

Agenda



Standards Committee

Date: Thursday, 16 January 2020

Time: 5.30 pm

Venue: Committee Room 1 - Civic Centre

To: P. Westwood (Chair), Davies, V Dudley, H Thomas, P Hourahine, H Britton, A Mitchell, Watkins and Worthington and Councillors V Dudley, H Thomas, P Hourahine.

Item	Wards Affected
1	<u>Apologies for Absence</u>
2	<u>Declarations of Interest</u>
3	<u>Minutes of the Previous Meeting</u> (Pages 3 - 8)
4	<u>Matters Arising</u>
5	<u>Chair's Announcements</u> To receive any announcements the Chair wishes to make.
6	<u>Local Government and Elections (Wales) Bill</u> (Pages 9 - 10)
7	<u>Ethical Standards Questionnaire</u> (Pages 11 - 24)
8	<u>Complaints</u> The Monitoring Officer will report on any complaints received since the last meeting.
9	<u>Date of the Next Meeting</u> 16 April 2020

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Minutes

Standards Committee

Date: 7 November 2019

Time: 5:30pm

Venue: Committee Room 4 Civic Centre

Present: P. Westwood (Chair), J. Davies, T. Britton, K. Watkins, Councillors V. Dudley, H. Thomas, P. Hourahine

Apologies: A. Mitchell, Dr P. Worthington

1. Apologies for Absence

A. Mitchell, Dr Worthington

2. Declarations of Interest

None

3. Minutes of the Previous Meeting 11 July 2019

Agreed: That the Minutes were a true record.

4. Matters Arising

None

5. Chairs Announcements

No announcements

6. Standards Committee Annual Report 2018/19

The Chair commented that the Standards Committee Annual Report was a well-written report by the Head of Law and Regulation and that they were satisfied with the report.

The process was that the report would go to Council on the 26th November 2019 and Members could give their comments before then. The report was a similar format of previous years. The previous practice had been for one of the Councillor members of the Committee to present and move the report in Council, unless the Chair wanted to attend in person. Councillor Hourahine agreed to present the report to Council on the 26th November 2019 if Councillor Thomas was unable to do so. It was agreed that either Councillor Thomas or Councillor Hourahine would present the report to Council

The Head of Law & Regulation reported that three complaints had been made to the Ombudsman last year, but none of them had been accepted for investigation. Two complaints had been resolved amicably under the local resolution protocol, rather than an escalation to the Ombudsman, so this was working well.

The Chair commented on the Welsh Local Government Association Social Media Guidelines for Councillors and the lessons picked up in England.

Point 2.6 and 2.7 the Ombudsman Annual Report was discussed and it was noted by the Committee that the number of complaints about the Code of Conduct had gone up by 4% in the last year.

Complaints regarding lack of respect were highlighted and it was acknowledged that complaints had gone up nationally but not locally.

The Committee discussed how raising the profile of the Standards Committee was important. In England it had come full circle because the self-regulation of Councillors was not working, following the abolition of the legislative framework and the adoption of voluntary local codes of conduct. Therefore, the review of the Committee on Public Life was now recommending the re-introduction of controls in England similar to those that continued to operate in Wales. Standards of ethical conduct in England and public confidence had slipped due to the abolition of the statutory controls.

Resolved:

That any further comments on the draft Annual Report be submitted within the next 10 days, before the final report is published with the Council agenda. Subject to this, the Committee agreed the draft report for presentation to Council

7. Ethical Standards Questionnaire

The Chair commented that the results of the questionnaire were disappointing as only 13 responses were received and questioned whether this was a representational response.

It was noted that the answers to the questions were fairly positive and comments from individuals who had filled in the questionnaire had also been included for information.

Main points

- 8 responses were received from Members
- The best response received was Q1 where 100% of respondents replied in a positive manner (strongly agree or agree) that the work of the Standards Committee had a positive effect.
- Q2 responses showed that 92% of respondents replied in a positive manner and thought that the Council operates in an ethical manner
- Q3 showed an equal mix of agree and strongly agree responses in relation to whether the Council had clear policies and guidance in place.
- 100% of respondents agreed that it was easy for them to declare an interest.
- 53% of respondents felt that they did not need further training.

It was commented that Community Councils did request further training but that elected Members did not show the same interest.

The Chair commented on the respondent comments at the end particularly the comment regarding the profile of the Standards Committee being low and that maybe they needed to be referred to the annual report in terms of reporting back. It was also suggested that the information on the web pages should be updated to raise the profile of the committee and the members.

A Member stated that they thought that it was positive how a respondent thought that the Standards Committee was low profile and not very busy as if it was busy then there would be a cause for concern.

Another Member commented that they found it difficult to speak to certain officers and that they understood that it was not always possible to do this but that they found it invaluable but that everything had to be done by email.

The Head of Law and Regulation confirmed that there were no restrictions on Members speaking to officers, provided that this was agreed with senior management. The issue was where Members in the past saw officers face to face and some junior officers felt under pressure to carry out actions.

It was also commented by the Head of Law and Regulation that there was nothing to stop Members speaking to officers face to face prearranged by appointment but going to staff to get advice needed to be channelled through senior management.

The Chair suggested whether an on-line survey would produce better results than a manual questionnaire. The Head of Law & Regulation advised that this could be considered, but responses were limited even with electronic surveys.

All 50 members were canvassed as well as 10 senior managers, who were also asked to cascade the survey among their managers and other officers who advised elected members on a regular basis, such as those officers attending Planning and Licensing committees.

It was noted that the staff survey response was also low and it could be assumed that those individuals who didn't fill it in were satisfied and there were no issues.

It was discussed that if there was a good relationship built up with an officer and Members then it shouldn't be a problem.

It was noted that getting hold of officers was an issue and the Head of Law and Regulation reiterated that the current system was there for a reason. It was not there to frustrate Councillors but to ensure that Members are not perceived to be exercising improper influence over junior staff

Elected members should raise issues with the Head of Service or senior managers.

The Chair questioned whether this agenda item should be rolled on to the next meeting in January 2020. One of the points made was that a 10% return was a good response.

It was discussed how establishing a good relationship with officers was very beneficial and by doing it in a transparent way was the most important to avoid a Councillor getting in trouble for trying to influence.

Resolved:

-That the Standards Questionnaire be considered at the next meeting and for the questionnaire to be sent to third and fourth tier staff.

-That Standards Committees of other authorities be contacted to see how well their surveys were received.

8. Complaints

The Head of Law and Regulation confirmed that there were no complaints to report.

There was one local resolution complaint from IT regarding a Member and the complaint from the service manager was actioned under Stage 2 and a meeting was arranged between the manager and the Elected Member. The complaint regarded lack of respect for IT support staff trying to resolve problems with the Councillor's computer. The Councillor had apologised for any offence but had been frustrated by delays in resolving issues with the laptop because this was affecting her work. The manager agreed a process for escalating any complaints of this nature. It was resolved amicably and did not need to be taken any further, which showed that the resolution protocol was working at a local level.

- 9. Date of Next Meeting:**
16 January 2020

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APW/PD/01/2020

Adjudication Panel for Wales: Practice Direction 1

Response to a reference from the Public Services Ombudsman for Wales (“PSOW”)

1. The President of the Adjudication Panel for Wales (‘the Panel’) makes this direction under section 61(2) of the Wales Act 2017. It has been approved by the Welsh Ministers under section 61(4) of the same Act, following consultation with the President of the Welsh Tribunals under section 61(8).

Response to a reference from the PSOW

2. Following a reference to the President of the Adjudication Panel for Wales by the PSOW under section 71(3) of the Local Government Act 2000, a case tribunal (‘the tribunal’) will be convened (either a full case tribunal or an interim case tribunal depending on the terms of the reference). The regulations governing the procedures of the tribunal are set out in The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001 (as amended) (‘the Regulations’). The Regulations refer to ‘the accused person’; for the avoidance of doubt, this refers to a member of a relevant authority who is the subject of a reference to the President by the PSOW and in this Practice Direction such a person is referred to as ‘a member’.
3. The Schedule to the Regulations (‘the Paragraphs’) sets out in detail the procedures to be followed.

Paragraph 3 states:

“(1) An accused person must deliver to the registrar a written reply acknowledging receipt of the notice and stating—

(a) whether or not that person intends

(i) to attend or be represented at the hearing, or

(ii) to dispute the contents of the report and, if so, on what grounds;

(b) the name and address and the profession of any person who is to represent him or her and whether such address is to be his or her address for service for the purposes of the adjudication; and

(c) whether that person wishes the hearing to be conducted in English or Welsh.

(2) Such reply shall be signed either by the accused person or by his or her nominated representative and shall be delivered to the address for the tribunal specified in the notice given under paragraph 2(c) above not later than 21 days after the date on which the notice was received or by such later date as the tribunal may allow.

(3) If no reply is received by the registrar within the specified time or any extension of time allowed by the tribunal, or if the accused person states in his

or her reply that he or she does not intend either to attend or be represented at the hearing or to dispute the contents of the report, the tribunal may determine the adjudication without a hearing."

4. In order to comply with the obligation imposed upon her/him by paragraphs 3(1) and (2) of the Schedule as set out above, a member must complete in full the response form provided by the Panel and return it to the Panel, or provide a written reply containing all the information required by Paragraph 3(1) and (2), within 21 days of receipt of the notice of the reference from the Registrar. Statements such as "*to be confirmed*" or "*to be provided*" are not a full response and will not be regarded as complying with the requirements of Paragraph 3.
5. The failure to complete in full the response form, or to return a fully completed response form or written reply compliant with Paragraph 3, may trigger the application of Paragraph 3(3). The same may occur if a member declares that they do not intend to attend or be represented at a hearing. The tribunal may at its discretion then determine the reference without a hearing.
6. From the date hereof, when a response that is not fully compliant with Paragraph 3 is received or no response is received at all, the tribunal will determine the reference without a hearing, unless the tribunal considers that it is, in all the circumstances, in the interests of justice to hold a hearing. The tribunal will not direct that a second or further opportunity is given to provide a full response, unless it believes that it is in the interests of justice to do so. The onus will be on a member to persuade the tribunal that it is in the interests of justice to be given another opportunity to provide a response.
7. Paragraph 3(2) of the Schedule provides that a response shall be filed by a member or her/his representative within 21 days of the receipt of the notice of reference but it also empowers the tribunal to extend the time for a member to file a full response "*to such later date as the tribunal may allow*". From the date hereof, applications for extensions of time must be made within the initial 21 day response window (unless this is not possible for good reason), and must be supported by evidence explaining why the extension is required and would be in the interests of justice.

Date: 1 January 2020

Signed:

Claire Sharp

President of the Adjudication Panel for Wales

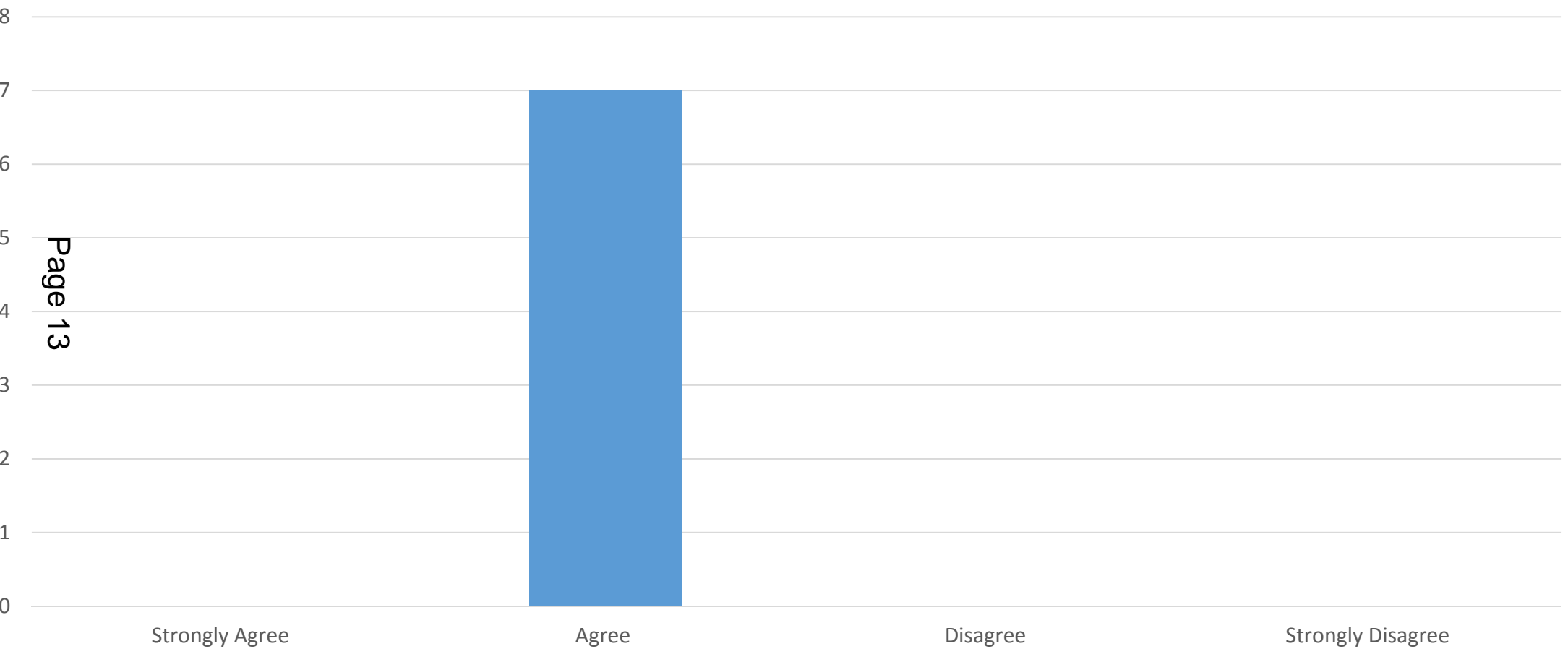
Standards Committee

Response to Ethical Standards Questionnaire

Response to Questionnaire

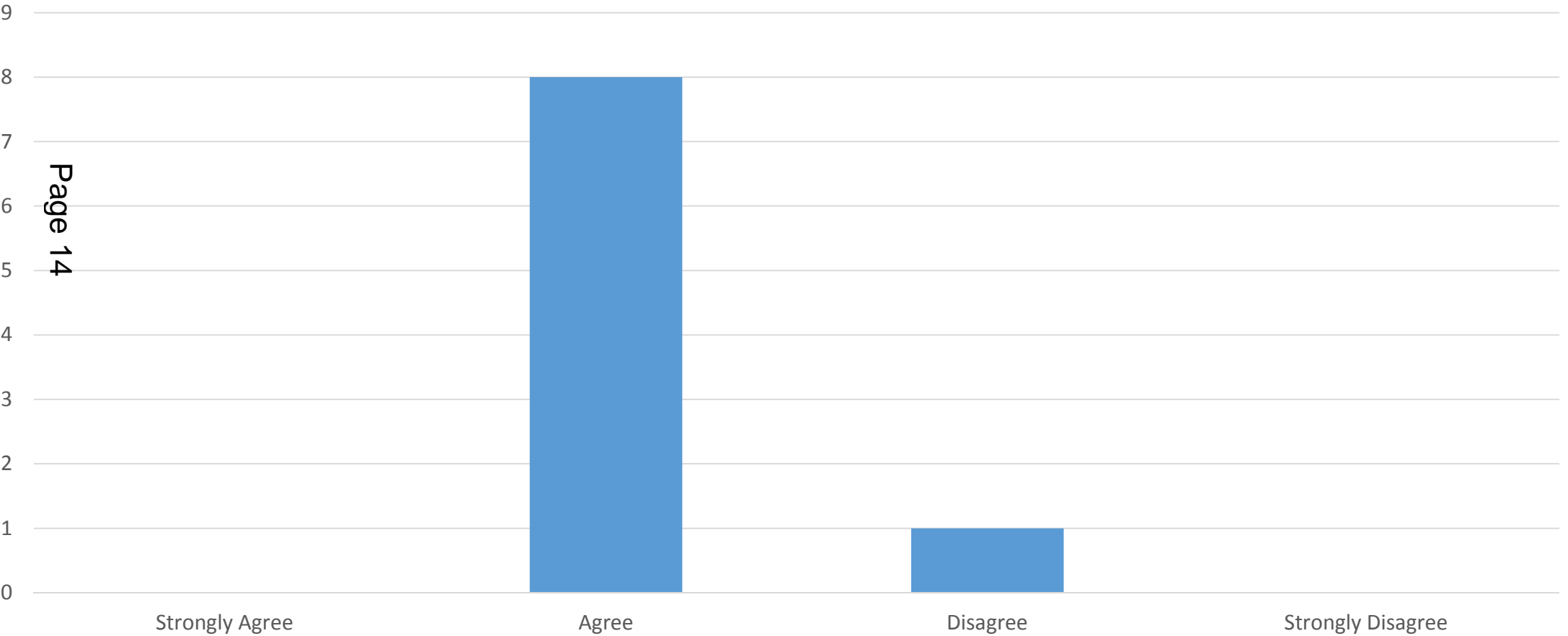
- The questionnaire was sent out to 3rd and 4th tier management on two occasions.
- In all 9 responses were received.
- Comments received have also been included

Question 1: The work of the Standards Committee has a positive effect on the work of the Council



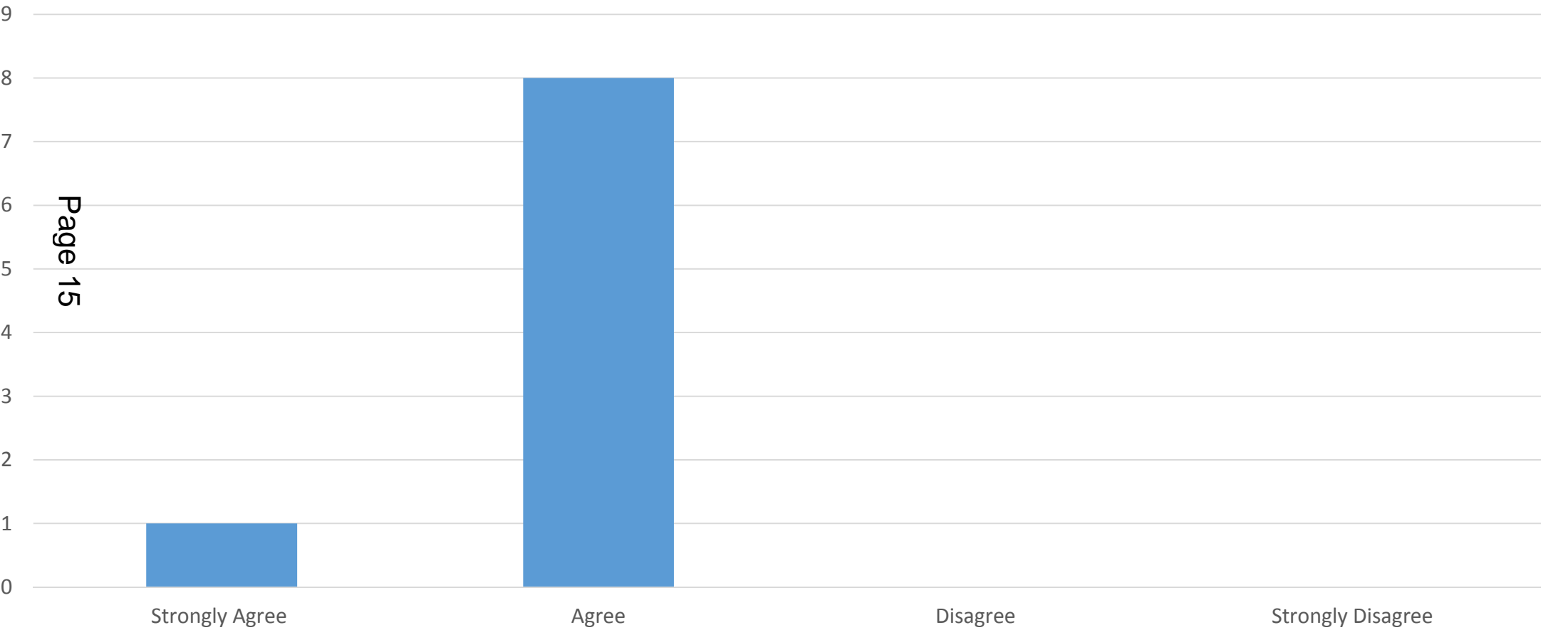
100 % of respondents replied in a positive manner (strongly agree or agree)

Question 2: I believe that the public perception of the Council is that it operates in a manner that meets ethical standards



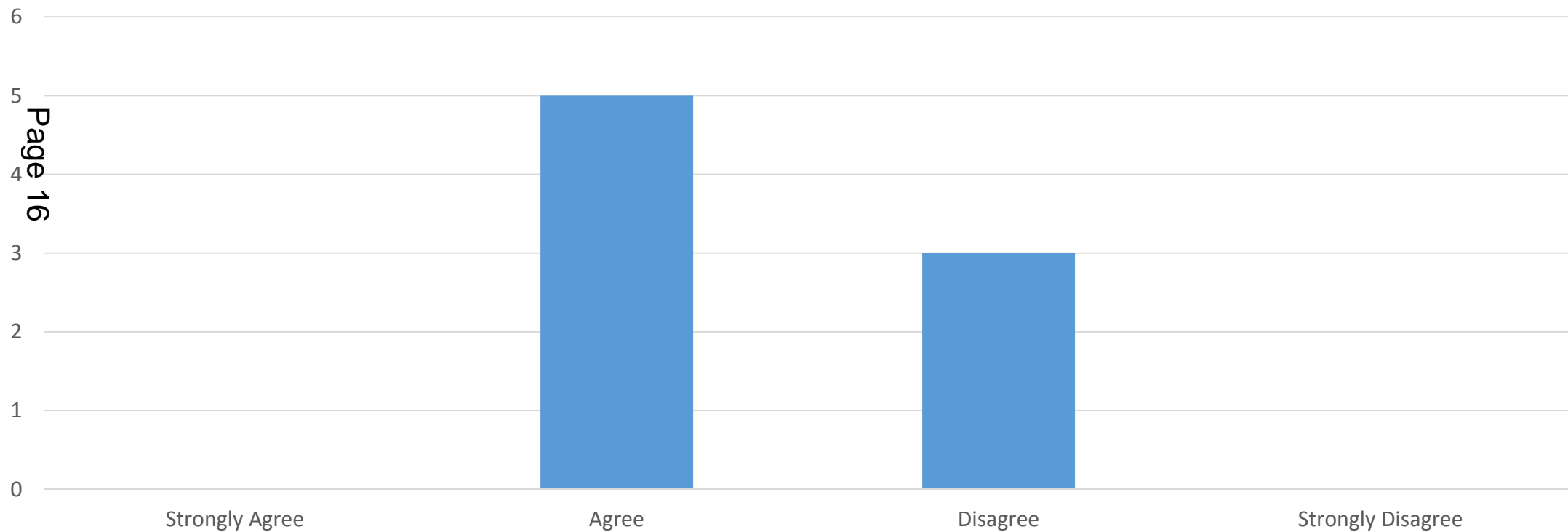
89% of respondents replied in a positive manner (strongly agree or agree)

Question 3: The Council has clear policies and guidance on Ethical standards



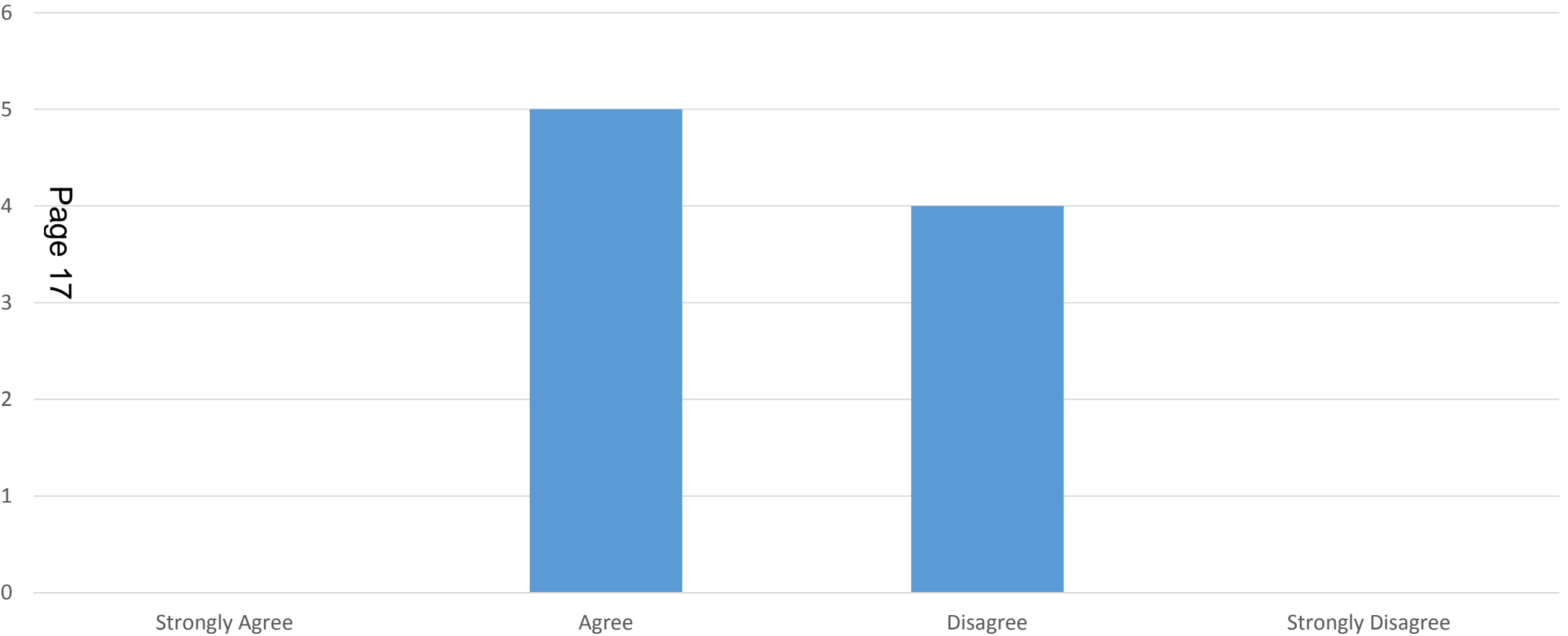
89 % of respondents replied in a positive manner (strongly agree or agree)

Question 4:There is trust and mutual respect between officers and members of the Council



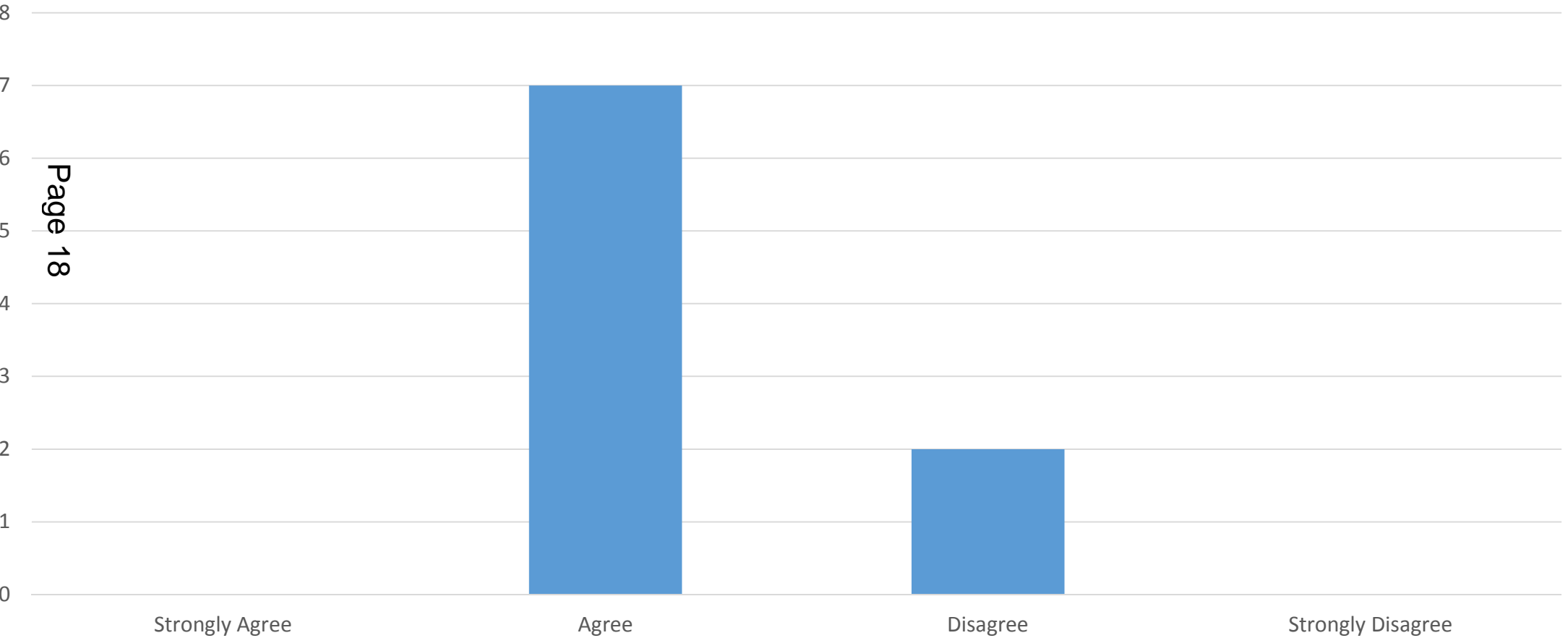
62 % of respondents replied in a positive manner (strongly agree or agree)

Question 5: The differing roles between members and officers in the Council are clearly defined



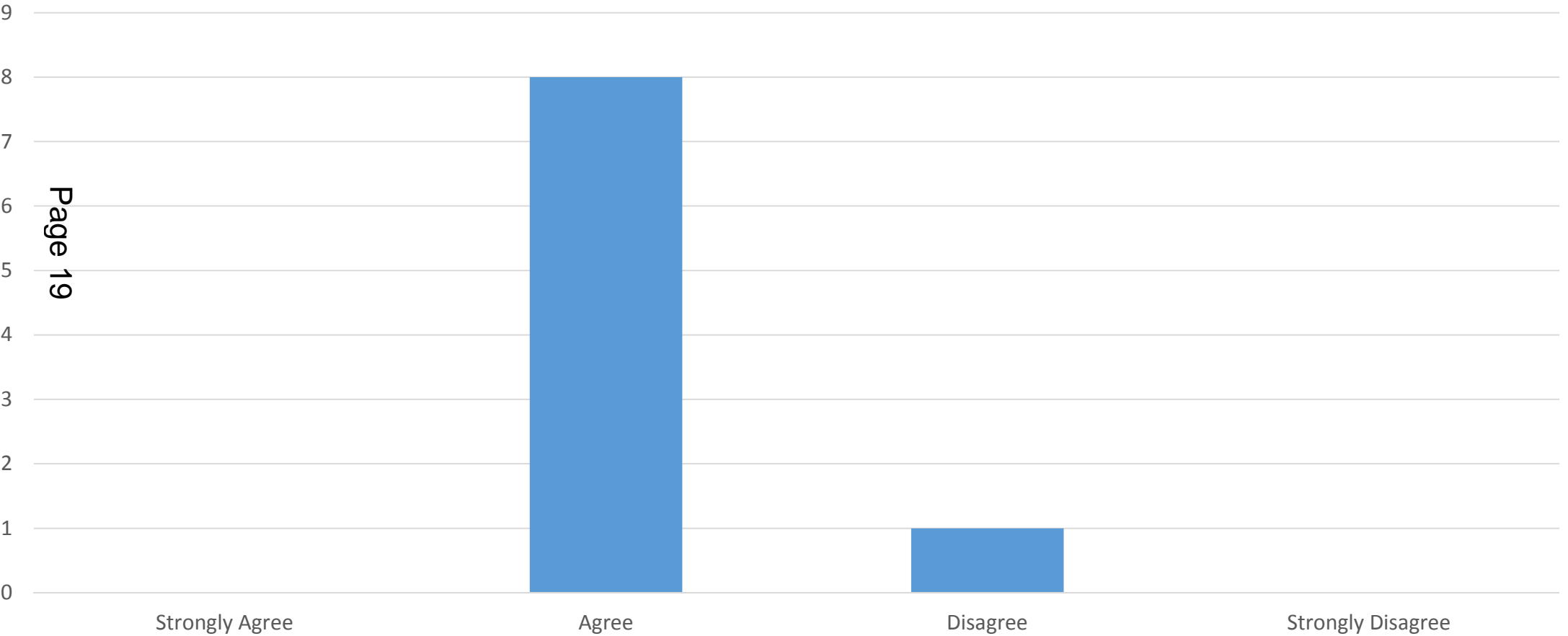
55 % of respondents replied in a positive manner (strongly agree or agree)

Question 6: The behaviour of elected members and officers displays an understanding of ethical standards



78 % of respondents replied in a positive manner (strongly agree or agree)

Question 7: Interests of elected members are declared openly and available to the public

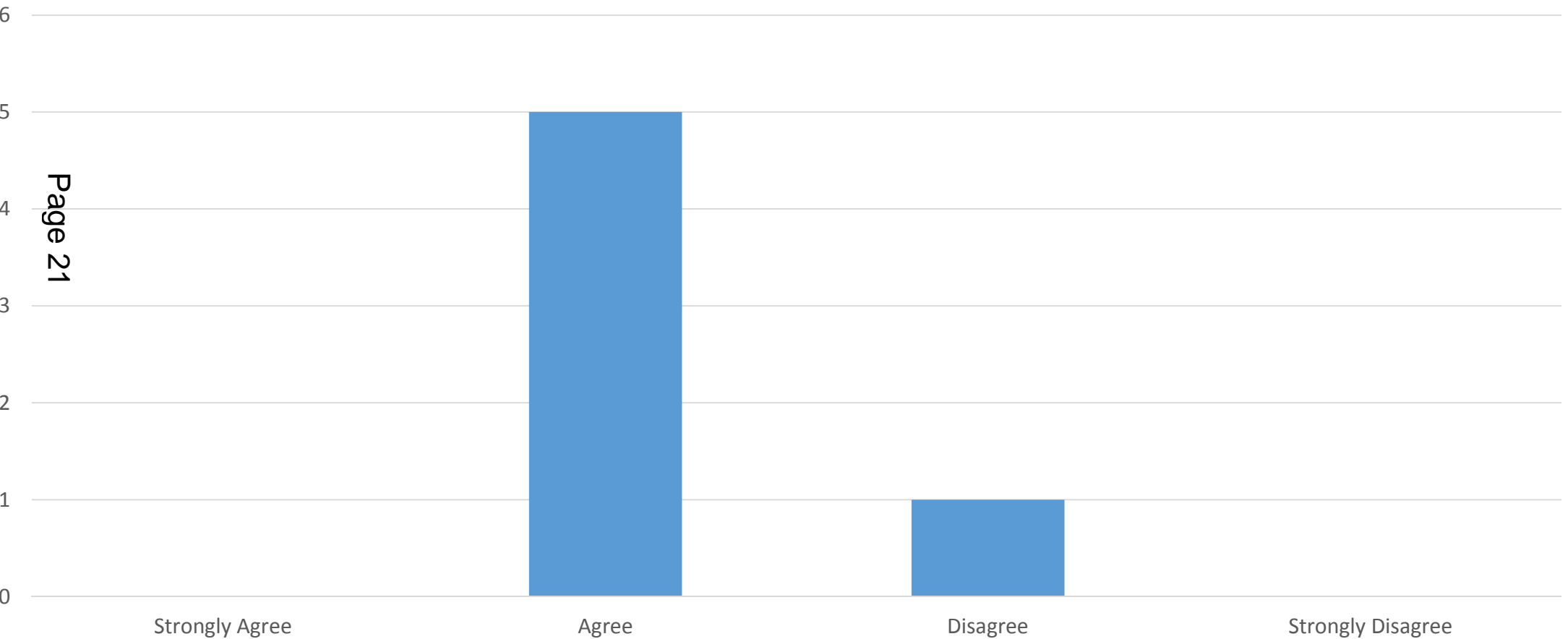


89 % of respondents replied in a positive manner (strongly agree or agree)

Question 8: As an elected member it is easy for me to declare and register an interest

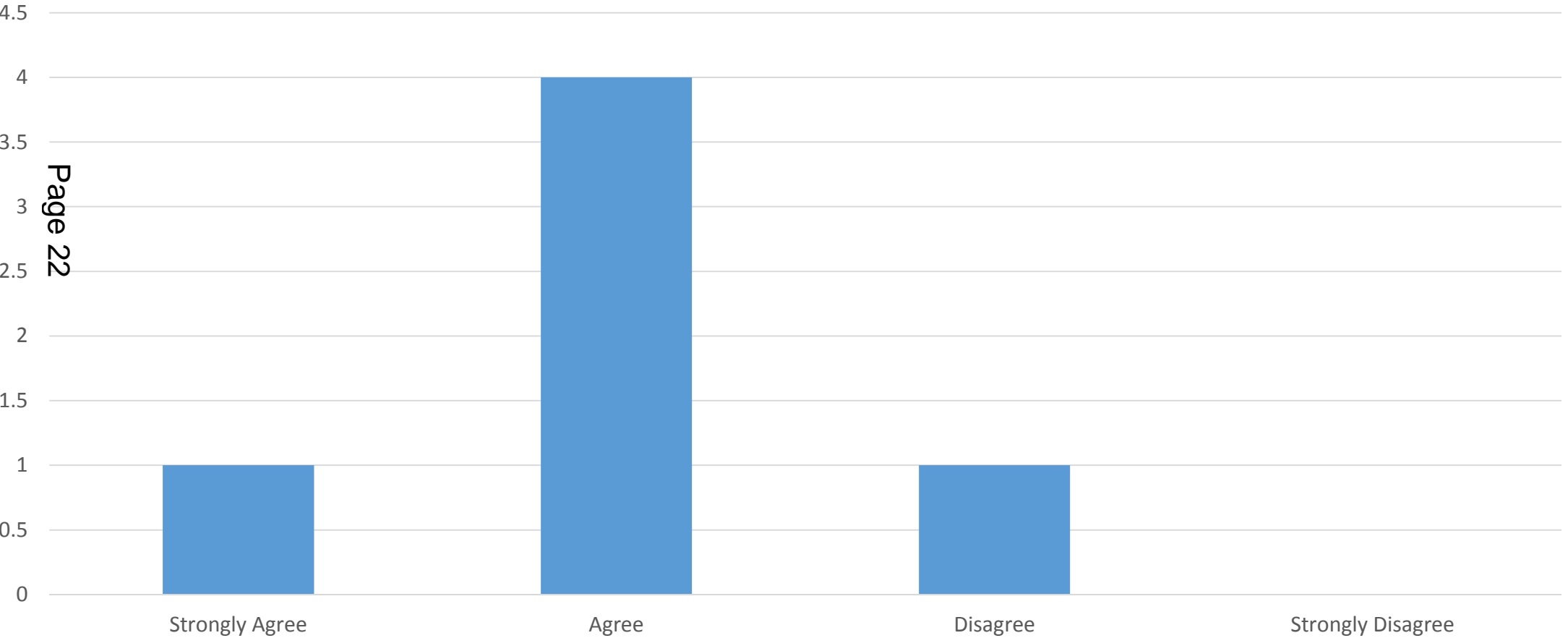


Question 9: I know where to access the Councillor Code of Conduct



55 % of respondents replied in a positive manner (strongly agree or agree)

Question 10: I would benefit from further training on the code of conduct



55 % of respondents replied that they agreed/strongly agreed that they needed further training

Questionnaire Comments

- I have never seen a copy of the Member's code of conduct.
- I suggest a box between agree and disagree is added for future responses. There are some grey areas that are not so clear to define
- The public mistrust of the apparatus of local government is embedded in the community and any decision that a community member does not agree with is often framed in terms of corruption. Additionally, the age of austerity and the need to cut services has driven out openness and transparency. This lack of openness impacts all levels and of the organisation, and the organisation's communications with the community at large. The ongoing need to frame service cuts as improvements and so-called efficiency savings leads mistrust and rightly so. The dialogue should be honest at all levels
- Whenever there are political changes, whether local government elections, by-elections or changes in political leadership/cabinet, and likewise senior management changes - there should automatically be refresher training in place to ensure all new parties are fully aware of the differing roles between members and officers, the code of conduct, declarations of interest and standards.

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