



RHONDDA CYNON TAF COUNCIL STANDARDS COMMITTEE

Minutes of the virtual meeting of the Standards Committee meeting held on Friday, 27 November 2020 at 10.00 am

County Borough Councillors - Standards Committee Members in attendance:-

Mr M Jehu MBE
Councillor M Forey Councillor E Webster
Mr D. Bowen Mr R. Butler
Mr J. Thomas

Officers in attendance

Mr A Wilkins, Director of Legal Services
Mr P Nicholls, Service Director, Legal Services

1 Chair's Welcome

The Chair welcomed the attendees to the meeting of the Standards Committee and took the opportunity to formally place on record his thanks to the former Reserve Independent Member, Mr C. Pallant, who had recently resigned from his position on the Committee. On behalf of the Committee, the Chair extended best wishes for the future to Mr Pallant.

2 Declaration of Interest

In accordance with the Council's Code of Conduct, Councillor R. Butler declared the following personal interest in Items 3, 4 and 5 of the agenda 'I am a Community Councillor for Llantwit Fardre Community Council, which is referenced throughout the three reports. I will not take part in the items, nor will I leave the meeting whilst the items are being discussed'.

3 Minutes

It was **RESOLVED** to approve the minutes of the 29th November 2019 as an accurate reflection of the meeting.

In respect of Minute No. 23, which stated that the Standards Conference would take place in 2021, the Monitoring Officer informed the Committee that given the current climate, the date had not yet been confirmed and that he would update Members in the near future.

4 Standards Committee Work Programme 2020-2021

The Monitoring Officer provided Members with the Standards Committee's Work Programme and the proposed items for consideration by the Standards Committee during the Municipal Year 2020-2021.

The Committee were reminded of the Standards Committee's Terms of

Reference, which 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.

Members' attention was drawn to Appendix 2 of the report, where the draft Work Programme for the Committee for the Municipal Year 2020-2021 was detailed. The Work Programme sought to reflect the ongoing priorities, standard reports and the frequency of reporting for the Committee's consideration.

The Chair welcomed the Work Programme and acknowledged that the Covid-19 pandemic had delayed some of the work intended to be considered by the Committee. As such, the Chair felt that it was a true reflection of the business needs of the Committee.

One Member was pleased to note that an update on the roll out of Code of Conduct Refresher Training was to be considered in March 2021, which was considered essential prior to the Election period.

(Note: Having previously declared an interest (Minute No. 2), Community Councillor R. Butler did not participate in this item.)

The Standards Committee **RESOLVED:**

1. To adopt the Standards Committee Work Programme for the 2020/2021 Municipal Year.

5 Public Services Ombudsman For Wales - Annual Report and Letter 2019 - 2020

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 Ombudsman Annual Report and Annual Letter to this Council for 2019-2020.

The Committee were informed that the number of Code of Conduct Complaints had decreased by 18% since 2018-2019. Of the 231 Code of Conduct complaints received in 2019/20 Municipal Year, 135 were related to Town and Community Councils and 96 were related to Local Authorities. The officer added that there were no complaints made about Rhondda Cynon Taf County Borough Councillors during the year.

Members were informed that in January 2020, both the Chair and Monitoring Officer undertook a visit to one of the County Borough's Community Councils, namely Llantwit Fadre, as part of a mediation session due to ongoing issues with its Members. The Monitoring Officer was pleased to note that since the visit, issues, which were largely related to personality clashes, appeared to have resolved.

The Monitoring Officer continued and explained that the majority of Code of Conduct Complaints received during 2019/2020 related to matters of 'promotion of equality and respect' (49%) and 'disclosure and registration of interests' (17%). It was explained that the Ombudsman had raised concerns that the above-mentioned themes continue to dominate with a year on year increase in the number of complaints where bullying behaviour is alleged particularly from Clerks or employees/contractors of Local Authorities or Town/Community Councils. As such, the Ombudsman had highlighted that training is a key

component in addressing this particularly with Town/Community Councils.

Members were informed that the most common outcome of the complaints were that they were 'Closed after initial consideration.' Of the 235 complaints in 2019-20, 202 were closed under this outcome. These included decisions where there was no 'prima facie' evidence of a breach of the Code and it was not in the public interest to investigate.

The Monitoring Officer explained that in cases which cannot be concluded by the Ombudsman or feature serious breaches of the Code, it is necessary for the Ombudsman to refer these matters to a Standards Committee or the Adjudication Panel for Wales for consideration.

One Member referred to the table of complaints received by individual Local Authorities on page 161 and was pleased to note that RCT had only receive 0.16 complaints per 1000 residents during the year, which could partly be down to the improvements made to training.

A number of Members praised the Chair and Monitoring Officer for their intervention at Llantwit Fardre Community Council, which appeared to have been effective in preventing escalation. The Chair proposed that, when safe to do so, the Standards Committee visit the Community Councils in the area to remind them of their expectations, to which Committee Members were keen to be included.

(Note: Having previously declared an interest (Minute No. 2), Community Councillor R. Butler did not participate in this item.)

The Chair thanked the officer for the detailed update and the Standards Committee **RESOLVED:**

1. To note the matters relating to Code of Conduct Complaints reported in the Public Services Ombudsman for Wales' Annual Report and Annual Letter to this Council 2019-2020.

6 Public Services Ombudsman For Wales - Summary of Complaints 2019-2020

The Monitoring Officer provided the Standards Committee with a summary of complaints made against Members and submitted to the Public Services Ombudsman for Wales (the 'Ombudsman') for the period 1st April 2019 – 31st March 2020.

Following Members' request in the last Municipal Year, contained in a table within the report was a summary of anonymised complaints made against Members and submitted to the Ombudsman for the period 1st April 2019 – 31st March 2020 for consideration.

One Member referred to the complaint received on 11th June 2019, whereby the Ombudsman considered the matters which were alleged did not in fact constitute a breach. They found it was not uncommon for Elected Members to say things about political opponents which others may consider to be rude or offensive and it was not the purpose of the Code of Conduct to inhibit free speech and the robust expression of political differences. Discussions ensued and it was noted that there was a fine line between direct speech and aggression. Members felt that effective, experienced and confident chairing of a meeting was essential in

addressing passionate debate.

The Chair felt it was beneficial to note the recurring themes of the complaints, for the Committee to take on board during their future visits to the Community Councils.

(Note: Having previously declared an interest (Minute No. 2), Community Councillor R. Butler did not participate in this item.)

The Standards Committee **RESOLVED:**

1. To note the content of the report.

7 Public Services Ombudsman For Wales - Code of Conduct Casebooks

In his report, the Monitoring Officer provided the Committee with Code of Conduct Casebooks (Issues 23) produced by the Public Services Ombudsman for Wales and following consideration thereof, it was **RESOLVED:**

1. To note the information contained within the report.

8 Code of Conduct Refresher Training

The Monitoring Officer provided the Standards Committee with a verbal update Code of Conduct refresher training.

The Monitoring Officer reminded the Committee that the roll out of refresher training was endorsed at its last meeting and that an update would be provided at a future meeting in relation to attendance at the training, together with any relevant feedback received.

The Standards Committee **RESOLVED:**

1. To note the update.

9 Adjudication Panel for Wales - Recent Tribunal Decisions

The Monitoring Officer provided the Standards Committee with the report to consider recent decisions made by the Adjudication Panel for Wales (APW).

The Monitoring Officer explained that the ethical framework set under Part III of the Local Government Act 2000 included the establishment of the Adjudication Panel for Wales (APW) as an independent, judicial body with powers to form tribunals to deal with alleged breaches of the Members' Code of Conduct.

Members were referred to the appendices of the report, which detailed a number of APW decision notices, that had been issued following the conclusion of the cases. Of particular interest to the Committee was the case detailed at Appendix 4 of the report, which showed the scrutiny of a decision made by a Standards Committee.

The Committee thanked the Monitoring Officer for the information before them and acknowledged the extensive deliberation of cases by the APW. The Committee were in agreement that the approach adopted by the APW in formulating its decisions and sanction was beneficial, in light of its own role when conducting Code of Conduct Hearings. Although the Committee agreed that a consistent and fair approach was needed when making decisions at its own Hearings, it was acknowledged that each individual case would need to be

considered on its own merit and therefore, it would be impossible to have fixed framework on sanction decisions.

Members noted that should an appellant choose to appeal the decision of a Standards Committee, there was the possibility of the APW imposing a more stringent sanction.

The Chair thanked the Monitoring Officer for the report and was pleased to note that the Standards Committee had never had a decision appealed but commented that the examples provided within the report could only further strengthen the Committee's position. The Chair suggested that it would be useful for the Monitoring Officer at Cardiff Council to attend a future meeting of the Committee to discuss the first-hand experience of a Tribunal decision.

The Standards Committee **RESOLVED:**

1. To consider the copies of the recent decisions made by the Adjudication Panel for Wales (as appended to the report); and
2. To determine whether there are any possible messages or lessons to be learnt arising out of those decisions that could be communicated as part of future training for Members on the Code of Conduct.

10 Adjudication Panel for Wales - Presidential Guidance

The Monitoring Officer provided the Standards Committee with the report, which allowed Members to consider the Presidential Guidance, which had been updated and issued by the President of the Adjudication Panel for Wales (APW).

Members were informed that the updated Guidance was not legally binding and had been provided to assist monitoring officers, the parties, relevant authorities and their members, and the wider public to understand their role within Adjudication Panel for Wales ("APW") proceedings.

The Standards Committee acknowledged that the guidance did not apply to proceedings before the Committee's Hearings Panel, but were pleased to note that updated guidance on the disclosure of evidence had been issued to assist Monitoring Officers in their duty.

The Standards Committee **RESOLVED:**

1. To note the updated Presidential Guidance issued by the Adjudication Panel for Wales.

11 Dispensation Applications

The Monitoring Officer outlined the following applications for dispensation for the Standards Committee's endorsement:

1. The Monitoring Officer sought 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.

It was explained that County Borough Councillor P. Jarman's son works in the Streetcare Department and lives with her at her home address and therefore, Councillor Jarman sought a dispensation to speak and vote on all services affected by the Budget. In her application for dispensation,

Councillor Jarman stated that by virtue of being Leader of the Opposition Group, her participation in the Budget process is justified.

The Monitoring Officer continued and advised that one of the grounds for granting dispensation was:

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

2. The Monitoring Officer sought Committee’s endorsement to grant dispensation to County Borough Councillor Bevan 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 as the Service Manager Community and Children’s Services Group as the Programme Manager – Assistive Technology, with such dispensation being reviewed by the Standards Committee on an annual basis.

Members were informed that Councillor Bevan acknowledged that any dispensation awarded cannot be used if the matter under consideration would confer a greater benefit on the employed family member than on other tax payers, ratepayers or inhabitants of the Council’s area, or be such that a member of the public might reasonably conclude it would significantly affect his ability to act purely on the merits of the case and in the public interest if he were to take part in the discussion.

In his application for dispensation Councillor Bevan further states that by virtue of being a Cabinet Member his participation in matters relating to the Community and Children’s Services Group is justified.

The Monitoring Officer continued and advised that two of the grounds for granting a dispensation were:-

“(d) the nature of the Member’s interest is such that the Member’s participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority’s business”; and

“(f) the participation of the member in the business to which the interest relates is justified by the member’s particular role or expertise.”

3. The Monitoring Officer then sought Committee’s endorsement to grant dispensation to County Borough Councillor Michael Powell a dispensation to speak and vote on all matters relating to the Children’s Services department (within the Community and Children’s Group), save for any specific matters that directly affect his wife, who is employed by the Council in the Children’s Services department as a Contact Worker, with such dispensation being reviewed by the Standards Committee on an annual basis.

Members were informed that County Borough Councillor Michael

Powell's wife works in the Children's Services department as a Contact Worker. In his application Councillor Powell stated that his wife is not in a decision making position.

The Monitoring Officer explained that any dispensation awarded cannot be used if the matter under consideration would confer a greater benefit on his wife than on other tax payers, ratepayers or inhabitants of the Council's area, or be such that a member of the public might reasonably conclude it would significantly affect his ability to act purely on the merits of the case and in the public interest if Councillor Powell were to take part in the discussion.

The Monitoring Officer continued and advised that the ground for granting dispensation was:

(c) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

The Standards Committee **RESOLVED:**

1. To grant County Borough Councillor Pauline Jarman a dispensation to speak and vote on all matters for the duration and adoption of the 2021-22 Budget process in her capacity as Leader of the Opposition;
2. To grant County Borough Councillor Robert 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 Programme Manager – Assistive Technology, with such dispensation being reviewed by the Standards Committee on an annual basis; and
3. To grant a dispensation to County Borough Councillor Michael Powell to speak and vote on all matters relating to the Children's Services department (within the Community and Children's Services Group), save for any specific matters that directly affect his wife who is employed by the Council in the Children's Services department as a Contact Worker, with such dispensation being reviewed on an annual basis by the Standards Committee.

This meeting closed at 11.00 am

**M Jehu MBE
Chairman**