

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Standards Committee held at Council Chamber, County Hall, The Rhadyr USK on Monday, 9th October, 2023 at 10.00 am

PRESENT: County Councillors: Fay Bromfield and Frances Taylor

Independent Members: Richard Stow (Chair), Peter Easy, Rhian Williams-Flew

Community Committee Member: Michael John

OFFICERS IN ATTENDANCE:

Amy Gullick
Joanne Chase
Ben Davies

Local Democracy Officer
Solicitor and Deputy Monitoring Officer
Solicitor and Deputy Monitoring Officer

1. Apologies for Absence

County Councillor Catherine Fookes and Marion Gibson

2. Declarations of Interest

County Councillor Frances Taylor declared a personal, prejudicial interest pursuant to the Members' Code of Conduct in respect of agenda item 14.

3. Minutes of the Previous Meeting

The minutes of the meeting held on 12th June 2023 were approved as an accurate record.

In doing so, it was noted that the Constitution of the Committee contained in the agenda front sheet was incorrect and should be amended to read:

- M. John (Community Representative)

The Chair provided feedback on actions raised:

- Item 5, Gifts and Hospitality Policy: The chair confirmed that the new learning management system and the anti-bribery and corruption training would be discussed under agenda item 9, code of conduct training.
- We noted the Deputy Monitoring Officer had responded to the Welsh Government's consultation on the Richard Penn report, which was submitted by the 23rd June.
- Amendments to the Standards Committee Annual Report had been made and the final report went to Full Council on the 21st September.

https://www.youtube.com/live/DJc0_otfvbY?feature=shared&t=62

4. Adjudication Panel for Wales Annual Report 2022-23

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The Chair explained that following the previous meeting, he had sent out the current APW Sanctions Guidance on the 17th June, as it was the committee's intention to attend forthcoming hearings. However, committee members were unable to attend, as the four hearings that were considered, were not open to the public or media. Members noted the importance of keeping the document as a reference guide to compliment the Ombudsman Code of Conduct guidance.

The Chair explained that the decision reports for the 'paper determination' hearings were all online, should members wish to view them.

The committee noted that consultation on the unification of the 7 tribunals started on the 19th June and closed on the 2nd September.

During discussion, we noted that the judiciary was promoting open justice and that there is a push for Tribunals and the Court of Protection to have applications for open justice that are considered before the case is heard.

The Chair agreed to follow up the matter, as the committee did include open justice in their consultation response. In addition, the contact and responsiveness to emails would also be raised as a concern.

The Chair briefed the committee on the Annual Report and during discussion the following points were raised:

- We noted the number of references and appeals received, which averaged 3 or 4 a year, which was felt to be a relatively small number.
- The number one breach was disrepute, code paragraph 6(1)(a).
- 4 case tribunals in 2022/23, of which, 3 were 'on the papers' and one online.

https://www.youtube.com/live/DJc0_otfvbY?feature=shared&t=249

5. PSOW Annual Report 2022-23

The Chair provided the committee with an overview of the key findings from the PSOW Annual Report and during discussion the following points were noted:

- Code of Conduct complaints were down 4% from the previous year.
- During the year, 280 cases were closed: almost no change on the previous year.
- In the current year, 35 were investigated, 12 were referred, with 8 going to Standards Committees and 4 went to the Adjudication Panel. Therefore, out of the 280, approximately 1 in 8 were investigated and 1 in 3 of those investigated were referred.
- Compared to last year's statistics, this appears to be a better year for conduct.
- The Chair expressed concern that the breakdown of the code of conduct complaints were based on the Nolan principles and that it would be more useful to use the code paragraph numbers, as used by the Adjudication Panel.
- 61% of complaints that were valid, were about the 'Promotion of Equality and Respect'. It was felt that this was too big a category to understand the severity of the situation.
- It was also felt that Bullying and Harassment should be given its own category, given the possible severity of the instances.
- We noted within the Key Performance Indicators that the target number of cases closed within 12 months was 90%, however only 66/67% of cases were actually closed.

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It was agreed that the Chair would write to the Public Services Ombudsman, asking if code paragraphs can be used and if the complaint subject 'Promotion of Equality and Respect' can be broken down into different categories, as 61% is too large a category to understand the incidents.

https://www.youtube.com/live/DJc0_otfvbY?feature=shared&t=1388

6. PSOW Annual Letter to MCC dated 17th August 2023

The Chair provided an overview of the PSOW Annual Letter for Monmouthshire County Council. We noted that the previous Monitoring Officer had written to the Public Services Ombudsman to request sight of the letter earlier, to enable the Committee to complete its annual report as the letter contained the complaint scores for the Council, but it was not received in time.

We noted that there was only 1 complaint about a member of Monmouthshire County Council, which was discontinued. Amongst the Town and Community Councils there were only 5 received which PSOW decided not to investigate.

It was explained that the letter should also go to Cabinet and the Governance and Audit Committee for information.

https://www.youtube.com/live/DJc0_otfvbY?feature=shared&t=1895

7. MCC Conduct Complaint Data 2015 - 2023

The Chair provided members of the committee with a table of the conduct complaints about Monmouthshire County Council Members, determined by the Public Services Ombudsman between 2015 – 2023, to accompany the annual letter.

We noted that between 2015 – 2023, no complaints had been referred to the Standards Committee and only one had been referred to the Adjudication Panel in 2017-18.

https://www.youtube.com/live/DJc0_otfvbY?feature=shared&t=1997

8. PSOW Code of Conduct Complaints Process

The Committee were presented with the Public Services Ombudsman for Wales Code of Conduct Complaints Process summary. The committee were reminded of previous discussions in February regarding the proposed changes to the Code of Conduct Complaints process and we noted that members' views on the changes were mixed at the time.

The Chair confirmed that the summary document was attached to the agenda for information only.

https://www.youtube.com/live/DJc0_otfvbY?feature=shared&t=2141

9. Code of Conduct Training

The Committee were informed that there had been no requests for Code of Conduct Training since the last meeting.

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We heard that Planning Committee members had been receiving more training, which may have been a result of a previous request made at the Standards Committee.

We were informed that there was a separate Code of Conduct document for the Planning Committee to that of the Council's Code of Conduct in the Constitution. The Chair would raise this with the new Monitoring Officer, as there are questions on its ownership, training needs and why is it not contained in the Constitution.

It was suggested that it would be useful for Planning Committee members to receive Code of Conduct refresher training.

Questions were raised as to whether all co-opted members had received training and we noted that it would be useful for training records to be contained in the new learning management system that was being developed by Democratic Services.

It was agreed that the Democratic Services Officer would follow up on whether there were any co-opted members on any other Committee's outside of the Standards Committee and Governance and Audit Committee.

The Chair also requested the inclusion of the Gifts and Hospitality Policy in the Anti Bribery & Corruption training and information on who provides the training.

The chair agreed to discuss the requirement for follow-up code of conduct training for MCC members (based on scenarios/examples) with the new Monitoring Officer.

https://www.youtube.com/live/DJc0_otfvbY?feature=shared&t=2242

County Councillor Frances Taylor left the meeting at the close of this item.

10. Annual Report of the Standards Committee for 2022-23 - presented at Council on 21st September 2023

The Chair informed the Committee that the Annual Report of the Standards Committee for 2022/23 was taken to Council on the 21st September 2023 and no questions were raised at the meeting.

https://www.youtube.com/live/DJc0_otfvbY?feature=shared&t=3688

11. Welsh Government Guidance for s 62 & s 63 LGE21 - published on 15th June 2023

We noted that the Welsh Government had published its guidance on the two new duties under section 62 and 63 on the 15th June 2023. At the meeting of the Standards Committee in March 2022, members looked at the draft guidance and felt they did not need to put in a response to the consultation. It was explained that the new duties came into force in May 2022 and the Monitoring Officer made all Political Group Leaders aware of the new duties placed on them and noted the new duties placed on the Standards Committee.

We were presented with information relevant to the committee, which was contained in Part 2 of the document, under sections 4-7. The Chair provided an overview of the changes that had been included since the draft document. In doing so, the following points were noted:

- Paragraph 4.29 - the requirement for Political Group Leaders to keep records of steps they have taken.

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- Paragraph 4.36 – Political Group Leaders should meet with the Standards Committee on several items detailed.
- Members expressed concerns over the prescriptiveness of the new duties imposed on both Political Group Leaders and the Standards Committee.
- A number of questions were raised on the implementation of the new responsibilities that would need to be raised with the new Monitoring Officer.
- We noted that there was now a duty placed on the Standards Committee to establish the threshold on what they are content with the Political Group Leaders complying with.
- Members felt that there was a significant shift in the committees' terms from that of oversight and guidance, to active involvement. Members noted that the guidance states they should be providing advice on statutory guidance, which the committee felt that as independent members, they should remain at arm's length to operational matters.
- Paragraph 5.7 – Standards Committee should play a proactive role in promoting and supporting high standards of conduct in Town and Community Councils. We noted that One Voice Wales provided support and training to the community councils.
- Paragraph 5.10 – Standards Committee to regularly review the approach taken in respect of gifts and hospitality.
- Paragraph 6.4 – Standards Committee should meet with group leaders at the beginning of each council year.
- A question was raised relating to the training records for Town and Community Council and it was agreed that information would be sought on what the provisions of the training plan were.
- A further query was raised as to whether Planning Officers would be interested in providing a training session open to all Town and Community Councils.
- Members noted that the Standards Committee cannot mandate any training, as stated in paragraph 7.7.
- Paragraph 7.8 – we noted the requirement for the Standards Committee Annual Report to be shared with the Public Services Ombudsman for Wales and Town and Community Councils.

Members expressed serious concerns regarding the new duties, which in effect, change the role of the Standards Committee without justification or explanation of what is felt is wrong with the current model.

The chair agreed to contact One Voice Wales to see if they would provide information on training delivered to town and community councils in Monmouthshire.

https://www.youtube.com/live/DJc0_otfvbY?feature=shared&t=3816

12. Provisional Meeting Dates for 2024-25:

We noted the provisional meeting dates for 2024–25.

13. Date of Next Meeting - 26th February 2024

Noted.

14. Ombudsman Decision Notices

It was agreed to defer the item to a future meeting of the Standards Committee when the new Monitoring Officer is in post.

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The meeting ended at 11.50 am