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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

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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