



Standards Committee Annual Report 2022-23

Foreword by the Chair

I am pleased to present the tenth Annual Report of the Standards Committee for 2022/23. The Annual Report provides information to the Council about the work carried out by the Committee during the past 12 months and identifies particular issues that have arisen.

This tenth Annual Report covers the period from December 2022 to March 2023 and follows on from the last report presented to Council in November 2022. The Annual Report was previously presented to Council on a voluntary basis. However, Section 63 of the Local Government & Elections (Wales) Act 2021 introduced an additional statutory duty under Part 3 of the Local Government Act 2000, which requires 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, the 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. Copies of this Annual Report must also be sent to the Public Services Ombudsman for Wales and to the local community councils.

Section 63 of the 2021 Act inserts a new section 56B into the 2000 Act which places a requirement on Standards Committee to make an annual report to the relevant authority. In the case of a principal council, the requirement to report to "the authority" in this context includes any community councils in its area. The draft guidance set out those matters that should be included within the annual report. We were satisfied that the format of this Annual Report to full Council meets most of the requirements of the 2021 Act. The only difference is that the statutory report needs to be in relation to the previous financial year, while the current report (usually presented in November) reflects on the previous 12 calendar months. In order to support this change, this report considers a brief period of time that spans from the time of presenting the last report, to the end of the last financial year. In terms of the future work programme, it may be advisable to bring the annual reporting year more into line with the financial year and presenting this report earlier in the year. Also, the guidance recommends that the Standards Committee annual report is also submitted to each of the local community councils and a copy is sent to the Ombudsman. The annual report also needs to set out how the Committee is discharging its new duties in relation to monitoring group leaders' compliance with their new duties, and the provision of advice and training to group leaders.

The Standards Committee is committed to promoting high standards of ethical conduct among elected Members and officers in order to maintain public confidence in local government. The Committee will continue to proactively review all ethical standards policies and procedures as part of the forward work programme.

This year, we are pleased to report that no serious complaints of misconduct were referred to the Standards Committee by the Ombudsman during the reporting period and no complaints were referred for determination by the Committee under Stage 3 of the Local Resolution Protocol. However, as I have mentioned previously, there is no room for complacency, and it is essential that these standards are maintained.

The training requirements for City Councillors, community councils and their clerks will continue to be monitored as part of the Committee's forward work programme. We will also be undertaking a review to ensure that all mandatory training has been completed and that all declarations of acceptance of office and registers of members' interests have been completed fully.

There have been no changes to the independent members of the Standards Committee during the past year and John Davies continues to serve as the community council representative.

Councillors Paul Cockeram, Farzina Hussain and David Fouweather continue to serve on the Committee as elected member representatives.

Finally, I would like to thank all Members of the Committee and Council officers for their advice and support throughout the last 12 months.

Andrew Mitchell (Chair of Standards Committee)

1. **Introduction**

1.1 **Terms of Reference**

The Local Government Act 2000 Part III requires the Council to establish a Standards Committee to carry out the following statutory functions: -

- (a) Promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- (b) Assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training, or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (f) Granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Dealing with any reports from the Monitoring Officer and hearing any complaints of misconduct or breaches of the Members' Code of Conduct referred by the Public Services Ombudsman for Wales and determining appropriate action, including the imposition of any sanctions;
- (h) The exercise of (a) to (g) above in relation to the community councils and the members of those community councils.

As from May 2022, the Standards Committee also has the following additional statutory functions, in accordance with the Local Government & Elections (Wales) Act 2021

- (i) Monitoring compliance by leaders of political groups on the Council with their duties under section 52A (1) of the 2000 Act (as amended) to take reasonable steps to promote and maintain high standards of conduct by the members of their groups, and to co-operate with Standards Committee in the exercise of these functions.
- (j) Advising, training, or arranging to train leaders of political groups on the Council about matters relating to those duties

Standards Committee also carries out the following additional functions, making recommendations to the Council, as appropriate:-

- (k) The hearing and determination of “low level” complaints of misconduct at Stage 3 of the Local Resolution Protocol;
- (ii) Providing advice to the Council on the Council's Codes of Practice, including the Officers' Code of Conduct and the Whistle Blowing policy;
- (iii) Monitoring and updating the Codes of Practice as required; and
- (iv) Overseeing the Council's confidential complaints procedure;

1.2 Structure and Membership

The composition and membership of the Standards Committee is prescribed by the Standards Committees (Wales) Regulations 2001 (as amended).

The Standards Committee comprises: -

5 Independent Members (persons who have no connection with the local authority)

- Andrew Mitchell (Chair)
- Kerry Watkins (Vice Chair)
- Dr Paul Worthington
- Richard Morgan
- Gill Nurton

3 councillor representatives: -

- Councillor Paul Cockeram
- Councillor Farzina Hussain
- Councillor William Routley (replacing Councillor David Fouweather as from May 2023)

1 community council representative: -

- John Davies (Bishton Community Council)

The independent members serve a term of office of 4 years, although they are eligible to serve two consecutive terms of office. The Councillors are appointed annually by the Council at the AGM and replacement members can be appointed, as necessary, at any time. The community council representative continues as a member of the Committee until his term of office ends or he ceases to be a community councillor, or until he is replaced by another nominee.

1.3 Enforcement of the Members Code of Conduct

The Council's Monitoring Officer is Elizabeth Bryant, the Head of Law & Standards, and the Deputy Monitoring Officer is Mike Wallbank, the Assistant Head of Legal Services

The Monitoring Officer and Deputy Monitoring Officer are responsible for: -

- advising Standards Committee on law and procedure,
- ensuring compliance with statutory requirements (Registers of Members interest etc.)
- resolution of "low-level" complaints under Stage 2 of the Local Resolution Protocol
- investigation of complaints referred by the Ombudsman

The Public Services Ombudsman for Wales ("Ombudsman") is responsible for: -

- considering all formal complaints of breaches of the Members Code of Conduct and applying a two-stage test of (1) prima facie evidence of misconduct and (2) whether the breach is so serious as to warrant any sanction
- investigating and reporting (where appropriate) any serious breaches of the Code to the Standards Committee or a Case Tribunal of the Adjudication Panel for Wales

The Adjudication Panel for Wales: -

- Case Tribunals hear serious misconduct cases referred by the Ombudsman
- Interim Case Tribunals can suspend Councillors for up to 6 months pending investigation of serious complaints
- Determine appeals against Standards Committee decisions or sanctions
- Can suspend Councillors for up to 1 year or disqualify for up to 5 years

The Standards Committee

- Conduct hearings and determine complaints referred to them by the Ombudsman and the Monitoring Officer
- Can censure or suspend Councillors for up to 6 months

2. The Committee's work in 2022/23

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.

Three members are required to attend for a quorum at meetings (including the independent Chair or Vice Chair) and at least half of those present must be independent. The community council representative is not “independent” for this purpose.

The Standards Committee met on one occasion during the reporting period, which is much shorter than usual to align with the new legislative requirements: -

- 12th January 2023

The meeting has been conducted in accordance with Sections 46 and 47 of the Local Government and Elections (Wales) Act 2021 and the Council’s published arrangements for “hybrid” or multi-location meetings. The Committee meeting has been conducted on a “hybrid” basis, with some members present in person and others joining remotely, and the meetings have been broadcast live.

2.1 Dispensation Applications

There have been no applications for dispensations during the reporting period in accordance with the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 and Section 81(4) of the Local Government Act 2000.

Standards Committees are able to grant special dispensation for individual members to speak and/or vote on a particular matter where they would otherwise be disqualified because of a “personal interest” under the Code.

2.2 Local Resolution Protocol

In accordance with the recommendations of the Minister for Local Government and the Ombudsman, the Council has adopted an internal procedure for dealing with “low-level” member/member and officer/member complaints that are not sufficiently serious as to warrant formal investigation and sanction.

It was agreed that the Monitoring Officer would periodically update the Committee on the numbers and types of complaints determined at officer level under Stages 1 and 2 of the Protocol but maintaining the anonymity of both the complainant and the Councillor concerned.

No complaints were formally determined under Stages 1 and 2 of the Protocol and no complaints were referred to Standards Committee under Stage 3 during the reporting period.

One Voice Wales has developed a similar Local Resolution Protocol for community councils, in conjunction with the Ombudsman, and further guidance has been provided. The responsibility for resolving these minor complaints rests with the community council clerk, the Chair and Vice-Chair. The Monitoring Officer and Deputy Monitoring Officer will continue

to provide advice and assistance to community council clerks in relation to the local resolution of minor complaints.

2.3 Succession Planning

In accordance with the Standards Committee (Wales) (Amendment) Regulations 2006, independent members are appointed for a period of four years, but they can be re-elected for a second term of office. However, after a consecutive period of 8 years' service, their term of office automatically comes to an end.

There have been no changes to the independent members of the Standards Committee during the reporting period and John Davies continues to serve as the community council representative. Councillors Paul Cockeram, Farzina Hussain and David Fouweather continue to serve on the Committee as elected member representatives.

Andrew Mitchell continues to serve as the independent Chair of Standards Committee and Kerry Watkins continues as the Deputy Chair.

2.4 Group Leaders duty

Section 52A(1)(a) of the 2000 Act (as amended by the 2021 Act) requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must take reasonable steps to promote and maintain high standards of conduct by the members of the group. A "group" for this purpose is defined as 2 or more members who give notice to the Proper Officer that they wish to be treated as a group for the purposes of political balance requirements and the allocation of seats on Council Committees. It should be noted that opposition Group Leaders are only entitled to receive a senior salary under the IRP determinations if their group represents not less than 10% of the overall Council membership (which means a minimum of 6 Councillors, as from May 2022, when the Council was increased to 51 members). The guidance makes it clear that this duty does not make leaders of a political group accountable for the behaviour of their members, as conduct is a matter of individual responsibility. However, they do have a role in taking reasonable steps in maintaining standards, setting an example, using their influence to promote a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues as soon as they arise. A leader of a political group who fails to comply with the new duty in a meaningful way, may potentially be regarded as bringing their office into disrepute, and likely to be in breach of the Code.

Section 62(3) of the 2021 Act amends section 54 of the 2000 Act to extend the specific functions of a Standards Committee to include monitoring compliance by leaders of political groups with the new duty to promote and maintain high standards of conduct by members of their group. The draft Guidance issued by Welsh Government suggests that the political group leaders and Standards Committee should agree on the form and frequency of a report from each group leader to the Committee, which would then consider each report and provide feedback to the group leaders. Standards Committee must also provide advice and training or arrange to train group leaders on the new duty. At the start of each administration this should take place within six months of the election and be reviewed at least annually.

The guidance also suggests that the Standards Committee may wish to meet with group leaders periodically to review behaviour.

In November 2022, the Standards Committee met with leaders of all four political groups on the Council – Labour, Conservative, Newport Independents Party and Lliswerry Independents group –, to agree how this duty should be monitored and the nature and frequency of the information that should be submitted to the Committee. We discussed the following matters: -

- demonstrating personal commitment to and attending relevant development or training around equalities and standards;
- encouraging their group members to attend relevant development or training around equalities and standards;
- demonstrating personal commitment to and attending relevant development or training around equalities and standards;
- encouraging group members to attend relevant development or training around equalities and standards;
- ensuring nominees to a Committee have received the recommended training for that Committee;
- working to implement any recommendations from the Standards Committee about improving standards;
- working together with other group leaders, to collectively support high standards of conduct within the Council.

Group Leaders were invited to attend the Committee in April 2023 to share updates with the Committee concerning the learning and development activities completed by their members, including that which relates to the standards and behaviour expected from members under the Code of Conduct. Group Leaders were invited to present to the Committee, and to provide a written update summarising these points. The Committee looks forward to this opportunity to find out more about the steps that the Group Leaders are taking to promote and maintain high standards of ethical conduct within their respective groups.

(c) Ombudsman's Annual Report

The Ombudsman's Annual Report is issued in the months following the end of the financial year. This will be tabled for discussion at the Committee following receipt and be considered as part of the next Annual Report.

2.5 Ombudsman complaints

The Ombudsman advises the Monitoring Officer of complaints made against elected members of Newport City Council and community councillors and the outcome. The Monitoring Officer updates the Committee at each meeting about the numbers of on-going complaints being referred to and considered by the Ombudsman's office. This information is provided on a general basis, without disclosing precise details of individual complaints, to avoid any issues about pre-determination in case the complaints are reported to the Standards Committee for determination.

The Committee was advised that 1 complaint was referred to the Ombudsman during the reporting period about a City Councillor and 1 further complaint was determined by the Ombudsman as requiring a referral to the Adjudication Panel for Wales.

The only complaint regarding a City Councillor concerned a failure to respond to telephone calls made by a professional acting on behalf of the complainant. The Ombudsman declined to investigate the matter on the basis that insufficient evidence had been provided of a breach and it was unlikely to be in the public interest to investigate the matter further.

The decision by the Ombudsman to refer a complaint to the Adjudication Panel for Wales relating to the criminal conviction of the form Councillor Chris Evans and a decision from the Panel is awaited during the reporting period.

3. Forward Work Programme for 2022/23

| Date | Topic | Information |
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| As and when applications received Review annually | Dispensations | Granting individual and blanket dispensations to Councillors. Reviewing decisions annually to identify common issues and consistency of approach. Produce guidance to Members on any issues arising. |
| As and when required | Local Resolution Protocol complaints | Update of numbers of complaints received and outcomes. Update on complaints resolved through Local Resolution Protocol |
| Quarterly | Complaints of Misconduct | Conducting hearings into any Stage 3 complaints by Members or Officers . |
| April 2023 | Group Leaders Discussion | Review compliance by leaders of political groups on the Council with their duties under section 52A of the 2000 Act to take reasonable steps to promote and maintain high standards of conduct by the members of their groups, and to co-operate with Standards Committee in the exercise of these functions. |

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| | | Advising, training, or arranging to train leaders of political groups about matters relating to those duties, as necessary |
| April 2023 | National Standards Committee Forum Feedback | Chair to share highlights of the inaugural meeting of the Forum which will consist of all local government organisations in Wales with 4 monitoring officers in attendance at any one time from principal councils, a monitoring officer from the Fire Service and one from the National Park Authorities. |
| April 2023 | Code of Conduct and General Member Training Update | Under the Council's Constitution, the Standards Committee is required to promote and maintain high standards of conduct by councillors. This includes ensuring that members have access to training regarding the Members' Code of Conduct. Ensuring that members have access to a reasonable level of training and development. falls under the remit of the Cabinet Member for Education and Early Years, and the Democratic Services Committee. This information only report includes an update on training conducted since local elections in May 2022 until December 2022. |
| July 2023 | Penn Report | Verbal update. |
| July 2023 | Community Council Support | Verbal update. |
| October 2023 | Annual Report to Council | This tenth Annual Report covers the period from December 2022 to March 2023 and follows on from the last report presented to Council in November 2022 as the statutory report needs to be in relation to the previous financial year. In order to support this change, this report considers a brief period of time that spans from the time of presenting the last report, to the end of the last financial year. In terms of the future work programme, it may be advisable to bring the annual reporting year more into line with the financial year and presenting this report earlier in the year. |

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| | | <p>Review of work undertaken in the shorter reporting period, identifying any specific ethical standards issues facing the Council and priorities for the forthcoming year. This is a statutory requirement.</p> <p>The statutory report must describe how the Committee's functions have been discharged during the period and must include a summary of any reports, actions or recommendations made or referred to the Committee.</p> <p>In addition, the 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.</p> <p>Copies of the Annual Report must be sent to the ombudsman and all community councils.</p> |
| October 2023 | Group Leaders Discussion | <p>Review compliance by leaders of political groups on the Council with their duties under section 52A of the 2000 Act to take reasonable steps to promote and maintain high standards of conduct by the members of their groups, and to co-operate with Standards Committee in the exercise of these functions.</p> <p>Advising, training, or arranging to train leaders of political groups about matters relating to those duties, as necessary</p> |
| October 2023 | Welsh Government Statutory and Non-statutory Guidance for Principal Councils in Wales (including guidance on standards of conduct) | To update the Committee in relation to the final Statutory Guidance issued by the Welsh Government which was previously reported during the consultation process in March 2022 |
| January 2024 | Community Council Review - review of Code of Conduct Compliance and Register of Interests | Check that statutory registers are being properly maintained and procedures for declarations have |

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| | | <p>been completed by community councils, following the elections</p> <p>Engage with community councils to ensure compliance and to identify any training and development needs.</p> |
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4. Helpful Information

4.1 Can I attend Meetings of the Standards Committee?

Yes, all our meetings are open to the public, except for specific items where personal or confidential information is likely to be disclosed and the public interest requires that these meetings are conducted in private, for example hearings into misconduct complaints

Dates of forthcoming meetings, agendas, reports and minutes are available on our own webpage on the Council website which can be accessed by clicking here: [Standards Committee Webpage](#)

4.2 Who do I contact if I want to know more?

If you wish to find out more about the Standards Committee or make a comment or suggestion, please visit our website: [Standards Committee Webpage](#) where you will find an online contact form or email us at info@newport.gov.uk

Andrew Mitchell
Chair of the Standards Committee

Liz Bryant
Head of Law and Standards

Leanne Rowlands
Democratic and Electoral Services Manager

Anne Jenkins / Taylor Strange
Governance Officers