

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Standards Committee held In the Conference Room - Usk, NP15 1AD on Monday, 6th February, 2023 at 10.00 am

PRESENT: Richard Stow (Independent Member) (Chair)

County Councillors: Ben Callard, Frances Taylor and Fay Bromfield

Independent Members: Rhian Williams-Flew, Peter Easy and Marion Gibson

Community Committee Member: Michael John

OFFICERS IN ATTENDANCE:

Joanne Chase
Ben Davies
Richard Williams

Solicitor and Deputy Monitoring Officer
Solicitor and Deputy Monitoring Officer
Democratic Services Officer

APOLOGIES:

None received.

1. Welcome

The Chair welcomed Michael John, Community Committee Member, and County Councillor Ben Callard to their first Standards Committee meeting.

2. Declarations of interest

None received.

3. Confirmation of Minutes

The minutes of the meeting of Standards Committee meeting held on 10th October 2022 were confirmed as an accurate record.

In doing so, the following key actions had arisen:

- The code of conduct and school governors' dispensation hearing held in the summer of 2021 - This was to ensure that Welsh Government had acknowledged this matter and had agreed that it was an anomaly and that it should be added to the code of conduct amendments which will be coming soon via the Penn Report.
- The Ombudsman's annual letter to the Council, August 2022 – The figure for code of conduct complaints across all town and community councils in the County had been zero. The Monitoring Officer was aware of the live code of conduct complaints whereas the ombudsman is reporting in the annual letter the complaints that are closed. With regard to the four complaints relating to town

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and community councillors, it is assumed these are now closed. However, this information will be available in next year's data.

- Online training for town and community councillors – Standards Committee Members are now able to attend this training as observers. However, no further training has been arranged yet.

4. Letter from PSOW to Chairs of Standards Committees dated 10th November 2022

The Chair informed the Committee that a letter had been received in November 2022 from the new Ombudsman, Michelle Morris.

The letter confirms some of the potential changes to their processes will take place.

It was noted that the ombudsman would 'now be sharing the complaint and our decision in a standalone decision notice to facilitate the Monitoring Officers in sharing complaint information with Standards Committees (when they consider it appropriate to do so).'

However, the Chair had indicated that he had not seen any of the stand-alone notices, but it is hoped that the Standards Committee will be able to view them when available.

It was also noted that the Ombudsman is not going to tell councillors immediately that a complaint has been received. Instead, the Ombudsman will hold back until a decision has been made whether to investigate or not to investigate. The Standards Committee had had mixed views on this matter previously and continues to do so.

We noted the update by the Chair and the views expressed.

5. Protocol for self regulation of member conduct

The Chair informed the Committee that the protocol for self-regulation of member conduct has not changed since at least 2014 apart from paragraph 42.3.1 which is new and has been inserted to deal with the new duty in the Local Government and Election Act Wales 2021.

The County Councillors sitting on the Standards Committee provided their views on this matter, as follows:

- Group leaders are aware of the additional responsibility of group leaders to ensure adherence to the protocol. The Monitoring Officer had briefed group leaders shortly after the 2022 County Council and Town and Community Council Elections.
- Group leaders have a role to play in ensuring their members behave appropriately and adhere to the code of conduct but there is still scope to undertake robust debate in the Council Chamber across all political groups.
- Seeking advice from group leaders should be the first point of contact for any member that might have a grievance against another member.

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The Committee did not recommend any changes to the Protocol.

We noted the update by the Chair and the views expressed.

6. National forum for standards committees - Friday 27th January 2023

The Chair informed the Committee that the first National Forum for Standards Committee had been held on the 27th January 2023.

There was a new initiative that had arisen from the Penn Report. However, Standards Committees in North Wales have been meeting in this way for a number of years.

A link to the minutes of the meeting will be emailed by the Chair to the Standards Committee when they are available to be viewed.

The Chair outlined the key points, as follows:

- There will be five further authorities joining the National Forum.
- The four corporate joint committees will eventually have Standards Committees. Monmouthshire is located in the South East region. In due course, this region will be required to have a Standards Committee.
- There will be a new National Park in North East Wales which will require a Standards Committee.
- The Chair of Conwy County Borough Council was appointed Chair of the National Forum.
- There was discussion on the group leaders' duty and various councils have already had meetings with their group leaders to discuss this matter.
- The Ombudsman Michelle Morris stated that this year conduct complaints were running at roughly a third about principal authorities, and two thirds about town & community councillors. In 2021/22 the Ombudsman made a total of 20 referrals - 11 to standards committees and 9 to APW. This year to date, they have made five referrals and are forecasting nine in total for the whole year - less than half of the 2021/22 total.
- The Chair stated that he would go back to Michelle Morris with a request that she provides the data explaining whether she was referring to all councils, principal authorities, town and community councils regarding attendance at training sessions, i.e., how strong is that correlation and at what level is the non-attendance of training?
- The next session of the National Forum was presented by Lisa James regarding the Penn Report. Monmouthshire's Standards Committee had already submitted its views on the Penn Report last year.

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- The Welsh Government is also considering the disqualification criteria for independent members of standards committees (are they too strict?), and the powers of standards committees to summon witnesses at hearings.
- It is anticipated that there will be a full public consultation for a 12-week period in February 2023 regarding the Penn report.
- Members' annual reports were discussed at the National Forum. It was noted that these tend not to be undertaken at Monmouthshire County Council. It was considered that there were better ways to address outward communication via community magazines, newsletters and social media to keep the public informed in real time.

We resolved that the chair would go back to the Ombudsman to get more information about the "strong correlation" between not attending training and code breaches.

7. Code of Conduct training delivered, scheduled and requested since 10th October 2022

We received a verbal update by the Chair regarding code of conduct training. In doing so, the following points were noted:

- There has been no training delivered, neither has there been any training requested since the previous Standards Committee in October 2022.
- One Voice Wales has a rolling programme of code of conduct training. Online training has been available and scheduled when required.
- It was noted that a broad range of training provision is available for Conservative Group members. Similar training might also be provided by other groups.

We noted the verbal update by the Chair.

8. Training Plans for Town & Community Councils

We received an update by the Chair regarding training plans for town and community councils.

In doing so, the following points were noted:

- All town and community councils in Wales were required to approve and publish a training plan by early November 2022.
- Abergavenny Town Council has a robust training programme. Training is undertaken in members' free time which can sometimes be a challenge for some members due to other commitments.
- One Voice Wales training can be undertaken online.

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- There is a need to encourage younger people to become members of town and community councils, many of which will have work and caring responsibilities and might be restricted in the time that they can give to their respective town / community council. Online training does benefit people who might not be in a position to commit to in person training at a specific time and day. However, online training does not always provide the same experience as meeting in person.
- The quality and presentation of the training provided is key to ensure participants can fully benefit from it.
- The Ombudsman guidance on the code of conduct needs to be made readily available for town and community councils. This is a reference book that is updated and consulted upon every two years. The book contains real examples from the adjudication panel.
- The next round of training for County Councillors could provide interactive examples from the adjudication panel regarding key topics, with members working in small groups to analyse them. This might provide a better quality of experience.
- The principal authority should focus on empowering and training town and community council clerks to enhance their levels of expertise and knowledge in respect of the code of conduct with a view to improving their skill sets.

We resolved that the next training session for County Councillors will be in person, interactive scenario based and focussed on a few topics from the code of conduct that have proven more complex. This will be undertaken in small groups.

9. Gifts & hospitality: code of conduct, PSOW guidance and the MCC register

We received an update from the Chair regarding gifts and hospitality and the code of conduct.

In doing so, the following points were noted:

- The Ombudsman guidance on para 9(b) of the Code is very limited with no examples.
- Monmouthshire County Council does not have a set monetary threshold for registration whereas other local authorities have such a threshold and they are in the public domain.
- The Monmouthshire County Council Gifts and Hospitality register is not currently in the public domain. However, there are plans address this matter. The last entry in the Monmouthshire County Council Register was made in 2017.

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- Code of Conduct Paragraph 17 is currently not workable as there is no monetary figure stated. In contrast, Cardiff City Council's Gifts and Hospitality Register is regularly updated and it is in the public domain.
- It was agreed that the Monmouthshire County Council Gifts and Hospitality register should state a monetary value and should be in the public domain. This would provide clarity and transparency for the public. This would apply to Members and officers of the Council.
- The Monitoring officer is considering this matter regarding having a monetary figure.
- 4.1.1 of the guidance – 'It is also good practice to provide a note of any offers of gifts or hospitality which you have declined and this may be a requirement of your authority's gifts and hospitality policy.' There should be a gifts and hospitality policy with detail of good practice required by the code of conduct, as well as the inclusion of a monetary value. This would then be presented to full Council for consideration.
- The proposed Gifts and Hospitality Policy would include training for members regarding acceptance criteria in respect of this matter.
- Offers of gifts and hospitality that have been declined should also be recorded.
- Reference to the Bribery Act should also be included in the proposed Gifts and Hospitality Policy.

We resolved that the Monitoring Officer prepares a report for a proposed Gifts and Hospitality Policy incorporating the points raised with a view to it being presented to the Standards Committee for consideration before it is presented to the Annual General Meeting of Council in May 2023, for approval.

10. **Structure and timing of the first Standards Committee Annual Report**

We received an update from the Chair regarding the structure and timing of the first Standards Committee Annual Report.

We resolved that a draft Standards Committee Annual report will be presented to the next Standards Committee Meeting on 12th June 2023 for consideration before it is presented to Full Council on 20th July 2023.

11. **Next Meetings:**

- Monday 12th June 2023 at 10.00am.
- Monday 9th October 2023 at 10.00am.
- Monday 26th February 2024 at 10.00am.

The meeting ended at 11.53 am.