

Minutes



Standards Committee

Date: 14 April 2022

Time: 5.30 pm

Present: Councillors Davies, P Hourahine, A Mitchell (Chair), Watkins (Vice Chair) and Worthington

In Attendance:

Apologies: Councillors D Wilcox

1 Apologies for Absence

Councillor D Wilcox.

2 Declarations of Interest

None

3 Minutes of the Previous Meeting:

The minutes of the meeting held on the 10th March 2022 were accepted as a true and accurate record.

4 Matters Arising

The Chair asked whether the Head of Law and Standards had any comments at this point regarding item 7.

The Head of Law and Standards noted the response to the Richard Penn report was included as a follow on from the previous meeting's discussion for information.

The Head of Law and Standards informed committee that he felt that Monmouthshire Standards Committee felt compelled to write to Welsh Government in an informal capacity.

The Head of Law and Standards highlighted that the letter agreed that the Code of Conduct was fit for purpose but disputed the Ombudsman's implied understanding of the behaviour of Community Council(lors) was correct. The Head of Law and Standards also highlighted Monmouthshire Standards Committee's concern regarding all complaints being referred to Monitoring Officers before going to the Ombudsman and the workload implications this would have for Monitoring Officers and Local Authorities.

Mrs Nurton felt that it was unsurprising to see the comments as it was fed back at the All Wales Standards Conference 2022. Mrs Nurton felt that the letter was well written and hoped that Welsh Government would consider the letter before consultation as it raised an important point that should be considered further. Councillor Hourahine felt that there had been few instances of cases being referred to the Standards Committee and therefore shouldn't be too onerous a duty on Monitoring Officers to accept the new duties.

- The Head of Law and Standards confirmed that Councillor Hourahine was correct in saying there had only been one misconduct hearing in Standards Committee over the past 20 years.
- The Head of Law and Standards highlighted that a significant number of complaints do go to the Ombudsman and are not referred to Standards Committee, which the Monitoring Officers would then be responsible for investigating if the matters were referred.
- The Head of Law and Standards acknowledges that it has been a criticism by the Standards Committees across Wales that they felt the Ombudsman wields too much power regarding cases in which a breach of the Code has occurred but are not serious enough to warrant a sanction by a Standards Committee. The Head of Law and Standards acknowledged that this change would redress this complaint.
- The Head of Law and Standards informed committee that Nick Bennett, the current Ombudsman, stated at the All Wales Standards Committee that he envisaged the Ombudsman investigating serious complaints independently regardless of the change.
- The Head of Law and Standards thought that this would give authorities a chance to look at complaints locally before passing them on to the Ombudsman to refer back to Standards and was a change of process rather than the nature of extent of investigations involved.
- Councillor Hourahine asked whether the Chair and the Head of Law and Standards would draft a letter back.
- The Chair explained that this isn't a letter to be responded to so much as to discuss.

Dr Morgan felt that once Welsh Government published draft guidance and details of the process can be seen, that it would be good to comment at that stage.

- The Head of Law and Standards agreed with Dr Morgan, and noted that when Welsh Government had anything substantive, they would embark on a formal consultation exercise.

5 **Chair's Announcements**

None

6 **Complaints**

1.

The Head of Law and Standards highlighted that the Ombudsman has provided outlines of decision regarding 2 previous complaints.

The Head of Law and Standards highlighted that the letter involving the Llanvaches Community Councillor was not investigated by the Ombudsman as he

felt the behaviour was not sufficiently serious enough to warrant it, but that the Ombudsman would be writing to the Councillor to remind them of their duty. The Head of Law and Standards highlighted that the letter involving the Bishton Community Councillor was not investigated because the allegations were not serious enough to warrant further investigation. The Head of Law and Standards noted that the Ombudsman highlighted a potential breach but that the Ombudsman did not find it to be in the public interest to further investigate. The Head of Law and Standards informed committee that there had been 2 further complaints involving City Councillors.

- The Head of Law and Standards noted that one was raised regarding a conflict of interest for a Councillor's involvement with one of the Council's Joint Venture companies to which he was appointed by the Council and was declared in the Councillor's Register of Member's Interests.
- The Head of Law and Standards informed committee that the second complaint was one the Council had referred itself as the Councillor concerned had committed a criminal offence and had been referred on the basis of bringing the Council and their office into disrepute.

7 Response to Richard Penn Report (For info only)

See discussion regarding the letter from Monmouthshire Standards Committee discussed under Item 4 above

8 Date of the Next Meeting:

14th July 2022 at 5:30pm.

The Head of Law and Standards thanked Councillor Hourahine for his work on Standards Committee in light of the upcoming elections

The meeting terminated at Time Not Specified