



RHONDDA CYNON TAF COUNCIL STANDARDS COMMITTEE

Minutes of the hybrid meeting of the Standards Committee held on Tuesday, 25 April 2023 at 10.00 am.

This meeting was live streamed, details of which can be accessed [here](#)

Standards Committee Members in attendance:-

Mr D. Bowen (Chair)

Independent Members in attendance:-

Mr J. Thomas Mrs H John

Community Council Representative Members in attendance:-

Community Councillor Mr C. A. Thomas

County Borough Councillors in attendance:-

Councillor A J Ellis

Officers in attendance:-

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

Apologies for absence

Councillor G Hughes

35 APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillor G Hughes.

36 DECLARATION OF INTEREST

In accordance with the Council's Code of Conduct, there were no declarations made pertaining to the agenda.

37 MINUTES

It was **RESOLVED** to approve the minutes of the 18th November 2022 as an accurate reflection of the meeting.

38 PUBLIC SERVICES OMBUDSMAN FOR WALES - SUMMARY OF COMPLAINTS 2022-2023

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 November 22 – 31st March 2023.

The Monitoring Officer took Members through the detail in the report highlighting the anonymised complaints concerning one County Borough Councillor and three Community Councillors contained within the table in the report.

The Monitoring Officer drew Members 'attention to the fact that none of the complaints resulted in an investigation.

The Standards Committee **RESOLVED:**

1. To note the content of the report.

39 PUBLIC SERVICES OMBUDSMAN FOR WALES - OUR FINDINGS SUMMARIES

The Monitoring Officer outlined to Members the purpose of the report to consider the summary of investigation outcomes concerning alleged breaches of the Members' Code of Conduct as published by the Public Services Ombudsman for Wales (PSOW) on the 'our findings' section of the website for the period 1st November 2022 – 31st March 2023. Members were taken through the detail of the report and appendix 1.

The Standards Committee **RESOLVED:**

1. To note the content of the report and appendix relating to the summary of investigation outcomes concerning alleged breaches of the Members' Code of Conduct.

40 ADJUDICATION PANEL FOR WALES DECISION

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

Members were referred to the appendix of the report, which provided the detail of the APW decision notice, that had been issued following the conclusion of the case and the Monitoring Officer provided Members with an overview of the information.

Members noted that as previously highlighted, Members may find it helpful to consider this decision and the approach adopted by the APW in formulating its decision and sanctions in light of its own role when conducting Code of Conduct hearings. Furthermore, the Committee also considered whether there were any possible messages or lessons to be learnt arising out of the decision that could be communicated as part of future training for Members on the Code of Conduct.

A Member noted that the detail of the case was useful for Committee Members to understand the importance of appropriate declarations at meetings referring to the length of the sanction imposed.

Members discussed the difference in training between Community Councils and County Borough Councils and felt the PSOW need to look at structuring more

mandatory training regarding Community Councils. Members noted that cases such as the one detailed in the report could be repeated more often if sufficient training is not provided. Members discussed improving the offer of training for Community Councils noting that currently Code of Conduct training is not mandatory, with Members commenting on whether this should be changed to become mandatory, to ensure everyone had the right information going into the role. The Monitoring Officer highlighted to Members this point would be covered by a later agenda item in the meeting.

The Standards Committee **RESOLVED**:

- 1 To note the recent decision made by the Adjudication Panel for Wales (as appended to the report); and
- 2 To further consider the Code of Conduct training and requirements for undertaking the training as a mandatory aspect of the role.

41 ADJUDICATION PANEL FOR WALES ANNUAL REPORT 2021-2022

The Monitoring Officer provided Members with an overview of the information contained in the Adjudication Panel for Wales' (APW) Annual Report 2021-2022.

Members were informed the APW Annual Report summarises the activity of the Panel during the relevant reporting period. The report 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. The Monitoring Officer took Members through the report noting that it highlights the increase in the number of cases referred to it by the Ombudsman compared to previous years and also the Panel's expectation that matters would improve as a result of the new responsibility on Political Group Leaders on standards in public life. The Monitoring Officer referred to the case summaries included within the report noting these have previously been reported to Committee during the relevant period but are useful for Members who joined the committee during this municipal year.

Following consideration, it was **RESOLVED**:

1. To note the contents of the Adjudication Panel for Wales's Annual Report 2021- 2022

42 NATIONAL STANDARDS FORUM - FEEDBACK FROM MEETING HELD ON 27TH JANUARY 2023

The Monitoring Officer informed Members that the purpose of the report was to provide Members with feedback from the inaugural meeting of the National Standards Forum held on 27th January 2023.

Members were reminded, as reported to the Committee at its last meeting, a National Forum for Standards Committee Chairs and Vice-Chairs had been established and the terms of reference for the Forum were provided for Members at Appendix 1. The Monitoring Officer highlighted to Members that by sharing best practice it was anticipated the Forum would help to raise standards across all authorities in Wales.

Members were informed that the first meeting of the Forum took place on 27th January 2023, the agenda for the meeting was provided at Appendix 2. Feedback and actions arising from the meeting were attached at Appendix 3 for Members. The Public Services Ombudsman for Wales, Michelle Morris, also

gave a presentation.

The Monitoring Officer shared with Members that the Forum considered the duty on Group Leaders to promote ethical behaviour amongst the members of their group and listened to existing practice from amongst the members. The Committee were informed that although practice varies slightly across authorities there was no significant deviation from the practice adopted at RCT, as agreed and reported at the last Standards Committee meeting.

The Committee were informed that the next meeting of the forum would be at the end of June and the agenda for that meeting would be set at the June meeting of the Monitoring Officers' Group.

Members noted the benefits of having consistency across Wales and were hopeful to see results coming through and the ability to adopt some of the standards coming through from the Forum in the future.

The Standards Committee **RESOLVED**:

1. To note the feedback from the inaugural meeting of the National Standards Forum held on 27th January 2023.
2. To consider any items to put forward as suggestions for consideration by the National Standards Forum at its future meeting.

43 RECOMMENDATIONS OF THE INDEPENDENT REVIEW OF THE ETHICAL STANDARDS FRAMEWORK (RICHARD PENN REPORT)

The Monitoring Office advised Members that the purpose of the report was to advise Members of the consultation initiated by Welsh Government in respect of the recommendations of the independent review of the Ethical Standards Framework in Wales (Richard Penn report). Members were informed their feedback in respect of the consultation would form a response to be submitted to Welsh Government in advance of the consultation closing date of 23rd June 2023.

The Monitoring Officer informed Members the Framework had remained largely unchanged over the last 20 years, so an independent review was felt important to maintain confidence in the system and ensure developments in the way councillors and their public lives are reflected in its operation.

Members were provided with an overview of the independent review of the Framework undertaken by Richard Penn between April and July 2021 and of the findings which concluded that the current arrangements are fit for purpose but recommended some changes to the Framework, including the Model Code of Conduct.

Since the publication of the Review, Welsh Government had engaged with stakeholders including Monitoring Officers, the Public Services Ombudsman for Wales (PSOW) and their office, the Welsh Local Government Association (WLGA) and One Voice Wales and are now undertaking the consultation on the Review's recommendations.

Members were taken through each recommendation individually and invited to provide comments on them.

Recommendation 1:

The Code does not specify any threshold for declarations of any gift, hospitality, material benefit or advantage. The threshold should be specified in the Code to ensure consistency across Wales.

The Monitoring Officer outlined Welsh Government's response to this recommendation as set out in Appendix 2.

Members were also reminded that RCT CBC's threshold is currently set at £25 and has been in place for a number of years, however the Gifts & Hospitality Policy is due to be reviewed as part of the Committee's work programme for the next municipal year. Members were also informed that across the 22 Local Authorities there is a move to standardise and adopt the threshold of £25 for all Councils.

Members considered the £25 threshold a reasonable figure although it was queried whether it was a total figure for a set period or whether multiple gifts of this figure would be acceptable. The Monitoring Officer advised it would be considered per gift and if multiple gifts / hospitality were being received it would raise further issues to be investigated in context. Members also commented that the process should be clear and easy to follow to ensure compliance.

Recommendation 2:

The 2000 Local Government Act requires members to include their home address in their Council's Register of Interests. There is agreement that the Code should not require Councillors to disclose their home address and that the Code should be amended appropriately.

The Monitoring Officer outlined Welsh Government's response to this recommendation as set out in Appendix 2.

A Member raised a question regarding second homes and the requirement to provide declaration of this. The Monitoring Officer informed Members that should the second home, or property owned by a Member as part of a rental portfolio, fall within the boundary of the County Borough it would be treated the same and they would be required to declare this.

Recommendation 3:

A 'person' is not defined either in the 2000 Act or in the Model Code. It is recommended that a clear definition of what is meant by a 'person' on the face of the legislation or in the Model Code would be beneficial.

The Monitoring Officer outlined Welsh Government's response to this recommendation as set out in Appendix 2.

Members had no further comments on this recommendation and accepted the consideration by Welsh Government.

Recommendation 4:

Paragraph 4a of the Code which requires that a member must: 'carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion' does not include all protected characteristics. The provision in the Code should be extended to include all nine protected characteristics under the Equality Act 2010.

The Monitoring Officer outlined Welsh Government's response to this recommendation as set out in Appendix 2.

Members had no further comments on this recommendation and accepted the consideration by Welsh Government.

Recommendation 5:

The potential for breaches of the Code as a result of the extensive and increasing use of social media is a matter of concern. The helpful guidance by the WLGA and the Public Services Ombudsman should be formalised by appropriate amendments to the Code.

The Monitoring Officer outlined Welsh Government's response to this recommendation as set out in Appendix 2.

Members noted the recurring inclusion of social media in cases and decisions that are dealt with by Standards Committee and agreed that training will be key in ensuring Councillors are aware of the appropriate use of social media in their role.

Recommendation 6:

Paragraph 6 (1)(b) of the Code of Conduct places the obligation on elected members to report the criminal behaviour of others but not of themselves. The Code should be appropriately amended to make this an obligation of the member to themselves report on their own criminal conduct.

The Monitoring Officer provided Members with Welsh Government's consideration of this recommendation as set out in Appendix 2 of the report.

Discussion was held around the process of Disclosure & Barring Service Checks and the requirement of these being undertaken. The Monitoring Officer informed Members of the process for an individual standing for election and the disqualification criteria in the form of previous criminal convictions but acknowledged the ongoing nature of checks when a member is in office. Members were informed that routine checks are not undertaken however if the Members role included working with children / education establishments a check may be completed.

Members discussed the possibility of an informal process of making the Monitoring Officer aware of an ongoing situation and a decision can be taken then. The Monitoring Officer acknowledged their role in requiring them to have a conversation with a member and advising self-reporting if they are made aware of any circumstances of this nature. Members acknowledged the complexity of this recommendation.

Recommendation 7:

Mandatory training on the Code of Conduct for all members of principal councils and community councils. Include a commitment to undertake the necessary training in the Declaration of Acceptance of Office that all elected members are required to sign under The Local Elections (Declaration of Acceptance of Office) (Wales) Order 2004.

The Monitoring Officer outlined Welsh Government's response to this recommendation as set out in Appendix 2.

A Member felt disappointed with the Welsh Government consideration of the recommendation and believed that the difference between County Borough Council training and Community Council training is vast. Members highlighted the benefit for Community Councils that training provides in time and resource supporting Members in their role. Members noted the take up currently of voluntary training is low and feel that it is important to emphasise the requirement for Code of Conduct training to be mandatory in response to Welsh Government. Members also discussed raising this issue as an item at the next National Standards Forum.

Recommendation 8:

Increased use of local resolution of complaints, the Model Code of Conduct should be appropriately amended to require that any complaint should be considered for local resolution before it can be referred subsequently to the Public Services Ombudsman.

Members were again provided with WG consideration of the recommendation as set out in Appendix 2 of the report.

Members had no further comments on this recommendation and noted the consideration by Welsh Government.

Recommendation 9:

Extended powers for the Public Services Ombudsman for Wales Greater use of the Ombudsman's discretion for referral would be welcomed by Monitoring Officers and Chairs of Standards Committees. The extension of the power to refer complaints back for local resolution would be a beneficial change to the current framework.

The Monitoring Officer provided Members with WG consideration of this recommendation as set out in Appendix 2 of the report.

A Member raised the requirement for training to adequately deal with matters on a local basis. Members noted the recommendation and accepted the consideration by Welsh Government.

Recommendation 10:

Changes to the powers and processes of the Adjudication Panel for Wales (APW).

The Monitoring Officer provided Members with WG consideration of this recommendation as set out in Appendix 2 of the report.

Members noted the recommendation and accepted the consideration by Welsh Government.

Recommendation 11:

Additional powers to require necessary training of members and the power to require a member to make an apology to the complainant. Establish an all-Wales Forum for Independent Chairs of Standards Committees and the re-establishment of the annual Conference for Independent Chairs and Independent members of Standards Committees.

Members were provided with the consideration of the recommendation by Welsh Government.

Members noted the recommendation and accepted the consideration by Welsh Government.

Recommendation 12:

Accessibility of the ethical standards Framework. Make the framework process more accessible for the public.

The Monitoring Officer provided Members with WG consideration of this recommendation as set out in Appendix 2 of the report.

Members acknowledged the benefits in making the framework more accessible and questioned whether this was easily available on the Council's website and all platforms including PSOW and One Voice Wales. The Monitoring Officer outlined the current process for members of the public accessing information via the complaints process but informed Members that work could be done to make this more visible on the Council's website. Members also discussed the requirement for easy read versions of documents and to be able to access the information offline if requested.

The Monitoring Officer also outlined to Members other related matters raised in discussions with stakeholders post publication of the Penn Review Report.

This included advertising for independent members of standards committees. Members were informed that current regulations require advertisements for vacancies for independent members of standards committees to be placed in local newspapers and it was highlighted to Members the cost and time requirements for this process and noting the decreased circulation of printed newspapers. Members discussed this process and considered whether the requirement to advertise vacancies for independent members on standards committees in newspapers should be removed.

A Member noted how current trends are placing adverts online and raised the wide-reaching audience of these sites noting that the type of candidate reached could mean individuals have limited knowledge of local issues. Members discussed the benefits of utilising online processes to reach a local pool of applicants. Members agreed that this issue required further consideration and welcomed the opportunity to discuss this matter at the National Standards Forum.

The Monitoring Officer continued to outline the next matter raised in the report of former councillors sitting as independent members on Standards Committees. Members were informed after a 12 month grace period, former councillors may sit as independent members on standards committees of councils to which they were not elected. However, there is a lifelong ban on them serving as independent members on the standards committee of the council to which they were elected. Members agreed with the lifelong ban for serving as independent members in the council to which they were elected. Members again felt this matter should be discussed at the National Standards Forum.

Lastly, the Monitoring Officer outlined the matter of Standards committees' summoning witnesses and sanctions. Members were informed that standards committees do not have the power under either the Local Government Investigations (Functions of Monitoring Officers and Standards Committees)

(Wales) Regulations 2001 or the Standards Committees (Wales) Regulations 2001 to summon witnesses. Members agreed with this restriction and felt it adequately supported their role as decision makers.

Members also discussed the current sanctions available to standards committees in the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 and considered whether they are too inflexible and/or not a sufficiently strong disincentive. The current sanctions enable a standards committee to censure, suspend or partially suspend a member for a period of up to 6 months. Members felt that the matter depends on the seriousness of the issue noting that if it were a particularly serious issue it would not be dealt with by the standards committee and be instead dealt with by the adjudication panel. In conclusion of this discussion Members felt that 6 months was a reasonable period for Standards Committees.

Following consideration Members **RESOLVED:**

1. To note the Welsh Government consultation launched in respect of recommendations emanating from the independent review of the Ethical Standards Framework in Wales (Richard Penn report); and
2. To Provide their feedback in respect of the consultation in order for a response to be submitted to Welsh Government in advance of the consultation closing date of 23rd June 2023.

44 STANDARDS COMMITTEE - MEMBERS TRAINING UPDATE

The Monitoring Officer provided the Committee with an oral update in respect of a joint training session to be held with Members of the Standards Committee from Merthyr Tydfil County Borough Council on 15th June. Members were informed that the meeting details had been circulated and Members would be kept up to date with any further requirements for the training.

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

- 1 To note the information received.

**Mr D Bowen
CHAIR.**