

Draft Minutes



Standards Committee

Date: 16 January 2020

Time: 5.30 pm

Present: P. Westwood (Chair), J. Davies, H Britton, A. Mitchell, K. Watkins and P. Worthington, Councillors H. Thomas, P. Hourahine.

Gareth Price (Head of Law & Regulation) and Pamela Tasker (Governance Officer)

Apologies: None

1 Apologies for Absence

None

2 Declarations of Interest

None

3 Minutes of the Previous Meeting

Agreed: That the minutes of the 7 November 2019 meeting were a true record.

4 Matters Arising

The Standards Committee Annual Report was received by Council in November and was accepted without question

5 Chair's Announcements

No announcements from the Chair.

6 Local Government and Elections (Wales) Bill

The Head of Law & Regulation referred Members to the Local Government and Elections (Wales) Bill and identified one or two relevant parts for the Standards Committee.

The important issues noted were:

- The Reform of Electoral Arrangements, allowing 16 to 17 years old to vote in local government elections which would be a radical reform for elections. Welsh Government had already legislated to allow 16 and 17 year olds to vote in the next Assembly elections in 2021.
- Corporate Joint Committees- this was a restructure of Local Government to facilitate more consistent and coherent regional working mechanisms and would allow joint groups of Councillors to deliver certain services on a collaborative basis. This was

different to existing Joint Committees, which did not have any separate legal status and operated as voluntary joint arrangements between councils.

- The initial services to be delivered via CJC's were Regional transport and regional planning and development.

Some provisions would come into force before the next local government elections in May 2022, which meant quite extensive changes in Local Government, how they were managed etc as well as local councils. The public would participate in local democracy with the mandating of all Committee meetings being broadcast live. At present only full Council and Planning Committees were being Webcast from the Council Chamber.

It was noted that all Councils meeting rooms would have to be adapted in order to allow Committees to be webcast so this would be a considerable cost.

Instead of physically attending, Committee Members could use Skype or MS Teams which was useful for remote councils e.g. Powys Council.

It was discussed what would be done if IT failed during a critical vote and the practicalities of managing a meeting with a large number of remote attendances.

Three important points were discussed:

-There was a duty on group leaders to promote ethical standards in political groups; the Standards Committee monitors how Leaders do this. Welsh Government would be providing guidance on this and it would have to be observed as to how this would develop. This was a statutory duty.

Councillor Hourahine stated that at a previous school Governor meeting they attended it was mentioned that Skype could be made available but then it was not allowed as a physical presence was needed at meetings and the cost could not rest with the school. The Head of Law & Regulation stated that this was a separate area of legislation. Welsh government could legislate on this however and it was a practical problem issue for the Council.

Having the facility there did not mean people would dial in and people could avoid it if they wanted to.

-There was now a compulsory requirement for Councillors to produce an annual report, and Newport already facilitated this. This report would also need to be made public.

-Ombudsman Investigation-They had previously lost some of their investigatory powers and so this put back what was lost. This meant that the Ombudsman could demand information from people and avoid claims of defamation both technical and procedural, under Section 69 of the 2000 Act.

It was discussed that the duty of group leaders was interesting and it would be interesting to observe the sanctions for this.

Questions:

Dr Worthington stated that the report was a very helpful summary of the notable points and the leaders issue was most pertinent.

In practice, a group of two political members were not necessarily in a certain political group. For example, Newport Independents are on Council, they were not a recognised party political group but they have a group leader.

The Chair questioned that if the Standards Committee have to refer to the Ombudsman whose decision would it be to go to the adjudication panel. The Head of Law & Regulation confirmed that it was the Ombudsman and if serious enough, then it will investigate. If the issue was within the Standards Committee remit then Standards could decide what the outcome could be but if a higher body was needed then it could go to a higher independent panel, as their powers were higher. When an appeal was made from the Standards Committee to panel for example and a Councillor had a suspension for two months then that

Councillor could appeal but the panel would then have discretion to increase as well as reduce any sanction.

7 Ethical Standards Questionnaire

The Head of Law & Regulation confirmed that the Ethical Standards Questionnaire again yielded another poor response but it was statistically the same response as the previous questionnaire, which was 20%, and this was targeted and expected. Enquiries had been made with other local Councils, Swansea, Caerphilly and Torfaen. Caerphilly and Torfaen Councils confirmed that they were not aware of the Ethical Standards Questionnaire. Swansea Council confirmed that they invited their Political Group Leaders, and certain Chairs of Committees to their Standards Committee on an annual basis to have an open and honest chat about general ethics, standards and behaviour in Swansea.

The Head of Law and Regulation requested Committee Members to observe the Questionnaire and commented that Questions 1-4 were quite positive. Question 4 there was a balanced response and for Question 5 there was more uncertainty as to whether there was clarity in the differing roles between Members and Officers in the Council. Question 6 showed most people in agreement; where Question 7 and 9 most agreed with one disagree answer. Question 10 showed that most people agreed that they would benefit from training.

It was then discussed how there was a difficulty at times to get Members to attend training. The Head of Law and Regulation confirmed that Councillors could now have some online training rather than attend meetings. They also confirmed that Community Councils Clerk training was to be arranged in the future.

Councillor Hourahine stated that they had attended Fire Services training, which would not have worked as well if the training were online. The Head of Law and Regulation confirmed that the Fire Services training was an information session rather than formal training. The Chair commented as to whether Senior Officers knew about the Councillor Code of Conduct as stated in the comments at the end of the Questionnaire.

It was expected that Officers were familiar with the employee code and expected them to know that there was a code of conduct. The Head of Law & Regulation confirmed that this was covered in all new staff training and was covered in the Senior Managers Forum. The Chair commented that there was nothing stated in the comments section to action. The Head of Law & Regulation confirmed that new Managers receive induction training and so there was already framework in place. In relation to Councillor training, this was only mandatory every 5 years. Planning Committee Members have training every 2-3 years into the role.

The Chair stated they had spoken to the Council Leader and the Leader of the Opposition previously and now they needed to be spoken to, to inform them about the results of the Questionnaires.

The Head of Law & Regulation confirmed that the Council Leader and the Leader of the Opposition could be written to separately but this was up to the Chair. Minutes of the Meeting were also reported to Council.

Agreed: The Chair to write a Letter as a courtesy, to the Leader of the Council and the Leader of the Opposition to inform them of the outcome of the Ethical Standards Questionnaires.

Any Other Business:

The Head of Law and Regulation confirmed that further guidance had been received from the Adjudication Panel about members exercising their rights to attend and be represented at panel hearings. Members were given 21 days to confirm that they would be attending and the details of any representatives and witnesses. However Members were not replying within the 21 days. The Panel were not satisfied with this and so they have said that they were in default if not all the information came back in 21 days. It was important to fill in the form within 21 days as the Member could lose the right to a full hearing otherwise.

8 Complaints

The Head of Law and Regulation confirmed that there was one more complaint, which had been made to the Ombudsman. It was not related to behaviour in the Council but was related to a Councillors alleged behaviour in the ward. There were personal issues between a ward member and a neighbour and the Police have gotten involved. The Councillor refutes the allegation of misconduct and was waiting to hear from the Ombudsman as to whether it would be investigated further. Police will say whether there was a case to answer.

9 Date of the Next Meeting

16 April 2020

The meeting terminated at Time Not Specified