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County Hall
Rhadyr
Usk
NP15 1GA

Friday, 11 March 2022

Notice of meeting

Standards Committee

Monday, 21st March, 2022 at 10.00 am
County Hall, Rhadyr, Usk - Remote Attendance

AGENDA

Item No	Item	Pages
1.	Opening comments from the Chair.	
2.	Apologies for Absence.	
3.	Declarations of Interest.	
4.	To confirm the minutes of the previous meeting.	1 - 4
5.	Review of the ethical standards framework (verbal update). https://gov.wales/sites/default/files/publications/2021-10/independent-review-of-the-ethical-standards-framework-in-wales.pdf	
5.1.	Receive feedback from the Standards Conference on 9th February 2022.	
5.2.	Approve an initial response to the Richard Penn report (July 2021) for the Welsh Government.	5 - 8
6.	Code of conduct training (verbal update).	
6.1.	Review training delivered to county and community councillors from April 2020 to March 2022.	
6.2.	Discuss the induction training for councillors planned for May 2022. https://democracy.monmouthshire.gov.uk/mgCalendarMonthView.aspx?XXR=0&M=5&DD=2022&ACT=Go	

7.	<p>Local Government and Elections (Wales) Act 2021 (verbal update).</p> <p>https://www.legislation.gov.uk/asc/2021/1/contents</p>	
7.1.	<p>Discuss s62 (duties of political group leaders) which comes into force on 5th May 2022.</p>	
7.2.	<p>Discuss s63 (standards committee annual report) which comes into force on 5th May 2022.</p>	
7.3.	<p>Consider the Consultation on the Local Government and Elections (Wales) Act 2021: standards of conduct statutory guidance.</p> <p>Consultation on the Local Government and Elections (Wales) Act 2021: standards of conduct statutory guidance [HTML] GOV.WALES</p>	
8.	<p>Discussion on the Planning code of practice / conduct (verbal update).</p> <p>https://www.monmouthshire.gov.uk/app/uploads/2016/01/Code-of-Conduct-Revised-January-2016.pdf</p>	
9.	<p>Discussion on APW annual report 2020-21 (verbal update).</p> <p>https://adjudicationpanel.gov.wales/sites/adjudicationpanel/files/2021-06/apw-annual-report-2020-21.pdf</p>	
10.	<p>Next Meeting: Monday 10th October 2022 at 10.00am.</p>	

**Paul Matthews
Chief Executive**

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

D. Evans

S. Woodhouse

R. Stow (Independent Member)

R Williams-Flew (Independent Member)

P. Easy (Independent Member)

M. Gibson (Independent Member)

I. Cameron (Community Committee Member)

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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.

Kindness: We will show kindness to all those we work with putting the importance of relationships and the connections we have with one another at the heart of all interactions.

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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 Monday, 18th October, 2021 at 10.00 am

PRESENT: County Councillors: S. Woodhouse and D. Evans,,
Independent Members: R Williams-Flew, P. Easy, R. Stow (Chair) ,
R. McGonigle 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
Andrew Wathan	Chief Internal Auditor

APOLOGIES:

County Councillor P. Clarke

1. Declarations on interest

None.

2. PSOW revised Code of Conduct guidance

The Committee received the revised Code of Conduct guidance, which also included a summary report of consultation feedback.

The Chair highlighted main points raised. One point, put forward by the Chair, that had not been agreed was that those examples in the guidance, often drawn from adjudication panel decision reports, do not remain anonymous. The PSOW refused this stating that it was not their place to name and shame. Another major item queried was the disrepute section, which they did take on board, was the fact that member seniority is an important issue and an extra paragraph had been included.

There were no further comments and the guidance was accepted.

3. Notes of the special meeting held on 13th July 2021 - Dispensation Request

The minutes of the special meeting were approved, in doing so reference was made to typographical errors, which would be addressed.

4. Code of Conduct and School governors - the dispensation process and anomaly in the Code of Conduct

The Chief Officer for People and Governance and Monitoring Officer explained that the anomaly noted at the time of the dispensation hearing was that while a number of people involved in the Select Committee were governors in the schools that were being discussed, only those

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Standards Committee held at County Hall, Usk - Remote Attendance on Monday, 18th October, 2021 at 10.00 am

appointed by the Council were considered to not have a prejudicial interest, whereas those appointed by the community were considered to potentially have a prejudicial interest. The reverse could happen should a Community Council need to discuss similar matters.

The Monitoring Officer explained the anomaly to a contact with Welsh Government, who has forwarded it to relevant people. He is confident that this is sat with the right people and will report back to Committee when he receives a further updates.

5. Ethical standards framework review

The Chair referred to the Independent Review of the Ethical Standards Framework in Wales and invited the Monitoring Officer to explain his involvement in the document and to comment on the timescales.

The Monitoring Officer explained that he had been involved in the process through the All Wales Monitoring Officer Group. The report was unclear how the process would evolve moving forward and it was thought that there was a significant amount of legislative change and matters which require further consultation and discussion.

The Officer considered that the framework commands the confidence of all involved with it, and overall is a good system.

The mandating of training was considered very useful, particularly to maintain consistent practice.

Our model code is exactly as written in the legislation and there is no intention to make any changes.

The Chair raised concerns about changes prior to the elections process, He considered that the consultation process had been poor. He referred to repeated comments on the increasing volume of complaints about the conduct of Community Councillors and questioned if the standards framework was working.

The Chair summarised that he and the Monitoring Officer would communicate with Welsh Government on behalf of Monmouthshire CC and the Standards Committee asking them to set out the timescales and the process by which Councillors and the public could be involved in contributing to a proper consultation.

6. Planning code of conduct

The Chair recalled this was an action point from the meeting of 16th March 2020 and referred to an outcome of the constitution update where it was discovered that the Planning Code of Practice/Conduct is on the website but was not contained in part 5 of the constitution. Consequently, its status was questioned; should it be added to the constitution (with timescales for review) and should there be involvement from the committee.

The Head of Planning has agreed to review this point and welcomes the contribution of the Standards Committee. It was confirmed the new Planning Code of Conduct will be presented to Council for adoption into the constitution on 17th May 2022 following the County Council elections. Induction training for new members will include a briefing on the new Planning code of conduct.

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7. PSOW annual report

The Chair clarified that this is the annual letter from the Public Services Ombudsman for Wales summarising the number, nature and outcome of complaints about conduct received by the authority, town and community councils in 2020/21.

The Councils were commended on the high standards of member conduct. For the Council, there was just one complaint closed with no evidence of breach. Similarly, in terms of town and community councils, there was one complaint closed with no evidence of breach.

The Community Council representative thanked the Monitoring Officer for the full day of training provided to Councillors and Clerks.

8. Annual Governance Statement - Principle A - Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

The Chair reminded Committee Members that this item concerned Principle A of the Annual Governance Statement – Behaving with integrity, demonstrating strong commitment to ethical values and respecting the Rule of Law.

It was pointed out that the figures for complaints about Conduct of Members for 2018/19 require amendment to reflect that there was just one complaint (not upheld or referred to the Standards Committee).

In answer to a question, the Monitoring Officer explained the Call In process where, following an executive decision, there is a period of time that three councillors may apply for the decision to be reviewed by the relevant Select Committee before implementation. Following discussion and debate, the Select Committee can refer the decision back to the original decision maker with the its considerations, or it can be escalated to full Council with the potential to be referred back to the original decision maker usually Cabinet or a Cabinet Member.

Reports are routinely scrutinised by Select Committees before decision making for constructive comment and amendment so the need for Call In is reduced.

The Monitoring Officer explained that Judicial Review is a principle of public administrative law that allows anyone to challenge a decision made by a public body. There were three judicial reviews during the year. It was requested that a comparison with the previous year's figures is included.

The inclusion of comparative information covering the number of Section 5 reports made by the Monitoring Officer to stop the Council's action or activity considered to be unlawful, was also requested. The Monitoring Officer explained that such action is very rare but can be included.

The Chair asked for information on the authority's Values and their communication inside and outside the organisation, and suggested they should be included in Principle A.

The Monitoring Officer explained that the values are included in every Council Meeting agenda, every job advert and in induction training for new starters. They are prominent in the Corporate Plan. During the extraordinary circumstances of the pandemic, the authority has adopted the "plan on a page" to highlight strategic direction; these also contain the Values.

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The Chair commented that the Values are a strong and distinctive thread throughout the organisation demonstrating a strong commitment to ethical values worthy of inclusion in Principle A.

9. Independent Member recruitment

The Monitoring Officer introduced the opportunity to replace Independent Member, Trevor Auld, whose term of office had expired and explained the recruitment process.

There must be an advert placed in a minimum of two locally circulated newspapers. All applications to be reviewed by a panel of up to 5 Committee Members (to include a lay person and a community council representative). Dependent on numbers of applications received, there is an option to add an interview stage.

The two Deputy Monitoring Officers will lead the process which will start at the conclusion of the recruitment of Governance and Audit Committee Lay Members estimated to be January 2022. The panel's nomination from the process to be approved by Council on 3rd March 2022.

The arrangements were agreed.

10. Induction training for Councillors - May 2022

The Monitoring Officer updated the Committee as follows:

5th May 2022 – Local Government Elections

10th May - Welcome/Orientation Day for the 46 new members.

12th May - Standards and Governance Induction training led by the Monitoring Officer.

17th May – First Full Council

19th May onwards further various induction training

The Monitoring Officer expressed his intention to involve Standards Committee Members in the induction training on 12th May 2022. Invitations to be issued accordingly.

11. Minutes of the previous meeting

The minutes of the previous meeting were approved as an accurate record.

12. Date of next meeting - 21st March 2022

The date of the next meeting was confirmed as 21st March 2022 at 10.00am.

The Chair announced that Richard McGonigle had tendered his resignation from the Standards Committee. The Chair, supported by the Monitoring Officer, sincerely thanked Richard for his service as an Independent Member on the Standards Committee.

The meeting ended at 11.10 am

Monmouthshire County Council Standards Committee - 21st March 2022

Initial comments on Richard Penn Report dated July 2021 (review of ethical standards framework)

1. Limited consultation and no publicity

The consultation was heavily slanted towards Welsh Government and local government officers, only a minority of standards committees were involved (para 2.14, pages 12 - 14).

Despite “public confidence” in the framework being one of the terms of reference of the review (para 1.2, page 3), there was no consultation of the public (actual or potential complainants) or elected members.

We suggest that councillor confidence in the framework is also critical, so any major proposed changes must be subject to proper councillor consultation.

No information was available on the Welsh Government website about the standards framework review until the 14th October 2021, when the completed Richard Penn Report (dated July 2021) was published.

2. Community councillor behaviour

The Report repeatedly raises concerns about community councillor conduct, for example “there is serious concern about the extent of bullying, lack of respect or otherwise generally disruptive behaviour by some members at meetings of Town and Community Councils” (page 8).

The Report does not explain why the current framework is not dealing with such behaviour which breaches the Code, when effective sanctions are available to APW and Standards Committees, and subsequent publicity should deter further breaches.

3. Local resolution of complaints

We do not support the proposal to remove the right of the public to complain directly to the PSOW (para 1.6, page 6). The independence of PSOW is a foundation of the Welsh framework, and is critical for public and councillor confidence.

Monitoring officers will not be perceived as independent when dealing with complaints about members of their own authority, especially senior members.

In a letter to Jane Bryant MS dated 21st January 2021, Lord Evans the Chair of the Committee on Standards in Public Life stated:

“... it is vital that the investigative process for complaints is sufficiently independent, so that it is perceived as fair by potential complainants and respondents. An investigatory process that is not perceived as fair will deter complainants from coming forward and will lead to respondents challenging the legitimacy of the process and its outcomes. The former is a particular problem for those who are victims of bullying or harassment, for whom confidence that their complaint will be taken seriously and processed fairly will often determine whether or not they complain at all.”

Informal local resolution of conduct complaints works well now, it does not require a new process. Removal of the public’s right to complain directly to the PSOW would be an unjustified and damaging move towards the English ethical standards framework.

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**Committee on Standards in Public Life
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Jane Bryant MS
Chair, Standards of Conduct Committee
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Sent by email



**Committee on
Standards in
Public Life**

20 January 2021

Dear Jane,

Thank you for writing to me regarding our Standards Matter 2 consultation, and for the Standards of Conduct Committee's invitation to contribute to your ongoing consultation on revisions to the Welsh Assembly Code of Conduct. There are many overlapping issues between our two reviews, and so although I hope this contribution is of some assistance, I cannot comment definitively on matters currently under consideration by my Committee.

As Lord Nolan argued in CSPL's original 1995 report, Codes of Conduct are the cornerstone of any public standards regime. My Committee issued guidance on how such Codes should be formed in our 2013 report, *Standards Matter*. I shared that advice with the House of Commons Standards Committee in their recent consultation on MPs' Code of Conduct, and it is equally relevant here. Specifically, the Members' Code of Conduct should be seen as relevant to MSs' everyday work and not exceptional; proportionate, giving enough detail to help guide action whilst not over-complicating compliance; clear about the consequences of non-compliance; framed positively, where possible; and personalised, to emphasise individual responsibility to uphold the highest standards of ethics and propriety.

I welcome your Committee's decision to structure the Welsh Assembly Code of Conduct as a hybrid of principles and rules. The Nolan Principles are intended to guide high level behaviour but must be supplemented by rules that outline their application in specific contexts. The Nolan Principles are not intended to be directly enforceable, and so it is important that context-specific rules are.

I also note your decision to add an additional eighth principle of 'Respect' to Nolan's original Seven, and to tailor the descriptors of the principles to the roles of MSs. The Committee has kept a close watching brief on issues of bullying and harassment in the House of Commons. We are considering the continuing relevance of Nolan's original Seven Principles in our

current review, *Standards Matter 2*, and will give due consideration to the case behind this additional principle as we move forward.

On the implementation of the Code, it is vital that the investigative process for complaints is sufficiently independent, so that it is perceived as fair by potential complainants and respondents. An investigatory process that is not perceived as fair will deter complainants from coming forward and will lead to respondents challenging the legitimacy of the process and its outcomes. The former is a particular problem for those who are victims of bullying or harassment, for whom confidence that their complaint will be taken seriously and processed fairly will often determine whether or not they complain at all.

On sanctions, it is important that standards authorities have access to an appropriate range of measures. Sanctions should reflect the nature of the breach. Apologies and recommendations of expulsion (or a process for recall) have been adopted by both Houses of Parliament for breaches that are respectively minor or inadvertent, or extremely serious. If the Welsh Assembly Code of Conduct is not to include either then there should be in place alternative sanctions that are proportionate for the most minor or the most serious offences.

I look forward to seeing the outcome of your consultation. We will also be inviting the Welsh Assembly Commissioner for Standards to give evidence to our Standards Matter 2 inquiry.

Yours sincerely,



Lord Evans of Weardale KCB DL
Chair, Committee on Standards in Public Life