

Draft Minutes

Standards Committee

Date: 15 April 2021

Time: 5:30pm

Venue: Virtual Teams Meeting

Present: A. Mitchell (Chair) J. Davies, K. Watkins, P. Worthington, T. Britton, Councillors D Wilcox and P Hourahine. Gareth Price (Head of Law and Regulation), Elizabeth Bryant (Assistant Head of Legal Services), Pamela Tasker (Governance Support Officer)

Apologies: None

1. Apologies for Absence

None

2. Appointment of Independent Chair and Vice Chair

Mr Mitchell was voted in as Chair of the Standards Committee.

Mr Watkins was voted in as Vice Chair of the Standards Committee.

3. Declarations of Interest

None

4. Minutes of the Previous Meeting: 7 January 2021

Agreed:

That the Minutes were a true and accurate record.

5. Matters Arising

None

6. Succession Planning Update on Appointment of Independent Members

The Head of Law and Regulation confirmed that the Committee had advertised for two vacancies on the website and in local newspapers and 14 applications were received with 5 people being shortlisted for interview.

The Head of Law and Regulation recommended for the panel to select two suitable candidates at interview rather than go through a second recruitment process. The first candidate appointed would be replacing Mr Westwood's role and the second candidate would be provisionally appointed so would be able to take up office in October when Ms Britton's term of office was complete.

7. Employee Code of Conduct

The Chair commented that the Employee Code of Conduct had been brought to the Standards Committee previously. The Head of Law and Regulation stated that it had been a few years since the Code of Conduct was brought out and the last revision was 2018/19. The Head of Law and Regulation stated that there had been a recent corporate audit, which picked up that the Employee Code of Conduct needed to be updated in terms of changes in legislation. HR have brought the code up to date and consultations were held with staff and Trade Unions.

It has also been submitted to the Employee Joint Liaison Group and it has been agreed with the recognised Trade Unions. It has been brought to the Standards Committee so the Committee can formally recommend its adoption to full Council. The Code of Conduct would then be included as part of the Councils Constitution.

The Head of Law and Regulation explained that the revised Code of Conduct was brought to the Standards Committee due to the Committee's role in monitoring both the Members Code of Conduct and how it linked in with officer relationships.

Councillor Wilcox stated that they felt it was very important that Council employees were covered and supported in the same way and that is why the legislation brought in was so essential and that there were no grey areas. Councillor Wilcox also stated that the legislation would help Council employees feel supported by and feel stronger by and that the legislation was very welcomed.

Dr Worthington felt that it was a complete and comprehensive set of standards.

The Chair recommended to the Head of Law and Regulation that it was fed back to HR that it was a very good document.

Agreed:

The Standards Committee endorsed the revised Employee Code of Conduct and recommended its adoption to Council.

8. Code of Conduct Revised Guidance

The Head of Law and Regulation confirmed that the guidance had been circulated previously. It was a very short turn around period in terms of the consultation and this was the revised guidance that the Ombudsman was consulting on, in terms of the Code of Conduct for City Councillors and Community Councillors.

Due to the consultation period closing before the meeting it was circulated to Committee Members for information. It was also circulated to all the Community Council Clerks but no comments came back from them.

The guidance has not changed much in terms of substance but there were more practical examples included at the end based on previous cases, which was a useful guide to Councils in terms of the practicalities of the Code.

The Chair commented that they had looked at some of the examples and agreed that it was very useful. The Chair commented that it was all tying in nicely together that there was now a Code of Conduct for employees and for Councillors and Community Councils.

Councillor Wilcox questioned whether the clerks had any authority to submit any comments on the Code of Conduct. The Head of Law and Regulation confirmed that when the Code of Conduct was sent out it was requested for the Clerks to consult with their Community Councillors to submit any comments they had, but none had been received. It was presumed that the Community Councils were satisfied with the guidance.

The Head of Law and Regulation confirmed that the last Welsh Code of conduct review was in 2016 and the original Code of Conduct was completed in 2008. Welsh Government were looking again at the Code of Conduct and if there were to be a review, it would be reviewed before next May 2022 for the local Council Elections. It was reiterated that this was guidance on the current code as it stands now and so it may change between now and next May 2022.

Councillor Hourihane asked whether any new code of Conduct would have enforcement sanctions to be imposed on some Community Councils who failed to sign-up to the Code. The Head of Law and Regulation confirmed that this was a compulsory code which applies automatically to community councils and there were already sanctions for non-compliance..

Report noted.

9. Complaints

The Head of Law & Regulation reported that the two complaints to the Ombudsman reported previously were still on-going and no decision had been made on whether to investigate them.

Since the last meeting, there had been 8 further complaints submitted to the Ombudsman, 1 involving a City Councillor and the other 7 were complaints about community councillors.

The one complaint against the City councillor had not been accepted for investigation as it involved an alleged failure to reply to e-mails, which was not a breach of the Code.

Three of the complaints against community councils had also been rejected. One complaint was not investigated as there was no evidence of any breach of the code in relation to how the community council meeting had been chaired. Two complaints had not been accepted for investigation, even though there was evidence of a lack of respect, because the Ombudsman did not feel that the breach was serious enough and it was not in the public interest to investigate. However, the ombudsman would be writing to the two community councillors concerned to remind them of their duties under the Code to show respect and consideration to others and not bring their office as councillors into disrepute.

The Head of Law & Regulation reported that there were a number of issues involving community councils and several clerks had resigned.

John Davies stated that Bishton CC had made several complaints a couple of months ago but they had heard nothing. When the clerk followed this up, they were told that the complaints had gone to the spam e-mail box. He asked if anything could be done about this. The Head of Law & Regulation advised that there was an on-line complaint form on the Ombudsman web-site that could be completed and submitted electronically. The complaints are then acknowledged and given a unique reference number. He also believed that this was the community council complaint that had been reported last time and, therefore, it had been received and logged by the Ombudsman. However, if this was a different complaint, then it should have been acknowledged and given a reference number. The clerk should follow this up and check.

John Davies asked if there were any specific time scales for the Ombudsman to respond. The Head of Law & Regulation advised that there were no set timescales, although complainants should hear from the Ombudsman within 6-8 weeks about whether the complaint is going to be investigated. However, if a complaint was going to be fully investigated, that that process can take up to 9-12 months to complete.

John Davies asked if there was any way of challenging an ombudsman decision, as some complainants were unhappy that their complaints were not investigated. The Head of Law & Regulation advised that there was no

further right of challenge and the Ombudsman was the final statutory arbiter of whether a complaint should be investigated. The only way of challenging his decision would be by way of judicial review proceedings in the High Court on a point of law and this was very expensive.

10. Any other business

None

11. Date of Next Meeting:

15 July 2021