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MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Standards Committee held
at Conference Room - Usk, NP15 1AD on Monday, 10th October, 2022 at 10.00 am**

PRESENT: Richard Stow (Chair – Independent Member)

County Councillors: Frances Taylor and Fay Bromfield

Independent Members: Rhian Williams-Flew and Peter Easy

OFFICERS IN ATTENDANCE:

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

APOLOGIES:

Marion Gibson and County Councillor Ben Callard

1. Election of Chair

Richard Stow was elected as Chair of Standards Committee.

2. Appointment of Vice Chair

Peter Easy was appointed Vice Chair of Standards Committee.

3. Declarations of interest

None.

4. Minutes of previous meeting

The minutes of the meeting of Standards Committee held on 21st March 2022 were confirmed as an accurate record.

5. Code of Conduct and School Governors

The item was brought to the Committee as a follow up to a special meeting in July 2021, to consider two dispensation requests in relation to discussions at the Children and Young People Select Committee. In doing so an anomaly was identified that treats councillors who are school governors differently in terms of whether they could have a prejudicial interest. An action to talk to Welsh Government had been raised.

The Chief Officer for People and Governance and Monitoring Officer explained that that Welsh Government (WG) had agreed to take this as an action to consider alongside the ongoing considerations around the Penn review. There has been no update since that response a year ago and discussions on the Penn report are ongoing.

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The Chair commented that it would be good to get a commitment from WG that they accept that this is a Code of Conduct anomaly that they understand and are going to fix it. The Chief Officer agreed to follow this up as an action.

6. Review of the ethical standards framework (Penn Report)

The Chief Officer for People and Governance explained that he had attended a Monitoring Officer meeting on 28th July 2022. Conversations had focused on Code of Conduct training and whether it should be mandated or not.

A key concern had related to the mandating of a local resolution as a preliminary step before a complaint can be submitted to the Ombudsman. There had been no support for that at the meeting given that a fundamental strength of the ethical standards framework is that it has an independent body to deal with complaints and to carry out investigations thus providing confidence to complainants that there will be an independent approach.

A conversation took place around the need to develop the relationship between the Ombudsman and organisations such as One Voice Wales, Audit Wales etc. The Ombudsman has been trialling a period where if a complaint is made about a Councillor, rather than informing the Councillor and the Monitoring Officer, the Ombudsman will go through a 2 stage process where it is determined whether to investigate first and notify afterwards to streamline process. Feedback will be sent to Monitoring Officers on the types of complaints received and anonymised information will be shared with Standards Committee.

The powers and sanctions of the Adjudication Panel for Wales and Standards Committees were discussed. There are mixed views on the value of the power to direct that someone undergoes training or provides an apology. There was also discussion on whether a suspended power would be a useful addition.

There will be more conversation around the use of social media. The WLGA guidance on this is very good.

There will be consultation on any proposed changes with stakeholders.

The Chair was pleased to see the local resolution mandate has gone and welcomed consultation on changes.

A Member sought clarification on the trial of a new notification process and expressed concerns about the anonymised feedback in terms of fairness to the person being complained about. It was explained that the process prior to the pilot was that the Councillor and Monitoring Officer would be informed. There was no duty to inform anyone else.

The view was expressed that the Councillor should only be informed after an assessment that indicates potential breach of the code of conduct due to the protracted time involved. If, however, processes are to be speedier, it would not be so much of an issue. The converse view was expressed that it is better to know as soon as there is a complaint.

It was suggested that Code of Conduct training should be mandatory for Community Councils. It was queried which councils had undertaken training. The Chair explained that all town and community councils must publish a training plan by 5th November. The statutory guidance provides that there must be induction, finance, and Code of Conduct training. The Monitoring Officer explained that mandatory training will require new legislation. Locally, Group Leaders may agree that elected members can't attend a committee before training and signing the Code of Conduct. It was pointed out that this would not work for the Independent Group and

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Community Councils because there is no affiliation to political parties with their own constitution and standards.

7. PSOW Annual Report & Accounts 2021-22

The section of the report relating to Code of Conduct complaints was considered referring to the table on p.40 which shows the volume of complaints by type of authority and what is being complained about for all councils in Wales.

The number of Town and Community Council complaints is similar to the previous year and complaints about County Councils has reduced. The number of referrals (20) to Standards Committees had been highlighted and this will be monitored. The referrals listed were upheld which indicates thoroughness of the investigations.

The Monitoring Officer informed the Committee to bear in mind that the figures from the previous year were unusually high so the reduction this year is not necessarily positive. Additionally, this year could see higher numbers because it has been an election year.

The Chair noted that the Ombudsman had highlighted the increase in referrals to Standards Committees and Adjudication Panel. There was no breakdown of the type of complaint/public authority, so it is difficult to identify trends. It was suggested that a new table could be requested with the number of complaints closed by authority, how many were investigated and how many referred to either Standards Committees or Adjudication Panels to enable us to compare Community Councils with principle authorities.

8. PSOW Annual Letter to MCC

The Annual Letter refers to all the services area complaints dealt with by the authority. There were only two complaints about County Councillors; both were dismissed with no evidence of breach of the Code of Conduct.

The Monitoring Officer queried the accuracy of the number of Community Council complaints and this has been raised with the Ombudsman. A response has not been received but will be circulated to Committee Members when received.

The Standards Committee commended the County Council on the low number of complaints, noting that despite this being a difficult period of change due to Covid, standards remained high.

9. APW Annual Report 2021-22

The Adjudication Panel Wales Annual Report 2021/22 was considered.

There was an unusually high number of cases. Of the 7 decided cases, one refused permission for appeal. Of the remaining 6, 3 related to principle authority Councillors and 3 to Community Councillors.

The Monitoring Officer highlighted the view of monitoring officers across Wales of the disproportionate amount of time dealing with potential Community Council complaints where early intervention prevents submission to the Ombudsman.

There is no overarching trend identifiable in the types of complaints.

Register of Tribunals shows all the cases decided ever and provides evidence that the Adjudication Panel works well.

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A Member noted that often Community Council complaints are between members rather than from members of public indicating wider governance issues within the Community Council. The Ombudsman can write to Community Councils to remind them that vexatious, malicious, or frivolous complaints against other members or anyone who works for, or on behalf of the authority, could constitute a breach of the Code of Conduct. A complaint to the Ombudsman would have to be made to investigate.

It was commented that good training on how to behave, respect and equality could avoid most complaints.

10. Code of Conduct training 2022-23

The Monitoring Officer reported that following the election on 5th May, new Councillors had their first full week w/c 9th May. The Code of Conduct training was the second induction course on 12th May with a follow up evening session. There were lots of questions and it was found useful to do an evening session.

A Member recalled that the training was very useful and advocated refresher training on an annual basis. Regular Planning Committee training would be useful too.

A Member attended the Community Council training and highlighted the usefulness of scenarios to discuss and consider if there are potential breaches of the Code of Conduct. Clarity in declarations of, and types of, interest was also helpful as was encouraging councillors to check with the Monitoring Officer or Group Leader. It was added that informal mechanisms can be as important as formal training.

The attendance numbers at Code of Conduct training was queried and the Monitoring Officer confirmed that just one Councillor missed it. This will be followed up.

It was commented that Councillors became quickly engaged and asked questions. Certain areas for further training were also highlighted.

It was observed that a lot of examples were from England and it was requested that examples from Wales could be included in future especially as there is a more robust system in Wales.

The Monitoring Officer met with Group Leaders and a Member provided feedback that there is awareness of the need to comply with the new duty and as a Group Leader herself, would always encourage good conduct, adherence to the code of conduct and early conversations about concerns or declarations of interest including conduct in and outside the Council Chamber.

In response to a question, a Member confirmed there is a commitment by all the groups to behave appropriately. The Monitoring Officer said that there were no concerns currently. Monthly Political Leaders Group meetings have been reinstated and Pre-Council meetings offer the opportunity for discussion.

The Monitoring Officer confirmed that after the election training was delivered to one community council and another council has requested training. 2 open online sessions for councillors has been issued to all clerks. 2 online sessions held have been well attended. The Monitoring Officer will circulate the slides from the training. Links to Welsh examples will be included where appropriate.

A conference for clerks will be arranged next year.

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The Chair reminded Members that Councils will be publishing training plans and asked that review of plans should be added to the agenda for the next meeting.

It was requested that all Standards Committee Members are invited to all Code of Conduct training.

11. Date of next meeting 6th February 2023

Noted.

The meeting ended at 11.30 am

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