



## **RHONDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **STANDARDS COMMITTEE**

**27 NOVEMBER 2020**

#### **STANDARDS COMMITTEE WORK PROGRAMME**

#### **REPORT OF THE MONITORING OFFICER**

##### **1. PURPOSE OF THE REPORT**

The purpose of the report is to review the Committee's Work Programme and agree items for consideration by the Standards Committee during the Municipal Year 2020-2021.

##### **2. RECOMMENDATION**

- 2.1 Subject to any amendments Committee Members' may have it is recommended the Work Programme for the Municipal Year 2020-2021, as set out in Appendix 2 to the report, be adopted.

##### **3. BACKGROUND**

- 3.1 The Standards Committee's Terms of Reference, as detailed in Appendix 1 to this report, set out the remit of the Committee to monitor, review and advise on matters relating to the Ethical code; Members Code of Conduct and associated matters of governance and probity.
- 3.2 To enable the Committee to fulfil its role an annual work programme is developed. The Committee is asked to give consideration to standard monitoring reports and any issues arising from the Committee's work in promoting high standards of conduct. The views of this Committee assist in the development of an ongoing work plan.
- 3.3 Attached at Appendix 2 to the report is a draft Work Programme for the Committee for the Municipal Year 2020-2021.
- 3.4 As a result of the ongoing COVID-19 pandemic the Committee's previously scheduled meeting in April of this year was cancelled. Where appropriate it is proposed reports that were aligned to that meeting be realigned into this Municipal Year's Work Programme.
- 3.5 The draft Work Programme reflects ongoing priorities and standard reports and the frequency of reporting. The Committee is invited to review the draft Work Programme taking into account available resources, and add or remove items as necessary.

#### **4. LEGAL IMPLICATIONS**

- 4.1 There are no legal implications arising from this report however the Committee is reminded of its statutory role contained in the extract from the Local Government Act 2000 set out below which should be considered alongside its terms of reference when setting the Work Programme:

##### *54 Functions of standards committees*

*(1) The general functions of a standards committee of a relevant authority are--*

*(a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and*

*(b) assisting members and co-opted members of the authority to observe the authority's code of conduct.*

*(2) Without prejudice to its general functions, a standards committee of a relevant*

*authority has the following specific functions—*

*(a) advising the authority on the adoption or revision of a code of conduct,*

*(b) monitoring the operation of the authority's code of conduct, and*

*(c) advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.*

- 4.2 The Committee has the same statutory functions in relation to Community and Town Councils (and Community and Town Councillors) as it has in relation to this Council and its Councillors (pursuant to section 56(1) of the Local Government Act 2000).

#### **5. CONSULTATION**

- 5.1 There are no consultation implications arising from this report.

#### **6. EQUALITY AND DIVERSITY IMPLICATIONS**

- 6.1 There are no equality and diversity implications arising from this report.

#### **7. FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 There are no consultation implications arising from this report subject to the agreed Work Programme being delivered within existing financial resources.

**LOCAL GOVERNMENT ACT 1972**  
**AS AMENDED BY**  
**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**STANDARDS COMMITTEE**  
**27 NOVEMBER 2020**  
**REPORT OF THE MONITORING OFFICER**

**Background Papers:** Freestanding matter

**Contact:** Mr. Andy Wilkins (Director of Legal Services & Monitoring Officer)

## **STANDARDS COMMITTEE - TERMS OF REFERENCE**

### **Composition**

- (a) **Membership.** The Standards Committee is composed of 6 Members. Its membership includes:
  - (i) 3 'independent' Members, who are not either a Councillor or an Officer or the spouse of a Councillor or an Officer of this Council or any other relevant Authority as defined by the Act, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001;
  - (ii) 2 Councillors other than the Leader and not more than one Member of the Executive; and
  - (iii) 1 Community Council Member
- (b) **Term of Office**
  - (i) Independent Members are appointed for a period of 6 years and may be reappointed for a consecutive term not exceeding 4 years.
  - (ii) Members of local authorities who are members of the Standards Committee will have a term of office of no more than four years or until the next ordinary local government election following their appointment, whichever is the shorter. They may be reappointed for 1 further consecutive term.
- (c) **Quorum.** A meeting of the Standards Committee shall only be quorate when:
  - (i) at least three Members, including the Chairperson, are present, and
  - (ii) at least half the Members present (including the Chairperson) are Independent Members.
- (d) **Voting.** Independent Members and the Community Council Member will be entitled to vote at meetings.
- (e) **Chairing the Committee.**
  - (i) Only an Independent Member of the Standards Committee may be the Chair.
  - (ii) The Chair and Vice Chair will be elected by the Members of the Standards Committee for whichever is the shortest period of (a) not less than 4 years or no more than 6 years, or (b) until the term of office of the Independent Member comes to an end. The Chair and Vice Chair can be appointed for one period only.

## **Role and Function**

The Standards Committee will have the following roles and 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 a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that Officer by the Public Services Ombudsman For Wales;
- (h) overview of the Council's whistleblowing policy;
- (i) overview of complaints handling and Ombudsman investigations;
- (j) oversight of the Members' protocols adopted by the Council;
- (k) oversight of the register of personal interests maintained under Section 81 of the Local Government Act 2000;
- (l) oversight of the gifts and hospitality register;
- (m) monitor adherence to the Council's Management of Unreasonably Persistent Customers Policy by Group and Service Directors; and
- (n) the Committee will exercise the functions set out in (a) - (g) above in relation to Community Councils and Members of Community Councils.



## STANDARDS COMMITTEE WORK PROGRAMME

**Forward plan of proposed Committee Business for the 2020 - 2021 Municipal Year**

**Specific Period: - September 2020 – April 2021**

***N.B – The work programme is subject to change to take account of any additional / deletion of reports, including any new consultative documents or legislative initiatives from the Welsh Government, which require urgent attention, Public Services Ombudsman For Wales referrals and hearings under the Council's Local Resolution Protocol – Standards of Conduct to be followed by Members***

Key Decision	Brief Outline	Responsible Officer	Open / Exempt Report	Consultation undertaken prior to Decision being made?
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## NOVEMBER 2020

27.11.20

Draft Standards Committee Work Programme	To consider a draft Work Programme for the Committee for the Municipal Year 2020 - 2021	Monitoring Officer	Open	Chair of the Committee
Public Services Ombudsman For Wales – Annual Report and Letter 2019 - 2020	To provide Members with a summary of Code of Conduct matters as set out in the Ombudsman's Annual Report and Letter to this Council 2019 – 2020	Monitoring Officer	Open	Cabinet / Overview and Scrutiny Committee
Public Services Ombudsman For Wales – Summary of Complaints 2019-2020	Summary of Complaints against Members from the 1 <sup>st</sup> April 2019 – 31 <sup>st</sup> March 2020	Monitoring Officer	Open	None
Public Services Ombudsman For Wales – Code of Conduct Casebooks	To consider the Code of Conduct Casebooks for the months October – December 2019 (Issue 23)	Monitoring Officer	Open	None
Code of Conduct Refresher Training	To receive an oral update on proposed arrangements for Code of Conduct refresher training for County Borough and Town/Community Councillors	Monitoring Officer	Open	None
Adjudication Panel Decisions	To provide an information report in respect of recent Adjudication Panel Decisions	Monitoring Officer	Open	None
Dispensation Applications	To consider three applications for dispensations made in accordance with The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001	Monitoring Officer	Open	None
Adjudication Panel For Wales Presidential Guidance	To consider the recently published APW Presidential Guidance on the conduct of Tribunals	Monitoring Officer	Open	None

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## MARCH 2020

19.03.21

Local Resolution Process For Town and Community Councils – One Voice Wales	To provide Members with information and seek the Committees endorsement in respect of One Voice Wales' Local Resolution Procedure for Town/ Com Councils	Monitoring Officer	Open	None
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Key Decision	Brief Outline	Responsible Officer	Open / Exempt Report	Consultation undertaken prior to Decision being made?
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Standards Committee Annual Report 2020 - 2021	To consider a draft Standards Committee annual report for the Municipal Year 2020 -2021	Monitoring Officer	Open	None
Adjudication Panel For Wales Annual Report 2019-2020	To consider the Adjudication Panel For Wales' Annual Report 2019-2020 following publication	Monitoring Officer	Open	None
Code of Conduct Refresher Training	To receive an update on the roll out of Code of Conduct refresher training	Monitoring Officer	Open	None
Update on Local Government and Elections (Wales) Bill	To receive an update in respect of aspects of the bill relating to the terms of reference of the Standards Committee and associated ethics issues	Monitoring Officer	Open	None
Review of the Procedures for dealing with complaints referred to the Committee by the PSOW	To Review the procedures and determine whether any amendments are required to be made and ensure they remain fit for purpose	Monitoring Officer	Open	Review other LA policies to identify areas of best practise

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## MISCELLANEOUS

(the following items to be considered as and when appropriate / necessary during the Municipal Year)

Public Services Ombudsman For Wales – Code of Conduct Casebook	To provide information in respect of the quarterly publication of the Code of Conduct Casebook by the Public Services Ombudsman For Wales	Monitoring Officer	Open	
Dispensation Applications	To consider applications for dispensations made in accordance with The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001	Monitoring Officer	Open	
Local Resolution Protocol – Standards of Conduct To Be Followed By Members	To consider complaints made under Stage 2 of the Local Resolution Protocol	Monitoring Officer	Open	
Public Services Ombudsman For Wales – Members Code of Conduct Complaints	To consider any allegations that a Member has failed or may have failed to comply with the Members Code of Conduct contained in a report of the Public Services Ombudsman For Wales undertaken under Section 69 of the Local Government Act 2000	Monitoring Officer	Open	
Review of Standards Committee Member's Training Needs	To consider any requirements in respect of Committee Members' training needs	Monitoring Officer	Open	



Key Decision	Brief Outline	Responsible Officer	Open / Exempt Report	Consultation undertaken prior to Decision being made?
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