

Report

Council



Part 1

Date: 23 November 2021

Subject **Standards Committee Annual Report 2020/2021**

Purpose To present the Standards Committee Annual Report for 2019/20

Author Head of Law and Regulation
Chair of Standards Committee

Ward General

Summary This Report presents to Council the eighth Annual Report of the Standards Committee for 2019/20. The Annual Report provides information to the Council about the work carried out by the Committee during the previous 12 months, identifies any specific issues that have arisen and sets out the forward work programme for the forthcoming year.

This eighth Annual Report covers the period from November 2020 to November 2021 and follows on from the last report presented to Council in November 2020.

Proposal **To receive the Standards Committee Annual Report for 2020/21 and to note the forward work programme.**

Action by Head of Law and Regulation

Timetable Immediate

This report was prepared after consultation with:

- Standards Committee
- Head of Finance
- Head of People and Business Change

Signed

Background

1. The Local Government Act 2000 Part III requires the Council to establish a Standards Committee to promote and maintain high standards of ethical conduct by Councillors, co-opted members and Community Councillors. This role involves advising and training Members on the Code of Conduct, determining any complaints of misconduct, the imposition of sanctions, where appropriate, and considering any applications for dispensation under the Code.
2. The composition and membership of the Standards Committee is prescribed by the Standards Committees (Wales) Regulations 2001 (as amended) and comprises:-
 - 5 independent members (including an independent chair and vice-Chair)
 - 3 Councillors
 - 1 community council representative.
3. The Standards Committee is required to meet at least once annually in accordance with the Local Government Act 2000. In practice, the Committee meets on a scheduled quarterly basis and additional special meetings are arranged, as necessary, to deal with specific matters such as misconduct hearings and requests for dispensation.
4. The Annual Report provides information to the Council about the work carried out by the Committee during the last 12 months, identifies any specific issues that have arisen and sets out the forward work programme for the forthcoming year.
5. This eighth Annual Report covers the period from November 2020 to November 2021 and follows on from the last report presented to Council in November 2020.
6. This Annual Report has previously been presented to Council on a voluntary basis. However, as from May 2022, there will be a statutory requirement under the Local Government & Elections (Wales) Act 2021 for Standards Committee to make an annual report after the end of each financial year and for full Council to consider that report within 3 months. The statutory report must describe how the Committee's functions have been discharged during the previous year and, in particular, must include a summary of any reports, actions or recommendations made or referred to the Committee. In addition next year's Annual Report must include an assessment of the extent to which leaders of political groups on the Council have complied with their new duties to promote and maintain high standards of conduct within their groups.
7. For the first time this year, Standards Committee was called upon to conduct a misconduct hearing and to impose a sanction on an elected member. This case should act as a salutary lesson for all members regarding their position of trust and responsibility and the need to avoid using this position improperly. A full copy of the decision is attached to the draft Annual Report and all members are encouraged to read and take note of the reasons for this decision.
8. No complaints were formally determined under Stages 1 and 2 of the Local Resolution Protocol and no complaints were referred to Standards Committee under Stage 3 during 2020/21.
9. The report confirms that 3 complaints were referred to the Ombudsman about City Councillors during the last year and 8 complaints were made regarding community councillors. In addition to the one complaint that resulted in a finding of misconduct and a 3 months suspension, the other two complaints about City councillors were not accepted for formal investigation on the basis that they did not disclose any evidence of a breach of the Members Code of Conduct. With regard to the complaints about community councillors, two were not accepted for formal investigation as they did not constitute a breach of the Code. Two other complaints were not accepted for formal investigation on the basis that, although the behaviour of the community councillors concerned had shown a lack of respect and consideration for others and was, therefore, a breach of the ethical standards of behaviour set out in the Code, the breaches were not serious enough to warrant further action and it was not in the public interest to impose any sanctions. However, the

Ombudsman wrote to the two community councillors to remind them of their obligations under the Code and to warn them about not being abusive and disrespectful towards members of the public in future and not to bring their office into disrepute. The remaining 4 complaints about community councillors are still under investigation and awaiting a decision from the Ombudsman.

10. The training requirements for City Councillors, community councils and their clerks will continued to be monitored and reviewed as part of the Committee's forward work programme, particularly as we move towards the next round of local government elections in May 2022. The mandatory training modules for the Code of Conduct will be refined and redeveloped in readiness for the members induction programme, immediately following the elections.
11. The Annual Report also sets out a summary of the general work of the Committee during 2020/21 and contains a draft forward work programme for the forthcoming 12 months.

Financial Summary (Capital and Revenue)

There are no financial implications as the costs of operating and supporting the Standards Committee are covered within existing budgets. Independent members of Standards Committee receive a fixed fee for attendance at and preparation for meetings in accordance with the half daily rates prescribed by the IRP for Wales.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
An ineffective Standards Committee would undermine public confidence in local government and would lead to poor quality decision making, with the risk of legal challenge, reputational harm to the Council and sanctions imposed on individual Members	H	L	By proactively promoting high standards of ethical conduct among elected Members and officers and delivering effective training, there have been no findings of misconduct and no serious complaints of breaches of the Code.	Standards Committee Monitoring Officer Deputy Monitoring Officer
Failure to agree key priorities and a structured forward work programme could lead to a reduction in standards and behaviour and undermine the effectiveness of the Committee	M	L	The forward work programme sets out a structured basis for reviewing all ethical standards policies and procedures and reviewing training needs and development	Standards Committee Monitoring Officer Deputy Monitoring Officer

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

The promotion of high standards of ethical conduct among elected Members and officers maintains public confidence in local government and are enshrined in the Council's well-being plan and objectives under the Well-being of Future Generations (Wales) Act.

Options Available

- (a) To receive the Standards Committee Annual Report and note the forward work Programme.
- (b) To reject the report and/or ask for further work to be undertaken

Proposed Action

- (a) To receive the Standards Committee Annual Report and note the forward work Programme

Comments of Chief Financial Officer

There are no financial implications.

Comments of Monitoring Officer

Included in the report.

Comments of Head of People and Business Change

It is important the Council is able to maintain high standards in the conduct of Elected Members in all Council business and decision making undertaken. This report reflects the transparency and effectiveness of the Standards Committee in 2020/21. It will also be important that the Council considers the outcomes of this report and act upon the areas of learning and improvement identified in the report.

There are no specific staffing implications or policy implications.

Fairness and Equality Impact Assessment:

The principles of fairness and equality are embodied within the Members Code of Conduct and the Ethical Framework. No FEIA is required, as the Annual Report to Council is for information purposes only.

Background Papers

None

Dated: 16 November 2021