



RHONDDA CYNON TAF COUNCIL STANDARDS COMMITTEE

Minutes of the meeting of the Standards Committee held virtually on Friday, 24 September 2021 at 10.00 am.

Standards Committee Members in attendance:-

Mr M Jehu (Chair) Councillor E Webster
Councillor M Forey Mr J. Thomas
Community Councillor R. Butler Mr D. Bowen
Community Councillor C. Willis

Officers in attendance:-

Mr A Wilkins, Director of Legal Services and Monitoring Officer
Mr P Nicholls, Service Director of Legal Services and Deputy Monitoring Officer

22 WELCOME

The Chair welcomed Committee Members, Officers and Observers to the virtual meeting of the Standards Committee.

23 Declaration of Interest

In accordance with the Council's Code of Conduct, Councillor R. Butler declared the following personal interest in Item 4 and 5 of the agenda 'I am a Community Councillor for Llantwit Fardre Community Council, which is referenced throughout the report. I will not take part in this item but will remain in the meeting whilst the items are being discussed'.

24 Minutes

It was **RESOLVED** to approve the minutes of the 19th March 2021 as an accurate reflection of the meeting, subject to it being noted that Mr M Jehu MBE name was omitted from the minutes as being in attendance.

25 Matters Arising

Page 4 of the minutes – In response to a query raised in relation to Code of Conduct training for Community Councillors and if they are to receive separate guidelines, the Monitoring officer report that this would be included as part of the wider review being undertaken by Welsh Government.

Page 6 – The Monitoring officer reported that the new Ombudsman Code of Conduct Guidance has now been finalised and published and will be circulated to all Members shortly. The Monitoring Officer also advised

Members that the outcome of Welsh Government's review into the Ethical Standards Framework in Wales was yet to be published and Committee would be kept updated as it develops.

26 Standards Committee Work Programme

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 2021-2022.

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 2021-2022 was detailed. The Work Programme sought to reflect the ongoing priorities, standard reports and the frequency of reporting for the Committee's consideration.

Following discussions, the Standards Committee **RESOLVED:**

1. To adopt the Standards Committee Work Programme for the 2021/2022 Municipal Year subject to any matters that arise during the year being able to be considered as necessary.

27 Public Services Ombudsman for Wales - Code of Conduct Casebook

In his report, the Monitoring Officer provided the Committee with Code of Conduct Casebook (Issue 24) produced by the Public Services Ombudsman for Wales.

Members noted that the casebook used to be published on a quarterly basis however, the most recent casebook reflects matters pertaining to the whole of the 2020 calendar year and the casebooks appear as though they will now be published annually.

Reference was made to a complaint concerning Llantwit Fardre Community Council again a matter previously discussed by the Committee. By way of an update the Chair has discussed with the Monitoring officer the possibility of a follow up visit and arrangements will be made with the Clerk in that respect.

The Monitoring officer informed Members that the Adjudication Panel is already processing six referrals in this financial year which suggests there is a worrying trend for cases which are investigated by the Ombudsman and a potential breach found to be of such seriousness they warrant referral to the Adjudication Panel for Wales, to which five of those six complaints involve allegations that the member brought their Council or office into disrepute.

Following consideration thereof, it was **RESOLVED:**

1. To note the information contained within the report.
2. To note they will receive the casebook annually.

(Note: Having previously declared an interest (Minute No. 4), Community Councillor R. Butler did not participate in this item.)

28 PUBLIC SERVICES OMBUDSMAN FOR WALES - SUMMARY OF COMPLAINTS 2020-2021

The Monitoring officer provided Members with a summary of complaints made against Members and submitted to the Public Services Ombudsman for Wales (the 'Ombudsman') for the period 1st April 2020 – 31st March 2021.

Members noted the summary of anonymised complaints made against Members and submitted to the Ombudsman for the period 1st April 2020 – 31st March 2021 contained within the report.

Members were reminded in determining whether to investigate a breach of the Code of Conduct, the Ombudsman initially applies a two-stage test. At the first stage, he will aim to establish whether there is direct evidence that a breach of the Code has occurred. At the second stage the Ombudsman considers whether an investigation or a referral to a standards committee or the Adjudication Panel for Wales is required in the public interest, which involves the consideration of a number of public interest factors such as: whether the member has deliberately sought a personal gain at the public's expense for themselves or others, misused a position of trust, whether an investigation is required to maintain public confidence in elected members and whether an investigation is proportionate in the circumstances.

Members were provided with detail on each complaint whilst ensuring anonymity is retained.

Members found the Ombudsman's comments and conclusions on each matter helpful to understand how they approach dealing with a complaint.

The Monitoring officer outlined to Members a comment made by the Ombudsman whereby he stated that he has limited investigative resources and must decide which complaints should be investigated after considering the individual merits of each case. In exercising that discretion, the Investigating Officer considered both the nature of the complaint made and whether the prospect of achieving a worthwhile outcome was sufficient to justify an investigation.

It is therefore noted this is a common theme throughout the complaints that the Ombudsman will only investigate where they consider a standards committee is highly likely to impose a sanction by way of a

suspension.

The Monitoring officer draw Members 'attention to the fact there were 9 complaints made against County Borough Members compared to zero complaints in the previous reporting period, none of which reached the investigation stage. 3 of the complaints related to the same member and incident.

An observation was made by the Chair to Committee to shorten reporting periods so that Members receive information quarterly to better identify any common themes/trends coming through in the complaints, to which they agreed they were happy with.

Following consideration thereof, it was RESOLVED:

1. To note the information contained within the report
2. To receive the summary of complaints report on a quarterly basis to coincide with Committee meetings

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Urgent Business

Members queried whether future meetings of this Committee were able to be held face-to-face as restrictions surrounding the pandemic have been lifted in Wales.

In response, the Monitoring officer replied that future meetings can now be held in the Council Chamber as this has been fully renovated and is well equipped with the ability to operate through a hybrid approach, which will give the Committee Members the option to attend meetings virtually or face-to-face as they see fit.

This meeting closed at 10.43 am

**MR. M. JEHU
CHAIR.**