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County Hall
Rhadyr
Usk
NP15 1GA

Friday, 8 October 2021

Notice of meeting

Standards Committee

Monday, 18th October, 2021 at 10.00 am,
County Hall, Usk - Remote Attendance

AGENDA

Item No	Item	Pages
1.	Apologies for absence	
2.	Declarations on interest	
3.	PSOW revised Code of Conduct guidance New Code of Conduct Guidance for members of local authorities in Wales (ombudsman.wales)	
4.	Notes of the special meeting held on 13th July 2021 - Dispensation Request	1 - 4
5.	Code of Conduct and School governors - the dispensation process and anomaly in the Code of Conduct	
6.	Ethical standards framework review Framework (gov.wales)	
7.	Planning code of conduct	5 - 24
8.	PSOW annual report	25 - 34
9.	Annual Governance Statement - Principle A - Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law	35 - 56
10.	Independent Member recruitment	
11.	Induction training for Councillors - May 2022	

12.	Minutes of the previous meeting	57 - 60
13.	Date of next meeting - 21st March 2022	

**Paul Matthews
Chief Executive**

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

D. Evans
S. Woodhouse
P. Clarke

R. Stow (Chair-
Independent Representative)
R Williams-Flew
(Independent Representative)
P. Easy (Independent Representative)
R. McGonigle (Independent Representative)
I. Cameron (Community Representative)

Public Information

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Welsh Language

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Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

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Public Document Pack Agenda Item 4

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Standards Committee held
at County Hall, Usk - Remote Attendance on Tuesday, 13th July, 2021 at 7.30 pm**

PRESENT: County Councillors: D. Evans, S. Woodhouse, P. Clarke

R. Stow (Chair)
R Williams-Flew,
P. Easy
I. Cameron (Community Representative)

OFFICERS IN ATTENDANCE:

Matt Phillips	Chief Officer People and Governance and Monitoring Officer
Nicola Perry	Senior Democracy Officer
Joanne Chase	Solicitor
Ben Davies	Solicitor

APOLOGIES:

R. McGonigle (Independent Representative)

1. Declarations of interest

None.

2. Dispensation Request

The Chief Officer for People and Governance / Monitoring Officer presented the report detailing that a Dispensation Request had been submitted to the Standards Committee. The purpose of such a request is to seek authorisation from the committee to participate in the business of Monmouthshire County Council despite the presence of a possible prejudicial interest as defined by the Code of Conduct.

There is currently work being undertaken that will lead to a decision regarding the education provision in Abergavenny that relates specifically to King Henry VIII Secondary School (KHS) and Deri View Primary School. Ysgol Y Fenni is also directly affected by any decision on this matter. The discussion has been ongoing for a while and had been due to appear at the Children and Young People Select Committee meeting on 8th July 2021.

The advice provided by the Monitoring Officer concluded that as a number of Committee Members were Governors of the 3 schools mentioned above, and that those schools were "particularly" affected, then it was likely that a prejudicial interest was present, Were that to be the case, then not only would the meeting be affected but the wider conduct of Council business also as it could prevent those with interests from participating in, for example, a motion raised at Full Council.

In discussion with the Chair and Members of the Committee, and the Monitoring Officer, decision was taken to cancel the meeting and convene the Standards Committee so that a decision could be taken on any potential interests and the need for dispensation.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Standards Committee held at County Hall, Usk - Remote Attendance on Tuesday, 13th July, 2021 at 7.30 pm

The Chair welcomed County Councillor Tudor Thomas, Chair of Children and Young People Select. He also spoke on behalf of co-opted member Councillor Maggie Harris. Councillor Thomas expressed that by holding the position of Mayor of Abergavenny he is representing the interests of the people of Abergavenny.

Councillor Harris also has a broad depth of knowledge of the area and it was considered important that they are both able to take part in discussions.

The Chair advised that the Committee discuss the following five grounds for dispensation as set out in the request.

The nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business.

The participation of the member in the business to which the interest relates is justified by the member's particular role or expertise.

The business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest.

It appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed.

It appears to the committee to be otherwise appropriate to grant a dispensation.

The Chair considered that excluding governors would have the opposite effect on public confidence.

Councillor Thomas informed that committee that people had made comment to him in passing but had not received formal communication.

Councillor Thomas felt strongly that Councillor Maggie Harris was best placed to represent Deri View School.

The Chief Officer explained that the dispensation seeks to provide flexibility to the individuals and not necessarily relating to the knowledge of other committee members.

The Chair considered the third point regarding participation to be straight forward and there no objections.

The impact of the decisions around the three schools were acknowledged.

It was noted that public would find it hard to understand should the dispensation not be granted.

The Committee resolved to grant the dispensation.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Standards Committee held
at County Hall, Usk - Remote Attendance on Tuesday, 13th July, 2021 at 7.30 pm**

The meeting ended at 8.15 pm

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PLANNING CODE OF PRACTICE

Monmouthshire County Council
Cyngor Sir Fynwy

Planning Code of Practice

Contents

1.0	Introduction.....	3
2.0	Elected Members.....	4
2.1	Planning Committee Members.....	4
2.2	Members of the Planning Committee who are also Members of Community/Town Councils.....	4
2.3	Local Ward Members who are not Members of Planning Committee.....	5
2.4	All Members.....	5
3.0	Officers.....	6
4.0	Operation of the Delegation System	7
5.0	Discussions Before and During Applications and on Enforcement Matters	8
6.0	Lobbying of Members of the Planning Committee.....	9
7.0	Planning Applications Submitted By Members, Community/Town Councils And Officers.....	10
8.0	Planning Applications Submitted By The Council	10
9.0	Officers' Reports to the Planning Committee	10
10.0	Public Speaking at Planning Committee	11
11.0	Planning Committee Site Inspections	13
12.0	Planning Committee Decisions Contrary to Officer Recommendation.....	13
13.0	Appeals against Council Decisions.....	14
14.0	Town and Community Councils	15
15.0	Member Training.....	15
16.0	Review Of Decisions.....	16

Monmouthshire County Council
Cyngor Sir Fynwy

Planning Code of Practice

1.0 Introduction

- 1.1 This Code of Practice is intended to guide the procedures by which Councillors ('Members') and Officers of the Council deal with planning matters and to set standards of probity and conduct expected of them. Monmouthshire County Council will seek to adopt best practice in its administration of the planning process. It recognises that the general public expects the Council to subscribe to the principles of fairness, consistency and objectivity. Members of the Planning Committee have a key role in ensuring that these principles are followed and the Council has stated that the Planning system must be fair and open. Elected Members are critically important in arbitrating between competing arguments.
- 1.2 The town and country planning system involves the Council taking decisions about private proposals for the development and use of land, but in the public interest. Planning law requires that all planning applications be determined in accordance with the adopted development plan unless material planning considerations indicate otherwise. The Council must also take account of representations made by members of the public, in as far as they relate to material planning considerations.
- 1.3 As planning affects people's lives and private interests it can be very contentious. It is therefore important that members of the public understand the system and has confidence in its integrity and transparency, and that Members and Officers avoid impropriety or even the suspicion of impropriety. This approach is endorsed by the Committee on Standards in Public Life (the Nolan Committee), District Audit and the Local Government Association. A number of Inquiries have been held, nationally, regarding the administration of the planning system. In particular, the inquiry into the operation of the planning system in North Cornwall by the Department of the Environment; also, the report by the Welsh Affairs Committee into Rural Housing. Various reports by the Ombudsman are also relevant. The Minister has issued guidance in Circular Letter CI-06-06.
- 1.4 Members and Officers must not only ensure that their conduct accords with the Code of Conduct for Members and professional standards for officers (which cover such matters as declarations of interests, gifts and hospitality), but, when dealing with planning matters, also act in accordance with this Planning Code of Practice.
- 1.5 A breach of this code, while not usually amounting to a breach of criminal law, may adversely affect the standing and reputation of the Council. It could result in a decision being judicially reviewed and the planning permission being quashed by the Court or in a complaint of maladministration or an allegation of a breach of the Code of Conduct for Members being made to the Public Services Ombudsman for Wales. A complaint that a member has acted in breach of this

code may also be considered under the Council's Procedure for Dealing with Breach of a Local Code or Protocol.

- 1.6 If Members or Officers are in doubt about the application of this Code they should seek advice from the Council's Monitoring Officer.

2.0 Elected Members

2.1 Planning Committee Members

Planning Committee members should:

- act fairly and openly and avoid any actions which would give rise to an impression of bias
- avoid inappropriate social contact with applicants and their agents, objectors and other interested parties.

It is a matter for each individual member to decide what constitutes inappropriate contact, however, it is important that any contact is not out of the ordinary and does not give the impression to others that the nature of the contact is inappropriate.

- approach each planning application/issue with an open mind
- not organise support or opposition to a planning application
- carefully weigh up all relevant planning issues before making a decision
- make decisions purely on planning grounds in the public interest and not favour, or appear to favour, any person, company, group or locality. In this respect, while Committee Members have a special duty to their Ward constituents, including those who did not vote for them, their over-riding duty is to the whole community.
- not decide how to vote on applications on the basis of a political 'whip', but on the planning merits of each case. (The view of the Ombudsman is that subjecting a planning decision to the discipline of the political whip could amount to maladministration)
- ensure that the reasons for their decisions are clearly stated
- With the coming into force of section 25 of the Localism Act 2011 if a member does or says anything prior to the planning committee considering the planning application, the member will not be judged to have a closed mind just because of what the member says or does. However it is essential that the member when attending the planning committee takes into account all relevant planning considerations before making a decision on the planning application.

2.2 Members of the Planning Committee who are also Members of Community/Town Councils

Membership of a Community/Town Council provides an opportunity to listen to local views and does not of itself give rise to a conflict of interest for a Planning Committee Member provided he/she complies with the requirements of this code of practice particularly when considering all the evidence and arguments presented to the Planning Committee.

If the Member is present at a meeting of the Community/Town Council (or one of its Committees) when a planning application/matter is under consideration, he/she can play a full part including entering into discussion, asking questions and even voting.

However, regardless of the planning committee member's previous statements and actions, the member must make the decision at planning committee taking into account only relevant material planning considerations.

2.3 Local Ward Members who are not Members of Planning Committee

Where an application is considered by Planning Committee Local Ward Members have the right to attend the Planning Committee and Delegation Panel and site inspections by committee or panel to speak on any planning matter (subject to declarations of interest), but may not vote. Such Members do not act in the decision making role performed by planning committee members.

In appropriate circumstances the local ward member of an adjacent ward may also have the same rights as if they were the local ward member. Where an application has wider implications the Chairman may exercise discretion and allow other members to address committee.

When attending meetings of the Planning Committee, Councillors who are not members of the Committee shall sit separately from Committee Members - whether or not they intend to address the Committee - and unless invited to do so by the Chair shall not communicate with the Committee Members during the meeting.

Non-Committee Members can address the Committee after the officer has introduced the application and before any other speakers.

2.4 All Members

Local Ward Members represent their electoral division and the County as a whole. Any member can make representations on planning applications. Where the local ward member in whose division the application is located wishes an application to be considered by Planning Committee or the Delegation Panel they shall inform officers in writing either by letter or e mail to that effect and give relevant material planning reasons for the request. The views of the Local Ward Member will be included in the application report. "Planning reasons" in relation to the Local Ward Member request means a brief statement outlining the

material considerations that justify the application being considered by Planning Committee or the Delegation Panel.

Members shall not pressure Officers to make particular recommendations in reports. This will be a clear a breach of the Code of Conduct for Members.

3.0 Officers

3.1 The function of Officers is to carry out the administrative and executive functions in support of the planning process and to give professional advice to the public and Councillors.

3.2 The Chief Officer – Regeneration and Culture makes decisions on the majority of planning applications under officer delegated powers and makes recommendations on more significant and contentious applications and other planning matters for decision by the Planning Committee and the Council. The local ward member in whose division the application site is located can ask that any planning application to be referred to the Planning Committee for a decision rather than by officer delegated powers. Some of the decisions under officer-delegated powers are exercised in consultation with the Delegation Panel.

3.3 In considering applications and in advising Members and the public on planning policy, the determination of planning applications, enforcement and other planning matters, Planning Officers shall: -

- act fairly and openly and avoid any actions which would give rise to an impression of bias
- avoid inappropriate social contact with applicants and their agents, objectors and other interested parties
- approach each planning application/issue with an open mind, avoiding pre-conceived ideas
- carefully weigh up all relevant planning issues
- make decisions purely on planning grounds having regard to the development plan and other material considerations
- give professional, objective and consistent planning advice
- provide a comprehensive and accurate analysis of the planning issues
- give a clear recommendation
- carry out the decisions of the Committee
- record any interest they may have in, or the manner in which they may be affected by an application both on the application file and in the Record of Interests book held in the Planning Office
- abide by the Royal Town Planning Institute's Code of Professional Conduct

3.4 The Council's Legal Officers advise Members on legal and procedural matters. In doing so, they must: -

- act fairly and openly and avoid any actions which would give rise to an impression of bias
- avoid inappropriate social contact with applicants and their agents, objectors and other interested parties
- give professional, objective and consistent advice

- carry out the decisions of the Committee so far as they relate to the completion of any legal agreement, institution/defence of proceedings etc.

4.0 Operation of the Delegation System and the Role of the Delegation Panel

- 4.1 The Council will operate a scheme of delegation of decisions to officers. The scheme defines matters to be determined by officers in consultation with the Delegation Panel (Chairman, Vice Chairman and Opposition Spokesperson of Planning Committee) and those wholly delegated to officers.
- 4.2 The published lists of applications and application details will not indicate whether an application is to be dealt with under delegated powers as the status of an application may change during the processing stages. In addition, the Chief Officer or Head of Service may specify that an application be put to Committee if it involves controversial issues.
- 4.3 Panel meetings will be arranged regularly to consider applications that fall to be considered by the Delegation Panel. A list of applications or other matters that are proposed to be determined under delegated powers will be presented to the Delegation Panel. This will be known as the Delegation List. There should be a minimum of 2 members present at the Delegation Panel.
- 4.4 The Delegation List shall specify the detail of the application with the officer recommendation.
- 4.5 There will be a report prepared on each application or other matter to be determined under officer delegated powers. The report shall include a description of the proposal, planning history, an adequate summary of objections/representations, relevant policies, a professional appraisal and recommendation. Any comments by Community or Town Councils, which are counter to the recommendation, should be specifically addressed in the professional appraisal, under the title: *'Response to Town/Community Council Representations'*.
- 4.6 The Relevant Officers: Officer recommendations and decisions on delegated decisions can only be authorised by:
 Chief Officer – Regeneration and Culture
 Head of Planning Place and Enterprise
 Planning Applications Manager
 Assistant Planning Applications Manager
 Enforcement Manager
 Conservation Manager
- 4.7 The Delegation Panel cannot determine planning matters. Officers consult with the Panel on those matters identified in the Delegation Scheme. The Panel can require that an application or other matter is presented to Planning Committee and will identify any application or other matter that is not to be delegated. They shall sign the list but the words ***Not Delegated*** or ***Refer to Committee*** shall be

written across the relevant listing. The signed Delegation List is to be retained in the Planning Office.

- 4.8 Where the Council receives objections and officers recommend approval before the application is determined officers will:
- Provide a copy of the officer evaluation to the those who have objected or supported, the applicant/agent and the local member
 - Offer to meet the applicant/agent and objectors/supporters on site or at the Council Offices with the Delegation Panel.

5.0 Discussions Before and During Applications and on Enforcement Matters

- 5.1 Discussion and negotiation are essential in the planning process as they can bring about improvements that can make an application acceptable or otherwise remedy problems. The Council encourages this discussion and negotiation.
- 5.2 Such discussions will normally take place at officer level and Members shall, wherever possible, refer requests for such advice to the Officers.
- 5.3 Where members feel that a formal meeting would be useful in clarifying the issues, they should never seek to arrange that meeting themselves but should request the Head of Planning, Place and Enterprise or the Development and Building Control Manager to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action. The meeting can be attended by the Delegation Panel of the full Planning Committee depending on the scale and/or implications of the proposal and the Local Ward Member for the ward in which the application site is located. Other Ward Members in the locality may attend where the application has wider implications.
- 5.4 Members may also attend presentations by applicants or developers but should either have an officer present or have made officers aware of it and officers have discussed it with members or briefed them on it. Members shall act as observers and not as participants at such presentations.
- 5.5 At all times Members should have regard to the Council's Code of Conduct for Members and the Planning Code of Practice.
- 5.6 All Officers taking part in discussions shall:
- make clear whether or not they are the decision maker for the purposes of the application/issue under discussion
 - make clear that only personal and provisional views can be expressed which will not bind the Council to reach a particular decision when determining an application
 - express views in the context of the development plan and other material planning considerations
 - be consistent in interpreting planning policies
 - advise applicants and neighbours/objectors on procedural matters

- 5.7 Occasionally local people or Community/Town Councils will arrange public meetings to discuss a current application and may invite the applicants, Members and Officers to attend. Given the need to avoid giving commitments and ensuring that an open mind on proposals is retained, Members of the Committee and Officers who attend such meetings shall use them for fact-finding; shall not express a final opinion for or against the proposal and shall otherwise act in accordance with the guidance in this Code.
- 5.8 A Design Panel of all members of Planning Committee will be established to allow members to contribute to the design process of a development at an early stage. The Panel will convene as and when required and will consider applications for 3 or more dwellings or non-residential development of 1,000 sq. m. or more and other applications that may raise important design issues. The applicant/agent will be invited to attend as will any other relevant parties. The local ward member will be invited to attend. The role of the Design Panel will be to advise on design aspects of the application. The Design Panel will not give any indication on the outcome of the application.

6.0 Lobbying of Members of the Planning Committee

- 6.1 Lobbying is the process by which applicants and their agents, neighbours, non-Committee Members and other interested parties seek to persuade Councillors on the Planning Committee to come to a particular decision. It is a legitimate part of the planning process for them to approach Members of the Planning Committee as these discussions can help Members to understand the issues and concerns. As stated in the Nolan Committee Third Report: "it is essential for the proper operation of the Planning system that local concerns are adequately ventilated"
- 6.2 In responding to approaches of this kind, Committee Members shall follow the 9 principles outlined in Paragraph 2.1 above and may wish to make a record of the discussion, but may also: -
1. Explain the potentially conflicting position they are in if they express a final opinion on a proposal before consideration at the Committee/by the Corporate Director
 2. Explain the procedures by which representations can be made; that the public can speak at the Committee (subject to a number of conditions being met), should the application come to the Committee for decision, and that a decision will be taken only when all relevant planning considerations have been taken into account
 3. Explain the kinds of planning issues that the Council can take into account
 4. Report issues raised to the Officers or direct the public to the Officers so that their views can be considered
 5. Advise the public to contact non-Committee Members who may be able to represent local views with less restraint
- 6.3 Where a Committee member feels that he/she has been unreasonably or excessively lobbied on a particular proposal he/she shall make a declaration at Planning Committee on that application that he/she has been lobbied. However,

that member shall still be able to speak and vote on the application if the guidance in Section 2 is adhered to.

7.0 Planning Applications Submitted By Members, Community/Town Councils and Officers

7.1 Planning Applications submitted by or on behalf of Members or Officers of the Council or their close relatives* where known, shall be decided by the Planning Committee and not by the Chief Officer under officer delegated powers.

*'Close relative' is defined as spouse, partner, parent, child or sibling.

7.2 The affected Member shall declare an interest and take no part in the decision.

7.3 The affected officer shall record his/her interest and take no part in the decision.

7.4 Where a Community/Town Council submits a planning application, the County Council Members who are also Members of that Community/Town Council should disclose their interest and withdraw from further consideration of the matter.

8.0 Planning Applications Submitted by the Council

8.1 It is critical that the Council is seen to be treating applications for its own development (or a development involving the Council and another party) on an equal footing with all other applications as well as actually doing so.

8.2 All such proposals will be subject to the same administration processes, including consultation, as private applications with consideration being made in accordance with policy and any other material planning consideration.

8.3 In order to ensure transparency and openness in dealing with Council proposals (save for discharge of conditions and minor amendments) will not be dealt with under officer delegated powers where the development will not be carried out by the Council, for example it intends to sell the land, or there are objections to any Council proposal. However, minor non-contentious applications by the Council for example works ancillary to an existing council facility can be determined under officer delegated powers in consultation with the Delegation Panel.

8.4 Where a member of Planning Committee has a Cabinet portfolio responsibility relating to an application he/she shall declare that interest and not take part in the discussion or vote.

9.0 Officers' Reports to the Planning Committee

9.1 All Planning matters considered by the Planning Committee will be the subject of full evaluation by officers and will include a recommendation. Such reports shall

- be comprehensive, but succinct in setting out the key planning (and legal) issues to be considered (in terms of the provisions of the development plan and other material planning considerations), the substance of any representations received and any relevant planning history.
- 9.2 Any comments by Community or Town Councils, which are counter to the recommendation, should be specifically addressed in the professional appraisal, under the title: *'Response to Town/Community Council Representations'*. Local Ward Member representations will also be addressed.
- 9.3 A summary of late correspondence received since the report was prepared will be made available to the Committee and despatched electronically to members the evening before Planning Committee meets. Any further correspondence received before 12 noon on the day of committee will be presented to members in a further document. At the discretion of the Chair time may be given for members to review the further late correspondence having regard to the amount and issues raised. "Received" means received by Planning Office staff at County Hall by post, fax or electronically.
- 9.4 When applications are presented to Planning Committee we will:
- Make the officer evaluation available on the Council's web site
 - Inform the applicant/agent and objectors/supporters that the application is going to Planning Committee unless the volume of representations makes this impractical
 - Provide a copy of the officer evaluation to the Community or Town Council where the council has objected

10.0 Procedure at Planning Committee

- 10.1 The following procedure will be followed at Planning Committee:
- The Chair will identify the application to be considered
 - An officer will present a summary of the application and issues with the recommendation
 - The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair
 - The representative of the community or town council will then be invited to speak for a maximum of 4 minutes by the Chair
 - The Chair will then invite, in turn, the objector and/or supporter to speak for a maximum of 4 minutes each
 - The Chairman will invite the Applicant or Appointed Agent (if applicable) to speak for a maximum of 4 minutes. Where more than one person or organisation speaks against an application the Applicant or Appointed Agent shall at the discretion of the Chair be entitled to speak for a maximum of 5 minutes

- Time limits will normally be strictly adhered to however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking
- Speakers may speak only once
- Planning Committee members will then debate the application, commencing with the local member if a member of Planning Committee
- A Member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Response by officers if necessary to the points raised
- Immediately before the question being put to the vote, the local member will be invited to sum up, speaking for no more than 2 minutes.
- The community or town council representative or objector/supporter or applicant/agent may not take part in the Members' consideration of the application and may not ask questions unless invited to by the Chair
- Where an objector or supporter or applicant/agent community or town council has spoken on application no further speaking by or on behalf of that group will be permitted in the event that the application considered again at a future meeting of the committee unless there has been a material change in the application
- The Chair or a Member of the Committee may at the Chair's discretion occasionally seek clarification on a point made
- The Chair's decision is final
- When proposing a motion either to accept the officer recommendation or to make an amendment the member proposing the motion shall state the motion clearly
- When the motion has been seconded the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention
- An officer shall count the votes and announce the decision

10.2 Public speaking at Planning Committee will be allowed strictly in accordance with the protocol attached in Appendix 1. The invitation to speak and the conduct of the meeting is at the discretion of the Chair of the Planning Committee.

11.0 Planning Committee Site Inspections

11.1 Committee site inspections are fact-finding exercises which allow the Planning Committee to make a more informed decision than would otherwise be possible from reading the officer's report and considering the views expressed at the Committee meeting by interested parties.

11.2 The purpose of a site inspection is to clarify issues of fact and such visits should only be held where the Committee cannot make an informed decision without seeing the site for themselves and the inspection would have substantial benefit. Examples of this include:

- Where there are accusations that a plan is misleading;
- Overlooking into other people's property;
- Visual prominence.
- Understanding topography of the area.

Examples where a site visit would not normally be appropriate include where:

- purely policy matters or issues of principle are at issue
- the Member simply disagrees with the conclusion reached in the report.
- the Member wishes to consider boundary or neighbour disputes
- issues of competition
- loss of property values
- any other issues which are not material planning considerations.

11.3 Members of the Planning Committee will carry out the inspections with the local ward member being invited. Applicant and objectors/supporters can attend but may only draw attention to matters of fact relating to the site. The community or town council shall be invited to attend the site inspection. An officer shall attend to advise on the application.

11.4 Members of the Planning Committee shall not discuss the application, other than to clarify issues of fact, and shall not make a decision while on site.

11.5 If a Member finds it necessary to visit a site alone (perhaps because it was not possible to attend the Committee inspection), he or she shall view it from public vantage points only, seek to avoid discussion with interested parties, and, if discussion occurs, make it clear that a decision will be taken when it has been discussed by the Committee.

12.0 Planning Committee Decisions Contrary to Officer Recommendation

12.1 Where the Committee does not accept the recommendation made by the Officers the application shall be deferred to the following Planning Committee and brought back with reasons for refusal or conditions of approval as the case may be.

12.2 It is important that full clear and convincing reasons are set out when any planning decision is made. Where an application is determined in accordance with the officer recommendation the officer report meets this requirement. However, when members determine against officer recommendation the only record of the debate is the minutes. It is therefore essential that members' reasons are recorded and that the minutes of meeting incorporate a full, clear and convincing statement of the reasons.

12.3 Where planning permission is refused contrary to officer advice, members should be aware of the risk of an award of costs being made against the Council at a subsequent appeal. Advice on the award of costs is contained in Welsh Office Circular 29/93. Paragraph 9 of Annex 3 is relevant.

"Planning authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers, or received from statutory bodies or consultees. But they will be expected to show that they had reasonable planning grounds for taking a decision contrary to such advice; and they were able to produce relevant evidence to support their decision in all respects. If they fail to do so, costs may be awarded against the authority."

13.0 Appeals against Council Decisions

13.1 Officers will organise and generally appear as witnesses at planning appeals and other proceedings on behalf of the Council. In some circumstances it may be necessary to appoint consultants to appear for the Council. In giving evidence Officers will present the best possible case on behalf of the Council while complying with the RTPI Code of Professional Conduct *.

* The Royal Town Planning Institute Code of Professional Practice requires, inter alia, that Planning Officers who are members of the Institute do not make statements purporting to be their own, but which are contrary to their bona fide professional opinion.

13.2 Where an appeal is lodged following refusal of planning permission contrary to officer recommendation and the appellant seeks an Informal Hearing or Public Inquiry, officers will consider whether the case officer or another officer can represent the Council at the Appeal. In the event that no officer considers that he/she can represent the Council having regard to their professional code of conduct and circumstances of the case, the Council will endeavour to appoint a consultant to act on its behalf. Where a consultant cannot be appointed a further report will be presented to Planning Committee. Whether an officer or consultant represents the Council it is essential that the local member and/or a member of Planning Committee attends and speaks at the appeal. This is good practice in all appeals whether the decision was against officer advice or not.

13.3 Members have an important role to play in appeals. The local ward member will be informed of the appeal. He or she and any other member may, within set deadlines, make written representations to the Inspector and may also appear at

Informal Hearings or as a witness at Inquiries. In doing so they should state whether they are acting in their local Councillor capacity or, exceptionally, representing the Council's case.

- 13.4 Officers shall support Members who wish to attend the appeal and/or make representations and advise them on preparing and delivering evidence as well as on legal aspects. Where appropriate a nominated officer will be designated to assist and guide members before attending a hearing or inquiry and attend the hearing or inquiry with the member(s). However, the officer will not be able to prepare or give evidence where that would be contrary to his/her professional views.

14.0 Community and Town Councils

- 14.1 Officer reports will specifically address community and town council objections.
- 14.2 Where officers recommend approval and the community or town council have objected a copy of the officer evaluation will be provided to the community or town council and the Council will be invited to speak at Planning Committee or attend a meeting of the Delegation Panel.
- 14.3 Representatives of Community and Town Councils will be permitted to attend planning committees and committee site inspections.
- 14.4 A representative will be permitted to address the Committee on an application, at the discretion of the Chair and in accordance with the Protocol on Public Speaking.
- 14.5 Representatives will be expected to uphold the following principles: -
- (i) To observe the National Code of Local Government Conduct, particularly in the context of declarable interests.
 - (ii) Not to introduce information that is not part of an application, or contained in the planning report or file.

15.0 Member Training

- 15.1 The Council has decided that all members of the Council not just those Members of the Planning Committee shall undertake training. No Member shall sit on Planning Committee unless he/she agrees to undertake such training.
- 15.2 Members will be offered core training within three months of appointment to the Committee. This will cover planning procedures, the development plan and material planning considerations, probity and other subjects determined from time to time by Officers in consultation with the Members.

15.3 Other training will be available in the form of additional sessions such as seminars on specific subjects.

16.0 Review of Decisions

16.1 To assess and improve the quality and consistency of decisions and thereby strengthen public confidence and assist in reviewing planning policy the Planning Committee will undertake an annual review of a sample of planning decisions made by the Committee. The review will include examples from a range of development types and shall include visits to the sites.

16.2 The Planning Committee will formally consider the results of the review and decide whether it gives rise to the need for new policies, procedures and practices.

16.3 The outcome of appeals against the decisions of the Council will be reported regularly to Planning Committee so that any lessons can be learned. The outcome of enforcement cases and legal proceedings will also be reported regularly so that the Planning Committee is kept abreast of progress.

16.4 The Delegation Panel may from time to time review decisions made under officer delegated powers.

Protocol on Public Speaking at Planning Committee

Public speaking at Planning Committee will be allowed strictly in accordance with this protocol. You cannot demand to speak at the Committee as of right. The invitation to speak and the conduct of the meeting is at the discretion of the Chair of the Planning Committee and subject to the points set out below.

Who Can Speak

Community and Town Councils

Community and town councils can address Planning Committee. Only elected members of community and town councils may speak. Representatives will be expected to uphold the following principles: -

- (i) To observe the National Code of Local Government Conduct.
- (ii) Not to introduce information that is not:
 - consistent with the written representations of their council, or
 - part of an application, or
 - contained in the planning report or file.

Members of the Public

Speaking will be limited to one member of the public opposing a development and one member of the public supporting a development. Where there is more than one person in opposition or support, the individuals or groups should work together to establish a spokesperson. The Chair of the Committee may exercise discretion to allow a second speaker, but only in exceptional cases where a major application generates divergent views within one 'side' of the argument (e.g. a superstore application where one spokesperson represents residents and another local retailers). Members of the public can appoint representatives to speak on their behalf.

Where no agreement is reached, the right to speak shall fall to the first person/organisation to register their request. When an objector has registered to speak the applicant or agent will be allowed the right of reply.

Speaking will be limited to applications where letters of objection/support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations. The Chair may exercise discretion to allow speaking by members of the public where an application may significantly affect a sparse rural area but fewer than 5 letters of objection/support have been received.

Applicants

Applicants or their appointed agents will have a right of response where members of the public or a community/town council, address Committee. Public speaking will normally only be permitted on one occasion where applications are considered by Planning Committee. When applications are deferred and particularly when re-presented following a Committee resolution to determine an application contrary to officer advice, public speaking will not normally be permitted. Regard will however be had to special circumstances on applications that may justify an exception.

Registering Requests to Speak

To register a request to speak, objectors/supporters must first have made written representations on the application. They must include in their representation their request to speak or subsequently register it with the Council.

Applicants, agents and objectors are advised to stay in contact with the case officer regarding progress on the application. It is the responsibility of those wishing to speak to check whether the application is to be considered by Planning Committee by contacting the Planning Office, who will be able to provide details of the likely date on which the application will be heard. The procedure for registering the request to speak is set out below.

Anyone wishing to speak must notify the Council's Democratic Services Officers of their request by calling 01633 644219 or by email to registertospeak@monmouthshire.gov.uk. Any requests to speak that are emailed through will be acknowledged prior to the deadline for registering to speak. If you do not receive an acknowledgement before the deadline please contact Democratic Services on 01633 644219 to check that your registration has been received.

Speakers must do this as soon as possible, between 12 noon on the Wednesday and 12 noon on the Monday before the Committee. Please leave a daytime telephone number.

The Council will maintain a list of persons wishing to speak at Planning Committee.

Procedure at the Planning Committee Meeting

Persons registered to speak should arrive no later than 15 minutes before the meeting starts. An officer will advise on seating arrangements and answer queries. The procedure for dealing with public speaking is set out below;

- The Chair will identify the application to be considered.
- An officer will present a summary of the application and issues with the recommendation.
- The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair.
- The representative of the community or town council will then be invited to speak for a maximum of 4 minutes by the Chair.
- The Chairman will then invite the applicant or appointed agent (if applicable) to speak for a maximum of 4 minutes. Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair be entitled to speak for a maximum of 5 minutes.
- Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
- Speakers may speak only once.
- Planning Committee members will then debate the application, commencing with the local member of Planning Committee.

- Response by officers if necessary to the points raised.
- Immediately before the question being put to the vote, the local member will be invited to sum up, speaking for no more than 2 minutes.
- The community or town council representative or objector/supporter or applicant/agent may not take part in the member's consideration of the application and may not ask questions unless invited by the chair.
- Where an objector/supporter, applicant/agent or community/town council has spoken on an application, no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the committee unless there has been a material change in the application.
- The Chair or a member of the Committee, may at the Chair's discretion, occasionally seek clarification on a point made.
- The Chair's decision is final.
- When proposing a motion whether to accept the officer recommendation or to make an amendment, the member proposing the motion shall state the motion clearly.
- When the motion has been seconded, the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention.
- An officer shall count the votes and announce the decision.

Content of the Speeches

Comments by the representative of the town/community council or objector, supporter or applicant/agent should be limited to matters raised in their original representations and be relevant planning issues. These include;


- Relevant national and local planning policies
- Appearance and character of the development, layout and density
- Traffic generation, highway safety and parking/servicing;
- Overshadowing, overlooking, noise disturbance, odours or other loss of amenity

Speakers should avoid referring to matters outside the remit of the Planning Committee, such as;


- Boundary disputes, covenants and other property rights
- Personal remarks (e.g. applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

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Ask for: Communications

 01656 641150

Date: September 2021

 communications@ombudsman.wales

Cllr. Peter Fox
Monmouthshire County Council

By Email only: peterfox@monmouthshire.gov.uk

Annual Letter 2020/21

Dear Councillor Fox

I am pleased to provide you with the Annual letter (2020/21) for Monmouthshire County Council.

This letter discusses information from a year unlike any other in recent memory, and as such may not be useful for establishing trends or patterns. Information received during this remarkable year will, however, bring insights on how public services reacted in the face of unprecedented demand and the most difficult of circumstances.

During the past financial year, we have intervened in (upheld, settled or resolved at an early stage) the same proportion of complaints about public bodies, 20%, compared with 2019/20.

Regarding new complaints received relating to Local Authorities, the overall number decreased by 12.5% compared with last year. This reflects the reduction in complaints being reported by Local Authorities during the Covid-19 pandemic. My office intervened in a similar proportion of the cases closed as in the previous year (13%).

However, we referred a higher proportion of Code of Conduct complaints to a Standards Committee or the Adjudication Panel for Wales: 3.4% compared to 2% in the previous year. This higher referral rate was also accompanied by a sharp increase in the number of Code of Conduct complaints received.

During 2020/21, despite challenges caused by the pandemic, my office made great strides in progressing work related to Complaints Standards and Own Initiative Investigations. The theme and consultation period of the first wider Own

Page 1 of 9

Initiative Investigation – into Local Authority Homelessness Assessments - was launched in September 2020 and the report is due in the coming months. We also commenced 4 extended Own Initiative Investigations, where we extended the scope of our work on a complaint already under investigation.

Last year, my office also pushed ahead with two new publications – ‘Our Findings’ and our first Equality Report.

‘Our Findings’ will be accessed via the PSOW website and replaces the quarterly casebooks. Our Findings will be updated more frequently and will be a more useful tool in sharing the outcomes of investigations. Our first Equality Report highlights the work done to improve equality and diversity, and to ensure that our service is available to people from all parts of society.

Local Authorities in Wales continued to submit data about the complaints they handled to the Complaints Standards Authority (CSA) during 2020/21, as well as receiving a model complaints procedure and accessing 76 virtual training sessions.

The data submitted for 2020/2021 shows:

- Nearly 12,000 complaints were recorded by Local Authorities
- This equates to 3.77 for every 1000 residents.
- Nearly half (44%) of those complaints were upheld.
- About 75% were investigated within 20 working days.
- About 9% of all complaints closed were referred to PSOW.

The CSA will publish data to the PSOW website for the first time in the coming year, marking a key achievement in the progress of this work. Training sessions have been delivered to almost all Local Authorities in Wales, and our offer of training remains open ended and will be delivered free of charge.

A summary of the complaints of maladministration/service failure received relating to your Council is attached.

Also attached is a summary of the Code of Conduct complaints relating to members of the Council and to the Town & Community Councils in your area.

I ask that the Council takes the following actions:

- Present my Annual Letter to the Cabinet to assist members in their scrutiny of the Council’s complaints performance and any actions to be taken as a result.
- Engage with my Complaints Standards work, accessing training for your staff and providing complaints data.
- Inform me of the outcome of the Council’s considerations and proposed actions on the above matters by 15 November.

This correspondence is copied to the Chief Executive of your Council and to your Contact Officer. Finally, a copy of all Annual Letters will be published on my website.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nick Bennett', written in a cursive style.

Nick Bennett
Ombudsman

cc.Paul Matthews, Chief Executive, Monmouthshire County Council
By Email only: paulmatthews@monmouthshire.gov.uk

Factsheet

Appendix A - Complaints Received

Local Authority	Complaints Received	Received per 1000 residents
Blaenau Gwent County Borough Council	15	0.21
Bridgend County Borough Council	31	0.21
Caerphilly County Borough Council	46	0.25
Cardiff Council*	96	0.26
Carmarthenshire County Council	27	0.14
Ceredigion County Council	32	0.44
Conwy County Borough Council	32	0.27
Denbighshire County Council	32	0.33
Flintshire County Council	59	0.38
Gwynedd Council	30	0.24
Isle of Anglesey County Council	18	0.26
Merthyr Tydfil County Borough Council	15	0.25
Monmouthshire County Council	20	0.21
Neath Port Talbot Council	19	0.13
Newport City Council	31	0.20
Pembrokeshire County Council	28	0.22
Powys County Council	38	0.29
Rhondda Cynon Taf County Borough Council	40	0.17
Swansea Council	73	0.30
Torfaen County Borough Council	12	0.13
Vale of Glamorgan Council	39	0.29
Wrexham County Borough Council	43	0.32
Total	776	0.25

* inc 2 Rent Smart Wales

Appendix B - Received by Subject

Monmouthshire County Council	Complaints Received	% Share
Adult Social Services	0	0%
Benefits Administration	0	0%
Children's Social Services	3	15%
Community Facilities, Recreation and Leisure	1	5%
Complaints Handling	3	15%
Covid19	1	5%
Education	0	0%
Environment and Environmental Health	1	5%
Finance and Taxation	0	0%
Housing	0	0%
Licensing	0	0%
Planning and Building Control	6	30%
Roads and Transport	3	15%
Various Other	2	10%
Total	20	

Appendix C - Complaint Outcomes
 (* denotes intervention)

County/County Borough Councils	Out of Jurisdiction	Premature	Other cases closed after initial consideration	Early Resolution/voluntary settlement*	Discontinued	Other Reports-Not Upheld	Other Reports Upheld*	Public Interest Report*	Total
Monmouthshire County Council	6	5	7	0	0	0	1	0	19
% Share	32%	26%	37%	0%	0%	0%	5%	0%	

Appendix D - Cases with PSOW Intervention

	No. of interventions	No. of closures	% of interventions
Blaenau Gwent County Borough Council	1	17	6%
Bridgend County Borough Council	2	30	7%
Caerphilly County Borough Council	3	45	7%
Cardiff Council	26	100	26%
Cardiff Council - Rent Smart Wales	0	2	0%
Carmarthenshire County Council	6	29	21%
Ceredigion County Council	4	31	13%
Conwy County Borough Council	5	31	16%
Denbighshire County Council	2	31	6%
Flintshire County Council	11	62	18%
Gwynedd Council	5	27	19%
Isle of Anglesey County Council	1	17	6%
Merthyr Tydfil County Borough Council	0	14	0%
Monmouthshire County Council	1	19	5%
Neath Port Talbot Council	1	17	6%
Newport City Council	5	29	17%
Pembrokeshire County Council	3	26	12%
Powys County Council	4	47	9%
Rhondda Cynon Taf County Borough Council	2	43	5%
Swansea Council	9	67	13%
Torfaen County Borough Council	0	11	0%
Vale of Glamorgan Council	5	38	13%
Wrexham County Borough Council	6	48	13%
Total	102	781	13%

Appendix E - Code of Conduct Complaints

County/County Borough Councils	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Monmouthshire County Council	0	1	0	0	0	0	1

Appendix F - Town/Community Council Code of Complaints

Town/Community Council	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Caerwent Community Council	0	1	0	0	0	0	1

Information Sheet

Appendix A shows the number of complaints received by PSOW for all Local Authorities in 2020/2021. These complaints are contextualised by the number of people each health board reportedly serves.

Appendix B shows the categorisation of each complaint received, and what proportion of received complaints represents for the Local Authority.

Appendix C shows outcomes of the complaints which PSOW closed for the Local Authority in 2020/2021. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix D shows Intervention Rates for all Local Authorities in 2020/2021. An intervention is categorised by either an upheld complaint (either public interest or non-public interest), an early resolution, or a voluntary settlement.

Appendix E shows the outcomes of Code Of Conduct complaints closed by PSOW related to Local Authority in 2020/2021. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix F shows the outcomes of Code of Conduct complaints closed by PSOW related to Town and Community Councils in the Local Authority's area. This table shows both the volume, and the proportion that each outcome represents for each Town or Community Council.

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**SUBJECT: MONMOUTHSHIRE CC
ANNUAL GOVERNANCE STATEMENT, 2020/21**

**DIRECTORATE: Resources
MEETING: Governance and Audit Committee
DATE: 2nd July 2021
DIVISION/WARDS AFFECTED: All**

1. PURPOSE

To receive a **draft** version of the Council's Annual Governance Statement (AGS) prior to inclusion into the Statement of Accounts 2020/21.

2. RECOMMENDATION(S)

That the Governance and Audit Committee contribute to the appropriateness and content of the draft AGS 2020/21 and subsequently endorse it.

3. KEY ISSUES

- 3.1 Corporate Governance is about doing the right thing at the right time for the right people in an open and transparent way. The AGS sets out how Monmouthshire demonstrates it has appropriate governance arrangements in place and how they are continually reviewed to strengthen them moving forward.
- 3.2 This Statement has been prepared in accordance with guidance produced by the Chartered Institute of Public Finance and Accountancy (C.I.P.F.A.) and the Society of Local Authority Chief Executives and Senior Managers (S.O.L.A.C.E.), the 'Delivering Good Governance in Local Government Framework 2016' and Delivering Good Governance in Local Government Guidance Notes for Welsh Authorities 2016'. It embraces the elements of internal financial control required by the 'Code of Practice on Local Authority Accounting in the United Kingdom'.
- 3.3 Monmouthshire County Council (the Council) is responsible for ensuring that its business is conducted in accordance with the law and to proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 3.4 In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions and which includes arrangements for the management of risk.
- 3.5 The Code of Corporate Governance, which is consistent with the principles of the C.I.P.F.A./S.O.L.A.C.E. Framework 'Delivering Good Governance in Local Government', was approved by Council in July 2011; the Code was revised and updated in May 2014 and more recently in 2020. A copy of the Code is available from the Chief Internal Auditor. This Annual Governance Statement explains how the Council has complied with the Code, the

updated 2016 guidance and also meets the requirements of the Accounts and Audit (Wales) Regulations 2014.

4 The Purpose of the Governance Framework

- 4.1 The governance framework comprises the systems and processes, and culture and values, by which the Authority is directed and controlled and its activities through which it accounts to, engages with and leads the community. It enables the Authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.
- 4.2 The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.
- 4.3 The governance framework has been in place at the Council for the year ended 31 March 2021 and up to the date of approval of the statement of accounts.
- 4.4 The Statement itself [Appendix 1] demonstrates that Monmouthshire has appropriate governance arrangements in place to meet the challenges of the governance principles and that a review has been undertaken to assess the effectiveness of those arrangements. We have demonstrated that in the majority of areas we have effective governance arrangements in place which are continually improving, but also recognise that there is always further work to do.
- 4.5 Despite the pandemic Monmouthshire CC has managed to maintain the majority of its governance arrangements this year and has demonstrated it has sound and effective arrangements in place in the services it delivers and the crisis it had to deal with. The majority of improvements noted in the 2019/20 Action Plan have been addressed during the year such that there is no need for formal Action Plan for 2020/21. The Code of Corporate Governance was presented to the Council's Audit Committee during the year and will be presented to Cabinet for formal approval during 2021/22.

5 The Governance Framework

- 5.1 The Council's AGS has been developed in line with the following principles:

Overarching requirements for acting in the public interest:

- A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law
- B. Ensuring openness and comprehensive stakeholder engagement

In addition achieving good governance in the Council requires effective arrangements for:

- C. Defining outcomes in terms of sustainable economic, social, environmental and cultural benefits
- D. Determining the interventions necessary to optimise the achievement of the intended outcomes

- E. Developing the entity's capacity, including the capability of its leadership and the individuals within it
- F. Managing risks and performance through robust internal control and strong public financial management
- G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability

6 REASONS

- 6.1 In accordance with the requirements of the Accounts and Audit (Wales) Regulations 2014 an annual governance statement must be prepared and included within the Council's year end financial statements.

7 RESOURCE IMPLICATIONS

None.

8 CONSULTEES

Chief Officer Resources
Chief Officer People and Governance
SLT
Head of Policy & Governance (Performance)
Head of Digital & Information Governance

9 BACKGROUND PAPERS

MCC Code of Corporate Governance
CIPFA Delivering Good Governance

10 AUTHOR AND CONTACT DETAILS

Andrew Wathan, Chief Internal Auditor
Telephone: x.4243
Email: andrewwathan@monmouthshire.gov.uk

Monmouthshire CC

Annual Governance Statement 2020/21

Draft 0.4

- Policy comments – RJ
- MP comments – People and Governance
- SH – Digital / information security
- SLT – 15-6-21

June 2021

Executive Summary

The Statement itself demonstrates that Monmouthshire has appropriate governance arrangements in place to meet the challenges of the governance principles and that a review has been undertaken to assess the effectiveness of those arrangements. We have demonstrated that in the majority of areas we have effective governance arrangements in place which are continually improving.

Audit Wales's review of Good Governance concluded that the Council has a clear strategic approach for significant changes, although, better information would help Members when deciding the future shape of the Council.

Progress against the 2019/20 action plan is shown at Appendix 1.

- 1 This Statement has been prepared in accordance with guidance produced by the Chartered Institute of Public Finance and Accountancy (C.I.P.F.A.) and the Society of Local Authority Chief Executives and Senior Managers (S.O.L.A.C.E.), the 'Delivering Good Governance in Local Government Framework 2016' and Delivering Good Governance in Local Government Guidance Notes for Welsh Authorities 2016'. It embraces the elements of internal financial control required by the 'Code of Practice on Local Authority Accounting in the United Kingdom'.
- 2 The Statement itself demonstrates that Monmouthshire has governance arrangements in place to meet the challenges of the governance principles and that a review has been undertaken to assess the effectiveness of those arrangements. We have demonstrated that in most areas we have effective governance arrangements in place which are continually improving, but also recognise that there is further work to do. Progress against the 2019/20 action plan is shown at Appendix 1.

Scope of Responsibility

- 3 Monmouthshire County Council (the Council) (MCC) is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government (Wales) Measure 2011 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to strategic effectiveness, service quality, service availability, fairness, sustainability, efficiency and innovation.
- 4 In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions and which includes arrangements for the management of risk.
- 5 The Council's financial management arrangements conform to the governance requirements of the 'CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2010)'.
- 6 The **Code of Corporate Governance**, which is consistent with the principles of the C.I.P.F.A. / S.O.L.A.C.E. Framework 'Delivering Good Governance in Local Government', was initially approved by Council in July 2011; the Code was revised and updated again in June 2020. A copy of the Code is available from the Chief Internal Auditor. This statement explains how the Council has complied with the revised Framework and Guidance (2016) and also meets the requirements of the Accounts and Audit (Wales) Regulations 2014. The revised Code sets out what governance arrangements are in place within Monmouthshire CC for each of the Governance Principles.

The Purpose of the Governance Framework

- 7 The governance framework comprises the systems and processes, and culture and values, by which the Council is directed and controlled and its activities through which it accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its population outcomes, priorities and objectives and to consider whether those objectives have met the outcomes and led to the delivery of appropriate, cost effective services.
- 8 The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's policies, outcomes and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.
- 9 The governance framework has been in place at the Council for the year ended 31 March 2021 and up to the date of approval of the statement of accounts.

The Governance Framework

10 The Council's Corporate Governance is in line with the following principles:

Overarching requirements for acting in the public interest:

- A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law
- B. Ensuring openness and comprehensive stakeholder engagement

In addition achieving good governance in the Council requires effective arrangements for:

- C. Defining outcomes in terms of sustainable economic, social, environmental and cultural benefits
- D. Determining the interventions necessary to optimise the achievement of the intended outcomes
- E. Developing the entity's capacity, including the capability of its leadership and the individuals within it
- F. Managing risks and performance through robust internal control and strong public financial management
- G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability

Wellbeing of Future Generations (Wales) Act 2015

11 Monmouthshire has to demonstrate it is compliant with the Well-being of Future Generations (WFG)(Wales) Act 2015 and this compliments the way it functions in line with the above principles of good governance; the core behaviours being:

- behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law; and
- ensuring openness and comprehensive stakeholder engagement

This needs to be applied to the five ways of working outlined in the 2015 Act. These five ways of working have to permeate all segments of delivering outcomes which, in turn, should ensure effective use of resources as the Council maximises its contribution to the economic, social, environmental and cultural well-being of Monmouthshire and Wales.

- Long Term
- Prevention
- Integration
- Collaboration
- Involvement

Monmouthshire Council priority goal (Well-being Objectives)	Contribution of Well-being Objectives to Well-being Goals						
	Prosperous Wales	Resilient Wales	Healthier Wales	More equal Wales	Wales of cohesive communities	vibrant culture and thriving Welsh Language	Globally responsible Wales
The best possible start in life	✓		✓	✓		✓	
Lifelong well-being	✓	✓	✓	✓	✓		
Maximise the Potential of the natural and built environment	✓	✓	✓		✓	✓	✓
Thriving and well-connected county	✓	✓	✓	✓	✓		✓
Future-focused Council	✓	✓			✓		✓

- 12** The key elements of the Council’s governance arrangements are set out in its Corporate Plan 2017-2022, “A Monmouthshire that works for everyone” which was approved by Council in February 2018. A mid term refresh was presented to Council in March 2020.
- 13** As part of the requirements of the Well-being of Future Generations (Wales) Act 2015 the Public Service Board (PSB) is focused on improving social, economic, environmental and cultural wellbeing, in accordance with the sustainable development principle. Public Service Boards have a planning responsibility to prepare and publish an assessment of local well-being, produce a local well-being plan and report annually on its progress.
- 14** The Public Service Board has approved four well-being objectives that underpin a clear purpose of “building sustainable and resilient communities”.
- 15** An update on the emerging actions being developed to deliver the objectives contained in Monmouthshire’s Well-being Plan was signed off by the PSB in April 2018. The Public Services Board Committee was renamed the Public Services Committee in March 2020 in order to scrutinise wider public service provision and where powers allow, to provide greater accountability of services delivered in collaboration or by external partners.
- 16** The PSB presented its annual report 2019/20, in July 2020 to the Public Services Committee.

Coronavirus (Covid-19) Pandemic

- 17** The Coronavirus pandemic (WEF March 2020) had initially caused significant organisational disruption including new emergency responsibilities, increased staff absence and a requirement for staff to work from home (where possible) while continuing to ensure statutory services were maintained as expected. This statement assesses the governance in place during 2020/21 with the majority key operations being affected by Coronavirus throughout the year.
- 18** In accordance with the Council’s Corporate Emergency Management Plan (revised March 2019) an Emergency Response Team (ERT) was established along with a regional multi-agency Strategic Co-ordination Group (SCG) to deal with this pandemic. These groups started to meet on a daily basis during March 2020 and continued throughout 2020/21.

- 19 Once enacted, the Corporate Emergency Management Plan allowed for an emergency management structure and delegation of emergency powers to the ERT Gold Duty Officer in consultation with the Leader of the Council.
- 20 The pandemic has impacted on the Council's delivery of services as some staff were diverted to front line duties to ensure that critical services were prioritised. There have also been new areas of activity as part of the national response to Coronavirus for example providing emergency assistance to businesses in Monmouthshire.
- 21 There has been funding and logistical consequences of delivering the local government response. To ensure appropriate governance and accountability, these costs have been identified by staff and appropriately coded on the Council's Main Accounting System and reclaimed from Welsh Government.
- 22 In line with public health measures to mitigate the spread of Coronavirus and to enable the Council to focus on the delivery of critical services, all public meetings were initially suspended. This included Council meetings, meetings of full Cabinet and all committee and sub-committee meetings, including Select, Planning and Licensing. The Council felt it was important to re-instate public meetings as soon as it was safe to do so. Using appropriate technology, key meetings were held remotely which could be viewed by the public through live streaming or through You Tube channels later. MCC was the first Council in Wales to get its meetings back up and running (Investment Committee 24 April 20). Cabinet held a virtual and remote meeting on the 6th May 2020, Council was run virtually on 4th June 2020, Audit Committee June 2020, with other public meetings following.
- 23 Urgent decisions initially were made in accordance with the officer and Members' schemes of delegation as detailed in the Council's Constitution and urgent decision-making procedures.
- 24 As the use of technology came into operation, minimal Council meetings were cancelled; they were held remotely through live video links.
- 25 As much as possible, the systems of internal control have continued to operate during the pandemic. The Council's implementation of Office365 (Teams) has allowed the majority of employees to successfully work from home without major disruption.
- 26 In the Chief Internal Auditor's opinion, adequate assurance was obtained over the course of 2020/21 to result in an overall 'Reasonable' audit opinion to be issued for the Council's activities, although this was based on the limited work undertaken by the team. Internal Audit coverage was adversely affected during 2020/21 as it was significantly involved with fraud prevention activities following the Welsh Government business grants support and then supported the Track Trace and Prevent (TTP) operation led by the Council's Public Health Team. Reliance on previous year's audit work has also been taken into consideration in arriving at this year's opinion in that there have been no significant systems or staff changes. 57% of the approved revised audit plan was completed against the target of 82%; 9 audit opinions were issued. Further detail regarding the Internal Audit team's performance is included within the Internal Audit Annual Report 2020/21.
- 27 In conclusion, during 2020/21 the Coronavirus pandemic did not lead to significant internal control or governance issues which impacted on the overall review of effectiveness. This will be monitored during 2021/22 and reviewed as part of future Annual Governance Statements in future.

Review of Effectiveness

- 28 The Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of the Strategic Leadership Team within the Authority which has responsibility for the development and maintenance of the governance environment, the Chief Internal Auditor's annual report, and also by comments made by the external auditors and other review agencies and inspectorates.

29 The governance arrangements continue to be regarded as fit for purpose in accordance with the governance framework.

30 The processes that have been applied to maintain, review and improve the effectiveness of the governance framework include:

- i) The Monitoring Officer presented the revised and updated Council Constitution to the Democratic Services Committee in January 2021 and to full Council in March 2021;
- ii) Periodic reviews of the financial controls including the financial procedure rules by the Chief Finance Officer (Head of Finance); financial procedure rules were approved by Council in September 2014; Contract Procedure Rules were reviewed and updated during 2020/21 and approved by full Council within the Constitution in March 2021;
- iii) Whole Authority Strategic Risk Management Assessment and amendments to the Policy were approved by Cabinet in March 2020 & April 2021;
- iv) Formal risk management and ongoing review of the processes involved reported through Audit Committee July 2020 & March 2021
- v) The Audit Committee undertook a self evaluation exercise towards the end of 2019/20; summary reported to Audit Committee June 2020;
- vi) Annual Audit Committee report to Audit Committee July 2020 and Council September 2020;
- vii) the Internal Audit function, whose work takes account of identified risks through regular audits of the major systems, establishments and major projects in accordance with the annual internal audit plan, and which includes 'follow-up' work to ensure that agreed recommendations are implemented; Audit Committee
- viii) the work of the Council's Select and other Committees, including its Audit and Standards committees;
- ix) the opinions and recommendations of the Council's external auditors, following both financial audit work and per the Local Government Measure in regard to matters, including governance issues, which are considered for action and implementation and reported to Council, Cabinet and Audit Committee, as appropriate;
- x) The opinions and recommendations of other inspection, regulation and review agencies which are reported to Council, Cabinet and Audit Committee as appropriate. Audit Committee receives a regular report on the progress made with recommendations and proposals issued by Audit Wales
- xi) regular monitoring of performance against the Corporate Plan and service plans and of key targets, and reporting of this to senior management and members;
- xii) Corporate Plan update 2019/20 – Council October 2020;
- xiii) Through the coronavirus pandemic establishing a series of interim strategies to provide clarity in direction and ensure accountability – 'Plan on a Page' to Cabinet May 2020, July 2020 & December 2020
- xiv) Whole Authority Safeguarding Position Statement during Covid – 19 – Cabinet May 2020; Annual Safeguarding Evaluation Report and Activity Plan – Council January 2021;
- xv) Estyn's report into Local Government Education Services in Monmouthshire County Council – Cabinet May 2020
- xvi) Annual appraisal of the effectiveness of the authority's performance management arrangements reported annually to Audit Committee.
- xvii) Chief Officer for Children and Young People's Annual Report presented to Council May 2019; Chief Officer for Social Care, Safeguarding & Health's Annual Report presented to Council June 2020; Corporate Parenting Annual Report to Council October 2019; Annual Statutory Report on Performance 2019/20 from the Director of Social Care, Safeguarding and Health – Council December 2020;
- xviii) Updated policies and strategies reported through Cabinet and Council

31 The following paragraphs review the effectiveness of the governance arrangements in Monmouthshire under the 7 principles.

Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

- 32** The Code of Conduct for Members and a protocol on Member / Officer relations are set out in the Constitution, updated March 2021. The Council also has a local protocol for the self-regulation of member conduct.
- 33** The Standards Committee, which includes a majority of independent representatives, advises on and monitors the Members' Code of Conduct, the Protocol for Member/Officer Relations, and any other Codes relating to the conduct of Members. Due to Covid -19 restrictions, The Standards Committee met once during 2020/21.
- 34** Public Service Ombudsman Wales Annual Report (2019/20) was presented to Cabinet in November 2020.

Conduct Complaints about MCC Members received by the Public Services Ombudsman:

	2017-18	2018/19	2019/20
Not upheld	3	20	2
Referred to Standards Committee	0	0	0
Referred to Adjudication Panel	1	0	0
TOTAL COMPLAINTS CLOSED	4	20	2

- 35** Agreed arrangements enable the Council to comply with statutory requirements in respect of child protection and the protection of vulnerable adults. Recruitment procedures help ensure that Council employees and Members working with children or vulnerable adults are checked for their suitability to do so through independent DBS checks.
- 36** In accordance with its statutory responsibilities, the Council has in place a Health and Safety Policy and related procedures.
- 37** There were no successful "call-in" challenges to decisions on procedural grounds; 3 judicial reviews were commenced or dealt with at the pre-action stage in the period.
- 38** Policy and decision-making is facilitated through (i) Council and Cabinet; the meetings of which are open to the public and live streamed online except where exempt or confidential matters are being discussed, and (ii) a scheme of delegation to committees and officers as set out in the Constitution: Five select committees (including the statutory Public Services Select Committee) and a separate Audit Committee review, scrutinise and hold to account the performance of the Cabinet, decision-making committees and officers. A Scrutiny "Call-In" process for decisions which have been made but not yet implemented is incorporated in the Constitution in order to consider their appropriateness.
- 39** A Scrutiny and Executive Protocol is in place which is aligned to the updated constitution of March 2021 and provides parameters for effective executive and scrutiny relationships.
- 40** The Constitution is updated periodically by the Monitoring Officer; the latest update approved by Council was in March 2021. It can be found on the Council's website.

- 41** To ensure agreed procedures and all applicable statutes are complied with, the Monitoring Officer attends full Council meetings, Cabinet and SLT. To ensure sound financial management is a key factor in decisions, the Chief Officer Resources (Interim Head of Finance) attends SLT, Cabinet and Council meetings.
- 42** The ethical governance framework includes:
- codes of conduct for officers and Members
 - a protocol governing Member/Officer relations
 - a whistle-blowing policy widely communicated within the Council
 - registers of personal and business interests for Members
 - declarations of interests for Chief Officers
 - an agreed policy and associated corporate procedures for ensuring that complaints about services can be properly made and investigated, and for ensuring that any lessons can be applied
 - equalities awareness training.
- 43** In accordance with the Local Government and Housing Act, 1989, the Monitoring Officer ensures compliance with established policies, procedures, laws and regulations. After appropriate consultation, this officer will report to the full Council in respect of any proposals, decisions or omissions which could be unlawful or which have been subject of an Ombudsman Investigation resulting in a finding of maladministration
- 44** All exemptions of the Contract Procedure Rules are reported through Audit Committee periodically. The Internal Audit team continues to deliver awareness raising sessions on the importance of compliance with these Contract Procedure Rules and Financial Procedure Rules.
- 45** The Audit Committee has the opportunity to call in senior managers during the year and challenge them on why a procurement process went outside the Council's normal tendering processes. Following 2 consecutive **Limited** Assurance audit opinions, the Head of Strategic Projects was called into Audit Committee (March 2020) to justify the lack of improvement in internal controls re Fuel Cards. The Chief Officer Resources reported on progress regarding Anti Bribery, Fraud and Corruption (October 2020). An update on the use of Agency Workers audit was presented to Audit Committee (November 2020). Following previous **Limited** Assurance audit opinions, Heads of Service for Food Procurement and Caldicot Castle provided a progress report to Audit Committee (January 2021).
- 46** As a result of Covid-19 the Internal Audit Team was repurposed during most of the year to undertake extensive counter fraud activities on Welsh Government business grants and support TTP; a report was taken to Audit Committee explaining the situation, January 2021. 9 Internal Audit opinions were issued in 2020/21; **no** audit jobs resulted in **Limited** assurance.
- 47** The overall opinion on the adequacy of the internal control environment for 2020/21 was **REASONABLE**. Management agreed to implement the recommendations made in audit reports in order to address the weaknesses identified. The Internal Audit opinions issued in 2020/21 were as follows:

	2018-19	2019-20	2020-21
Substantial Assurance (Very Good)	2	2	2
Considerable Assurance (Good)	11	11	6
Reasonable Assurance	13	7	1
Limited Assurance (Unsatisfactory)	6	9	0
Total	32	29	9

- 48** Reasons why the outcome of the audit reviews which were deemed to provide Limited assurance have been, or will be, presented in a separate report to Audit Committee; assurances have been sought from respective operational managers that action will be taken to make the necessary improvements in control.
- 49** The Internal Audit team did not have a full complement of staff for the full year for the reasons explained above. 57% of the 2020/21 revised audit plan was achieved, which was lower than the previous year (77%). The Chief Internal Auditor's overall audit opinion is based on the number of audits undertaken and their individual opinions; he was able to give an overall opinion on the adequacy of the control environment but this was based on a very limited number of opinions issued. The 2020/21 audit opinion was supported by the knowledge that there were appropriate governance, risk management and internal control assurances in place in the previous year, 2019/20, with no significant changes. The Assistant Head of Finance left MCC in January 2020 but the post was covered by the Central Accountancy Finance Manager and Chief Officer Resources.
- 50** The Internal Audit team continued to ensure its compliance with the Public Sector Internal Audit Standards (PSIAS). This was validated through a peer review process at the end of 2017/18; the outcome of which was that the team are generally compliant.
- 51** An Improvement Framework is in place to ensure the economic, effective and efficient use of resources and for securing continuous improvement. This is supported by a range of mechanisms including collaborative working initiatives and reviews undertaken both internally and by the external auditors and inspectors. This framework works in conjunction with the Local Government Wales Measure 2009 & 2011. Performance and Improvement Objectives reported to Council in October 2020 through the Corporate Plan Annual Update 2019/20.
- 52** The strategies which support this Framework include the Asset Management Plan, People Strategy, Local Development Plan, Financial Plan, Digital Strategy, Economy & Enterprise Strategy which are delivered through service business plans and employee aims & objectives, evaluated and risk assessed.
- 53** Chief Officers and Heads of Service are accountable for ensuring that the Council Priorities are delivered and performance against key targets is regularly monitored via the performance management framework and is regularly reported to members via Select Committees.

Principle B: Ensuring openness and comprehensive stakeholder engagement

- 54** The agendas are published in advance of all meetings on the Council's website; corresponding minutes are published post meeting.
- 55** The scrutiny /select reports on recommendations/outcomes from scrutiny activity are presented to Cabinet quarterly. The scrutiny function has a 'Scrutiny Service Business Plan'. The plan is built into the Council's improvement framework. At Monmouthshire, scrutiny is undertaken by 5 select committees.
- Children and Young People's Select Committee
 - Adults Select Committee
 - Economy and Development Select Committee
 - Strong Communities Select Committee
 - Public Service Select Committee
- 56** The Scheme of Delegation sets out responsibilities for decision making. The Council's website includes the Cabinet and Cabinet Member decisions / Member profiles. The Scrutiny Handbook and a Scrutiny and Executive Protocol have been developed to support Members to carry out their responsibilities effectively provides a guide for Members, officers and the public on the role and value of scrutiny and the website displays the Scrutiny Forward Work Programme and invites public

submissions. Development of Customer Insight to better understand our communities. Dissemination of ward meeting minutes.

- 57** Social media, Twitter, Facebook and You Tube for example, is used to engage local people and communicate the corporate message. Scrutiny has a Twitter account to help engage more effectively with the public on democracy. Chief Officers, Members and the Communications team are very proactive in engaging with the public.
- 58** Public engagement events and You Tube continued in 2020/21 for the budget proposals. The Council has encouraged the community within Monmouthshire to actively contribute to making stepped changes to improve the way in which services are provided. This links back to the principles of the Well-being of Future Generations Act which sets out five ways of working including involvement.
- 59** In addition to regular internal communications, throughout the pandemic the Chief Executive has extensively engaged with the public providing updates on essential Covid-19 related statistics and Council service provision.
- 60** In May 2018, Monmouthshire Public Services Board, adopted their Well-being Plan in line with the requirements of the Well-being of Future Generations (Wales) Act. The plan was informed by the Monmouthshire Well-being Assessment which sought the views of Monmouthshire residents and draws together findings from data, academic research and policy papers and the views of local people. This Plan is challenged publicly through Public Services Select Committee, July 2020.
- 61** The “Our Monmouthshire” approach, which was essential to the Well-being Assessment is about all of us addressing the needs of the future as well as current generations. People in Monmouthshire were asked “*what’s good about your community and what would make it better, now and in the future*”. The well-being assessment was also used as evidence to inform the Council’s Corporate Plan, making sure it addresses some of the really big challenges that Monmouthshire faces in coming years.
- 62** Transparency and openness is important to Monmouthshire; the Annual Statement of Accounts was taken through the Audit Committee process before being endorsed by Council. All Council decisions, reports and questions asked by Members are available on the website. Financial information, Corporate Plan progress, Council activities, achievements, developments, updates and events were included on the Council’s intranet and website, with all Council, Cabinet, Audit Committee and Select Committees live streamed. All public meetings of the Council are live streamed and are available to view on the Council’s YouTube channel at any time after the meeting, which provides greater transparency of the Council’s business.
- 63** Individual Cabinet Members can make decisions under the scheme of delegation; agendas and decisions for all Cabinet Members are published on the Council’s website.
- 64** The Council’s website contains links to the following areas of open data in the interests of openness.

Data published by Monmouthshire County Council:

- List of expenditure over £500
- Our spend data as a useful dashboard
- Food Hygiene ratings
- Business property data set
- List of Primary Schools
- List of Secondary Schools

- 65** The Medium Term Financial Plan (MTFP) supports the vision for Monmouthshire and extensive public engagement continued in 2020/21 for the **Page 47** Budget and Medium Term Financial Plan which engaged with the public in their own community; this included website, social media, drop in sessions

YouTube (January 2021) and open meetings. These were key to providing people with the opportunity to become informed; Cabinet October 2020, January 2021.

- 66** Public engagement and consultation is key to the WFG Act; one of the five ways of working is Involvement. This along with the other ways of working is now considered in all relevant decision making reports for Cabinet and Council through a Future Generations Evaluation which includes Equalities and Sustainability Impact Assessments. The progress of implementing the WFG Act was reported through the PSB in 2020/21, July 2020.
- 67** Implementing Open Government standards which enable us to effectively engage with our citizens and open up our data for anyone who needs to use it. Making the most of digitisation and digital inclusion to enable us to engage with people across our County.

Principle C: Defining outcomes in terms of sustainable economic, social, environmental and cultural benefits

- 68** The Council's five priority goals, which are also the Council's well-being objectives, are set out in its Corporate Plan 2017-2022, "A Monmouthshire that works for everyone" which was approved by Council in February 2018. A mid-term refresh was presented to Council in March 2020. The 2019/20 Corporate Plan annual report was presented to Council in October 2020. Building sustainable and resilient communities is the unifying purpose of the diverse range of services the Council delivers. This is shared with our partners on the PSB, which is responsible for setting well-being objectives for the County.
- 69** Monmouthshire County Council is a member of the Monmouthshire PSB, where we work with other public services and the voluntary sector on the delivery of the local well-being plan. This includes countywide well-being objectives that are a focus for public services that are part of the PSB. Combining the ingenuity and initiative of all partners is key to finding new solutions to pressing, social, economic and environmental problems. This sense of 'power of the collective' is central to its core purpose, reflected in its values and embodied in its culture.
- 70** The Well-being Plan sets out the vision of the PSB. The four identified objectives are to:
- Provide children and young people with the best possible start in life
 - Respond to the challenges associated with demographic change
 - Protect and enhance the resilience of our natural environment whilst mitigating and adapting to the impact of climate change
 - Develop opportunities for communities and business to be part of an economically thriving and well connected county.
- 71** Under the Well-being of Future Generations (Wales) Act 2015 The Council has a responsibility to:
- Set and publish well-being objectives
 - Take all reasonable steps to meet those objectives
 - Publish a statement about well-being objectives
 - Detail arrangements to publish an annual report of progress
- 72** In March 2018 Council approved the Council's Corporate Plan 2017-2022, which incorporated the Council's well-being objectives, and endorsed the Area Plan. The well-being objectives bring together the latest evidence from the well-being assessment, policy and legislation and show how the Council will strive to deliver a public service that meets the needs of the present without compromising the ability of future generations to meet their own needs. The Well-being Objectives are now incorporated within the Corporate Plan; the 2019/20 update was presented to Council October 2020.
- 73** The Corporate Plan Objectives for 2017 to 2022 are supported by service business plans to operationally deliver these objectives. Service plans are made available on the Council's Hub intranet site. These are quality assessed as part of the service planning process. All service plans were developed to align the delivery of the Council's Corporate Plan. Through the pandemic in 2020/21 the

Council's established performance framework has been adjusted and prioritised in its application, where necessary, to reflect the Council's response. Through the coronavirus pandemic a series of interim strategies to provide clarity in direction and ensure accountability have been established— Cabinet May 2020, July 2020 & December 2020. To support this, structures and mechanisms were put in place to track and evaluate progress.

- 74** Audit Wales presented its Certificate of Compliance for the audit of Monmouthshire's 2020/21 Improvement Plan to the Audit Committee in June 2020. It has carried out work with all councils on improvement assessment, the WFG Act, the service user perspective and scrutiny as well as some local work. It concluded that the Council meets its statutory requirements for continuous improvement and there are no formal recommendations.

- 75** Reports were taken through the scrutiny process during the year which included links to the Council's policies, priorities and objectives. The agendas and minutes of which became public documents are available through the Council's website.

- 76** WFG Act continued to be a key theme and foundation through the reporting processes in 2020/21.

- 77** The Council is embracing the benefits of digital communications including social media use, for example "My Monmouthshire", which enables people to interact and transact with the Council using mobile devices. The Council's website includes more transactional functions. In 2018-19 the Council also launched a "chatbot" to further broaden the channels people can use to interact with their local authority. During 2020/21 there was extensive use of Twitter, Facebook and You Tube to raise awareness of forthcoming events, to provide live streaming of Cabinet, Council, scrutiny and other political meetings, to promote the activities and services provided and to show support and encouragement for community groups.

- 78** Enhancing the digital services with economic (effective and efficient processes aiding business interaction), environmental (less travel and print consumables) and social (digital customer centric services) continued to be a key aspect of improving services throughout 2020/21. Outcomes are measured via the Digital Programme Office Service plan and performance planning process.

- 79** To ensure the best use is made of resources and that taxpayers and service users receive excellent value for money, there are a number of mechanisms within the Council to support this. The option appraisals for the 21st Century Schools considered cost and quality to determine the best outcome for the service; budget mandates were in place to monitor and capture the savings assessments; the IT Board reviewed business cases for future IT investment.

- 80** Regular budget / outturn reports for revenue and capital were presented to and approved by Cabinet during the year; June 2020, July 2020, October 2020, January 2021 & March 2021. The budget management actions of Cabinet and senior officers are scrutinized by 4 of the Select Committees quarterly. The budget monitoring reporting cycle periodically contains some output measures and unit cost data, so that economic comparison of costs with other Councils can be made. Previously the Council has compared very favourably to others.

- 81** The MTFP process for 2021/22 to 2024/25 was reviewed and approved by Cabinet in October 2020 and January 2021. The Draft Capital Budget Proposals 2021/22 to 2024/25 were taken to Cabinet in January 2021. Draft Revenue Budget Proposals 2021/22 also went to Cabinet in January 2021. Final Proposals went to Cabinet in March 2021. Ongoing scrutiny of the Council's budget position in line with the MTFP has provided Members with a greater understanding of the budget setting process and the pressures within individual directorates.

- 82** An authority-wide performance measurement system for the Council, the "data hub", hosted on the Council's intranet site continues to be updated. This enables Members and officers to track and monitor data in key strategic plans through "dashboards". This also allows performance to be compared against other council areas, where applicable. The "data hub" has been reviewed and streamlined to ensure information is up to date and focussed on the most pertinent performance data.

- 83** Audit Wales presented the Audit Wales Certificate of Compliance for the audit Monmouthshire County Council's assessment of performance for 2019/20 to Audit Committee in November 2020. This was

an update on the current effectiveness of the Authority's performance management arrangements. Audit Wales concluded that the Council has discharged its duties under sections 15(2), (3), (8) and (9) of the Measure and has acted in accordance with Welsh Government guidance sufficiently to discharge its duties.

- 84** The Equality Impact Assessment and Sustainable Development checklists were revised and combined to align with the Future Generations Act. The "Future Generations Evaluation" ensures the decisions the Council makes are carefully considered to take equality and sustainable development into account, this includes legislation that Monmouthshire County Council is subject to the Equality Act 2010, WFG Act and Welsh Language (Wales) Measure 2011. A range of these were undertaken during 2020/21 which have been published on the website accompanying decision making reports.
- 85** The Council has a long-standing commitment to equality and diversity and under the Equality Act 2010, has to produce a Strategic Equality Plan. The Council's third Strategic Equality Plan 2020-2024 sets the Council's objectives to ensure it delivers better outcomes for people with protected characteristics. An annual monitoring report for 2019/20 has been produced and scrutinised by Strong Communities Select Committee in March 2021.
- 86** The Council has a Welsh Language Strategy for 2017 – 2022, which sets out a vision of how Welsh language will look in Monmouthshire in 5 years, and is accompanied by targets to help achieve that vision. Also the Welsh Language Monitoring Report 2019/20 was presented to Strong Communities Select in September 2020 to note compliance and progress made with the Welsh Language Standards allocated to Monmouthshire County Council.

Principle D: Determining the interventions necessary to optimise the achievement of the intended outcomes

- 87** The Local Authority is a partner in the South East Wales Consortium Schools Causing Concern protocol. This Policy forms a part of, and is aligned with, the National Model for School Improvement in relation to the informal support and challenge provided by the Local Authority (LA) to a school prior to any issuing of a warning notice or invocation of formal powers of intervention based on the six grounds for intervention. It also aligns with the Welsh Government (WG) Guidance on Schools Causing Concern (March 2016).
- 88** Contract Procedure Rules exemptions are normally reported to the Audit Committee every six months; a report will be taken to Governance and Audit Committee during 2021/22 outlining the previous 18 months of exemptions requested. Managers are challenged in year to justify their procurement outside the Council agreed procedures.
- 89** Regular reporting into Cabinet, Scrutiny and Audit Committee enables the achievement of the Council's objectives to be challenged and appropriate actions put in place to address any identified issues so that the intended outcomes can be achieved. The Strategic Risk Register was reviewed by Audit Committee in July 2020. The Whole Authority Strategic Risk Assessment 2020/21 was also reported to Audit Committee (March 2021) and signed off by Cabinet April 2021.
- 90** Dealing with customer complaints helps Monmouthshire to identify and deal with failures in service delivery. The Council's complaint / compliment procedure is available on the web site. Out of 214 complaints received in 2019/20, 207 were resolved informally with 13 being formally investigated, 5 of which were referred the Ombudsman, with only 1 under investigation. 169 comments were received along with 240 compliments; (Audit Committee February 2021).

Principle E: Developing the entity's capacity, including the capability of its leadership and the individuals within it

- 91** The Council's recruitment procedures provide equality of employment opportunities. The equality-assessed pay structure meets the requirements of the Single Status Agreement of 1997. The Single Status Collective Agreement was approved by Cabinet in September 2010. This is complemented by the People Strategy.
- 92** Developing the digital capabilities of people and systems to enable effectiveness, efficiency and enhanced customer services is important within Monmouthshire and is measured via the Digital Programme Service Business Plan. To further enhance service delivery and better deal with cyber security / information risks the Digital Programme Office has been split into the Information Security and Technology Team and the Digital Design and Innovation Team.
- 93** There is continued support for Members' development through briefing sessions and other learning opportunities. A comprehensive training programme was developed for the intake of new Members following Council elections in May 2017.
- 94** There is also ongoing training and development which meets the needs of officers and Members through the corporate programme. Coaching and leadership skills training will be rolled out to all managers in due course. Check in, Check Out provides a value-based performance assessment approach between staff and line managers and aims to ensure employees have clear and effective understanding of their contribution to the objectives of their teams and subsequently the Council.
- 95** A Scrutiny Member Development Training Programme is in place which provides ongoing specific skills based training for Members and includes scrutiny induction; this is agreed by the Scrutiny Chairs' Group. The training programme forms part of the Scrutiny Service Plan.
- 96** Appropriate and relevant job descriptions were in place for the Chief Executive, Strategic Leadership Team (SLT), Monitoring Officer and Head of Finance.

Partnerships/collaboration working

- 97** There is Council policy on information sharing along with numerous information sharing protocols with our partners; this is included within the Data Protection Policy. Information sharing is key to joined-up service delivery. The Wales Accord on the Sharing of Personal Information (WASPI) was developed as a practical approach to multi agency sharing for the public sector in Wales. The Authority is required to meet statutory obligations regarding the handling and sharing of data, in accordance with the General Data Protection Regulation 2018. The Information Sharing protocol has been developed to ensure information is only shared appropriately, safely and compliantly.
- 98** The Council ensures that it has appropriate governance arrangements around its collaborations with other public agencies and other third parties. These can take a range of forms, from informal arrangements to those where governance arrangements are determined through legislation. The governance arrangements form a key part of the decision making processes that the Cabinet or Council follow when deciding to enter a collaborative arrangement, transparent local accountability is a key area of focus.
- 99** As a key example of our commitment to effective governance, arrangements have been developed for the PSB Select Committee, now the Public Services Committee from March 2020.
- 100** The Community & Partnership Development Team was developed in order to help build sustainable and resilient communities that support the wellbeing of current and future generations in Monmouthshire which is a shared purpose with the public service board partners. The Team work with communities and partners to help bring about social change and improve the quality of life in the county. The team act as enablers, unlocking potential and supporting sustainability through collective impact; providing a resource and tangible link between local communities and a wide range of partners; enabling the delivery of measureable and sustainable programme of activities that will constantly look to the future. The team will ensure MCCs statutory duties are fulfilled across the partnerships landscape.

Principle F: Managing risks and performance through robust internal control and strong public financial management

- 101** There are robust arrangements for effective internal financial control through the Council's accounting procedures and financial regulations. These include established budget planning procedures, which are subject to risk assessment, and regular reports to Members comparing actual revenue and capital expenditure to annual budgets. The Chief Finance Officer is responsible for the proper administration of the Council's financial affairs, as required by Section 151 of the Local Government Act 1972. Procedures for tendering and contract letting are included in the Contract Procedure Rules and Financial Procedure Rules. The Council's Treasury Management arrangements follow professional practice, are subject to regular review and are contained in the Treasury Management Strategy approved by Council each year.
- 102** In July 2017 Audit Wales reported to Audit Committee that the "Council has a clear strategic approach for significant service changes, although better information would help Members when deciding the future shape of the Council" (Good Governance when Determining Significant Service Changes report, March 2017).
- 103** Audit Wales presented its Certificate of Compliance for the audit of Monmouthshire's 2020/21 Improvement Plan to the Audit Committee in June 2020 and concluded that the Council is meeting its statutory requirements.
- 104** The Anti-Fraud, Bribery and Corruption Strategy was revised and updated during 2017/18. It was approved by Cabinet July 2017 and provides a deterrent, promotes detection, identifies a clear pathway for investigation and encourages prevention. The Council's Council Tax Reduction Anti-Fraud Policy was approved by Cabinet in June 2015. A training package has been developed and presented to Audit Committee (January 2020).
- 105** The Audit Committee considers the effectiveness of the Council's arrangements for securing continuous improvement including risk management arrangements. The Audit Committee also considers corporate governance, monitors the work of auditors and inspectors, and monitors the relationships between auditors and staff and the responses to audit and inspection recommendations. It also has responsibility for reviewing the Annual Statement of Accounts and its associated reports (which include this statement) before approval by Council. The Audit Committee has an independent, non-political, Chairman who prepares an annual report of the work of the Audit Committee, July 2020.
- 106** Internal Audit operate to the standards set out in the 'Public Sector Internal Auditing Standards' which have been developed from the Institute of Internal Auditors (IIA) International Internal Auditing Standards which came into effect in April 2013. The team's role and status is set out in the Council's Internal Audit Charter. The Chief Internal Auditor reports to the Audit Committee a summary of audit findings for each quarter, and also reports annually an opinion on the overall adequacy and effectiveness of the Council's internal control environment.
- 107** The Chief Internal Auditor continues to ensure Internal Audit complies with the Public Sector Internal Audit Standards. A self assessment was undertaken during 2017/18 to assess compliance with the Standards which was validated in March 2018 by an external assessor, the Chief Internal Auditor of Neath Port Talbot Council.
- 108** The Council has an objective and professional relationship with its external auditors and statutory inspectors. It manages its information resource through strategies and policies to enable effective decision making which is managed via the Information Strategy and action plan.

Risk management

- 109** The Council's Strategic Risk Management Policy was updated and approved by Cabinet in March 2019; progress was reported into Audit Committee in July 2020 & March 2021. The policy requires the proactive participation of all those responsible for planning and delivering services in identifying, evaluating and managing high level strategic risks to the Council's priorities, services and major

projects. The risk controls necessary to manage them are identified and monitored to ensure risk mitigation.

110 Within the Council the purpose of risk management is to:

- preserve and protect the Council's assets, reputation and staff
- aid good management of risk and support whole authority governance
- aid delivery of its population outcomes internally and when working with partners
- improve business performance and anticipated risks in delivering improvements
- avoid unnecessary liabilities, costs and failures
- shape procedures and responsibilities for implementation.

The strategic risk assessment ensures that:

- Strategic risks are identified and monitored by the Authority
- Risk controls are appropriate and proportionate
- Senior managers and elected members systematically review the strategic risks facing the Authority.

The risk assessment is prepared by drawing on a wide range of evidence including service plans, performance measures, regulatory reports, progress on the previous risk assessment and the views of select and audit committees. In order to mitigate the risks, proposed actions are recorded and also aligned back into the respective service business plan. The risk assessment is a living document and is updated over the course of the year as new information comes to light.

111 The Council's Strategic Risk Assessment for 2020/21 contains 18 risks. These were reviewed throughout the year with the latest version was presented to Audit Committee in March 2021. The majority were rated initially as medium risks. Following mitigation there were 4 low risks, 9 medium risks and 5 high risks.

Principle G: Implementing good practices in transparency, reporting, and audit to deliver effective accountability

112 The South East Wales Education Achievement Service (EAS) Business Plan 2021/22 was presented to Cabinet in March 2021. The plan sets out the priorities, programmes and outcomes to be achieved by the EAS on behalf of the South East Wales Consortium.

113 The updated People Strategy was endorsed by Cabinet in July 2018; this is the overarching framework for People and Organisational Development which supports its role in ensuring the organisation is equipped with the collective capacity, capability and mindset to meet financial and improvement challenges and respond to opportunities that present

114 The Council's first Commercial Strategy was endorsed by Cabinet in July 2018; the purpose of this report was to present for approval the Council's first Commercial Strategy and accompanying action plan. The strategy builds upon aspects of the Procurement, Digital and Asset Management Strategies and is a key means through which the Council can play a role in the self-determination of its future viability and sustainability.

115 In September 2019, the updated Digital Infrastructure Action Plan was approved by Cabinet.

116 There have been significant developments in technology in the last 4 years, and the experience, data and evidence we have collected from our customers about the way they wish to engage and transact with us has informed this new strategy. Our workforce needs to have the digital knowledge and skills to build in end to-end automated customer services and business processes. We need to reduce demand through self-service facilities and provision of accurate, relevant data and information that people can use with confidence to make decisions.

117 Significant improvements have been made to cyber security arrangements since the onset of Covid-19 which has increased digital working methods.

- 118** In July 2018, the Council's latest iteration of its Procurement Strategy was approved by Cabinet. The Strategy builds upon workshop sessions undertaken with the Economy and Development Select Committee and the aims, aspirations and priorities for procurement, identified throughout the participative process.
- 119** Transparency and openness is important to Monmouthshire; the Annual Statement of Accounts was taken through the Audit Committee process before being endorsed by Council. All public meetings of the Council, including Council, Cabinet, Select, Audit Committee, Planning Committee are live streamed on YouTube and are available to view on the Council's YouTube channel at any time after the meeting, which provides greater transparency of the Council's business.
- 120** The Council's enabling strategies have been revised to align to the delivery of the corporate plan, these include the Digital Strategy, People Strategy and Asset Management Strategy as well as linking in with MCC's Service Business Plans.
- 121** The Audit Committee continues to support the Internal Audit team and endorses its annual report and plan. The plan details the work and service areas the team will cover based on a risk assessment in order to provide assurance on the adequacy of the internal controls, governance arrangements and risk management process. The Audit Committee presents its Annual report to Council.
- 122** The Whole Authority Report complaints, comments and compliments 2019/20 was presented to Audit Committee in February 2021 which identified the number and types of feedback received and dealt with from 1 April 2019 until 31 March 2020.

Information Governance

- 123** Monmouthshire County Council (MCC) has restructured its Information Security and Governance offering from June 2021 in response to an increase in digital working and to maintain cyber resilience to protect our information. MCC continues to ensure training and awareness of governance issues is focussed on high risk service departments as well as through continuous updates and Information Security training events. This is to ensure compliance with the General Data Protection Regulation 25th May 2018- specifically following the "12 Steps to Compliance" as recommended by the Information Commissioner's Office (ICO). A structured approach to information security and governance is operated internally via the Information Governance Group chaired by Senior Information Risk Officer (SIRO) as well as through collaboration with the wider SRS partners providing our technology infrastructure. GDPR Operational Leads have been established, along with Digital Champions linking in with teams, individuals and volunteers to ensure compliance and messages are communicated.
- 124** MCC have a dedicated intranet site for general advice as well as assistance with GDPR legislative requirements, including templates for privacy notices, records of processing activities (ROPA's) and Data Processing Impact Assessments (DPIA's).
- 125** To keep the public informed, MCC has now published its online privacy notices for relevant service areas. Significant work is underway through 2021/2 to consolidate and update all privacy notices to make them more transparent and sustainable to maintain. A comprehensive list of all data systems is maintained centrally along with information audits for every service area, linking into the ROPA's.
- 126** The Corporate GDPR Policy is on the public website for clarity. Related policies will be updated accordingly by relevant lead officers, so that they satisfy GDPR requirement. Links are in place to work with the South East Wales Information Forum (SWIF) and WARP (Warning Advice and Security Point) on a regular basis to share best practice. Good housekeeping is encouraged as is continuous improvement to mitigating against the risk of harm to individuals, although it is recognised further work is required to back date data cleansing tasks which require considerable capacity.

127 The Council will continue to monitor and review its governance arrangements and identify any gaps. These will be addressed during the year to further strengthen governance in Monmouthshire County Council:

- Deliver awareness raising training sessions on the importance of compliance with new and revised Contract Procedure Rules and Financial Procedure Rules;
- Code of Corporate Governance to be formally approved by Cabinet

Action Plan 2019/20

128 Appendix 1 shows how the 2019/20 Action plan areas for improvement have been addressed during 2020/21.

Monitoring & Evaluation

129 We propose over the coming year to continually review our governance arrangements to ensure they remain effective and appropriate. Steps will be taken, where appropriate, to further enhance our governance arrangements. We are satisfied that these steps will address any need for improvements identified in the review of effectiveness and will monitor their implementation and operation as part of our next annual review.

Signed:**2021**
Councillor Richard John Leader

Signed:**2021**
Paul Matthews Chief Executive

Progress against the Action Plan 2019/20

Governance Principle	Area for Improvement	Progress
Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law	Continue to deliver training sessions on the importance of compliance with the new and revised Contract Procedure Rules and Financial Procedure Rules;	Internal Audit have continued to deliver training sessions within schools and on the manager's induction programme. Internal Audit will work with the new procurement partnership to ensure the revised and updated CPRs are rolled out across MCC.
Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law	The Code of Corporate Governance was last approved by Council in July 2011. This will need to be updated and approved in line with Delivering Good Governance in Local Government Framework 2016'	Outstanding. The Code of Corporate Governance has been updated and was presented to Audit Committee in June 2020. This now needs formal Cabinet approval.
Principle F: Managing risks and performance through robust internal control and strong public financial management	The Council will work through the Audit Wales proposals for improvement in the following areas: <ul style="list-style-type: none"> ▪ Scrutiny: Fit for the Future? ▪ Review of Asset Management ▪ Information Management ▪ Whole Authority review of children's safeguarding 	A corporate plan has been developed that sets out a clear direction for the Council up to 2022. The role and purpose of service planning has been reviewed and a revised process established aligned to the corporate plan. Council's enabling strategies have been revised to align to the delivery of the corporate plan, these include the Digital Strategy, People Strategy and Asset Management Strategy The Council's Strategic Risk Management Policy was updated

Public Document Pack Agenda Item 12

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Standards Committee held
at Remote Meeting on Monday, 22nd March, 2021 at 10.00 am**

PRESENT: County Councillors: P. Clarke, D. Evans, S. Woodhouse

Independent Members: R. Stow, (Chair) R Williams-Flew, P. Easy,
and I. Cameron (Community Representative)

OFFICERS IN ATTENDANCE:

Matt Phillips	Chief Officer People and Governance and Monitoring Officer
Nicola Perry	Senior Democracy Officer
Joanne Chase	Solicitor
Ben Davies	Solicitor

APOLOGIES:

Councillors R. McGonigle (Independent Representative)

1. Election of Chair

Richard Stow was elected as Chair of Standards Committee.

2. Appointment of Vice Chair

Richard McGonigle was appointed as Vice-Chair.

3. Declarations of interest

None.

4. Appointment process for new Independent Member

The Chief Officer for People and Governance explained that the constitution of the Standards Committee can be between 5 and 9 members. The Chair and Vice Chair should be independent members, and for a meeting to be quorate 50% of the committee should be independent members. The current membership stands at 8 and is legally quorate.

The recruitment process was explained should the Committee wish to seek another independent member. This would involve advertising via local newspapers and other means, invite applications, arrange an appointment panel of 5 members, one of whom needs to be a lay-person.

The Chair suggested that given the current Covid restrictions the decision be revisited early summer ahead of the October meeting.

It was agreed that the recruitment process had worked well previously and should be followed again.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Standards Committee held at Remote Meeting on Monday, 22nd March, 2021 at 10.00 am

ACTION – MP to communicate no later than 7th June to determine whether to go ahead with the recruitment process.

5. Feedback on Code of Conduct training delivered to Mathern / Shirenewton.

Community Councillor Irene Cameron provided feedback on Code of Conduct training delivered to Mathern and Shirenewton Community Councils, which she had joined as an observer.

We heard that the sessions had been well attended with a friendly atmosphere. The Monitoring Officer had provided a comprehensive review of the responsibilities of someone accepting a position as councillor. He had reminded everyone that they were required to have read and understood the Code of Conduct and understand that they were making decisions on behalf of the community they represent.

The Monitoring Officer had referenced the importance of the Nolan Principles as well as the implications of freedom of speech.

Attendees had also received detail on:

- Declaration of interests
- Dispensation applications
- The role of the Monitoring Officer
- The role of the Ombudsman for Wales

The session had provided an opportunity to remind everyone present of their duties and responsibilities.

Overall, it was a well-received presentation.

6. Local Government and Elections Act - Overview and Governance impacts.

The Chief Officer for People and Governance and Monitoring Officer presented the Local Government and Elections (Wales) Act 2021 explaining that in local government terms it is one of the biggest legislative changes seen in several years.

The Act is wide ranging, and a few matters were highlighted:

- How petitions are presented at Council
- Who is allowed to vote in Local Government elections
- How an officer who works in a Local Authority may be able to stand for an election
- General power of competence

Within the Act there are elements specific to Standards Committee:

- Introduction of Combined Joint Committees (CJCs) – these allow Local Authorities to come together in order to deliver certain functions in a wider geographical pattern.
- Job Sharing, Chief Executive roles and how Cabinet should work – creating greater inclusivity and diversity.
- Change to family absence permissions so that it falls in line with industry standard.
- Requirement for the Standards Committee to make an annual report to Council.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Standards Committee held at Remote Meeting on Monday, 22nd March, 2021 at 10.00 am

It was thought that more detail would be presented around October 2021, with all detail in readiness for the March 2022 meeting.

There is to be a change to the current Audit Committee which will become Governance and Audit Committee and will comprise 5 lay-members.

7. Discussion on the Adjudication Panel Wales Decision Report

The Chair presented the APW decision on Community Councillor Baguley of Sully and Lavernock Community Council, as an example of how code breaches involving social media are dealt with. The case demonstrated how social media posts can result in disqualification.

The Chair raised three issues of interest:

1. Important for councillors to understand it is the authorities code of conduct that counts, not the policies of the social media provider.
2. The responsibility of code of conduct training councillors, particularly new councillors.
3. The wording of the disrepute provision in the code.

The Monitoring Officer explained that it would be unlikely to expect a Local Authority to step in, and it should probably be referred to the Police at a Community level. He highlighted the importance of balance between criminal and not nice, but acceptable behaviour.

The Committee welcomed the opportunity for discussion and would revisit should there be an appeal to the decision.

8. To confirm the minutes of the previous meeting

The minutes of the meeting held on 16th March 2020 were approved.

9. To confirm the date of the next meeting as 18th October 2021

Noted.

The meeting ended at 11.15 am

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