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Standards Committee

Annual Report
2019-20 and 2020-21



RHONDDA CYNON TAF





Mr M. Jehu MBE

Standards Committee Annual Report 2019-20 and 2020-21 Chairman's Foreword

As Chairman of the Standards Committee, I am pleased to present the Standards Committee Annual Report for the 2019/20 and 2020/21 Municipal Years. The report aims to capture the work which the Standards Committee has undertaken during the period, through the use of our fluid work programme, which has ensured robust discussion at each of our meetings.

The Standards Committee consists of Independent Members, County Borough Councillors and Community Councillors, who work alongside officers to ensure that the Council adheres to good governance and promotes the highest standards of conduct among Elected Members and officers. As ever, I would like to thank my fellow Committee Members for their invaluable contribution at meetings. It is evident that there is a wealth of knowledge among Members, which drives forward the core values of the Standards Committee. Furthermore, I would like to extend my thanks to officers for their continuous support provided to the Committee throughout the past two years.

I think it is essential to mention that through its work, the Standards Committee encompasses the Council's priorities, whilst having full regard to the Well-being of Future Generations Act and shared vision set out in the seven national well-being goals. The work undertaken seeks to improve working arrangements for the Council and its residents, whilst focussing on the long-term vision. By actively taking forward the Council's 'paper light' approach, the Standards Committee is making a positive contribution to a globally responsible Wales.

Due to the Covid-19 pandemic, the Standards Committee, like all other Council Committees, has had to adapt to agile working and I am pleased to say that with the support of officers, the Committee have managed to successfully continue its duties and attend meetings via the Zoom video conferencing application.

Despite the challenges, during both Municipal Years, we have closely monitored the reports of the Monitoring Officer, and those published by the Public Services Ombudsman for Wales and where necessary, we have taken action to ensure that County Borough Councillors, Community/Town Councillors and Officers are reminded of their requirements in relation to the different policies. In 2021/22, the Standards Committee will continue to proactively focus on promoting high ethical standards within the Local Authority for the benefit of the public. We will establish a robust work programme, in line with the Committee's Terms of Reference, in order to effectively assist with our role. In addition, we look forward to divulging the aspects in relation to the Standards Committee, which may arise from the Local Government and Elections (Wales) Act 2021. I am also pleased to report there were no referrals made to the Standards Committee by the Public Services Ombudsman for Wales during the period of this report or complaints brought before us under the Council's Local Resolution Protocol.

It is important for the Standards Committee to continue to share good practice and work collaboratively where possible. We welcome the opportunity to once again, engage with our colleagues at Merthyr Tydfil County Borough Council to observe future misconduct Hearings, in order to cross reference and potentially, learn from one another's experiences.

Finally, when it is safe to do so, the Standards Committee look forward to participating in the next Standards Conference Wales Event, following the success of the 2018 event.

**Mel Jehu MBE - Chairman of the Standards Committee
Rhondda Cynon Taf County Borough Council**

Membership of the Standards Committee



Mr M. Jehu MBE



Mr D. Bowen



Mr J. Thomas



Cllr. M. Forey



Cllr. E.J. Webster



Cllr. R. Butler

Chairman (and Independent Member): Mr Mel Jehu MBE

Vice-Chair (and Independent Member): Mr D. Bowen

Independent Member: Mr J. Thomas

Reserve Independent Member: Mr C. Pallant (Resigned 2020)

County Borough Councillor: M. Forey

County Borough Councillor: E. Webster

Community Councillor: Mr R. Butler

Reserve Community Councillor: Ms. C. Willis

Terms of Reference of the Standards Committee

The Standards Committee has 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 (please note this will become a function of the Audit Committee);
- (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.

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 (dependant on business needs) and additional special meetings are arranged, as necessary, to deal with specific matters such as misconduct hearings.

The Standards Committee met on four occasions during the two Municipal Years:

* 20th September 2019
* 29th November 2019

* 27th November 2020
* 19th March 2021

The Committee's Work Programme for the current Municipal Year can be found [here](#).

Standards Committee during the 2019-2020 Municipal Year

Standards Reporting

- **Public Services Ombudsman for Wales Complaints against Members during 1st April 2018 – 31st March 2019**
 - There were five anonymised complaints made against Members and submitted to the Ombudsman; and
 - There were no Ombudsman investigations and no evidence of breach in relation to the complaints.
- **Public Services Ombudsman For Wales' Annual Report and Letter (2018 – 2019)**
 - Of the total 282 complaints made, 147 related to Town/Community Councils, 102 to Local Authorities and 1 to a National Park Authority;
 - 255 of the complaints had been closed after initial consideration with a further 36 closed after full investigation;
 - Of the seven complaints received with potential breaches of the Code of Conduct for members of this Council and Community/Town Councils in RCT, two did not meet the PSOW criteria for investigation and two were discontinued as they were no longer in the public interest; and
 - Of the cases the PSOW investigated and closed, four cases were referred to the Adjudication Panel for Wales.
- **Public Services Ombudsman For Wales – Code of Conduct Casebooks**

These reports provide the Committee with a general insight into the complaints made across Wales as contained in the Ombudsman's case books which are published quarterly; and Provides the Committee with a benchmark for National Standards.

Applications for Dispensations

The Standards Committee have determined a number of applications for dispensations under the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 in accordance with the Council's agreed procedures.

During the Municipal Year, there were two applications for dispensation, all of which were granted by the Standards Committee.

Standards Committee during the 2019-2020 Municipal Year

Member's Training and Development

The Committee acknowledges that the primary role of monitoring Members' training and development falls on the Council's Democratic Services Committee. However the Committee does have a specific role in overseeing Code of Conduct training.

As such, the Standards Committee showed commitment to:

- Promoting the delivery of training for elected Members;
- Monitoring the delivery and attendance at "Code of Conduct" training sessions provided for both County Borough and Community/Town Councillors; and
- Monitoring the delivery of electronic and social media training for Elected Members in the context of standards and ethics.

Councillor's Guide to Handling Intimidation

The Committee received an informative link to the 'Councillors guide to handling intimidation' launched by the LGA and WLGA.

The Committee acknowledged that social media can sometimes impact and influence negative behaviour and agreed that it was essential for all Members to understand that intimidating behaviour cannot be tolerated in any situation.

Review of Gifts and Hospitality Policy and Associated Register

The Standards Committee monitored adherence to the Council's 'Gifts and Hospitality' Policy the declarations made by Members and Officers in respect of the acceptances or refusals of gifts and hospitality.

The Standards Committee agreed for the Policy to be circulated to all Elected Members and Community Councillors, reminding them of their requirements. The Committee also agreed that there was a need for the register to be reviewed to ensure its compliance with GDPR.

Standards Committee during the 2020-2021 Municipal Year

Standards Reporting

- **Public Services Ombudsman for Wales Complaints against Members during 1st April 2019 – 31st March 2020**
 - There were 21 anonymised complaints made against Members and submitted to the Ombudsman; 4 of which had been investigated by the Ombudsman.
 - The Standards Committee noted that the Chair and Monitoring Officer had visited one of the Community Councils, which was responsible for 18% of the total number of complaints received by the Ombudsman during the period. It was pleasing to note that the intervention appeared to have been effective in preventing further escalation. It was agreed that, when safe to do so, the Committee would visit the Community Councils in the area to observe their meetings and report back to the Committee on those observations
- **Public Services Ombudsman For Wales' Annual Report and Letter (2019 – 2020)**
 - Of the total 231 complaints made concerning alleged breaches of the Code of Conduct across Wales. 135 related to Town/Community Councils, 96 to Local Authorities.
 - 202 of the complaints had been closed after initial consideration with a further 33 closed after full investigation; and
 - Of the 33 cases, in 7 cases an investigation was discontinued, 9 no evidence of breach was found, 12 no further action was necessary and there were 5 referrals (to either Standards Committees or the Adjudication Panel for Wales).
 - 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%).
- **Public Services Ombudsman For Wales – Code of Conduct Casebooks**

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Applications for Dispensations

The Standards Committee have determined a number of applications for dispensations under the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 in accordance with the Council's agreed procedures.

During the Municipal Year, there were three applications for dispensation, all of which were granted by the Standards Committee.

Standards Committee during the 2020-2021 Municipal Year

Member's Training and Development

The Committee acknowledges that the primary role of monitoring Members' training and development falls on the Council's Democratic Services Committee. However the Committee does have a specific role in overseeing Code of Conduct training.

As such, the Standards Committee showed commitment to:

- Promoting the delivery of training for elected Members;
- Monitoring the delivery and attendance at "Code of Conduct" training sessions provided for both County Borough and Community/Town Councillors; and
- Monitoring the delivery of electronic and social media training for elected Members.

During the Municipal Year Members also considered proposed revisions being (at that time) consulted upon by the Public Services Ombudsman for Wales' to his Code of Conduct Guidance for Members and Co-opted Members of Principal Councils and his separate guidance for Community and Town Councillors.

Adjudication Panel for Wales - Recent Tribunal Decisions

The ethical framework set under Part III of the Local Government Act 2000 includes 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.

The Committee were in agreement that considering the approach adopted by the APW in formulating its decisions and sanctions was beneficial to the Committee, in light of its own role when conducting Code of Conduct Hearings and welcomed the information presented in respect of recent decisions made by the APW.

Adjudication Panel for Wales - Presidential Guidance

The Adjudication Panel for Wales has issued updated Presidential Guidance on:

- (i) The Role of the Monitoring Officer;**
- (ii) Anonymity; and**
- (iii) Disclosure of evidence, within APW proceedings ('the APW Guidance').**

The Guidance is not legally binding and is provided to assist Monitoring Officers, the parties involved, 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 whilst the guidance did not apply to proceedings before the Committee's Hearings Panel, they were pleased to note that updated guidance on the disclosure of evidence as part of an Ombudsman's investigation had been issued to assist Monitoring Officers in their duty in that regard.

Standards Committee during the 2020-2021 Municipal Year

Update on Town and Community Council - Use of their Local Resolution Protocols

The Ombudsman's guidance on the Code of Conduct for Community and Town Councils encourages the use of local resolution for low level complaints. The Council adopted a local protocol in January 2011 which was revised in July 2013.. To support that process for Town and Community Council's One Voice Wales produced a template protocol, which is relatively simple in nature and which could be adapted and adopted as necessary. Every Town and Community Council has now adopted a local resolution policy.

Members were provided with an update on Town & Community Council's use of their Local Resolution Protocol and welcomed that of the twelve Community/Town Councils, ten reported there had been no requirement for the protocol to be used during the period 1st January 2020 – 28th February 2021. Two reported complaints had been received but none had reached the formal hearing stage.

Procedures for dealing with complaints referred by PSOW

The Ombudsman may refer a misconduct complaint to the Monitoring Officer under section 70(4) or section 71(2) of the Act. A referral under section 70(4) requires the Monitoring Officer to conduct an investigation into the complaint and then submit an investigation report to the Standards Committee for determination of the complaint. A referral under section 71(2) is made when the Ombudsman has investigated the complaint and requires the Monitoring Officer to consider the investigation report and submit it, with recommendations, to the Standards Committee for determination.

The Committee reviewed the procedures for dealing with complaints referred to the Committee by the Public Services Ombudsman for Wales or by the Monitoring Officer and considered whether any amendments were required to be made to those procedures following their introduction in April 2011. Having considered the report of the Monitoring Officer a number of changes were approved to be made to reflect current legislative requirements, clarify certain procedures and ensure they remain fit for purpose.

Standards Committee during the 2020-2021 Municipal Year

Update on the Local Government and Elections (Wales) Bill

The Local Government Act 2000, Part III (and associated regulations made thereunder) provides an ethical framework in respect of the conduct of local government members. Key components of the ethical framework include the statutory Members' Code of Conduct, which sets out the duties imposed on all elected and co-opted Members; and the statutory provisions relating to Standards Committees, established to promote and maintain high standards of conduct by the Members and co-opted Members of the authority. The Local Government and Elections (Wales) Act 2021 ('the Act') provides for the establishment of a new and reformed legislative framework for local government elections, democracy, performance and governance. Within Part 4 of the Act, changes are made to the statutory ethical framework set under Part III of the Local Government Act 2000.

The Standards Committee gave consideration to the future provisions of the Act and the changes to the ethical framework in Wales relating to the conduct of Members which will require changes to the Standards Committee's Terms of Reference with specific reference to the new requirement on leaders of political groups to take steps to promote and maintain high standards of conduct by members of their groups, and to co-operate with standards committees (due to take effect from May 2022).

Adjudication Panel for Wales Annual Report 2019-2020

The Adjudication Panel for Wales produces an Annual Report summarising the activity of the Panel during the relevant reporting period.

Members considered its latest published Annual Report for 2019-2020 which provides details of the membership of the Panel, an analysis of its performance and a useful section summarising cases and decisions made by the Panel during the reporting period.