

Draft Minutes



Standards Committee

Date: 13th July 2023

Time: 5:30pm

Venue: Microsoft Teams Meeting

Present: A. Mitchell (Chair), J. Davies, R. Morgan, Councillors F. Hussain and W. Routley. Elizabeth Bryant (Head of Law and Satdnards), Leanne Rowlands (Democratic and Electoral Services Manager) Emily Mayger (Governance Officer)

1 Apologies for Absence

Paul Worthington, Gill Nurton, Kerry Watkins, Cllr Paul Cockeram

2 Declarations of Interest

None

3 Minutes of the Previous Meeting: (Pages 3 - 12)

Accepted.

Resolved:

The Minutes of the Previous Meeting on the 13th April were agreed as a true and accurate record.

4 Matters Arising

The Chair noted that in the previous meeting the Committee agreed that the Group Leader's should attend the Committee every 6 months and noted that they should be invited to the next meeting in October.

5 Chair's Announcements To receive any announcements the Chair wishes to make.

No announcements

6 Complaints The Monitoring Officer will report on any complaints received since the last meeting.

The Head of Law and Standards noted that there were several complaints to report to Committee, four of which were from Langstone Community Council. The Head of Law and Standards stated that three of the complaints were about a single Councillor with the first being that the Councillor had driven his car at the complainant in a country lane. The Head of Law and Standards noted that this did not meet the Ombudsman's first test for investigation;

- a) that there is no evidence that there has been a breach of the authority's code of conduct;

Although there had been evidence provided to the police it was not also provided to the Public Services Ombudsman for Wales (PSOW) and so it was determined that there was no evidence of a code of conduct breach.

The Head of Law and Standards noted that the second complaint was regarding a misleading written statement to appeal a Planning Decision for Planning and Environment Decisions Wales, but added that there was no investigation due to the complaint not meeting the first test that the PSOW applies.

The Head of Law and Standards stated that the third complaint had been that the Councillor had passed information to a friend to be posted on social media stating that they had driven a car at the complainant's daughter, and the police had been called. The Head of Law and Standards explained that the Ombudsman had found no evidence to substantiate a code breach and added that on two of the occasions raised the person in question had not been a Community Councillor at the time.

The Head of Law and Standards explained to the Committee that the fourth complaint had been about another member who had allegedly written a misleading statement in relation to an appeal for Planning and Environment Decisions Wales; this complaint had also failed to pass the Ombudsman's first stage test and so there had been no further investigation. The Head of Law and Standards confirmed that this concluded the Community Council complaints.

The Head of Law and Standards stated that there had been a complaint about City Council regarding the criminal conviction of a former City Councillor who had been referred by the Monitoring Officer to the Ombudsman on two grounds. The Head of Law and Standards noted that firstly the former City Councillor's criminal Conviction had brought the Council and their office into disrepute, and secondly that they had made comments on a Scrutiny Committee to gain an advantage for themselves. The Head of Law and Standards stated that the PSOW investigated the matters and found that the criminal convictions may amount to a breach of conduct and so it had been referred to the Adjudication Panel for Wales. The Head of Law and Standards noted that the claim that the former Councillor had used their position to gain

advantages for themselves had not been upheld. The Head of Law and Standards stated that the Adjudication Panel for Wales issued a unanimous decision that the nature of the criminal offence and the publicity surrounding it had reflected poorly on the former Councillor and their office and had brought the Council into disrepute. The Head of Law and Standards noted that the sanction had been a disqualification of the former Councillor for 9 months, preventing them from serving Newport City Council or any other local authority, and that the Standards Committee must be notified.

The Committee queried the total amount of time the complaint process had taken for the Community Council complaints from start to finish and if there was a time difference between the length of time the PSOW took to consider complaints about the Community Councillors and the City Councillors.

The Head of Law and Standards noted that complaints against Community Councillors are made by members of the public so the Council are not aware when the complaints are made and are only notified of the decision but added that in her experience they often take a long time as PSOW would consider high volumes of complaints due to the number of Principle and Community Councils across Wales.

The Chair noted that the Committee are at a disadvantage due to the complaints being sent straight to the PSOW but considered the outcome of the decision to be the most important part, further noting that the Committee would not be able to affect or change the running of the Ombudsman.

Committee Members considered that it would be unpleasant for the Councillors to have the complaints hanging over them.

The Head of Law and Standards explained that where there is no evidence for the Ombudsman these claims are more likely to be dealt with fairly quickly and noted that in cases where there is evidence, they are likely to take more time due to the investigation process.

A Committee Member queried the former City Councillor's ban as mentioned by the Head of Law and Standards and asked when this would begin from.

The Head of Law and Standards noted that it was from the date of the decision but added that she would confirm this. The Head of Law and Standards stated that they were no longer a Councillor and explained that the tribunal had most likely taken this into account when making their decision.

The Chair noted that when they had dealt with a complaint at Standards Committee in the past the sanction had taken place from the end of the business day that the decision had been made.

Resolved:

The Committee noted the verbal update.

7 Penn Report The Head of Law and Standards to provide a verbal update.

The Head of Law and Standards reminded the Committee that there had been an independent review of the Ethical Standards Framework commissioned by the Welsh Government and noted that a number of recommendations came from that review. The Head of Law and Standards explained that the Welsh Government had then opened up the recommendations for consultation across Wales, and the Monitoring Officer group had discussed a joint all-Wales response; this had been circulated to the Standards Committee and no further points had been raised. The Head of Law and Standards noted that this had then been submitted as part of the consultation and that the findings will be reported back to Committee at a future meeting. The Head of Law and Standards noted that quite a few of the recommendations were not taken forward, but consultation responses had been provided on the recommendations that had been taken forward.

Resolved:

The Committee noted the verbal update and requested that the Report to be circulated again for information purposes.

8 Community Council Support Democratic and Electoral Services Manager to provide a verbal update.

The Democratic and Electoral Services Manager provided an update on the support for Community Councils through the first two liaison meetings in 2023. The Democratic and Electoral Services Manager noted that in the first meeting there had been five representatives in attendance and explained that the meeting had focused on the role of the Standards Committee and that interaction, the role of Community Councils and the underpinning legislation including roles and responsibilities of Community Councils.

The Democratic and Electoral Services Manager noted that in the next meeting there had been a higher attendance of eight representatives and that there had also been a police representative there for the Community Council to be able to ask questions and receive a police update. The Democratic and Electoral Services Manager added that they had discussed the new legislative requirements for an Annual Report and noted that it was positive to hear that many of the Community Councils had been aware of this, and had already begun working on them. The Democratic and Electoral Services Manager explained that much of the content are things that Community Councils should

already be doing and that it is just a case of bringing it together under the Annual Report.

John Davies noted that from that meeting his Community Council had been in contact with the police and they had received a newsletter, and was hoping that they would be able to attend the Community Council meeting in September.

The Democratic and Electoral Services Manager noted that this was positive and that it would be a case of ensuring they are keeping in touch going forward.

The Democratic and Electoral Services Manager felt that the meetings had been useful as there had been different levels of experience around the table which meant that they could share best practice and use. The Democratic and Electoral Services Manager added that they had also discussed the complaints process and casual vacancies.

The Democratic and Electoral Services Manager added that between the two liaison meetings, Community Councils had been invited to join a Planning Wales meeting concerning the Local Development Plan, and added that there would be a further liaison meeting in September. The Democratic and Electoral Services Manager added that they had also discussed a Standards Committee member attending the next liaison meeting; the Chair noted he would be happy to attend.

The Democratic and Electoral Services Manager gave an update on the Community Council forward work programme and stated that they would be looking at the Gwent Wellbeing Plan, Local Action Plans and the changes under the Local Government and Elections Act. The Democratic and Electoral Services Manager noted that something that the Community Council representatives felt that personal safety support would be helpful, and added that they were in the midst of agreeing dates for a training course in conjunction with the police. Health and Safety would also be invited to a future meeting to provide guidance on legislation and risk assessments and how the Council can support them with these.

John Davies commented that it had been a very constructive meeting.

Resolved:

The Committee noted the verbal update, and the Chair will be invited to the next Community Council Liaison meeting.

9 Forward Work Programme

The Chair stated that the next meeting in the forward work programme would include re-meeting with the group leaders for discussion.

The Head of Law and Standards added that there would be an update on the Statutory and Non-Statutory Guidance for local authorities.

Resolved:

The Committee approved the Forward Work Programme

10 Date of the Next Meeting 19 October 2023 at 5:30pm

The Chair added a point of last business and wished to welcome Councillor William Routley formally to the committee.

Cllr Routley thanked the Chair and noted that although he had already met with the committee it had been good to participate in the meeting as a committee member.