

Minutes



Standards Committee

Date: 15 November 2022

Time: 5.30 pm

Venue: Committee Room 4, The Civic Centre

Present: A. Mitchell (Chair), K. Watkins (Vice Chair) J. Davies, P. Worthington, R. Morgan, G. Nurton, Councillors D. Fouweather, F. Hussain and P. Cockeram. Gareth Price (Head of Law and Regulation) and Elizabeth Bryant (Assistant Head of Legal Services). Felicity Collins (Governance Officer) and Pamela Tasker (Governance Officer)

1 Apologies for Absence

Mr Richard Morgan.

2 Declarations of Interest

None.

3 Minutes of the Previous Meeting

Mr Kerry Watkins noted that his apologies were not recorded in item 1 and asked for them to be included.

The Minutes of the last meeting held on 14 July 2022 were accepted and approved as an accurate record of the meeting.

4 Matters Arising

None.

5 Chair's Announcements

None.

6 Group Leaders Discussion

Invitees:

Councillor Jane Mudd – Leader of Newport Labour Party

Councillor Matthew Evans – Leader of Newport Conservative Party

Councillor Allan Morris – Leader of Independent Party Lliswerry

Councillor Kevin Whitehead – Leader of Newport Independent Party

The Chair expressed his concern to Councillor M. Evans that Councillor Fouweather is meant to be a Member on the Standards Committee and has not sat in a meeting as of yet.

Councillor Evans apologised for the absence of his peer.

The Party Leaders were welcomed by the Chair and Committee, and were asked to confirm how they maintain the standards required from their political parties.

Councillor Jane Mudd – Leader of Newport City Council

The Leader explained that she has a dual role as Leader of the Council and Leader of the Labour Group. With regard to the role as Leader of the Council, the Leader explained she meets regularly with the Head of Law and Standards and Democratic Services Manager on a weekly basis to go through the training programme with informal discussions to address emerging issues and put measures in place.

The Leader used an example where she would like fellow elected Members to gain more confidence with IT which she felt would be important with standards not only in relation to the use of the equipment but also in terms of the language used by Members through email which has the potential to unintentionally offend others because of the tone.

The Leader reported that they are looking to address this issue. The Democratic Services Manager is going to introduce drop-in sessions with a more informal nature to discuss aspects that they may not feel confident about to encourage a better atmosphere.

The Leader then covered the group aspect as being Leader of Newport Labour. As with any political party, there are structures in place to implement group discipline. It is a part of Newport Labour's Councillor contract as they are committed to high standards. The structure includes a Party Whip is there for member support as well as other issues.

The Leader explained that as they have a vast number of Members, the new Members have been matched up with more experienced Members for support. The Leader explained that the party want their Councillors to be the best they possibly can for the communities they serve and recognised that they can face challenges on conduct.

Committee raised the following points

- The Chair understood that parties try to limit reputational damage and asked how the party tries to limit its Members being in breach of their Code of Conduct. The Chair also asked if the party has policies in place for reputational damage or would the Members go to the Head of Law and Standards.

The Leader confirmed that in that in those circumstances, Party Members would go to the Head of Law and Standards for guidance but explained that informal processes are in place before any formal actions are taken. The Local Resolution process is very successful. Important to maintain dialogue and support people. The Leader commended the Head of Law and Standards for being helpful with that.

- Mrs Nurton referred to the attendance list and mentioned that 37 out of the 51 Members completed the ethical standards training and asked the Leader what she is doing to encourage all Members to undertake the training.

The Leader explained that they have a reporting structure in which the Democratic Services Manager is able to report back to the group business managers. As training took place early on straight after the election, a lot of Members were away after the campaign. The Leader ensured that they will follow up with a session to ensure as many Members as possible able

to attend. The Leader noted her confidence in the reporting process and mechanisms enable us to identify training attendance.

- Councillor Cockeram commented that he is mindful of the meetings being broadcast, such the pre-meeting chat in the 15 minutes prior to the meeting. Those participating are responsible for those discussions before the recording of the meetings start. The Member believed that all political groups need to be aware of that as it happened at the last full council meeting.
- Mr Watkins noted the mention of informal meetings with colleagues and asked if any of the meetings have been recorded in a formal manner and put in annual reports.

The Leader confirmed that as the Leader, she meets with the Democratic Services Manager and Head of Law and Standards regularly as part of the Cabinet Member Briefing programme with the Democratic Services having oversight of the internal process. The formal minutes are taken in the same way as a public meeting and the records of discussion are kept. The Member advised she could come back to those if the Committee would like them.

The Leader also mentioned the electronic system that the council has which records Members' attendance, this is a huge advantage as it enables the team to download and access that information quickly.

The Chair raised whether in future group leaders would be required to provide something in writing or invite them to meetings to see how things are going. Although next committee meeting is in January Chair suggested all standards training signed off by the second meeting in the New Year.

Following on the conversation, Councillor Evans added that if someone has not attended a meeting, it would be useful if he could be notified of that.

Councillor Matthew Evans - the Opposition Leader (Newport Conservatives)

Councillor Evans introduced himself to the Committee and explained that the Party has two new Councillors and that five of the seven are longstanding. They also have a buddy system in place like Labour Group for support to meet informally and chat things through.

The Members are all signed up to the Conservative Councillor Association and abide by the party rules. All have gone through the selection process and are selected independently. They are offered opportunities for external and internal training. The Opposition Leader went on to highlight that he has recently worked with officers for a local resolution as a Member of the group was abrupt in email correspondence. It was explained that this has been resolved as they have met with the Head of Law and Standards and Chief Whip.

Councillor Evans also mentioned that he has meetings with the Leader on a regular basis, talks to the independent party groups on a need to know basis, and stated that they all signed up to the Code of Conduct at the May Election. As far as the mandatory training goes, we need to attend the training and set an example for all.

Committee raised the following points:

- Dr Worthington thanked Councillor Evans for his introduction and expressed his interest in the notion of buddying the newly Elected Members with longstanding ones. It is important that Members buddying up are fully signed up to the notion of the ethical standards and asked if that culture trickles down.

Councillor Evans mentioned that they have long standing Councillors and that it is important when you have any new Members just as taking on any trainee/apprentice in work that they do not get into any bad habits. Some of the Members of the Newport Conservative Party are long standing business people and Councillor Evans stressed that being a Councillor means having various roles to undertake, and that the Members are aware of their obligations and of his as Party Leader to them.

Councillor Allan Morris – Leader of the Lliswerry Independent Party

Councillor Morris introduced himself to the Committee and noted that his party is the smallest group with two other Members who are very sensible as independents and are reluctant to get involved in things that are beyond their Lliswerry ward. They have a meeting once a month and see Councillor Morris as a mentor, although he admitted that he has not had the training and would be more than happy to undertake any training sessions necessary.

The Chair thanked the Leaders for their introduction and time and asked the Leaders for their feedback on the pro-forma in the report pack. The Chair asked for consideration of whether the Leaders provide verbal feedback for the committee or use the pro-forma.

Party Leader Comments in relation to the pro-forma

- The Leader of the Council pointed out that it refers to a few things as group leaders, with references to complaints to the ombudsman. The Leader highlighted that they are completely confidential. If the Members would find it helpful to provide the Leaders with a guide on what they would like to feedback to them on, the Leader said she was happy to do that. The Leader felt that it would be helpful to have feedback in person as happened today.
- Councillor Evans agreed with Leader to ensure that Members receive the mandatory training for sitting on a committee. As those Councillors sitting on planning and licensing cannot sit in the meetings before they have the training. Member was happy to attend every meeting if necessary but commented that would be more of a tick box exercise.

The Chair thanked all of the Party Leaders for their comments and time and stated it is good to have a chance to meet to discuss how they can work together to ensure that council colleagues and the council reputation is kept safe.

Mr Watkins suggested that a simple annual written report would be essential for the committee to have a record of what has been obtained, and perhaps have a combination with personal interaction to ensure it is satisfactory for all. The Committee Member stated he liked the idea of building the reputation between the party leaders and the committee.

The Chair added that it could be added as the first item on the agenda annually with a short report from the Leaders.

- Mrs Nurton stated that she would prefer regular dialogue with the Leaders and expressed her disappointment that the Committee will have to wait for another two meetings for the Members to complete their training. It was suggested that perhaps those who have not undertaken the training may be long standing Councillors who are already aware of the required standards.

The Chair and Committee agreed that a personal visit biannually would be ideal and to try to receive reports through email from the Leaders.

- Mr Watkins felt that bi-annual meetings would be helpful and that at the end of the year would need something in writing they could know where they stand with training and the ethics involved with the training.

- Councillor Davies would like the committee to keep a record of training attendance; and ask the Members to attend and ask why it has not been carried out as Members should be doing it and suggested to look at next April for another meeting.
- Dr. Worthington agreed with the prior point that an audit written trail is important for good governance with a mix of personal visits and written reporting sounds right. Agree not able to tick of 100% at this stage.
- The Committee agreed to invite the Party Leaders back to their April meeting to have an update on their training and other points to cover. The Chair suggested they could invite the leaders to provide a report beforehand on which way the discussion is likely to go, such as a brief of anything that has happened. Chair asked colleagues in Democratic Services to invite the leaders to the April meeting.
- Councillor Cockeram felt it was important to note that the focus is not just about training but also it should set down what they expect from the Leaders. In his new role as Presiding Member as a longstanding Councillor, he is aware that some Members do not show up to meetings and there is a need to focus on absenteeism rates. Previously needed to explain why not attending meetings. It was suggested that the Standards Committee should set standards for Leaders to confirm their absenteeism rates. Suggested discussing absenteeism of meetings at Standards Committee.
- Councillor Hussain agreed with that notion and stated that Councillors need to be responsible with their role and that they should be notified of absence with an explanation.

The Head of Law and Standards reminded Members that Councillor Attendance is not a code of conduct issue, but behaviour is and that they monitor that. The Councillor Attendance records are published on the website and if they do not attend any meetings within 6 months then they are automatically disqualified. The Democratic Services team keep an active record and assured the Members that they take the point raised but reiterated that it is not about ethical standards.

Similar to complaints to the ombudsman where constituents feel they are not represented much by their councillor which is a matter for voter choice. The Head of Service explained that whilst non-attendance may not look good in a representational role, but it is not something the Council can monitor with code of conduct.

- The Chair referred to the pro-forma leaders report form presented to the Committee, as it was mentioned by Councillor Mudd some parts may not be relevant to the council.

The Head of Law and Standards informed the Members that they are not wedded to the document as it came from Denbighshire Council as an example of some of the questions that might stimulate discussion in the committee meeting.

Agreed that some of the information in terms of numbers of complaints shouldn't be included. It was explained a later item in the meeting covers an update on complaints, presented in a schedule anonymously. The monitoring officer saw no reason why they cannot be shared with the group leaders anonymously, so they can be aware of ongoing complaints raised against Councillors.

The Head of Law highlighted in terms of the approach, the guidance advises that the Committee would need to receive a report from the group Leaders at least once a year which could be either a verbal or written report. And that it is up to the Committee if they would like to meet up with them more frequently should issues arise in the year to deal with specific items in the group or conduct issues.

- The Committee expressed an interest to invite the Leaders back in 6 months' time in order to review their training records and the Officer advised that the committee could defer any written reports after that meeting to see if any specific issues to include.

It was explained that it is important to not make the report too onerous for the Leaders and on reflection of the training record for Code of Conduct training; Democratic Services has only done one training session on 16 May 2022. There are another 16 Members that need to be trained therefore it was acknowledged that the Council needs to arrange mop up sessions for that training in the New Year. The Monitoring Officer recognised that there is more that the council can do to help the Members attend the sessions. It was mentioned that the slides from the training sessions are available for the Members on a shared microsoft teams folder. Therefore, the Members have access to the materials from the training. It is possible that some in their own time may have brushed up on their knowledge, but the team is conscious of the need to arrange some more training session in the New Year before April and advised that they can report back next time on that.

- Mrs Nurton asked if the Members have the opportunity to do training on e-learning.

The Head of Law and Standards highlighted that the only issue with that is method is that they would need to create an e-learning module with questions. At the moment the information in the shared folder are the presentation slides and the information. Preference at the moment would be some further training sessions which can be remotely. The team could look into developing a training module with IT in order to be interactive, but this option will be kept in reserve pending how many members attend the training.

- Mrs Nurton commented that hopefully the National Monitoring Officers Forum would be in place by then and we can share best practice with other Monitoring Officers.

- The Committee Members agreed to invite the Party Leaders back to the Committee in April to finish off 22/23 and then come to some agreement as to how it will be presented to the Committee from there.

7 Whistle-blowing Policy

The Head of Law and Standards asked the Committee Members to consider the updated policy and review its' effectiveness. It was highlighted how they can have an overlap with ethical standards, behaviour and misconduct in public office. The Monitoring Officer explained that every council must have a policy and up to the committee to look at the revised policy and how effective the committee thinks it is in terms of implementation. It explained that the updated policy is on the intranet for all staff and that a communication went out in September with a link to the new policy with a mandatory e-training module. It was pointed out that around 500 members of staff have undertaken the training so far.

Just a question of whether Committee are happy with what has been done with policy and how that has been rolled out to staff.

As background, the Committee was also provided with information on the figures of whistle blower complaints over the last 12 months. Newport had around 5 complaints over the period, which is average according to the table with Rhondda Cynon Taf Council at the top with 18. None of NCC's complaints were upheld, they were more minor disciplinary matters which were dealt with internally. Two of the five issues have not been upheld and the other three involved staff leaving before action could be taken against them. There is one issue outstanding complaint in relation to TTP funding which is still being investigated by the internal auditor and will be reported in next year's figures. Currently not concerns in relation to the complaints.

The MO asked the committee to confirm whether they are happy with the information they have been provided with or whether they need more information.

- Councillor Davies asked who would primarily investigate the complaint and who can access the on-line training module.

The Head of Service advised that the nature of the allegation influences who would need to investigate it. Disciplinary matters would be dealt with under certain disciplinary codes, where the relevant line manager or Head of Service would deal with the investigation. If it were serious financial fraud, then that would be a police matter. If it involved an external agency dealt with on a different basis. If it was a safeguarding complaint would go through the council's safeguarding processes. The training is available to all staff only. It is an internal training policy for staff because the policy applies to council staff.

- The Chair explained that because the policy has been put together by officers, we would normally accept this, but this is slightly different.
- Mr Watkins confirmed he was content with the report and liked the breakdown of where Newport stands with other councils, and that the outcomes of the five complaints mentioned was essential.
- The Committee confirmed that they are content with the policy as it is. It was agreed that the committee would receive an annual report on whistleblowing complaints figures.

8 **Terms of Reference for National Standards Forum**

The Committee was advised that the document came from the National Standards Conference for information. It was highlighted that there was a feeling that regular meetings on an all Wales basis with the Chairs of Standards would be helpful.

This was drafted by the Monitoring Officers Forum with a terms of reference for comment and information. There was a suggestion that the Group will comprise chairs of all 21 Council's committees and the Deputy can attend once a year and the chairing of the group to be rotated every 2 years. The Ombudsman is keen to attend and establish a dialogue so we would encourage Standards Committee participate in that. There's 21 Monitoring Officers, suggestion that one MO from each region attends by agreement and to rotate it to share it. If the Committee has any suggestions then they could feed it back.

- Dr. Worthington asked for the definition of the region, to which the Lead Officer advised Gwent. Dr. Worthington went on to ask if that covers four regions across Wales.

The Head of Law and Standards explained that it is a footprint, as an extended city region. Mainly areas such as Gwent, Cardiff, Bridgend, West Wales. Advised that there are groups within those groups. It was agreed amongst the Monitoring Officers that the chair of each committee is required. The Monitoring Officers meet to discuss legal interest on a quarterly basis and that this is more for the benefit of the Chairs of the Standard Committees.

- Councillor Cockeram asked if the chairs of all of the Standards Committees have an input on how to change guidelines or recommendations to make changes. For example, the Member commented that it is good to see the compliments as well as complaints.

The Head of Law and Standards explained with the idea about the forum, the collective force in terms of opinion can influence the ombudsman, WLGA and Welsh Government. In the conference, the Richard Penn report was mentioned with an independent review of the ethics standards in Wales. A number of recommendations are outstanding as the Welsh Government are yet to adopt them.

It was explained that the informal motion passed to encourage Welsh Government to make those reforms and this forum could go back to WG as lobby the group with a power to make change the Code of Conduct matters for example those that Richard Penn report recommended for change in ethical standards, but not issues such as councillor attendance.

The Committee noted the content of the report and agreed to wait for the first meeting to be convened.

9 **Ombudsman's Annual Report 21/22**

Head of Law and Standards advised the link is attached to the report and that it is in two parts, maladministration complaints about council, which are less of a concern for Standards Committee and more concerned for the Code of Conduct complaints.

Similar report to governance and audit committee, where it would be a report not just on complaints from the ombudsman but from customer services, including the compliments also.

The Head of Law and Standards gave a breakdown of the percentage of the maladministration complaints whereby the numbers increased after the lull from the pandemic. Newport had 40 complaints in 21/22, which saw an increase of 29% compared with the previous year. 4 of which resulted in intervention from the Ombudsman. From a maladministration complaints perspective, there were no serious findings or public reports of maladministration during that period.

Members were signposted to paragraph 5 which shows that although complaints to the Council have increased by 37%. However, we do log compliments, 208 were received, so it is a fairly balanced response of council services. It was noted that 96% of complaints were dealt with internally so did not go to the Ombudsman. The Ombudsman is more concerned with how the complaints are resolved rather than numbers.

The Committee was informed that with the Code of Conduct complaints across Wales, that 294 new complaints were about Member misconduct which is a 5% reduction from last year. As a caveat to that in the previous year the numbers had gone up rapidly so it is still much higher than previous years.

The main concern for the Ombudsman was that the seriousness of complaints had increased. Over 50% failure to show consideration and respect and breaches of equality and can be more serious in terms of bullying and harassment. This is for the financial year 21/22 so not the same as standards committee November to November year.

In terms of the conclusions of what the Ombudsman would like to see in terms of improvements including training sessions being high on the agenda for all Councillors to improve conduct issues.

The Committee thanked the officer for the presentation and report.

10 **Standards Committee Annual Report**

The Head of Law and Standards appreciated that the annual report has come early to Committee as the council meeting is taking place on 22 November with the agenda being published tomorrow. Due to the timing, the officers have had to put the draft report forward this evening which is a summary of the work of the committee from the last 12 months as a statutory report as you now have duty to report annually, including reference to discussions with group leaders.

Committee was advised that usually a Councillor that sits on the committee would volunteer to present it to full council.

Councillor Cockeram agreed to present it in the Full Council meeting as Presiding Member.

- Mrs Nurton asked for a point of accuracy on the training numbers provided as it stated that 34 were remote, and 10 present and asked we can check that.

The Head of Service confirmed that they were about to correct that and that those figures are wrong and assured the committee they will rectify the numbers for the final report. On their record, they have 35 in total, with 4 in person and the rest remote.

- Dr. Worthington commented that he assumed the report would be moving to financial reporting as opposed to November to November.

The Head of Service explained that is a matter for the Committee as it is important that they had a chance to meet with the party group Leaders and that it is entirely up to the Members if they would like to align the meetings to the financial year. November was the earliest the Council could do since the May elections due to the reporting cycle. If the Committee wish to change it to financial year reporting after April, they can do that and aim to get it to the Councill meeting in July as Council meetings take place every 6 weeks. Would need to fit into the Council work programme.

- Dr. Worthington noted he appreciated the work that has gone into it and expressed his concern that he did not wish to put an onus on staff for the period to be either November or financial year and that he has no strong views on that.
- Mrs Nurton noted that Council agendas can be quite full in July and suggested that if they would stick to the November cycle so that it gets due consideration but welcomed officer input on that point.

The Head of Service noted that the Council do not receive the ombudsman report until September anyway as the next council is November, so it would not be that much out of sync should the Committee prefer to stick to the November cycle.

The Committee considered the points raised in the discussion and agreed to leave the cycle as it stands in November.

11 **Complaints Update**

The Head of Law and Standards advised that the report is made as a written record going forward and as mentioned earlier we can share this information with group leaders so that they are aware of any ongoing complaints, and explained that they kept them anonymous as the individuals mentioned could be easily identified. It was highlighted that the outcomes are recorded and therefore suggested that in future, for reporting that this format could be used as a running log of complaints and suggested that the Committee could add it in to make a composite list.

- Councillor Davies commented that he could not see much on the complaints about Bishton Community Council and asked if that fell in the previous year.

The Head of Law and Standards confirmed that it was due to that reason and that the schedule contained ones that are ongoing. Therefore, they started afresh this year and will look to add to it.

- Councillor Davies noted how the ombudsman took 18 months to deal with the complaint.

The Head of Law and Standards informed the Committee that ombudsman complaints can take 12 months to be dealt with, it was mentioned that one in the schedule may go back further than that as the investigations take a significant period of time.

The letter from the ombudsman included in the report is to be read in conjunction with the report as they are piloting a new triage system in terms of complaints. This is where they look at complaints first and decide whether they need to investigate before they notify the relevant Monitoring Officer and Councillor. Prior to the system, it could be spurious where they had to notify the Monitoring Officer and Councillor and the Councillor would be invited to comment on it. The triage system would filter out some of the complaints and inform them of the outcome.

- Councillor Cockeram queried as he is on the Standards Committee, he asked for clarity on where he would stand on a hearing sitting if a complaint was made about a Councillor in the same political group.

In response, the Head of Service informed the Councillor that it is entirely up to him. The Member was advised that if the Councillor was a close personal friend; then he would have to declare an interest and stand down. It was noted that being in the same political party does not disqualify someone from sitting in judgement and conducting a hearing. The issues is whether you can be seen as fair and unbiased. If the member was a close personal friend, you would probably excuse yourself from the hearing but that is a personal choice and judgement. You want a balanced panel of elected and independent members.

12 **Date of Next Meeting**

Thursday 12 January – 5.30pm – Committee Room 1

The Chair and Committee wished to take a chance to thank the Head of Law and Standards for all of his support over the years, and wished him a long and happy retirement.

The Head of Service expressed his thanks to the Members for their support along the years.

13 **Webcast of Committee**

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The meeting terminated at 18:34