader's attendance had been decided at the start of the year but added that this could be looked at again at the start of the following year.

The Chair informed the Committee that he had attended a Liaison Meeting with Community Councils and highlighted the benefits of raising the profile of the Standards Committee with them. The Chair noted that he wished to continue to build on raising the profile of the Standards Committee within their remit.

The Leader noted an anomaly within the legislation which noted that although the Group Leaders should be accountable for their group Members they would not be informed if a complaint was made to the Ombudsmen regarding one of their group Members. The Leader highlighted that this could put Group Leaders into a situation where they are held accountable for something that they are unaware of. The Leader stated that although this was not the intention of the Legislation, she wished to bring it to the attention of the Standards Committee. The Leader stated that she felt in principle the Legislation was largely positive but that there may be issues with the practical application.

The Head of Law and Standards informed the Committee that she would be reporting on the Statutory Guidance later in the Meeting in which the Group Leaders role would be covered and added that it did clarify within the guidance that the Leaders should not be held personally responsible for the behaviour of individuals. The Head of Law and Standards noted that the main responsibility of the Group Leaders is to encourage good conduct and added that they would be made aware if a report from the Ombudsman relating to one of their Members was brought to the Standards Committee.

The Leader noted that there could have been scope for earlier intervention if they had been aware of issues as soon as possible.

Both Cllr Evans and Cllr Whitehead stated their agreement with the Leader and Cllr Evans noted that he would hope that his group Member's would approach him themselves but added he may not be aware of any allegations made.

The Chair stated that the Head of Law and Standards would pick this up.

Resolved:

The Committee noted that the Group Leaders should attend Standards Committee again after a 6-month period to provide an update.

A decision on the frequency of Group Leader reports and attendance to Committee would be agreed in the new financial year.

6 Complaints (Pages 9 - 18)

The Monitoring Officer will report on any complaints received since the last meeting.

The Head of Law and Standards noted that there had not been any upheld complaints, and there had been some complaints that were not taken forward for investigation by the Ombudsman, including un-disclosed interests from Community Councillors. The Head of Law and Standards informed the Committee that Community Councillors did not have the requirement to disclose interests within 28 days of taking up office. The Head of Law and Standards explained that in one instance there had been a potential breach however, advice had been offered to the Member in order to remediate this.

The Head of Law and Standards stated that there had been one complaint alleging a failure to speak objectively in a meeting, and a lack of response to emails. There had not been any evidence of a breach in this case.

The Head of Law and Standards stated that there had been a report of violent and discriminatory speech and bullying but noted that there was no evidence to substantiate the claims, so again there was no breach.

A Committee Member noted that there had been some discussion surrounding the Declaration of Interests for Community Councillors and stated that although they are required to declare their interests, they are not required to declare them immediately when joining. They noted that in many cases new Community Councillors would be provided a form to complete when in attendance, but this had fallen off due to online meetings.

The Head of Law and Standards stated that there was an ongoing duty to declare interests and informed the Committee that the Community Council Clerks should be monitoring this. The Head of Law and Standards noted that there was an argument to make Code of Conduct training available to Community Councillors and this would be explored.

A Committee Member highlighted that if Community Council Members are unsure about anything including the declarations of interest, then it is always worth asking.

The Head of Law and Standards stated that the Clerks should be able to provide advice on this matter as part of their remit.

Resolved:

The Standards Committee noted the Complaints report.

7 Welsh Government Statutory and Non-Statutory Guidance for Principal Councils (for comments) (Pages 19 - 24)

The Head of Law and Standards introduced the Welsh Government Statutory and Non-Statutory Guidance for Principal Councils and highlighted the relevant sections for Standards Committee. The Head of Law and Standards reminded Committee of the draft report shared with them in March 2022 when the consultation had begun and confirmed that this was the final version of the report. The Head of Law and Standards stated that there were four

relevant areas under the Section 4 Statutory Guidance which included guidance on the function of the Group Leaders in relation to conduct and monitoring of them, the function of Standards Committees and the Standards Committee Annual Report.

The Head of Law and Standards highlighted to the Committee the guidance in support of the Group Leaders and noted that it clarified the role; stating that although conduct is a matter for each individual Member the Group Leaders should take reasonable steps to maintain high standards of conduct by promoting high standards and tackling non-compliance. The Head of Law and Standards noted that the report outlined some examples of steps that could be taken such as training, development opportunities and modelling behaviour. The Head of Law and Standards stated that the Group Leaders have a duty to cooperate and maintain good working relationships with the Standards Committee and the Monitoring Officer to ensure Member co-operation. The Head of Law and Standards added that the Group Leaders have the duty to report any concerns regarding Member behaviour.

The Head of Law and Standards informed the Committee that it was stipulated in the report that at the beginning of each municipal year the Group Leaders will meet with the Standards Committee to consider how they will work together, the frequency of attendance of the Group Leaders at meetings and to set a threshold of compliance of the Group Leaders in relation to the Code of Conduct. The Head of Law and Standards highlighted that the Group Leader must stand by any disciplinary actions agreed by the Standards Committee.

The Head of Law and Standards stated that Section 5 mirrored the previous points from the perspective of the Standards Committee functions. The Head of Law and Standards added that the Committee also would have a role in the approach to Gifts and Hospitality and informed the Committee that Newport City Council's current approach was in line with the All-Wales approach.

The Head of Law and Standards informed the Committee that Section 6 of the report contained information relating to advice and training for Group Leaders to ensure that they are compliant with their duties and noted that there was not any training offered to them at present. The Head of Law and Standards stated that this would be discussed with the Democratic and Electoral Services Manager and brought to the next Standards Committee meeting.

The Head of Law and Standards stated that the Standards Committee had a duty to provide an annual report and added that the new version would be due as soon as possible following the end of the financial year. The Head of Law and Standards explained to the Committee that the guidance covered what should be included in the report and added that it would be required to be reported to full Council within a period of 3 months following consideration by the Standards Committee.

The Head of Law and Standards highlighted that it included the need of Members to declare interest in owned property but noted that they were not required to provide a full address just the ward it is situated within.

A Committee Member queried what constituted a Group Leader and the Head of Law and Standards informed the Committee that the group had to be 2 or more Members but noted that she would confirm this.

The Chair requested that the sections of the Welsh Government Statutory and Non-Statutory Guidance for Principal Councils highlighted by the Head of Law and Standards be added to Agenda for the next meeting so that they could be discussed in further detail.

A Committee Member requested further information on the current level of Gifts and Hospitality and the Head of Law and Standards stated that this could also be included on the agenda for the next meeting.

A Committee Member queried whether the updated information regarding property declaration applied to Community Councillors.

The Head of Law and Standards stated that as far as she was concerned it was for principal councils only but added that this could be clarified. The Head of Law and Standards stated that Community Councillors were not required to have a register of interests but that they should declare them when they arise at meetings.

Resolved:

The Committee noted the Welsh Government Statutory and Non-Statutory Guidance for Principal Councils, and it was decided that the relevant sections should be looked at in more detail in the next meeting as well as a discussion surrounding gifts and hospitality.

8 Standards Committee Annual Report 2022/23 (for comments) (Pages 25 - 40)

The Chair noted that this report would be shorter as previously noted by the Head of Law and Standards.

The Democratic and Electoral Services Manager noted the requirement to produce a report at the end of the financial year. The Democratic and Electoral Services Manager informed the Committee that the report would consist of a summary of Actions and Recommendations of the Committee as well as an assessment of the Group Leaders and their compliance with their duties. A copy of the report would be provided to the Ombudsman and Community Councils.

The Democratic and Electoral Services Manager highlighted that this had last been covered in November 2022 and that the report would be shorter to allow for alignment with the new time frames.

The Chair thanked the Democratic and Electoral Services Manager and noted that it was positive that the Committee were able to engage with the report and the Group Leaders prior to the changes.

A member of the Committee praised the report and stated that it was a good and helpful summary and context. They did however request that a table of contents be included and highlighted that there were some typos and formatting that would need to be corrected.

The Democratic and Electoral Services Manager informed the Committee that the Annual Report would go to full Council on the 28th November.

The Chair noted that Cllr Hourahine had presented the previous year's report at full Council and queried whether the Committee were content with a Member of the Committee presenting the report.

The Head of Law and Standards noted that the Chair would be welcome to present the report.

The Chair noted that it may be valuable for him to attend Council to present the report to continue raising the profile of the Standards Committee and to support a continued Liaison. This was supported by Committee Members as the Standards Committee sits independently from Newport City Council as a body, and the Councillors may wish to ask follow-up

questions. The Committee Members felt that this would show that the Standards Committee is functioning, meaningful and relevant.

The Head of Law and Standards noted that a formal invitation from the Leader would be required to speak at full Council.

The Chair stated that his attendance would be good to build relationships and to highlight the commitments from their side.

Resolved:

The Committee noted the report, and it was decided that the Chair of Standards would present the report at full Council on the 28th November 2023.

9 Adjudication Panel for Wales: verbal update on recent cases in Wales

<https://adjudicationpanel.gov.wales/decisions/1/2023-04--2024-04>

The Head of Law and Standards noted the report from the Ombudsman summarising the cases in Wales over the last year. The Head of Law and Standards highlighted a case of interest where there had been an interim measure put in place by both the Ombudsman and the Tribunal Courts.

The Head of Law and Standards noted that the case related to a Ceredigion Councillor who allegedly made approaches to various individuals, and harassments akin to stalking. The Head of Law and Standards noted that in order to make an interim decision the case tribunal are required to consider whether there is prima facie evidence to show that there had been a failure to comply with the Code of Conduct, whether the breach would be likely to lead to a suspension as well as whether a suspension was in the interest of the public. The Head of Law and Standards stated that the panel considered all the evidence and decided that the above conditions were met and that a decision was made to suspend the former Councillor for a period of 6 months to allow the Ombudsman to complete the case.

The Committee discussed the case and explored the relevance of the Code of Conduct in relation to police investigations such as this. as whilst stalking would not relate to the Code of Conduct if a person were then convicted it would become a Code of Conduct issue. The Head of Law and Standards gave the example that when there had been an issue with a Newport City Councillor, they had been unable to put anything into action regarding Code of Conduct until the Police had completed their investigation. The Head of Law and Standards highlighted to the Committee that in this case the Councillor had misused his position as Councillor and so it would have immediately become a Code of Conduct issue.

The Head of Law and Standards stated that there were other examples in the report provided such as an example where a Member had bombarded officers with emails, had made derogatory remarks and had disclosed information and as a result had been disqualified. The Head of Law and Standards noted that there had been another case where a Member had given misleading information to Audit Wales to promote a better image of himself.

Resolved

The Committee noted the verbal update on the Adjudication for Wales.

10 Forward Work Programme

The Chair noted that the Head of Law and Standards was to provide a short update on the All-Wales Standards Committee and Monitoring Officer group.

The Head of Law and Standards stated that it had been discussed that the minutes from the National Standards Committee Forum were to be put into an appropriate format where it could be shared to the Local Authorities without disclosing information and stated that this would be brought to the next Committee meeting.

The Chair stated the additional work needed to comply with the All-Wales standard was of great importance and that effort should be put into fully understanding that and its implications.

The Democratic and Electoral Services Manager noted that the Ombudsman Annual Letter, the Annual Report, the Community Council Review and Gifts and Hospitality were on the forward work programme.

Resolved

The following items were decided to be added to the forward work programme; verbal update on the All-Wales Standards Committee, discussion on the work required to comply with the National Statutory Guidance for Principal Councils, the ombudsman annual letter, the Standards Annual Report, Community Council Review and Gifts and Hospitality.