



## **RHONDDA CYNON TAF COUNCIL STANDARDS COMMITTEE**

Minutes of the meeting of the Standards Committee meeting held on Friday, 23<sup>rd</sup> of November 2018 at 10.00 am at the Council Chamber, The Pavilions, Cambrian Park, Clydach Vale, Tonypany, CF40 2XX.

### **Present:**

#### **Independent Members:**

Mr M Jehu (Chairman)

Mr D. Bowen

Mr J. Thomas

#### **County Borough Councillors - Standards Committee Members in attendance:-**

Councillor E Webster

Councillor C. Willis

#### **Community Councillor:**

Mr R. Butler

#### **Officers in attendance**

Mr A Wilkins, Head of Legal - Corporate & Democratic Services

Mr C Jones, Director, Legal & Democratic Services

Mr C Hanagan, Director of Communications & Interim Head of Democratic Services

### **19. WELCOME**

The Chair welcomed everyone to the Committee and thanked everyone for coming

### **20. APOLOGIES**

An apology for absence was received from County Borough Councillor M. Forey

### **21. DECLARATIONS OF INTEREST**

In accordance with the Council's Code of Conduct, there were no



declarations made pertaining to the agenda.

**22. MINUTES**

It was **RESOLVED** to approve the minutes of the 18<sup>th</sup> of September and 22<sup>nd</sup> of October 2018.

**23. APPLICATION FOR DISPENSATION - COUNTY BOROUGH COUNCILLOR P. JARMAN**

The Director, Legal and Democratic Services referred Members to his report, which sought the Committee's endorsement to grant dispensation to County Borough Councillor P. Jarman to speak and vote on all matters for the duration and adoption of the 2019-20 Budget process in her capacity as Leader of the Opposition.

County Borough Councillor P. Jarman's son works in the Streetcare Department and lives with her at her home address. Councillor Jarman therefore seeks a dispensation to speak and vote on all services affected by the Budget. In her application for dispensation, Councillor Jarman states that by virtue of being Leader of the Opposition Group, her participation in the Budget process is justified.

One of the grounds for granting dispensation is:

"(f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise"

Following consideration of the report, it was **RESOLVED** –

1. To grant County Borough Councillor P. Jarman a dispensation to speak and vote on all matters for the duration and adoption of the 2019-20 budget process in her capacity as Leader of an Opposition Group;
2. To acknowledge that Councillor Jarman's son works in the Streetcare Department and lives with her at her home address and she therefore be granted dispensation to speak and vote on all services affected by the 2019-2020 Budget.

**24. APPLICATION FOR DISPENSATION – COUNTY BOROUGH COUNCILLOR R. BEVAN**



In his report, The Director, Legal and Democratic Services outlined an application that had been received from County Borough Councillor Bevan for dispensation to speak and vote on all matters relating to the Community and Children's Services Group, save for any specific matters that directly affect his daughter who is employed by the Council in the Community and Children's Services Group as the Service Manager for Access and Enablement.

Following consideration of the report, it was **RESOLVED** to grant County Borough Councillor R. Bevan a dispensation to speak and vote on all matters relating to the Community and Children's Services Group, save for any specific matters that directly affect his daughter, who is employed by the Council in the Community and Children's Services Group as the Service Manager for Access and Enablement, with such dispensation being reviewed by the Standards Committee on an annual basis.

## **25. STANDARDS COMMITTEE WORK PROGRAMME**

Committee Members were asked to review the Committee's draft Work Programme and agree items for consideration by the Standards Committee during the Municipal Year 2018-2019.

Members were directed to Appendix 2 of the report and consideration was given to items that were on the draft Work Programme for the Standards Committee meeting in March 2019.

The Chair emphasised the importance of having a Work Programme going forward and it being flexible. Discussions ensued around Members training and the experience of Chairs and Vice Chairs to lead a committee.

Following discussion, it was **RESOLVED** to agree the Work Programme for the 2018-2019 Municipal Year as appended at Appendix 2 to the report.

## **26. SOCIAL MEDIA AND THE MEMBERS' CODE OF CONDUCT**

Committee Members were provided with copies of the 'Welsh Local Government Association's Social Media' booklet and a booklet on 'Handling Online Abuse for Councillors'. These booklets have also



provided to all Elected Members of the Council.

The Director of Communications & Interim Head of Democratic Services also provided the Committee with an oral update in respect of the use of social media in RCT.

To begin, the Director advised Members that the 'Welsh Local Government Association's Social Media' and 'Handling Online Abuse Guidance for Councillors' publications provide Members with a comprehensive guide on how to deal with the challenges presented by the use of Social Media.

The Director informed the Committee that whilst social media can present a number of challenges, it also presents the opportunity for Members to engage with the public.

Members of the Committee were advised that section 4 of the Welsh Local Government Association's Social Media publication is the most important section as it gives advice to Members on how to deal with negative comments or online abuse. The Director of Communications & Interim Head of Democratic Services advised the Committee that Members are also told to consider sections 7 and 8 as these sections are significant in terms of complying with the Data Protection Act 2018.

Discussions ensued and the Director of Communications & Interim Head of Democratic Services informed the Committee that the Council encourages Members to engage in Social Media training. The Council also publishes its own social media standards and this will continue to be reflected in future training procedures.

The Committee noted that traditional roles of customer care are declining. The Director of Communications & Interim Head of Democratic Services advised the Committee that the Council has a significant amount of followers on Social Media. A Committee Member queried whether the Council could start communicating via WhatsApp. The Director advised Members that it is a consideration for the Council, as this would allow the Council to respond more proactively to inbox messages. Members were advised that in 2017, the Council received 30,000 inbox messages and in 2018, they have received over 40,000 messages to date. The Committee noted that this has been increasing each Municipal year.

A Member queried whether the messages are mostly complaints or praise from members of the public. The Director of Communications & Interim Head of Democratic Services advised the Committee the each Service Director in the Council would be able to provide further information on



this. The Director assured the Committee that the Council captures this information and uses it to improve services.

Discussions ensued and a Member queried if the Council was considering increasing its presence on Social Media and if so, how this could be done in terms of staffing numbers. The Director advised that at the moment, the Council's social media site is being run by one person. This can create a challenge in terms of any annual leave or sickness. Committee Members were advised that the Council is looking to progress in this area and discussions have centred on the possibility of upskilling to a contact centre and creating work experience opportunities.

The Chair emphasised that Members are never 'off duty' and they must always be aware that whatever they say on social media can be held against them. The Director informed the Committee that it is up to Members how they manage any online activities. Further caution was provided to Members who provide personal information online. The Committee agreed that this could leave the Member in a vulnerable position.

The Chair thanked the Director of Communications & Interim Head of Democratic Services for providing the Committee with such a comprehensive report.

Following discussion, Members **RESOLVED** to acknowledge the contents of the report.

## **27. LOCAL RESOLUTION PROCESS FOR TOWN AND COMMUNITY COUNCILS- ONE VOICE WALES- ORAL UPDATE.**

The Monitoring Officer provided Members with an update following consideration of the One Voice Wales Local Resolution Process at the Community Council Liaison Committee held on the 25<sup>th</sup> of September 2018.

During a Standards Committee meeting held on Tuesday, the 18<sup>th</sup> of September 2018, Members were advised that the Ombudsman's guidance on the Code of Conduct for Community and Town Councils encourages the use of local resolution for low level complaints.

Members had previously commented on the benefits of a local resolution protocol for both Community and Town Councils, although Members did acknowledge that some Community and Town Councils would not be members of One Voice Wales. It was therefore considered advisable that those Councils should seek to adopt a similar set of local resolution



procedures, if they had not done so already.

The Director of Communications & Interim Head of Democratic Services had previously referred the Committee to the Community Liaison Committee that was scheduled for the 25<sup>th</sup> September, and advised Members that the matter would be taken forward for that Committee's consideration.

The Monitoring Officer noted that the feedback from the Community Liaison Committee on the 25<sup>th</sup> of September 2018 has generally been positive.

The Chair was pleased with this and Members **RESOLVED** to receive a further update on next year's Work Programme.

## **28. PUBLIC SERVICES OMBUDSMAN FOR WALES- ANNUAL REPORT AND LETTER 2017-2018**

In his report, the Monitoring Officer provided a summary of Code of Conduct matters as set out in the Ombudsman's Annual Letter 2017/18 to the Council, which was attached as an Appendix 1.

The Monitoring Officer provided Members with a summary of matters pertaining to standards of conduct of County, Town and Community Councillors as set out in the Public Services Ombudsman for Wales (PSOW) Annual Report and Annual Letter to the Council for 2017-2018.

The Monitoring Officer began by outlining the background to the report. The Annual Report for 2017-2018 has been published by the PSOW. The report also issues an Annual Letter to each Local Authority in Wales with a summary of complaints received by his office that relate specifically to that Local Authority. The Monitoring Officer referred the Committee to Appendix 1 of the report. The AR breaks down the complaints into those received about services and those received in relation to code of conduct (CCCs) complaints.

The Committee noted that the number of CCCs has risen by 14% since 2016-17. The 14% increase in CCCs is due to an increase in complaints regarding Town and Community Councillors, which have risen by 33% on last year.

The Monitoring Officer highlighted that the most common outcome of the complaints were that they were 'Closed after initial consideration'. Committee Members were informed that the PSOW would only



investigate the more serious complaints where an investigation is required in the public interest.

The Monitoring Officer also outlined to Members that of the cases the PSOW investigated and closed this year, three cases were referred to the Adjudication Panel for Wales. In two cases, serious breaches of the Code were found based on the PSOW's investigations and reports. Both cases involved allegations of bullying and harassment against staff.

The Director of Communications & Interim Head of Democratic Services informed the Committee that the Council recognises that support and training for Members is vital. A Member queried what support is being offered by other Local Authorities. The Director of Communications & Interim Head of Democratic Services informed the Committee that other Local Authorities are also being very proactive about Member training. The Committee agreed to monitor if complaints in other Local Authorities is increasing or decreasing. The Chair commented that an apology is no substitute for good behaviour.

Following a discussion on the issues raised, it was **RESOLVED** –

1. To note the contents of the Ombudsman's Annual Letter for 2017/18.
2. To receive an update from the Monitoring Officer on next year's Work Programme.

## **29. ADJUDICATION PANEL FOR WALES- REVISED SANCTIONS GUIDANCE**

The Monitoring Officer provided Committee Members with the Adjudication Panel for Wales (APW) revised sanctions guidance, for when a Councillor has been found to have breached the Members' Code of Conduct (the 'Code') by a case tribunal or an appeal tribunal.

The Monitoring Officer began by referring the Committee to Appendix 1 of the report, which sets out the Guidance that came into effect on the 1<sup>st</sup> of September 2018.

Committee Members were informed that the purpose of the guidance is to assist the APW's case tribunals, when considering the appropriate sanction to impose where a Councillor has been found to have breached the Code. Members noted that the Guidance also provides support to local Standards Committees, in maintaining, promoting and adjudicating on the Code.



The Committee noted that there are five purposes to a sanction;

- A disciplinary response
- To place the misconduct on public record
- Deter future misconduct
- Promote a culture of compliance
- To foster public confidence in local democracy

The Monitoring Officer advised the Committee that there are three types of tribunals; a case tribunal, an interim case tribunal and an appeal tribunal. The Committee noted that there is a five stage process for a tribunal in determining sanction;

- Assess the seriousness of the breach and the consequences for the individual
- Identify the sanction that will be the most appropriate in relation to the breach
- Consider any mitigating factors
- Consider any further adjustments necessary
- Confirm the decision on sanction (written decision and explanation)

The Monitoring Officer then referred the Committee to Paragraphs 34 to 66 of the Guidance, which explains in detail how these stages will work. The Committee noted that Paragraphs 36 to 38 gives examples of the type of behaviour that could lead to harsher sanctions. Members were informed that the Guidance also provides an explanation of the other four stages of the process for determining sanction.

Discussions ensued and the Chair commented that the Guidance is a useful and detailed document. Members of the Committee endorsed the Chair's comments.

Following discussion, Members **RESOLVED** to acknowledge the contents of the report.

### **30. THE CHAIR'S CLOSING REMARKS**

Before closing the meeting, the Chair informed the Committee that Mr Colin M Pallant had been appointed as a Reserve Independent Member on the Standards Committee.

The Chairman wished to place on record his personal congratulations to Mr Pallant. Members endorsed the Chairman's comments. The Chair informed the Committee that Mr Pallant would be attending a meeting of



the Standards Committee in March 2019.

The Chairman informed Members that this would be the last meeting of the Standards Committee before Christmas. The Chair thanked Members for their attendance throughout 2018 and wished Committee Members a lovely Christmas and a Happy New Year.

The Chair reminded Members that the next meeting of the Standards Committee would be held on Friday, the 22<sup>nd</sup> of March at 10am.

**This meeting closed at 10:50 am**

**Mr M Jehu**

**(Chair)**



**RHONDDA CYNON TAF**

