



**CYNGOR BWRDEISTREF SIROL**  
**RHONDDA CYNON TAF**  
**COUNTY BOROUGH COUNCIL**

**GWŶS I GYFARFOD O'R CYNGOR**

C.Hanagan  
Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu  
Cyngor Bwrdeistref Sirol Rhondda Cynon Taf  
Y Pafiliynau  
Parc Hen Lofa'r Cambrian  
Cwm Clydach CF40 2XX

Dolen gyswllt: Emma Wilkins - Council Business Unit  
(Emma.Wilkins@rctcbc.gov.uk)

**DYMA WŶS I CHI** i gyfarfod o **PWYLLGOR SAFONAU** yn cael ei gynnal yn **Hybrid** ar **DYDD MAWRTH, 5ED MEDI, 2023** am **10.30 AM**.

Caiff Aelodau nad ydyn nhw'n aelodau o'r pwyllgor ac aelodau o'r cyhoedd gyfrannu yn y cyfarfod ar faterion y cyfarfod er bydd y cais yn ôl doethineb y Cadeirydd. Gofynnwn i chi roi gwybod i Wasanaethau Democrataidd erbyn Dydd Gwener, 1 Medi 2023 trwy ddefnyddio'r manylion cyswllt uchod, gan gynnwys rhoi gwybod a fyddwch chi'n siarad Cymraeg neu Saesneg.

**AGENDA**

**Tudalennau**

**1. DATGAN BUDDIANT**

Derbyn datganiadau o fuddiannau personol gan Aelodau, yn unol â gofynion y Cod Ymddygiad.

Nodwch:

1. Mae gofyn i Aelodau ddatgan rhif a phwnc yr agendwm y mae eu buddiant yn ymwneud ag ef a mynegi natur y buddiant personol hwnnw; a
2. Lle bo Aelodau'n ymneilltuo o'r cyfarfod o ganlyniad i ddatgelu buddiant sy'n rhagfarnu, rhaid iddyn nhw roi gwybod i'r Cadeirydd pan fyddan nhw'n gadael.

**2. COFNODION**

Cadarnhau cofnodion o'r cyfarfod a gynhaliwyd ar 25 Ebrill 2023 yn rhai cywir.

**ADRODDIADAU'R SWYDDOG MONITRO****3. RHAGLEN WAITH Y PWYLLGOR SAFONAU**

Trafod rhaglen waith ddrafft y Pwyllgor Safonau ar gyfer Blwyddyn 2023-2024 y Cyngor.

15 - 26

**4. HYFFORDDIANT – FFUG WRANDAWIAD COD YMDDYGIAD**

Derbyn diweddariad ar lafar mewn perthynas â'r deilliannau dysgu sydd wedi'u cyflawni yn dilyn yr hyfforddiant – ffug wrandawriad cod ymddygiad.

**5. OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU – CRYNODEB O GWYNION YN ERBYN AELODAU A CHANLYNIAD YR YMCHWILIAD – 1 EBRILL 2023 - 29 AWST 2023**

Derbyn crynodeb o'r cwynion yn erbyn Aelodau o 1 Ebrill 2023 – 29 Awst 2023.

27 - 38

**6. OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU – CANLYNIADAU YMCHWILIADAU DIWEDDAR – 'EIN CANFYDDIADAU'**

Trafod y crynodeb o ganlyniadau ymchwiliadau mewn perthynas ag achosion honedig o dorri'r Cod Ymddygiad i Aelodau fel sydd wedi'i gyhoeddi gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

39 - 46

**7. PANEL DYFARNU CYMRU – PENDERFYNIADAU TRIBIWNLYS DIWEDDAR**

Derbyn yr adroddiad er mwyn rhoi cyfle i Aelodau drafod penderfyniadau diweddar wedi'u gwneud gan Banel Dyfarnu Cymru.

47 - 72

**8. FFORWM SAFONAU CENEDLAETHOL - ADBORTH O'R CYFARFOD A GYNHALIWYD AR 30 MEHEFIN 2023**

Derbyn manylion y Fforwm Safonau Cenedlaethol, yn dilyn y cyfarfod a gynhaliwyd ar 30 Mehefin 2023.

73 - 86

**9. ADRODDIAD BLYNYDDOL 2022-2023**

Derbyn adroddiad blynyddol (drafft) y Pwyllgor Safonau sy'n taflu goleuni ar y gwaith sydd wedi'i gynnal yn ystod Blwyddyn 2022-2023 y Cyngor.

87 - 96

## **10. MATERION BRYD**

Trafod unrhyw faterion sydd, yn ôl doethineb y Cadeirydd, yn faterion brys yng ngoleuni amgylchiadau arbennig.

**Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu**

Tudalen wag



## **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 18<sup>th</sup> 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 1<sup>st</sup> November 22 – 31<sup>st</sup> 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 1<sup>st</sup> November 2022 – 31<sup>st</sup> 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 15<sup>th</sup> 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.**

Tudalen wag



## **RHONDDA CYNON TAF**

### **RHONDA CYNON TAF COUNTY BOROUGH COUNCIL**

#### **STANDARDS COMMITTEE**

**5<sup>th</sup> SEPTEMBER 2023**

#### **STANDARDS COMMITTEE WORK PROGRAMME**

#### **REPORT OF THE MONITORING OFFICER**

##### **1. PURPOSE OF THE REPORT**

The purpose of the report is to review the Committee's Work Programme and agree items for consideration by the Standards Committee during the Municipal Year 2023-2024.

##### **2. RECOMMENDATION**

- 2.1 Subject to any amendments Committee Members' may have it is recommended the Work Programme for the Municipal Year 2023-2024, as set out in Appendix 2 to the report, be adopted.

##### **3. BACKGROUND**

- 3.1 The Standards Committee's Terms of Reference, as detailed in Appendix 1 to this report, set out the remit of the Committee to monitor, review and advise on matters relating to the Ethical Framework; Members Code of Conduct and associated matters of governance and probity.
- 3.2 To enable the Committee to fulfil its role an annual work programme is developed. The Committee is asked to give consideration to standard monitoring reports and any issues arising from the Committee's work in promoting high standards of conduct. The views of this Committee assist in the development of an ongoing work plan.
- 3.3 Attached at Appendix 2 to the report is a draft Work Programme for the Committee for the Municipal Year 2023-2024.
- 3.4 The draft Work Programme reflects ongoing priorities and standard reports and the frequency of reporting. The Committee is invited to review the draft Work Programme taking into account available resources and add or remove items as necessary.

##### **4. LEGAL IMPLICATIONS**

- 4.1 There are no legal implications arising from this report however the Committee is reminded of its statutory role contained in the extract from the

Local Government Act 2000 set out below which should be considered alongside its terms of reference when setting the Work Programme:

*54 Functions of standards committees*

*(1) The general functions of a standards committee of a relevant authority are--*

*(a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and*

*(b) assisting members and co-opted members of the authority to observe the authority's code of conduct.*

*(2) Without prejudice to its general functions, a standards committee of a relevant*

*authority has the following specific functions—*

*(a) advising the authority on the adoption or revision of a code of conduct,*

*(b) monitoring the operation of the authority's code of conduct, and*

*(c) advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.*

- 4.2 The Committee has the same statutory functions in relation to Community and Town Councils (and Community and Town Councillors) as it has in relation to this Council and its Councillors (pursuant to section 56(1) of the Local Government Act 2000).

**5. CONSULTATION**

- 5.1 There are no consultation implications arising from this report.

**6. EQUALITY AND DIVERSITY IMPLICATIONS**

- 6.1 There are no equality and diversity implications arising from this report.

**7. FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 There are no consultation implications arising from this report subject to the agreed Work Programme being delivered within existing financial resources.



**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**STANDARDS COMMITTEE**

**5 SEPTEMBER 2023**

**REPORT OF THE MONITORING OFFICER**

**Background Papers:** Freestanding matter

**Contact:** Mr. Andy Wilkins (Director of Legal Services & Monitoring Officer)

Tudalen wag

**RHONDDA CYNON TAF CBC STANDARDS COMMITTEE**

**TERMS OF REFERENCE**

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 complaints handling and Ombudsman investigations relating to Councillors, co-opted Members and Church and Parent Governor representatives;
- (i) oversight of the Members' protocols adopted by the Council;
- (j) oversight of the register of personal interests maintained under Section 81 of the Local Government Act 2000;
- (k) oversight of the gifts and hospitality register;
- (l) monitor adherence to the Council's Management of Unreasonably Persistent Customers Policy by Group and Service Directors; and
- (m) the Committee will exercise the functions set out in (a) - (g) above in relation to Community Councils and Members of Community Councils.

Tudalen wag



## STANDARDS COMMITTEE WORK PROGRAMME

**Forward plan of proposed Committee Business for the 2023 - 2024 Municipal Year**

**Specific Period: - September 2023 – April 2024**

***N.B – The work programme is subject to change to take account of any additional / deletion of reports, including any new consultative documents or legislative initiatives from the Welsh Government, which require urgent attention, Public Services Ombudsman for Wales referrals and hearings under the Council's Local Resolution Protocol – Standards of Conduct to be followed by Members***

Key Decision	Brief Outline	Responsible Officer	Open / Exempt Report	Consultation undertaken prior to Decision being made?
--------------	---------------	---------------------	----------------------	---

<b>SEPTEMBER 2023</b>	<b>05.09.23</b>
-----------------------	-----------------

Draft Standards Committee Work Programme	To consider a draft Work Programme for the Committee for the Municipal Year 2023 - 2024	Monitoring Officer	Open	Chair of the Committee
Draft Standards Committee – Annual Report 2022-2023	To consider the draft 2022-2023 Annual Report for the Committee	Monitoring Officer	Open	Chair of the Committee
Public Services Ombudsman For Wales – Summary of Complaints 2023-2024	Summary of Complaints against Members from the 1 <sup>st</sup> April 2023 – 29 <sup>th</sup> August 2023	Monitoring Officer	Open	None
Public Service Ombudsman for Wales – Recent Investigation Outcomes – ‘Our Findings’	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 her website for the period 1st April 2023 – 29 <sup>th</sup> August 2023.	Monitoring Officer	Open	None
Adjudication Panel Decisions	To provide an information report in respect of any recent Adjudication Panel Decisions not previously reported	Monitoring Officer	Open	None
National Standards Forum – Feedback from meeting held on Friday 30 <sup>th</sup> June 2023	To provide Members with feedback from the meeting of the National Standards Forum held on Friday 30 <sup>th</sup> June 2023	Monitoring Officer	Open	Chair of the Committee
Oral Update – Feedback following ‘Mock Standards Committee Code of Conduct Hearing Training’ held in June 2023	To provide Members with an opportunity to give feedback following the ‘Mock Standards Committee Code of Conduct Hearing Training’ held in June 2023	Monitoring Officer	Open	Standards Committee Members

Key Decision	Brief Outline	Responsible Officer	Open / Exempt Report	Consultation undertaken prior to Decision being made?
--------------	---------------	---------------------	----------------------	---

\*\*\*

## NOVEMBER 2023

13.11.23

Public Services Ombudsman For Wales – Summary of Complaints 2023-2024	Summary of Complaints against Members from the 30 <sup>th</sup> August 2023 – 31 <sup>st</sup> October 2023	Monitoring Officer	Open	None
Public Service Ombudsman for Wales – Recent Investigation Outcomes – ‘Our Findings’	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 her website for the period 30 <sup>th</sup> August 2023 – 31 <sup>st</sup> October 2023.	Monitoring Officer	Open	None
Adjudication Panel Decisions	To provide an information report in respect of any recent Adjudication Panel Decisions not previously reported	Monitoring Officer	Open	None
Review of the Council’s Member-Officer Protocol	To consider whether any updates/amendments are required to the Council’s Member-Officer Protocol and propose any recommendations to Full Council	Monitoring Officer	Open	Full Council are required to approve any amendments
Dispensation Application	To consider an application for dispensations made in accordance with The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001	Monitoring Officer	Open	None
Public Services Ombudsman For Wales – Annual Report and Letter 2022 - 2023	To provide Members with a summary of Code of Conduct matters as set out in the Ombudsman’s Annual Report and Letter to this Council 2022 – 2023	Monitoring Officer	Open	Cabinet /Governance & Audit Committee

Key Decision	Brief Outline	Responsible Officer	Open / Exempt Report	Consultation undertaken prior to Decision being made?
--------------	---------------	---------------------	----------------------	---

\*\*\*

## JANUARY 2024

29.01.24

Public Services Ombudsman For Wales – Summary of Complaints 2023-2024	Summary of Complaints against Members from the 1 <sup>st</sup> November 2023 – 31 <sup>st</sup> December 2023	Monitoring Officer	Open	None
Public Service Ombudsman for Wales – Recent Investigation Outcomes – ‘Our Findings’	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 her website for the period 1st November 2023 – 31st December 2023.	Monitoring Officer	Open	None
Adjudication Panel Decisions	To provide an information report in respect of any recent Adjudication Panel Decisions not previously reported	Monitoring Officer	Open	None
Adjudication Panel For Wales Annual Report 2022-2023	To consider the Adjudication Panel For Wales’ Annual Report 2022-2023 following publication	Monitoring Officer	Open	None

Totalen 24



Key Decision	Brief Outline	Responsible Officer	Open / Exempt Report	Consultation undertaken prior to Decision being made?
--------------	---------------	---------------------	----------------------	---

\*\*\*

**APRIL 2024**

**22.04.24**

Public Services Ombudsman For Wales – Summary of Complaints 2023-2024	Summary of Complaints against Members from the 1 <sup>st</sup> November 2023 – 31 <sup>st</sup> December 2023	Monitoring Officer	Open	None
Public Service Ombudsman for Wales – Recent Investigation Outcomes – ‘Our Findings’	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 her website for the period 1st November 2023 – 31st December 2023.	Monitoring Officer	Open	None
Adjudication Panel Decisions	To provide an information report in respect of any recent Adjudication Panel Decisions not previously reported	Monitoring Officer	Open	None
Group Leaders’ duties in respect of standards of conduct – Annual Review	To consider the annual review of compliance with the duties of political group leaders in relation to standards of conduct placed on standards committees (as introduced by Part 4 of the Local Government and Elections (Wales) Act 2021	Monitoring Officer	Open	Group Leaders
National Standards Forum – Feedback from meeting held in January 2024	To provide Members with feedback from the meeting of the National Standards Forum held in January 2024	Monitoring Officer	Open	Chair of the Committee

Tudalen 25

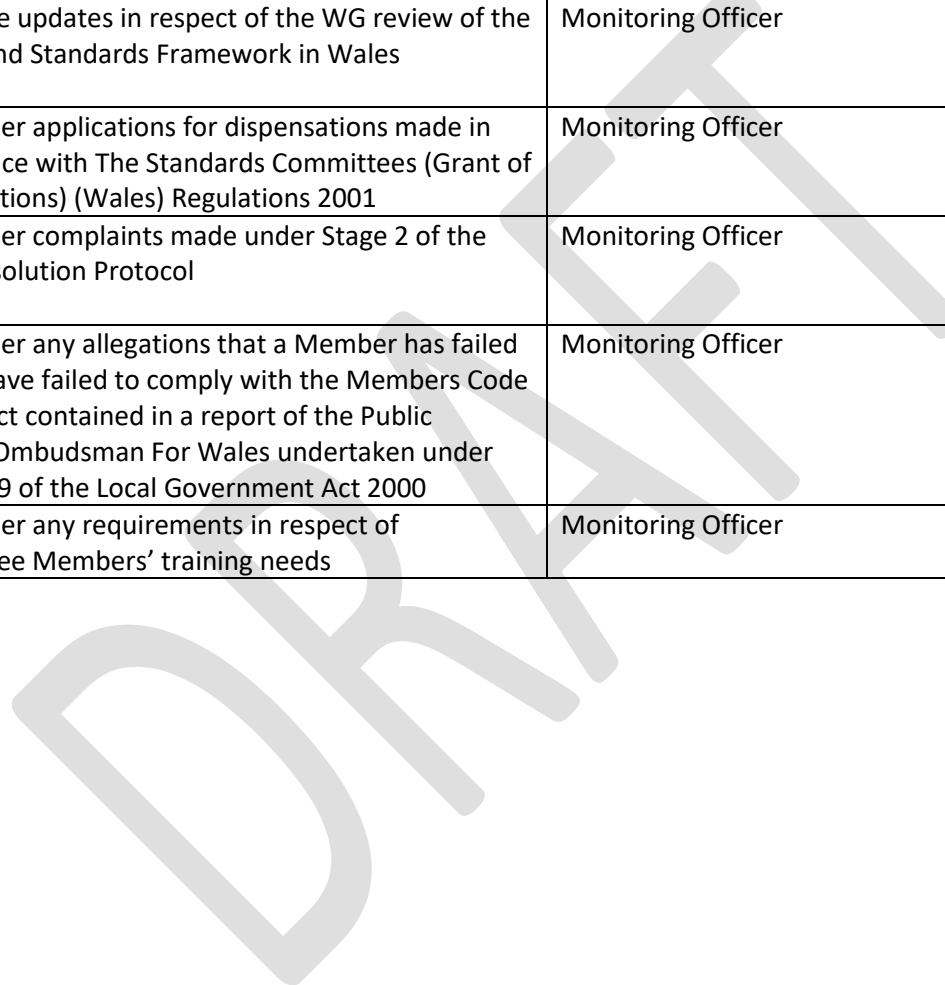
Key Decision	Brief Outline	Responsible Officer	Open / Exempt Report	Consultation undertaken prior to Decision being made?
--------------	---------------	---------------------	----------------------	---

\*\*\*

**MISCELLANEOUS** (the following items to be considered as and when appropriate / necessary during the Municipal Year)

Updates on Welsh Government (WG) review of the Ethical and Standards Framework in Wales	To receive updates in respect of the WG review of the Ethical and Standards Framework in Wales	Monitoring Officer	Open	
Dispensation Applications	To consider applications for dispensations made in accordance with The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001	Monitoring Officer	Open	
Local Resolution Protocol – Standards of Conduct To Be Followed By Members	To consider complaints made under Stage 2 of the Local Resolution Protocol	Monitoring Officer	Open	
Public Services Ombudsman For Wales – Members Code of Conduct Complaints	To consider any allegations that a Member has failed or may have failed to comply with the Members Code of Conduct contained in a report of the Public Services Ombudsman For Wales undertaken under Section 69 of the Local Government Act 2000	Monitoring Officer	Open	
Review of Standards Committee Member’s Training Needs	To consider any requirements in respect of Committee Members’ training needs	Monitoring Officer	Open	

Tabled on 28/01/2025





## RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

### STANDARDS COMMITTEE

5 SEPTEMBER 2023

### **PUBLIC SERVICES OMBUDSMAN FOR WALES – SUMMARY OF COMPLAINTS AGAINST MEMBERS – 1<sup>ST</sup> APRIL 2023 – 29<sup>TH</sup> AUGUST 2023 AND INVESTIGATION OUTCOMES**

#### **REPORT OF THE MONITORING OFFICER**

#### **1. PURPOSE OF THE REPORT**

- 1.1 To provide Members with a summary of complaints made against Members and submitted to the Public Services Ombudsman for Wales (the 'Ombudsman') for the period 1<sup>st</sup> April 2023 – 29<sup>th</sup> August 2023 and the results of two investigations completed by the Ombudsman in relation to alleged breaches of the Code of Conduct.

#### **2. RECOMMENDATIONS**

- 2.1 To consider the contents of the report and provide any comments/feedback on the complaints received by the Ombudsman during the period 1<sup>st</sup> April 2023 – 29<sup>th</sup> August 2023; and
- 2.2 To consider the summary of two investigations completed by the Ombudsman in relation to alleged breaches of the Code of Conduct, attached at appendices 1 and 2 to the report.

#### **3. BACKGROUND AND DETAILS OF COMPLAINTS**

- 3.1 In determining whether to investigate a breach of the Code of Conduct, the Ombudsman initially applies a two-stage test. At the first stage, she 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. This 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.

3.2 Members will note below the summary of anonymised complaints made against Members and submitted to the Ombudsman during the reporting period 1<sup>st</sup> April 2023 – 29<sup>th</sup> August 2023:

Date Notification Received by the Ombudsman	Body & Cllr	Nature of Complaint	Ombudsman Investigation Yes/No
04/08/23	Rhondda Cynon Taf County Borough Council (County Borough Councillor)	<p>It was alleged that the Member deliberately applied to be a local authority governor in a distant ward, standing against the complainant, so as to affect the appointment process. It was alleged the Member applied late and already had many other governor positions. It was alleged the Councillors declarations of personal interests were not accurate, had been falsely backdated and confidential information had been shared with others.</p> <p><b>PSOW Decision</b></p> <p><b>(1) Whether there is evidence to suggest that there have been breaches of the Code of Conduct.</b></p> <p>Evidence was not provided to show there had been breaches of the Code of Conduct, The PSOW will not investigate unless there is reasonably strong evidence to suggest the Member concerned had breached the Code. No evidence was provided of regulations which would stop prospective governors from applying outside of their own area. If there was the decision to appoint out of area would be a matter for the Authority and not within the control of the Member. No breach of the Code arises therefore from the Councillor allegedly having done this.</p> <p>The complainant also alleged the Councillor’s declarations of interests were inaccurate and had been backdated. In respect of the alleged inaccuracy the Ombudsman did not consider it to be of sufficient seriousness to warrant an investigation. There was no evidence to show any declaration was backdated. An allegation was made that confidential information had been shared inappropriately with the Council’s Legal Team but no evidence was provided to show that this was the case, and no evidence provided that the Councillor deleted information contrary to information laws.</p> <p><b>(2) Whether an investigation is required in the public interest</b></p> <p>The conduct complained about did not meet the first stage of the Ombudsman’s test, therefore, there was no need to consider the second stage of the test (public</p>	No

		interest).	
04/08/23	Rhondda Cynon Taf County Borough Council (County Borough Councillor)	<p>It was alleged that the Member has user their position improperly by making sure they did not have to re-apply to become a school governor. It was also alleged that the Member made an incorrect declaration of interests and falsified documentation.</p> <p><b>PSOW Decision</b></p> <p><b>(1) Whether there is evidence to suggest that there have been breaches of the Code of Conduct.</b></p> <p>The Councillor’s original term as local authority governor expired in 2024. The Councillor was appointed as a local authority governor at the same school in 2022, which would take their term to 2026. The complainant says there was no advertisement for this position in 2022 and that the Councillor abused their position to extend their original term without going through due process. The complainant sys the Councillor resigned and then re-applied. While the complainant suspected there had been an abuse of power, no evidence had been provided to show this had occurred. The relevant published minutes show the Councillor was duly appointed in 2022. The Ombudsman stated the advertising of governor positions is a matter for the LA not for individual governors. No evidence was provided the Councillor’s declaration of interests were backdated.</p> <p><b>(2) Whether an investigation is required in the public interest</b></p> <p>The conduct complained about did not meet the first stage of the Ombudsman’s test, therefore, there was no need to consider the second stage of the test (public interest).</p>	No

3.3 Attached at Appendices 1 and 2 to this report Members will find a summary of two investigations completed by the Ombudsman in relation to alleged breaches of the Code of Conduct by a member of Ynysybwl & Coed-Y-Cwm Community Council. Based on the circumstances of each complaint and PSOW findings it was determined not to be in the public interest for any further action to be taken in relation to the complaints.

#### 4. **LEGAL IMPLICATIONS**

4.1 There are no legal implications arising from this report.

#### 5. **CONSULTATION**

5.1 There are no consultation implications arising from this report.

**6. EQUALITY AND DIVERSITY IMPLICATIONS**

6.1 There are no equality and diversity implications arising from this report.

**7. FINANCIAL IMPLICATIONS**

7.1 There are no financial implications arising from this report.

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**STANDARDS COMMITTEE**

**5 SEPTEMBER 2023**

**REPORT OF THE MONITORING OFFICER**

**Background Papers:** Freestanding matter

**Contact:** Mr. Andy Wilkins (Director of Legal Services & Monitoring Officer)

Tudalen wag





**Summary of a report issued under section 69 of the  
Local Government Act 2000  
Case Number: 202102524**

The Ombudsman received a complaint that a Member (“the Member”) of Ynysybwl & Coed-y-Cwm Community Council (“the Council”) had breached the Code of Conduct. It was alleged that the Member had misled the Council and had behaved inappropriately towards the Clerk.

The investigation considered whether the Member had failed to comply with the following provisions of the Code of Conduct:

- 4(b) – Members must show respect and consideration for others.
- 4(c) – Members must not use bullying behaviour or harass any person.
- 4(d) – Members must not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, their authority.
- 6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.
- 11(1) - Where a member has a personal interest in any business of their authority and they attend a meeting at which that business is considered, they must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

- 14(1)(a) - Where a member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee, withdraw from the room, chamber or place where a meeting considering the business is being held —

- (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and, in any event, before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

- (j) in any other case, whenever it becomes apparent that that business is being considered at that meeting.

- 14(1)(c) - Where a member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee, not seek to influence a decision about business.

- 14(2) – Where they have a prejudicial interest in any business of their authority they may attend a meeting but only for the purposes of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under statutory right or otherwise.

The investigation considered information obtained from the Council, including copies of minutes and other documents. Witness accounts were also obtained from the Complainant and other witnesses. An account was also obtained from the Member.

The investigation found that in relation to the declaration of interests, the Member's behaviour was not suggestive of a breach of the Code of Conduct. In relation to the allegation that the Member had bullied the Clerk, the investigation found that if the Member had concerns about the conduct of the Clerk, he should have raised these through the Council's employment

procedures. It found that the threat of escalating the matter when he had not raised his concerns through the appropriate channel first was an attempt to intimidate the Clerk. However, while this showed disrespect for the Clerk, which was suggestive of a breach of paragraph 4(b) of the Code of Conduct, as it was an isolated incident, it was not considered that the email was, in itself, evidence of bullying or harassing behaviour. Consequently, it was not considered that it would be in the public interest for any further action to be taken.

The Member was reminded of his obligation under the Code of Conduct to engage appropriately with the Council's new Clerk (once appointed) as a member of the Council and 'employer' of the new Clerk.

21 June 2023

Tudalen wag



**Summary of a report issued under section 69 of the  
Local Government Act 2000  
Case Number: 202104296**

The Ombudsman received a complaint that a Member (“the Member”) of Ynysybwl & Coed-y-Cwm Community Council (“the Council”) had breached the Code of Conduct. It was alleged that the Member had attempted to bully the Complainant.

The investigation considered whether the Member had failed to comply with the following provisions of the Code of Conduct:

- 4(c) – Members must not use bullying behaviour or harass any person.
- 6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

The investigation considered information obtained from the Council, including copies of minutes and other documents. An account was obtained from the Complainant and the Member.

The investigation found that the Member took offence at being called a liar by the Complainant and instructed his solicitor to write to them. Whilst this could be considered to be a heavy-handed approach, the Member was entitled to respond to the comment about him in this way. As the Member took this action in his private capacity, it was not considered that the Code of Conduct was engaged, and this conduct was not suggestive of a breach of the Code of Conduct.

The Member also wrote directly to the Complainant. The investigation found that, as a private citizen, the Member was entitled take any steps he felt necessary prior to deciding whether to take legal action against the Complainant. However, the Member chose to copy the letter to the Chair and Vice Chair of the Council. It was found that, regardless of whether the Member wrote this letter in a private capacity, as he was a member of the Council and he copied the letter to the Chair and Vice Chair when the matter related to a matter which had been considered by the Council, this engaged the 'disrepute' provision in the Code of Conduct (which applies to a member's conduct at all times). The investigation found that by copying the letter to the Council, the Member intended to intimidate the Complainant and bring the personal dispute to the attention of the Chair and Vice Chair of the Council.

Although the conduct had the potential to amount to a breach of the 'disrepute' provision in the Code of Conduct, as it was an isolated incident and had no bearing on the Council's decision making, it was considered that the evidence may not be sufficiently strong for a finding of a breach of paragraph 6(1)(a) of the Code of Conduct to be taken by the local Standards Committee. It was not considered to be in the public interest for any further action to be taken.

The Member was reminded to take more care in relation to his engagement with the Council on matters relating to his personal business which may, or have the potential to give, the appearance of conflicting with his role as a councillor.

21 June 2023



## RHONDDA CYNON TAF

### RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

#### STANDARDS COMMITTEE

5 SEPTEMBER 2023

### PUBLIC SERVICES OMBUDSMAN FOR WALES – RECENT INVESTIGATION OUTCOMES – ‘OUR FINDINGS’

#### INFORMATION REPORT OF THE MONITORING OFFICER

#### 1. PURPOSE OF 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 her website for the period 1<sup>st</sup> April 2023 – 29<sup>th</sup> August 2023.

#### 2. RECOMMENDATION

- 2.1 To note and consider the contents of the summary of investigation outcomes concerning alleged breaches of the Members’ Code of Conduct, originally published by the Public Services Ombudsman for Wales on the ‘our findings’ section of her website and attached as Appendix 1 to the report (for the period 1<sup>st</sup> April 2023 – 29<sup>th</sup> August 2023).

#### 3. BACKGROUND

- 3.1 The PSOW considers complaints that members of local authorities in Wales have breached the Code. There are four findings the PSOW can arrive at:

- (a) that there is no evidence of breach;
- (b) that no action needs to be taken in respect of the complaint;
- (c) that the matter be referred to the authority’s Monitoring Officer for consideration by the Standards Committee;
- (d) that the matter be referred to the President of the Adjudication Panel for Wales (the APW) for adjudication by a tribunal.

It should also be noted that occasionally an investigation may be discontinued, where circumstances change during the course of an investigation and it is considered that it would not be in the public interest to continue to investigate.

- 3.2 The 'Our Findings' section on the PSOW website includes a search tool to allow summaries of cases to be accessed by reference to the relevant organisation, matter type, dates, case reference numbers, or outcome. In terms of matter types, cases are broken down into the following categories:
- a. Integrity;
  - b. Promotion of Equality and Respect;
  - c. Disclosure or Registration of Interests;
  - d. Duty to Uphold the Law; and
  - e. Selflessness and Stewardship.
- 3.3 The appendix to this report contains a summary of those cases, originally published in ['Our Findings'](#) between the period 1<sup>st</sup> April 2023 – 29<sup>th</sup> August 2023.



**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**STANDARDS COMMITTEE**

**5 SEPTEMBER 2023**

**REPORT OF MONITORING OFFICER**

**PUBLIC SERVICES OMBUDSMAN FOR WALES – RECENT INVESTIGATION  
OUTCOMES – ‘OUR FINDINGS’**

**BACKGROUND PAPERS**

**Freestanding Matter**

**Contact:** Mr. Andy Wilkins (Director of Legal Services & Monitoring Officer)

Tudalen wag

**SUMMARY OF PSOW INVESTIGATION OUTCOMES CONCERNING ALLEGED MEMBERS' CODE OF CONDUCT BREACHES - 1<sup>ST</sup> APRIL 2023 – 29TH AUGUST 2023**

**Duty to uphold the law: Abertillery & Llanhilleth Community Council**

Report date - 03/05/2023

Outcome - Referred to Standards Committee

The Ombudsman's office received a complaint that a Member ("the Member") of Abertillery & Llanhilleth Community Council ("the Council") had breached the Code of Conduct. The report on the investigation was referred to the Monitoring Officer of Blaenau Gwent County Borough Council for consideration by the Council's Standards Committee. This summary will be updated following the Standards Committee's decision.

**Duty to uphold the law : Abergele Town Council**

Report date - 15/05/2023

Outcome - No Action Necessary

The Ombudsman received a complaint that a Former Member ("the Member") of Abergele Town Council ("the Council") had breached the Code of Conduct because of failings when acting in their capacity as Clerk to a Board under the control of this and a neighbouring council ("the Board").

The Member was appointed as Clerk to the Board. At the time of the appointment, the Member and the Board members believed the Board to be an autonomous body.

The complaint was that the Member failed to complete required tasks, incorrectly asserted that the Board was an autonomous body, when it was not, and that they inappropriately took a wage from the Board. The complaint suggested that these actions resulted in a critical report from Audit Wales which had a negative impact on the reputation of the Board and the councils associated with it.

The investigation considered the actions of the Member and the Board by reviewing documents and interviewing relevant witnesses. The investigation found that the Board and the councils associated with it were all acting under the misunderstanding that it was an independent body and there was no evidence to suggest action was taken by anyone to identify the correct legal position.

The investigation found that the Clerk was appointed through a recruitment process, and that all involved believed they were eligible to perform the role. The accounts and

documents were poorly maintained and while the Member bore some responsibility for that, there was little to no oversight from the Board or the associated councils.

The investigation found that the Member was not acting in their capacity as an elected member when they undertook their role as Clerk, so the whole Code of Conduct was not engaged.

The responsibility for the poor governance of the Board lay with all those involved. It was also found that the Member took the wage in good faith and did not mislead anyone regarding her role or remuneration for that role. However, the Ombudsman considered that the Member was in large part responsible for failing to establish the legal position of the Board and that the Member should have undertaken proper research sooner. Failing to do so put the reputation of the Board and the Council at risk and is suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct.

While it is noted that the Member's actions were suggestive of a breach of the Code of Conduct, significant mitigation arose because all those involved were acting under the same mistaken belief that the Board was a separate entity and no one sought independent advice on this matter. Even if a referral to the Standards Committee would be made it seems that, given the mitigation, and the fact that the Member is also now retired from public life, it is unlikely, even if a breach of the Code of Conduct were proven, a sanction of any kind would be imposed. Therefore under Section 69(4)(b) of the Local Government Act 2000, the finding is that no action needs to be taken in respect of the matters investigated.

### **Promotion of equality & respect: Bannau Brycheiniog National Park Authority**

Report Date - 28/06/2023

Outcome - No Evidence of Breach

The Ombudsman received a complaint that a Member ("the Member") of the Brecon Beacons National Park Authority ("the Authority") had breached the Authority's Code of Conduct ("the Code"). It was alleged that during 2 specific Authority meetings, the Member failed to treat a member of staff, an officer of the Authority, with respect and used bullying behaviour towards her.

The Ombudsman's investigation considered whether the Member's conduct may have breached paragraphs 4(b), 4(c) and 6(1)(a) of the Code. Information was obtained from the Authority, including relevant correspondence and emails. A video recording and transcript of a relevant meeting was obtained. Witness information was also obtained.

The Ombudsman's investigation found that, with regard to the first Authority meeting, the Member was frustrated with the way in which the meeting was administered. The Member engaged in a robust discussion and voiced his concerns about the meeting's administration. The Ombudsman found that such criticism of ideas and opinions is considered part of democratic debate.

The Member's comments were political in nature and therefore attracted enhanced protection under the ECHR. The Ombudsman acknowledged that the member of staff may have been upset at the criticism of the way in which the meeting had been handled, but the Ombudsman did not consider there was evidence that the Member's comments were personally or gratuitously offensive. The Ombudsman found on the basis of the evidence and, in particular, the video recording of the first meeting, that the Member was not particularly forceful or aggressive, although it is clear he was frustrated. The Ombudsman did not consider that the Member's comments were sufficiently offensive, intimidating or insulting to amount to bullying or disrespectful behaviour within the meaning of the Code. As a result, the Ombudsman was not persuaded that there was evidence to suggest a breach of paragraphs 4(b) or 4(c) of the Code.

In relation to the second meeting, the Ombudsman's investigation found that there was a disagreement between the Member and the member of staff about the working arrangements and governance in the Authority. The Ombudsman found, on the basis of the evidence, that the Member's comments during the second meeting were political comments about the Authority's policies and administration. The Ombudsman found that the Member's comments fell within the realms of freedom of expression and were not sufficiently offensive, intimidating or insulting to amount to bullying or disrespectful behaviour within the meaning of the Code. As a result, the Ombudsman was not persuaded that there was evidence to suggest a breach of paragraphs 4(b) or 4(c) of the Code.

The Ombudsman found that, in view of her findings above, there was also no evidence to suggest the Member had brought his office as Member or his Authority into disrepute.

The Ombudsman found that under Section 69(4)(a) of the Local Government Act 2000, there was no evidence of any failure to comply with the Code.

Tudalen wag



## **RHONDDA CYNON TAF**

### **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

#### **STANDARDS COMMITTEE**

**5 SEPTEMBER 2023**

#### **ADJUDICATION PANEL FOR WALES – RECENT TRIBUNAL DECISIONS**

#### **INFORMATION REPORT OF THE MONITORING OFFICER**

##### **1. PURPOSE OF REPORT**

To allow Members the opportunity to consider recent decisions made by the Adjudication Panel for Wales (APW).

##### **2. RECOMMENDATIONS**

- 2.1 It is recommended the Committee considers the recent decisions made by the Adjudication Panel for Wales (as appended to the report); and
- 2.2 Determines whether there are any possible messages or lessons to be learnt arising out of the decisions that could be communicated as part of future training for Members on the Code of Conduct.

##### **3. BACKGROUND**

- 3.1 The ethical framework set out 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. The operation of the Panel is governed by Regulations issued by the Welsh Government.
- 3.2 The APW issues decision notices following the conclusion of the cases it considers and in that respect Members will find copies of the following decision appended to the report:

Appendix 1 - APW/013/2022-023/CT – Former Councillor Karen Laurie-Parry  
(Powys County Council)

Appendix 2 – APW/014/2022-023/CT – Councillor Steve Davies -  
(Ceredigion County Council and Aberystwyth Town Council)

Appendix 3 - APW/015/2022-023/CT - Former Councillor Chris Evans  
(Newport City Council)

Appendix 4 - APW/001/2023-24/CT - Former Councillor Donald Jenkins -  
(St. Harmon Community Council)

3.3 The Committee may find it helpful to consider such decisions and the approach adopted by the APW in formulating its decision and sanctions (where relevant) in light of its own role when conducting Code of Conduct hearings.

3.4 The Committee may also wish to consider whether there are any possible messages or lessons to be learnt arising out of APW Panel decisions that could be communicated as part of future training for Members on the Code of Conduct.

**4. LEGAL IMPLICATIONS**

4.1 There are no legal implications arising from this report.

**5. CONSULTATION**

5.1 There are no consultation implications arising from this report.

**6. EQUALITY AND DIVERSITY IMPLICATIONS**

6.1 There are no equality and diversity implications arising from this report.

**7. FINANCIAL AND RESOURCE IMPLICATIONS**

7.1 There are no financial implications arising from this report.



**LOCAL GOVERNMENT ACT 1972**  
**AS AMENDED BY**  
**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
**STANDARDS COMMITTEE**  
**5 SEPTEMBER 2023**  
**REPORT OF MONITORING OFFICER**

**ADJUDICATION PANEL FOR WALES – RECENT TRIBUNAL DECISIONS**

**BACKGROUND PAPERS**

**Freestanding Matter**

**Contact:** Mr. Andy Wilkins (Director of Legal Services & Monitoring Officer)

Tudalen wag

**PANEL DYFARNU CYMRU  
ADJUDICATION PANEL FOR WALES**

**NOTICE OF DECISION**

**TRIBUNAL REFERENCE NUMBER:** APW/013/2022/023/CT

**RESPONDENT:** Former Councillor Karen Laurie-Parry

**RELEVANT AUTHORITY:** Powys County Council

1. A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.
2. The Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales in relation to allegations made against Former Councillor Laurie-Parry. She was informed on 28 February 2023. The allegations were that she had breached Powys County Council's Code of Conduct by repeatedly emailing officers, councillors and others to express concerns and make serious allegations about the conduct of certain Council officers, despite presenting no evidence to substantiate such matters and having been advised against doing so and/or pursuing a course of conduct which was perceived to have been in breach of the Code of Conduct. She thereby demonstrated a failure to show respect, made complaints which became vexatious and embarked upon a course of conduct which constituted bullying and harassment. By doing so, she brought her office into disrepute. She also breached confidentiality in respect of certain information which ought not to have been shared and/or disseminated to the people with whom she had shared it.
3. The Case Tribunal determined its adjudication by way of written representations at a meeting on 6 July 2023 which was held by way of remote video-conferencing. The Case Tribunal unanimously found that the Councillor had acted in breach of the Code as set out in paragraph 2 above.
4. The Case Tribunal concluded by unanimous decision that the former Councillor Laurie-Parry should be disqualified from acting as a councillor for any authority for a period of 18 months in respect of all matters concurrently.
5. The Authority and its Standards Committee are notified accordingly.
6. The Respondent has the right to seek the leave of the High Court to appeal the above decision.
7. The Case Tribunal made no recommendations to the Authority.



Signed..... Date...7 July 2023.....

Mr J Livesey  
Chairperson of the Case Tribunal

Dr G Jones  
Panel Member

Ms S Hurds  
Panel Member

**NOTICE OF DECISION**

**TRIBUNAL REFERENCE NUMBER:** APW/014/2022-023/CT

**RE: REFERENCE ABOUT ALLEGED BREACHES OF THE CODE OF CONDUCT**

**RESPONDENT:** Councillor Steve Davies

**RELEVANT AUTHORITIES:** Ceredigion County Council and Aberystwyth Town Council.

1. An Interim Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.
2. The Interim Case Tribunal must determine if there was prima facie evidence such that it appears that the Respondent has failed to comply with the relevant authorities' Codes of Conduct.
3. The Interim Case Tribunal determined its adjudication on the papers only at a meeting on 10<sup>th</sup> July 2023 conducted by means of remote attendance technology.
4. The Interim Case Tribunal found by unanimous decision that the prima facie evidence was such that it appears that the Respondent has failed to comply with paragraphs 4(b), 4(c), 6(1)(a) and 7(a) of the relevant authorities' Codes of Conduct in relation to various incidents between March 2020 and January 2023 of the Respondent's alleged inappropriate behaviour towards different women. The Interim Case Tribunal **has not made any findings of fact**; that is a task for the Case Tribunal that will decide the case in due course.
5. The Interim Case Tribunal decided by unanimous decision that the nature of that failure is such as to be likely to lead to disqualification under section 79(4)(b) of the Local Government Act 2000.
6. The Interim Case Tribunal decided by unanimous decision that it is in the public interest to suspend or partially suspend the Respondent Councillor immediately.
7. The Interim Case Tribunal has decided that the Respondent should be suspended from being a member or a co-opted member of Ceredigion County Council and Aberystwyth Town Council for a period which does not exceed **six months** or (if shorter) the remainder of the Respondent's term of office **with effect from the date of this notice**.
8. Ceredigion County Council and Aberystwyth Town Council and their Standards Committees are notified accordingly.

9. The Respondent has the right to seek the leave of the High Court to appeal the above decision.

10. The decision report will be published on the APW' website in due course.

Signed; R. Payne.  
Dated 10<sup>th</sup> July 2023.

Tribunal Judge Richard Payne  
Chairperson of the Interim Case Tribunal

Mrs S. McRobie  
Panel Member

Mr. D. Morris  
Panel Member

**DECISION REPORT**

**TRIBUNAL REFERENCE NUMBER:** APW/015/2022-023/CT

**REFERENCE IN RELATION TO A POSSIBLE FAILURE TO FOLLOW THE CODE OF CONDUCT**

**RESPONDENT:** Former Councillor Chris Evans

**RELEVANT AUTHORITY:** Newport City Council

**1. THE ADJUDICATION**

1.1. A Case Tribunal was convened by the President of the Adjudication Panel for Wales ('APW') to consider a reference in respect of the above Respondent which was made by the Public Services Ombudsman for Wales ('the PSOW').

1.2 On 21 March 2023, the Tribunal Registrar wrote to the Respondent and, in accordance with regulation 3(1) of the Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001, the letter required the Respondent to send written acknowledgement, indicating whether he wished the reference to be determined by way of written representations or oral hearing. The Respondent indicated that he wished the matter to be determined by way of written representations.

1.3 On 16 May 2023, the Case Tribunal issued Listing Directions which, amongst other matters, afforded the opportunity for either party to apply for leave to attend or be represented at an oral hearing. Neither party lodged any application to this effect.

1.4 The Case Tribunal therefore exercised its discretion to determine its adjudication on the papers only. The adjudication duly proceeded in the absence of the relevant parties at 10.00am on 23 June 2023, and was conducted by means of remote attendance technology.

## **2. THE ALLEGATION**

2.1 The PSOW's report and reference to the APW dated 20 March 2023 outlined the allegation to be adjudicated upon by the Case Tribunal as follows.

2.2 It was alleged that the Respondent had brought his office and the Council into disrepute when he pleaded guilty and was convicted of the criminal offence of soliciting. The PSOW noted the nature of the Respondent's criminal offence, which was contrary to the Sexual Offences Act 2003, and the significant publicity surrounding the conviction, which referred to both the Council and the Respondent's role as an elected member. The PSOW said this suggested that the Respondent's actions may have brought his office and the Council into disrepute and that the Respondent's conduct may amount to a breach of paragraph 6(1)(a) of the Relevant Council's Code of Conduct.

## **3. FINDINGS OF FACT**

### **Submissions on the Undisputed Material Facts**

3.1 There being no relevant Disputed Material Facts, the Case Tribunal's Listing Directions dated 16 May 2023 afforded the opportunity for the parties to make further written submissions to the Case Tribunal regarding the Undisputed Material Facts.

3.2 The PSOW referred to the report dated 20 March 2023 and offered no further written submissions. The Respondent's representative made the following points in further written submissions dated 26 May 2023.

3.2.1 With regard to paragraph 3.3.2 below, he said that the Respondent couldn't recall making any mention of 'kerb-crawling' and he was merely representing the views of various bodies such as the World Health Organisation which have an interest in this issue. He had further suggested that local charities be consulted to seek their views. He said that the Respondent's engagement in the Committee meetings had been fully investigated by the Police and Crown Prosecution Service and no further action was deemed necessary.

3.2.2 As to paragraph 3.3.6 below, he said that the Respondent's Solicitor for the criminal proceedings had referenced the Respondent's councillor role during those proceedings, only to the extent of highlighting his excellent record as an elected representative, as evidenced by comments on social media. He had also referenced the impact the whole affair had on his standing, wellbeing and mental health.

3.2.3 As to paragraph 3.3.7 below, he said that the Respondent was seriously ill at the time. His Solicitor in the criminal proceedings had agreed a basis of plea, namely that the Respondent agreed to plead guilty in order to minimise the impact on his family, friends, community and the person involved. The Respondent's representative said that



the relevant magistrate credited the Respondent with his willingness to bring matters to a swift and reasonable end.

3.2.4 With regard to paragraph 3.3.8 below, the Respondent wanted it recorded that the main reporting came from a news agency he previously worked for, and with whom he was in dispute. The Respondent felt that he was not responsible for the media reporting and referred to the findings of the Leveson Report and its recommendations as to press intrusion and misreporting.

3.2.5 With regard to paragraph 3.3.9 below, the Respondent's representative said that relevant medical reports and doctor's notes clearly record that after the case, the Respondent suffered serious ill-health. He was receiving intense medical attention and was in no position to refer himself to anybody.

3.2.6 As to paragraph 3.3.10 below, he agreed that this was correct. However, the representative considered it important to note that the Respondent only effectively remained a Councilor for approximately two months, as the local elections were in early May. He said that after attending one meeting in January 2022, in which he was clearly unwell, he removed himself from all committees, political parties and council business. The representative said that retrospectively, the Respondent also donated his Councilor's allowance to various good causes. This was reported in the press.

3.2.7 Finally, as to paragraph 3.3.11 below, the Respondent's representative said that this description was wholly inadequate. In this context, he provided detailed and sensitive information about the medication, support and monitoring which the Respondent was receiving.

### **Case Tribunal's Determination as to the Facts**

3.3 There being no relevant Disputed Facts, The Case Tribunal noted the detailed further written representations on the Undisputed Material Facts made by the Respondent's representative. It also considered the PSOW's report, together with the evidence in the Tribunal Bundle. The Case Tribunal acknowledged the contextual background provided by the Respondent's representative. On the balance of probabilities however, and having considered all these matters, it found the following Undisputed Material Facts: -

3.3.1 The Respondent was a member of the Relevant Council from 2012 until May 2022.

3.3.2 The Respondent attended meetings of the Committee to discuss the proposed Public Spaces Protection Order ('PSPO') in Pill on 19 February and 30 April 2021. He made comments about the provisions of the PSPO.

3.3.3 The meetings took place before the Respondent's offence.

3.2.4 The Respondent pleaded guilty and was convicted on 6 January 2022 of an offence of soliciting, contrary to section 51A of the Sexual Offences Act 2003. The offence occurred in Pill on 22 May 2021.

3.3.5 The Respondent received a 12-month conditional discharge. He was ordered to pay a £22 victim service surcharge and £85 costs to the Crown Prosecution Service.

3.3.6 The Respondent's role as a member of the Council was referenced by his representative during the Court hearing.

3.3.7 The Council had not been informed in advance of the hearing that the Respondent intended to plead guilty.

3.3.8 The Respondent's conviction received significant press interest, which referred to his role as a member of the Council. The press articles reported that the Respondent's representative in the criminal proceedings had referred to his Council role (and that he was 'resigned' to losing it), that the Judge had taken this into account when making his judgment, and that the Council had no powers to disqualify the Respondent.

3.3.9 The Respondent did not refer himself to the PSOW's office following his conviction.

3.3.10 The Respondent remained a member of the Council until 9 May 2022 and attended a meeting of the Full Council on 25 January 2022.

3.3.11 The Respondent has been prescribed both antidepressant and anxiety medication since 7 June 2021.

#### **4. FINDINGS OF WHETHER THE MATERIAL FACTS AND EVIDENCE DISCLOSE A FAILURE TO COMPLY WITH THE CODE.**

4.1 The Listing Directions dated 16 May 2023 afforded the opportunity for the parties to make further written submissions to the Case Tribunal as to whether, in the light of the Facts, there had been a failure to comply with the Relevant Authority's Code.

4.2 The Case Tribunal considered the parties' submissions, the Respondent's interview responses, the contextual background in relation to the Undisputed Material Facts, as provided by the Respondent's representative in paragraph 3.2 above, as well as the evidence within the Tribunal Bundle.

##### **Paragraph 6(1)(a) of the Code of Conduct**

4.3 The alleged Code breach relates to Paragraph 6(1)(a) of the Code of Conduct. This Paragraph states that '*You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute*'.

##### **The Parties' submissions**

4.4 The parties' submissions as to whether there has been a failure to comply with Paragraph 6(1)(a) of the Code of Conduct can be summarised as follows.

##### **The PSOW's Submissions**

4.4.1 The PSOW's submissions as contained in the Report dated 20 March 2023 are that the Respondent's conduct was suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct for the following reasons.

4.4.2 The PSOW's Report referred to the fact that the Respondent had pleaded guilty and was convicted on 6 January 2022 of an offence of soliciting in his private capacity, contrary to section 51A of the Sexual Offences Act 2003.

4.4.3 The Report also made the point that the Respondent did not resign following his conviction and attended a full Council meeting on 25 January 2022 and had not referred his actions to the PSOW's office for consideration. The PSOW considered that this indicated a lack of recognition by the Respondent of the seriousness of his actions and as to the impact his behaviour and conviction might have on the reputation of his office and the Council.

4.4.4 The PSOW noted that whilst the Respondent disputed the accuracy of the press articles in relation to the quotes attributed to his representative, he had nevertheless confirmed at interview that his Council role was referenced by his solicitor during the hearing.

4.4.5 The Report referenced the PSOW's Guidance which states that a Member's actions and behaviour are subject to greater scrutiny than those of ordinary members of the public, and that a criminal conviction may amount to a breach of paragraph 6(1)(a) of the Code of Conduct.

#### The Respondent's Submissions

4.4.6 The Case Tribunal again noted the written submissions made by the Respondent's representative as dated 26 May 2023 in relation to the Facts, in considering whether those Facts and the evidence in the Tribunal Bundle amounted to a breach of Paragraph 6(1) of the Code of Conduct.

4.4.7 The Respondent's representative also added general comments about the criminal proceedings. He said that relevant testimony in the proceedings had confirmed that no money changed hands on the night in question and no sexual relations took place. He also explained the lengthy, historical, complex and multi-layered context. He said that communications had been friendly and non-exploitative and that there was a relationship of respect with the person in question.

4.4.8 During his interview with the representatives of the PSOW, where his own legal representative was present, the Respondent had also made the following points: -

- that he had a previous history of raising the issues which were subject to the PSPO, and which pre-dated the meetings specifically referenced by the PSOW.

- that 'resigned to' losing his Councillor role, as referenced by his Solicitor in the criminal proceedings, was misinterpreted to imply that he had already 'resigned'.

- he said that the matter had been reported on the front page of one particular local newspaper for three days.
- he felt he was dealing with hostile media, with respect to the way that they reported it, in comparison with the case of another Councillor.
- The Respondent considered that the question of how the matter impacted on the Council and his role was; *“totally and utterly out of my control.”* He did not consider that he was responsible for the way that certain organisations chose to use him as *“clickbait”*.
- The Respondent’s representative thought that this offence was *“fairly low down the food chain”* in terms of such matters. He said; *“I’d submit it’s not necessarily caused any damage...a conditional discharge is a very, very, very lenient sentence.”*

4.4.9 During various written exchanges with the PSOW and the APW, the Respondent or his representative also made the following points; -

- It was Respondent’s view that the PSOW Report was unbalanced, relying essentially on evidence provided by the Relevant Authority, and did not portray the Respondent in a fair or reasonable light and was somewhat dismissive of his diagnosed mental and physical health conditions.
- He reiterated that in Committee meetings, he had expressed opinions that were not necessarily his own, by referencing various policies and opinions of organisations, such as the World Health Organisation. He said he was able to produce the research that he had carried out prior to the meetings. He did not consider that the comments he made at these meetings could bring the Council into disrepute, as he was merely representing the views of others.
- He said that the newspaper ‘clippings’ failed to include a report in one newspaper which stated that the Respondent intended to donate his Councillor allowance to various local good causes.
- He reiterated that the concept of being resigned to the notion that he would lose his position was clear throughout the reporting and may have been misunderstood by the presiding magistrate.
- He was not responsible for shares or comments made by a councillor who had a history of opposing his views and politics.
- He considered that there had been no requirement to resign. In addition, his failure to resign and self-report was due to illness, not failure to recognise the consequences of his actions. He had not been in a fit state *“to consider perceived impact of his behaviour”*.
- The Respondent felt that he had received overwhelming support, with countless requests for him to continue representing his community.

- The Respondent said that the police themselves withdrew the relevant part of the proposed PSPO. He thought that this suggested that they shared the views, and it was the Council itself that reintroduced the provision.
- He considered that where the Monitoring Officer was aware of the situation, then there was no need to self-report the matter and he referenced the PSOW Guidance in this respect.
- Apart from being unwell, he said that there was absolutely no obligation upon him to inform the Council as to whether he intended to plead guilty or not guilty. He said that he pleaded guilty on the relevant date; *“to move on with his life and limit the impact on family.”*
- He was not responsible for his solicitors’ actions in the criminal proceedings if he referenced the Respondent’s Council role.
- He considered that his actions were in line with his diagnosed medical conditions

### **Code of Conduct Guidance and the Welsh Principles.**

4.5 The Case Tribunal carefully considered all of the evidence and the parties’ submissions. It also had regard to the PSOW Guidance for Members of Community and Town Councils in relation to the Code of Conduct. As to paragraph 6(1)(a), the Guidance states that: -

*‘2.31 ...As a member, your actions and behaviour are subject to greater scrutiny than those of ordinary members of the public. You should be aware that your actions in both your public and private life might have an adverse impact on the public perception of your office as a member, or your Council as a whole.*

*2.32 When considering whether a member’s conduct is indicative of bringing their office or their authority into disrepute, I will consider their actions from the viewpoint of a reasonable member of the public. It is likely that the actions of those members in more senior positions, will attract higher public expectations and greater scrutiny than ordinary members. It is more likely, therefore, that inappropriate behaviour by such members will damage public confidence and be seen as bringing both their office and their Council into disrepute. This does not mean that inappropriate behaviour by ordinary members can never bring their council into disrepute.*

*2.33 Dishonest and deceitful behaviour will bring your Council into disrepute, as may conduct which results in a criminal conviction, especially if it involves dishonest, threatening or violent behaviour, even if the behaviour happens in your private life.*

4.6 The Guidance then provides a list of case examples where a breach of paragraph 6(1)(a) has been found to have occurred. One such case was of a Member acting in a private capacity, who received a conditional discharge for common assault due to the unsolicited touching of the leg of a female, which caused her distress. The Member had

accepted that his behaviour was unacceptable and had pleaded guilty to the offence. In that case, the Panel found that the conviction and negative publicity that surrounded the case had brought the Member's office into disrepute, in breach of paragraph 6(1)(a) of the Code.

4.7 The Case Tribunal also considered the Respondent's behaviour in the context of the Welsh Principles governing the conduct of elected Members in Wales which encompass the 'Nolan Principles'. These include the following Principles which underpin the Code of Conduct in Wales.

4.7.1 'Integrity and Propriety' which the relevant Regulations further explain as follows; *'Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour'*.

4.7.2 'Duty to Uphold the Law', further explained as follows: *'Members must act to uphold to law and act on all occasions in accordance with the trust that the public has placed in them.'*

4.7.3 'Accountability', further explained as follows: *'Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.'*

4.7.4 'Leadership', further explained as follows: *'Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.'*

#### **Case Tribunal's determination as to alleged breach of paragraph 6(1)(a) of the Code of Conduct.**

4.8 Having considered the Guidance and Principles, the Case Tribunal turned to the question of whether the Respondent was acting in his private capacity at the time of the offence. It considered that he was indeed acting in his private capacity. It nevertheless noted that the Code of Conduct, as embodied in the relevant Welsh Regulations, made it clear at Paragraph 2(1)(d) that, a Councillor was required to observe the Code; *'at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7'*.

4.9 With reference to the PSOW Guidance, the Case Tribunal noted that the criminal behaviour to which the Respondent pleaded guilty did not amount to an offence involving dishonest, threatening or violent behaviour. The Case Tribunal also took into account the fact that the offence in question attracted a modest maximum penalty. It noted that the Magistrates Court may have taken into account the Respondent's likely loss of elected role and income in imposing sentence, however it considered that a conditional discharge following a guilty plea was relatively unusual.

4.10 The Case Tribunal concluded that pleading guilty and being convicted of an offence of this nature would inevitably attract interest and concern, even setting aside any unreasonable or salacious media interest. This was in light of the fact that the Respondent held a trusted leadership role as a Councillor and would be expected by reasonable members of the public to lead by example. The Case Tribunal noted that the Respondent had, for instance, been a Council nominated school Governor and his admitted behaviour was wholly at odds with that expected of an individual who had a role in representing the Council and/or a school. The Case Tribunal considered that public office attracted greater scrutiny than for ordinary members of the public. It was of the view that the Respondent, as an experienced Councillor, would have been fully aware of the likely consequences of his behaviour and its impact on his public role and Council. It considered that the Respondent's actions, albeit in a private capacity, failed to promote public confidence in the role of Councillor and in the work and efforts of the Relevant Authority. The Case Tribunal was therefore satisfied that the Respondent's conduct led to a breach of Paragraph 6(1)(a) of the Code.

4.11 With reference to the Welsh Principles, the Case Tribunal also considered that pleading guilty to the offence in question went hand in hand with a finding of failure to uphold the law and to maintain integrity, propriety and the responsibilities of public office in a leadership role. The Case Tribunal considered that Councillors would be expected to have carefully and consciously signed up to these Principles, as well as to the Code requirements when signing their undertakings on taking up office, and that the Respondent's actions had showed failure to uphold the Welsh Principles and that this further supported a finding of breach of Paragraph 6(1)(a) of the Code.

4.12 The Case Tribunal further considered that the Respondent would have been acutely aware of the focus on the issue of prostitution in the locality in which his offence occurred, as he had been particularly vocal on the PSPO issue in Committee meetings. He was also aware that the Police and his Authority had been working together to address the issue of prostitution as well as other anti-social behaviour in the locality. It considered that in committing this offence, the Respondent would inevitably 'stir up a hornet's nest'. Whereas a conditional discharge for such an offence may not ordinarily have attracted this level of interest, in this case it was undoubtedly the Respondent's role as elected politician which attracted additional attention. His actions had been exceptionally foolhardy in the circumstances.

4.13 With regard to the significant press interest associated with such proceedings, the Case Tribunal considered that individuals entering public life would be fully aware of this unfortunate reality. The Case Tribunal considered that it couldn't ignore that fact and reality in reaching its decision. The nature of the offence and the Respondent's status made it likely that the offence to which the Respondent pleaded guilty would attract such press attention following conviction and sentence and would inevitably make the role and Council a 'laughingstock'. The Respondent agreed that his solicitor had highlighted the Council role during his representation in the proceedings. The Case

Tribunal also noted that the media interest had undoubtedly included social media interest so was likely to have reached a wide range of constituents including children and would provide an unfortunate portrayal of local politics.

4.14 Whilst the Case Tribunal noted the Respondent's comments about a hostile media element due to a dispute with his former employer, it nevertheless considered that press reporting would have occurred in any event. The significant volume and variety of newspaper articles within the Tribunal Bundle showed that there was a degree of consistency in the reporting of the criminal proceedings. This was unlikely to have been exclusively connected to the former employer. In conclusion, whilst the Case Tribunal noted the dispute, as the reporting came from several different sources, it considered that it was more likely that the manner of reporting was due to the nature of the incident itself rather than the dispute. The articles also included material which recorded the Respondent's offer to donate his Councillor allowance to local good causes.

4.15 The Case Tribunal noted that the solicitor representing the Respondent in the criminal proceedings had, during the proceedings, stated to the effect that the Respondent was resigned to losing his role, rather than stating that he had already resigned. The Case Tribunal also noted that in correspondence from the Respondent's representative to the Relevant Authority, that he recognised that the outcome of the criminal proceedings might trigger a standards referral, and he sought information about the next steps, protocols and procedures associated with the same if this was the case. In the circumstances the Respondent demonstrated some awareness that the admitted behaviour was unacceptable, and that his actions might well constitute a breach of the Code of Conduct.

4.16 As to the Respondent's role at the relevant Scrutiny Committee meetings, the Case Tribunal considered that, whether or not the Respondent's comments reflected his own views as well as those of named organisations, and whether or not he had advocated against 'criminalising' customers as well as prostitutes when discussing the proposed PSPO, the meetings pre-dated his conviction, and he was exercising his right to freedom of expression.

4.17. Nevertheless, the Case Tribunal considered that the Respondent's passionate contribution to both publicly accessible meetings, in the context of the offence to which he pleaded guilty a few weeks later and in the locality being discussed in the PSPO, was a relevant factor. The combination of this contribution, together with the offence, was conduct which could reasonably have been regarded as bringing the office or the Council into disrepute. It could cause concern for anyone who had attended or watched the recorded meeting in the light of the subsequent offence. The Monitoring Officer candidly stated in his referral on behalf of the Relevant Authority; "*more by luck than judgement, this element has not been a major issue in regard to media and public criticism...*" The Case Tribunal was satisfied that, whatever his motivation or intention in speaking, the Respondent's involvement in the debate on the PSPO prior to his arrest was relevant to the extent that it could well have increased the potential embarrassment



and reputational harm for the Councillor and the Relevant Authority in the light of the subsequent criminal offence.

4.18 The Case Tribunal did not consider that it was significant that the Respondent had not informed the Council or Monitoring Officer in advance of the hearing that the Respondent intended to plead guilty. Whilst this may have left the Council in a difficult position in facing press enquiries, it was mindful that pleas often change on the first day of trial, that the Respondent was suffering from significant ill-health issues and that he said his guilty plea was entered to minimise the impact of the proceedings on other individuals.

4.19 The Case Tribunal noted that the Respondent did not self-report the potential breach of the Code of Conduct to the PSOW. It noted that there was some indication in the evidence that he or his representative were in contact with the PSOW and that the Respondent may have considered that he had done enough to self-report the matter to the PSOW. The Case Tribunal considered that the Monitoring Officer had acted fairly and reasonably in allowing the Respondent time to voluntarily refer the matter to the PSOW's office. The Case Tribunal was nevertheless satisfied that a duty to report conduct involving criminal behaviour and breach of the Code to the proper authority or the Monitoring Officer respectively, was defined as a duty placed upon Members other than the Respondent. It therefore did not consider that failure to self-refer was an additional factor leading to breach of Paragraph 6(1)(a) of the Code.

4.20 Again the Case Tribunal considered whether the Respondent's failure to immediately resign amounted to an additional breach of Paragraph of Paragraph 6(1)(a) of the Code. It noted that the Respondent attended one Council meeting relatively soon after the proceedings, however it was mindful of the fact that he then relinquished other Council duties and attended no other meetings. It accepted that, at the time, the Respondent was suffering from exacerbated ill-health symptoms following conviction and sentence and following intense media interest and newspaper reporting on the case. It also noted his representative's submission that the Respondent had not been in a fit state to consider the impact of his behaviour. In the circumstances, the Case Tribunal did not consider that the Respondent's continuation in office for a further four months was an additional factor in its determination as to breach of Paragraph 6(1)(a) of the Code.

4.21 Finally, the Case Tribunal considered the Respondent's right to respect for his private life (Article 8 of the ECHR). It noted that there should be no interference by a public authority with the exercise of this right except in certain circumstances. This includes where this is in '*accordance with the law*' and '*necessary for the prevention of... crime [and] for the protection of health or morals...*' In the light of the Respondent's guilty plea for the offence of soliciting, the Case Tribunal concluded that a finding of breach of the Code of Conduct for Members was not precluded by Article 8.

4.22 In conclusion therefore, the Case Tribunal considered that the nature of the criminal conviction under the Sexual Offences Act 2003, together with the significant

publicity surrounding it, which referred to both the Council and the Respondent's role as an elected member, reflected poorly on himself and his role and brought both his office and the Council into disrepute. The Case Tribunal therefore found by unanimous decision that the Respondent had breached Paragraph 6(1)(a) of the Code.

## **5. FINDINGS IN RELATION TO SANCTION**

5.1 The Listing Directions dated 16 May 2023 afforded the opportunity for the parties to make further written submissions to the Case Tribunal as to what action the Case Tribunal should take, assuming this stage of the proceeding was reached.

### **The Parties' submissions**

5.2 The parties' submissions as to any sanction to be imposed in the event of a finding of breach of Paragraph 6(1)(a) of the Code of Conduct can be summarised as follows.

#### **The PSOW's Submissions**

5.2.1 The PSOW's representative made the following general submissions. He noted that the purpose of the ethical standards framework was to promote high standards of conduct amongst members of councils in Wales and maintain public confidence in local democracy. He also noted that the purpose of sanction was to; -

- Provide a disciplinary response to an individual member's breach of the Code.
- Place the misconduct, and appropriate sanction, on public record.
- Deter future misconduct on the part of the individual and others.
- Promote a culture of compliance across the relevant authorities.
- Foster public confidence in local democracy.

5.2.2 The PSOW's representative also highlighted some of the mitigating and aggravating factors from the APW's Sanctions Guidance which he considered applied in this case. He suggested that the breach was serious in nature, and a sanction would be fair, proportionate, and necessary in the public interest in order to maintain confidence in local democracy. He maintained that the conduct was such that it called into question the Respondent's fitness for public office and brought the Council into serious disrepute.

#### **The Respondent's Submissions**

5.2.3 The Respondent's representative made the following general submissions. He said that from a historical perspective the Respondent had, over the last 30 years, rebuilt his life and described the hardships he had faced. The representative said that the Respondent had provided sterling public service for many years in the ward of Rogerstone as a County and Community Councillor. He said he was held in high esteem by the people he represented. When this matter became known, the

representative said that the Respondent had *“enormous support and goodwill towards him from the community, testimony to the high regard and respect in which [he] was held because of the causes he had championed for local people in assisting them as a diligent Councillor with their various issues/complaints that needed attention”*.

5.2.4 The representative said that following the Court appearance, the Respondent's life had been in *“free fall”*, previous health issues had been exacerbated and he had required a great deal of input from health professionals. He explained that the Respondent had clearly been unwell at the time of interview with the PSOW representatives and suffering health challenges. The Respondent said he had *“no intention whatsoever of standing for election again.”*

### **Case Tribunal's determination as to Sanction.**

5.3 The Case Tribunal considered all the facts and evidence and in particular, the detailed evidence supplied by the Respondent's Representative as to his significant ill-health issues. It also had regard to the Adjudication Panel for Wales' current Sanctions Guidance. It noted the public interest considerations as follows in paragraph 44 of that Guidance; *‘The overriding purpose of the sanctions regime is to uphold the standards of conduct in public life and maintain confidence in local democracy. Tribunals should review their chosen sanction against previous decisions of the Adjudication Panel for Wales and consider the value of its chosen sanction in terms of a deterrent effect upon councillors in general and its impact in terms of wider public credibility. If the facts giving rise to a breach of the code are such as to render the member entirely unfit for public office, then disqualification rather than suspension is likely to be the more appropriate sanction.’*

5.4 The Registrar to the Tribunal notified the Case Tribunal that there had been no previously reported instances of breach of the Code of Conduct by the Respondent.

5.5 The Case Tribunal considered that the breach was serious, as a conviction of this nature would inevitably attract significant media and public attention. Nevertheless, as the offence in question attracted a modest maximum penalty, and the Respondent received a conditional discharge only, the Case Tribunal considered that had the Respondent remained in office, a moderate period of suspension would have been appropriate. In the circumstances, the Case Tribunal was mindful of paragraph 47 of the Guidance which states; *‘In circumstances where the tribunal would normally apply a suspension but the Respondent is no longer a member, a short period of disqualification may be appropriate...This will ensure that the Respondent is unable to return to public office, through co-option for example, sooner than the expiry of the period of suspension that would have been applied but for their resignation or not being re-elected.’*

5.6 In the circumstances, the Case Tribunal considered that disqualification for a moderate period would be appropriate, to ensure that the Respondent had the opportunity to reflect upon the requirements of the Code of Conduct before

contemplating a return to public office in future, notwithstanding his currently expressed view that he had no intention of standing for election again.

5.7 The Case Tribunal then considered any relevant mitigating or aggravating circumstances and how these might affect the level of sanction under consideration as follows.

#### Mitigating Factors

5.7.1 The Case Tribunal concluded that the following mitigating factors applied to the Respondent:

- a previous record of good service over a long period of time. The behaviour had been described by the Respondent's representative as a moment of madness or a lapse of judgement.
- the evidenced misconduct was a one-off or isolated incident.
- the Respondent's confirmation that he had donated his Council allowance to local good causes following conviction and sentence.

#### Aggravating factors

5.7.2 The Case Tribunal also considered that the following aggravating factors applied to the Respondent:

- the long service and position of responsibility in the community should also have alerted the Respondent to his responsibilities and the need for accountability.
- a lack of acceptance of responsibility for the consequences of his actions or contrition regarding the misconduct and its inevitable consequences. The Respondent had failed to grasp the impact of his actions, his criminal conviction and subsequent reporting would have on his own role and that of the Council. It was his view that the question of how the matter impacted on the Council and his role was totally and utterly out of his control.
- reckless conduct with little or no concern for the Code and the ethical standards regime in Wales, despite having received detailed training upon it in 2018 and which emphasised the '*Need to restore public confidence and high ethical standards in public office*'.
- the absence of any regret or apology for the consequences of his actions as regards his elected role and the Relevant Authority

5.8 The Case Tribunal had regard to the public interest and the overarching purposes of the Code to uphold standards of conduct in public life and maintain confidence in local democracy. It also had regard to the mitigating and aggravating factors as above. In all the circumstances, it remained of the view that disqualification was the appropriate sanction. As the Respondent had not stood for office in the local government elections in Wales in 2022, it had carefully considered whether '*No Action*' or '*Disqualification*' as detailed in the Sanctions Guidance was the most appropriate outcome.

5.9 Paragraphs 39.1 and 39.2 of the Guidance were noted by the Case Tribunal in particular, which recognised that no action might be appropriate where there had been resignation or ill health which rendered a sanction unnecessary and/or disproportionate. The Case Tribunal noted however that the Respondent had chosen not to resign following his conviction in the criminal proceedings and that he had remained in office for a further four months. Whilst he was undoubtedly suffering from ill health at the time, he had nevertheless felt it appropriate to attend a Council meeting in January 2022 and had been able to instruct his legal representative to act on his behalf. In the light of the over-arching purpose of the standards regime and sanctions, the Case Tribunal considered a short period of disqualification to be necessary and proportionate to allow a further period of reflection.

5.10 The Case Tribunal accepted that the Respondent had been suffering from acute stress and mental ill-health throughout the considerable period from the night of the offence to this current adjudication. Nevertheless, the Case Tribunal was satisfied that a finding of *'No Action'* would not be an appropriate response in this case. There was an expectation that members would act with integrity, act in accordance with the trust that the public placed in them and promote public confidence by leading by example and upholding the law. It considered that a sanction should be imposed in order to underline the importance of the standards regime in Wales, to promote a culture of compliance across the relevant authorities and foster public confidence in local democracy. The Case Tribunal was satisfied that the only alternative to a finding of no action for a former Member was a moderate period of disqualification.

5.11 In all the circumstances, in the light of the evidence and the wider purpose of sanctions as outlined in the Guidance, the Case Tribunal considered that the sanction of disqualification was appropriate to reflect the question of fitness for public office. It considered that this was necessary to underline the importance of the Code and the need for members to carefully reflect upon its purpose when undertaking to abide by the Code on taking office. Whereas the Guidance indicated that a disqualification of less than 12 months was unlikely to be meaningful, it considered that disqualification for a shorter period was a proportionate and necessary sanction in this case. It noted that whilst the Respondent had continued in office for 4 months after conviction, he had already been away from politics for over a year by the date of this adjudication

5.12 The Case Tribunal therefore found by unanimous decision that the Respondent should be **disqualified for 9 months** from being or becoming a member of the Relevant Authority or any other relevant authority within the meaning of the Local Government Act 2000.

5.13 Newport City Council and its Standards Committee are notified accordingly.

5.14 The Respondent has the right to seek the permission of the High Court to appeal the above decision. A person considering an appeal is advised to take independent legal advice about how to appeal.

Signed.....

**Date:** 7 July 2023

C Jones

Chairperson of the Case Tribunal

Dr G Jones

Panel Member

Mr H E Jones

Panel Member

**NOTICE OF DECISION**

**TRIBUNAL REFERENCE NUMBER:** APW/001/2023-24/CT

**RESPONDENT:** Former Councillor Donald Jenkins

**RELEVANT AUTHORITY:** St. Harmon Community Council

1. A Case Tribunal convened by the President of the Adjudication Panel for Wales ('APW') has considered a reference in respect of the above Respondent.
2. The APW received a referral and Report from the Public Services Ombudsman for Wales ('the PSOW') dated 31 March 2023 in relation to an allegation made against the Respondent.
3. The Case Tribunal determined its adjudication on the papers only, at a meeting conducted on 4 July 2023, by means of remote attendance technology.
4. The Case Tribunal found by unanimous decision that the Respondent had failed to comply with the Relevant Authority's Code of Conduct by providing misleading information to Audit Wales in relation to a bus shelter refurbishment tender notice and as to whether an amended annual return and governance statement was approved by the Relevant Authority's council meeting in June 2019.

5. The Case Tribunal considered that this conduct could reasonably be regarded as bringing the Respondent's office and Relevant Authority into disrepute in breach of Paragraph 6(1)(a) of the Code of Conduct. It also decided that the conduct involved using or attempting to use the Respondent's position to improperly avoid a disadvantage for himself in breach of Paragraph 7(a) of the Code of Conduct.
6. The Case Tribunal decided by unanimous decision that the Respondent should be disqualified for **15 months** from being or becoming a member of the Relevant Authority or of any other relevant authority within the meaning of the Local Government Act 2000, with effect from the date of this notice.
7. The Relevant Authority and its Standards Committee are notified accordingly.
8. The Respondent has the right to seek the leave of the High Court to appeal the above decision.
9. The Reasoned Decision report will be published on the APW website in due course.

Signed..... Date 4 July 2023

Ms C Jones, Chairperson of the Case Tribunal

Mr H E Jones, Case Tribunal Member

Mr D Morris, Case Tribunal Member





## **RHONDDA CYNON TAF**

### **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

#### **STANDARDS COMMITTEE**

**5 SEPTEMBER 2023**

### **NATIONAL STANDARDS FORUM - FEEDBACK FROM MEETING HELD ON 30<sup>TH</sup> JUNE 2023**

#### **REPORT OF THE MONITORING OFFICER**

##### **1. PURPOSE OF REPORT**

To provide Members with feedback from the meeting of the National Standards Forum held on 30<sup>th</sup> June 2023.

##### **2. RECOMMENDATIONS**

- 2.1 To note the feedback from the meeting of the National Standards Forum held on 30<sup>th</sup> June 2023.
- 2.2 To consider whether there are any items the Committees wishes to put forward as suggestions for consideration by the National Standards Forum at its future meetings.

##### **3. BACKGROUND AND INAUGURAL NATIONAL FORUM MEETING**

- 3.1 As reported to the Committee [at its meeting](#) in November 2022 a National Forum for Standards Committee Chairs and Vice-Chairs has been established. The terms of reference for the Forum are attached at Appendix 1. By sharing best practice it is anticipated the Forum will help to raise standards across all authorities in Wales.
- 3.2 The second meeting of the Forum took place on 30<sup>th</sup> June 2023. Feedback and actions arising from the meeting can be found attached at Appendix 2.
- 3.3 The meeting considered the following items:
  - Training for Standards Committee Chairs – to be coordinated through the WLGA;

- A presentation from the Chair of the Committee on Standards in Public Life (CSPL) who provided an overview of the standards regime in England and the implementation of recommendations from the Local Government Ethical Standards Report (2019);
- A presentation from the Ombudsman in respect of her Annual Report 2022/2023 (to be reported to November's Standards Committee meeting);
- Work in respect of the duty on political group leaders to take reasonable steps to promote and maintain high standards of conduct by members of the group and, the duty on the Standards Committee to comment on group leaders' compliance with that duty as part of its annual report.
- Supporting Town and Community Councils;
- Resourcing of Standards Committees;
- Richard Penn Review update;
- Minimum value for gifts and hospitality; and
- Consideration of agenda items for future meetings

The following items would be considered at the next meeting.

- Local resolution protocols.
- Corporate Joint Committees (CJCs) and Joint Standards Committees

3.4 The next meeting of the forum will in January 2024. The following items will be considered - Local resolution protocols & Corporate Joint Committees (CJCs) and Joint Standards Committees.

#### **4. FINANCIAL IMPLICATIONS**

4.1 The support for the Forum will be provided by the WLGA and voluntarily by monitoring officers within the constituent local authorities.

#### **5. CONSULTATION IMPLICATIONS**

5.1 None required.

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**STANDARDS COMMITTEE**

**5 SEPTEMBER 2023**

**REPORT OF MONITORING OFFICER**

**BACKGROUND PAPERS**

**[NATIONAL FORUM FOR STANDARDS COMMITTEE CHAIRS – DRAFT TERMS OF REFERENCE – 18 NOVEMBER 2022](#)**

**Contact:** Mr. Andy Wilkins (Director of Legal Services & Monitoring Officer)

Tudalen wag

## **National Standards Committee Forum** **Terms of Reference (2022)**

The purpose of the Forum is to share best practice and provide a forum for problem solving across the

- 1) 22 principal Councils
- 2) 3 Fire and Rescue Authorities
- 3) 3 National Park Authorities

in relation to the work of Standards Committees.

The role of the forum is to share information and so any decisions will have to be made by the individual Standards Committees. There will be times when the Forum would need to make a decision about administrative matters relating to its own practices and administration of meetings.

- Membership – Chair, with the Vice-Chair to attend in the absence of the Chair
- Decision making will typically be by consensus but where a formal decision is required then there will be one vote per authority with the Chair of the Forum having the casting vote
- Election of Chair and Vice Chair – every two years to provide consistency
- Secretariat Support – the WLGA will send out agendas, prepare minutes and can prepare basic reports analysing practice across Wales. Officer support to prepare more extensive reports is dependent upon a monitoring officer from a council volunteering/agreeing to undertake the work
- Frequency of Meetings – 2 meetings per year following a meeting of the Monitoring Officers Group of Lawyers in Local Government
- Agendas items will be suggested by Monitoring Officers based on discussions with their Standards Committees and the Forum will also have a forward work plan to which members could contribute
- Each region will be asked to send 1 monitoring officer to represent the local authorities in that area, with 1 additional monitoring officer each for fire & rescue authorities and national park authorities (making 6 monitoring officers in total)

*Each meeting could have a small agenda followed by a Training Session  
Speakers from the Ombudsman's Office, Adjudication Panel for Wales and Welsh Government could address the Forum on their work*

Tudalen wag

## Standards Committees Forum - Wales

Friday, 30<sup>th</sup> June 2023 @ 2pm, via Teams

### Notes

#### 1. Notes of previous meeting 27 January 2023.

The notes of the previous meeting on 27 January 2023 were agreed.

##### a. Circulation of the meeting notes

- The Chairs were asked whether the notes of the meetings should be circulated to members of the standards committees.
- If the notes were shared with standards committees, they would be made public.
- The Chairs wanted to share as much as possible with their standards committees and the public.
- Davina Fiore, The Director of Governance and Legal and Monitoring Officer at Cardiff Council, who was advising the Forum, advised that if the minutes were to be made public as part of the Standards Committee agenda at individual Councils, it was important that any issues raised on individual ongoing cases or potential cases to assist with the process/problem solving/best practise were anonymised to ensure that individual members and councils could not be identified. She also advised that, if necessary, it was possible for part of the minutes to be confidential and not be circulated more widely.

**AGREED: that the notes may be circulated to Standards Committees, provided no individual complainant or councillor complained of could be identified. This will be kept under review at/after each meeting.**

b. Training for Chairs

**ACTION: The WLGA to arrange a training session on chairing Standards**

## **2. Chair of the Committee on Standards in Public Life (CSPL) Research**

### **Advisory Board, Professor Mark Philp**

- Professor Mark Philp outlined his role as a member of the CSPL and provided an overview of the standards regime in England and the implementation of recommendations from the Local Government Ethical Standards Report (2019).

**ACTION: WLGA to provide a link to the CSPL report "[Leading in Practice](#)".**

## **3. Michelle Morris - Public Services Ombudsman for Wales (PSOW) – Update**

Michelle Morris updated the Forum on her annual report for 2022/23.

### Noted

- A 4% reduction in the number of complaints alleging misconduct by local authority members.
- A decrease in the number of complaints against Town and Community councillors.



- The PSOW investigated 35 cases which, although not a high number, involved a huge amount of work.
- The number of complaints involving equality and respect had increased again. Just over 60% of cases involving a breach of the code were in this category.
- 12 cases had been referred to standards committees and the adjudication panel for Wales, compared to 20 the year before.
- Since the PSOW last spoke to the Forum there had been 6 Standards Committee hearings and 1 decision from the tribunal and a further 3 were scheduled. One of which involved an interim referral.
- Of the 280 complaints made to PSOW only 35 met the public interest test. Feedback was given to standards committees and Monitoring Officers about lower-level issues that didn't require further investigation.

Open forum, comments.

- The interim intervention process needed to be shortened.
- Concern was expressed about the wellbeing of individuals who came before a standards committee given the lengthy time to complete the process.
- The public interest test had three stages i.e., was there sufficient evidence that there had been a breach of the code; if there was evidence to support

it, would it be significant enough to result or likely result in a sanction and was there wider public interest in taking forward the investigation.

**ACTION: PSOW to forward case law in respect of the public interest test to the Forum members via the WLGA.**

#### **4. Promoting high standards**

- The forum discussed the Group Leaders duty to take reasonable steps to promote and maintain high standards of conduct by members of the group and, the duty on the Standards Committee to comment on Group Leaders' compliance with that duty as part of its annual report.
- Experiences had generally been positive and encouraging.
- Leaders had shown a willingness to engage with the process and some authorities were more advanced than others.
- Typically, Standards Committees had already met with the group leaders.
- There appeared to be an anomaly with recent government guidance. It was unclear whether the leaders should meet with the Standards committee or just the chair.

**ACTION: WLGA to seek clarification on the statutory guidance and update members.**

1

---

<sup>1</sup> This has already taken place. Monitoring Officers and Heads of Democratic Services received an email from Welsh Government on Tuesday 4<sup>th</sup> July at 2.37pm informing them: "We would like to draw your attention to an amendment to the consolidated statutory and non-statutory guidance for principal councils in Wales at part 2, section 6.0, paragraph 6.4. The guidance has been amended to read that the standards committee (as opposed to standards committee chairs) should meet with group leaders at the beginning of each council year to agree a number of issues. The updated guidance has been published; the links remain the same".

## **5. Supporting Town and Community Councils (T&CCs)**

### Comments

- It was difficult to identify a successful approach.
- Standards Committees were attending T&CC meetings.
- T&CCs were encouraged, in one area, to adopt a local resolution process.

Take up had been slow.

- Meetings between the Chairs and Clerks could be helpful.
- Sharing anonymous feedback after attending meetings of T&CCs including good practice.
- Support of Monitoring Officers particularly to the Clerks.
- A T&CC compact setting out what support was on offer had been developed in one area.

**ACTION Compact to be shared with members of the forum.**

## **6. Resourcing of Standards Committees.**

### Comments

- The resourcing of Standards Committees was a challenge.
- Welsh Government should provide additional funding when they placed more responsibilities on Standards Committees.
- Additional work inevitably fell on Monitoring Officers as Standards Committees workloads increased.

- Setting a budget for the committee could be difficult because the level of demand could not be anticipated in advance.
- Achieving a consistency in terms of budgets would be difficult.
- Monitoring officers may be able to provide comparative information on how much time they spent on T&CC work and what their budgets were.

**ACTION Chair and Davina Fiore to discuss the possibility of raising the issue of budgets with the Monitoring Officer group.**

#### **7. Richard Penn Review update**

- The closing date for responses to the consultation on the Richard Penn report was 23 June 2023.
- The responses were being analysed and the results would be published during the autumn.
- Depending on what the results were, it may require secondary legislation followed by a 12-week consultation period.
- It must also fit in with the legislative programme which was unlikely during the current Senedd term.

**9. Minimum value for gifts and hospitality**

- £25 was the minimum value for most councils.
- Monitoring Officers were seeking to introduce it as a consistent amount across Wales.
- It could be difficult to place a value on hospitality e.g., invitations to sporting events.

**10. Consideration of agenda items for future meetings**

The following items would be considered at the next meeting.

- Local resolution protocols.
- Corporate Joint Committees (CJCs) and Joint Standards Committees

**11. Date of next meeting.**

To be confirmed, January 2024.

Tudalen wag

**DRAFT**

**STANDARDS COMMITTEE ANNUAL REPORT**

**2022 – 2023**



## **STANDARDS COMMITTEE ANNUAL REPORT 2022-2023**

### **Chair's Foreword – Mr Dave Bowen**

As the newly elected Chair of the Standards Committee, I am pleased to present the Standards Committee Annual Report to provide an overview of its work during 2022-23 municipal year in continuing to promote high standards of conduct within the Council.

Firstly, I must thank the outgoing Chair Mr Mel Jehu who was a longstanding independent member of the Standards Committee and acknowledge his hard work and commitment during his time as Committee Member and Chair.

The Committee has seen several changes this year in its membership, and I would like to welcome Independent Member Ms Helen John, Community Councillor Member Ms Lynwen Law and reserve Community Council Member, Mr Carl Thomas. All bring with them a wealth of personal experience and knowledge and I look forward to them providing their expertise and adding another perspective as we undertake the Committee's work going forward. Following the Local Government Elections, we have also welcomed County Borough Councillors Amanda Ellis and Gareth Hughes, and we appreciate the valuable contributions that they will bring to the Committee. Furthermore, I would like to extend my thanks to officers for their continuous support provided to the Committee throughout this period of change.

Following the response of the Council to the Covid-19 pandemic and the use of online platforms to conduct meetings it was a welcome return to be able to have the opportunity to meet in person this year. However, in recognition of the benefits of an agile working approach, it was pleasing to be able to conduct meetings on a hybrid basis which has enabled the committee to work strongly together and progress a paperless approach to working using this flexible model to suit Members preferences.

Through our work programme this year 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. I was pleased to attend the inaugural meeting of the National Forum for Standards Committee Chairs across Wales in January 23. This forum will provide an opportunity to share best practice and discuss any emerging issues with the ethical and standards framework in Wales.

The Committee was pleased to note the low number of complaints made to the Public Services Ombudsman during the reporting period – particularly in respect of County Borough Members, many of whom were newly elected in May 2022, and the Committee commended all Members for this. None of the complaints resulted in an investigation being initiated by the Ombudsman. The Committee also noted the 100% completion of Code of Conduct Training by County Borough Members following the elections in May.

Looking forward to 2023/24, the Standards Committee will continue to proactively focus on promoting high ethical standards within the Local Authority for the benefit of



the public and the duty on leaders of political groups to promote and maintain high standards of conduct by members of their group.

\*\*\*

### **STANDARDS COMMITTEE MEMBERSHIP 2022-2023**

**Chair (and Independent Member):** Mr. Dave Bowen  
**Independent Member:** Ms. H. John  
**Independent Member:** Mr. J. Thomas  
**County Borough Councillor:** A. Ellis  
**County Borough Councillor:** G. Hughes  
**Community Councillor Member:** Ms. L. Law  
**Reserve Community Councillor Member:** Mr. C. A Thomas

### **STANDARDS COMMITTEE TERMS OF REFERENCE**

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 complaints handling and Ombudsman investigations relating to Councillors, co-opted Members and Church and Parent Governor representatives;
- (i) oversight of the Members' protocols adopted by the Council;
- (j) oversight of the register of personal interests maintained under Section 81 of the Local Government Act 2000;

- (k) oversight of the gifts and hospitality register;
- (l) monitor adherence to the Council's Management of Unreasonably Persistent Customers Policy by Group and Service Directors; and
- (m) the Committee will exercise the functions set out in (a) - (g) above in relation to Community Councils and Members of Community Councils.

### **STANDARDS COMMITTEE MEETING DATES 2022-2023**

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 Committee met on the following two occasions during the 2022 – 2023 Municipal Year: [18<sup>th</sup> November 2022](#) and [25<sup>th</sup> April 2023](#)

*(n.b. The Standards Committee met on two occasions during the Municipal Year due to the Local Elections held in May 2022 and the requirement to recruit a new independent member and Community Councillor representative member to the Committee. The Committee will return to its normal schedule of meetings for 2023-2024.)*

The Committee's Work Programme for the current Municipal Year can be found here [\[link to be inserted in final version\]](#).

### **ITEMS CONSIDERED DURING THE 2022-2023 MUNICIPAL YEAR**

- **Standards Committee Work Programme 2022 - 2023**
- **Attendance at Code of Conduct Training**
- **Public Services Ombudsman for Wales - Summary of Complaints 2022 for the period 1st March 2022 – 31st October 2022.**

*The Monitoring Officer drew Members 'attention to the fact there were 3 complaints made against Community Councillors and 0 complaints made against County Borough Councillors during the period. None of those complaints reached the investigation stage.*

- **Public Services Ombudsman for Wales - Annual Report and Letter 2021-2022**

*(The Annual Report sets out the workload that has been dealt with by the Public Services Ombudsman for Wales (PSOW) during 2021-2022. Members learned*

*that Nick Bennett's term of office as PSOW finished in March 2022 when Michelle Morris, former Chief Executive of Blaenau Gwent CBC, took over the role. The PSOW received 294 new complaints about the Code of Conduct – 5% less than in 2021/22 but 27% more than in 2019/20. 58% (171) of those complaints concerned Town and Community Councils.*

*The Monitoring Officer noted that as in previous years, about half of the new Code of Conduct complaints that the PSOW received were about 'promotion of equality and respect' and many of these cases, categorised by the PSOW under 'respect', are lower-level complaints.*

*The Monitoring Officer reported there were 2 Code of Conduct complaints made about Members in relation to their role as RCT County Borough Councillors during the period, compared against 8 in 2020-2021. 1 complaint found no evidence of breach and another complaint was discontinued after investigation.*

*In addition, 9 complaints were received in relation to Town and Community Councils within RCT as against 14 in the previous reporting period. Five were discontinued after investigation, 3 found no evidence of a breach and 1 was withdrawn.*

- **Public Services Ombudsman for Wales - Recent Investigation Outcomes - 'Our Findings'**

*The Monitoring Officer provided Members with 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 their website for the period 1st April 2021 – 31st October 2022.*

*Members learned that the PSOW considers complaints that members of local authorities in Wales have breached the Code. There are four findings the PSOW can arrive at:*

- (a) that there is no evidence of breach;*
- (b) that no action needs to be taken in respect of the complaint;*
- (c) that the matter be referred to the authority's Monitoring Officer for consideration by the Standards Committee;*
- (d) that the matter be referred to the President of the Adjudication Panel for Wales (the APW) for adjudication by a tribunal.*

*The Monitoring Officer reported that during the period 1st April 2021 – 31st October 2022 30 complaints were investigated by the PSOW, 6 of which were referred to the relevant Standards Committees and 5 of which was referred to the APW. In 9 cases it was considered that there was no evidence of a breach of the Code, in 5 cases no action was considered necessary and 5 cases were discontinued. 11 of the matters investigated fall under the category of Integrity, 13 under Promotion of Equality and Respect, 3 under Disclosure or Registration of Interests, 2 under Duty to Uphold the Law and 1 under Selflessness and Stewardship.*

- **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).*

*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.*

- **Dispensation Applications** – *the Committee considered and granted one application for a dispensation during the Municipal Year*

- **Group Leaders' Duties in Respect of Standards of Conduct**

*The Monitoring Officer advised Members of the arrangements to be put in place in order to comply with the new duties of political group leaders in relation to standards of conduct and corresponding new duties placed on standards committees (introduced by Part 4 of the Local Government and Elections (Wales) Act 2021, ('the 2021 Act') namely to take reasonable steps to promote and maintain high standards of conduct by members of their group and to co-operate with the standards committee in the discharge of its functions. The Committee was also advised of the new duty for standards committees to monitor the compliance of political group leaders with their new duties; advising and training (or arranging training) of political group leaders in relation to those duties (referred to in paragraph (i) above and to submit an annual report to full Council.*

*The Committee agreed the proforma 'Group Leaders Report', which Group Leaders would be required to complete to assist the Committee in monitoring compliance with the duty going forward.*

- **Oral Update - PSOW Letter To Standard Committee Chairs & Updated Ombudsman Guidance**

*Members were advised that some minor changes have been made to the process of the Code of Conduct guidance, however, the Monitoring Officer has requested that the track changes be provided by the PSOW to fully understand the changes made.*

*Members were advised that the PSOW will continue to share their decisions with Monitoring Officers, as required by legislation. However, they will now be sharing the complaint and their decision in a standalone decision notice to facilitate the Monitoring Officers in sharing complaint information with Standards Committees (when they consider it appropriate to do so).*

*Members learned that since June, the PSOW have been trialling a fresh approach to how they inform members about complaints made against them. Their practice had been that they informed the accused member, the Monitoring Officer, and the Clerk (if a Town/Community Council) of a complaint as soon as it was received. They now inform the relevant parties at the point when they either decline to investigate or decide to investigate the complaint. Furthermore, during the trial, they found that this approach sped up the process. It also helped to avoid unnecessary concern for members complained about, as they waited for a decision on whether the complaint should be investigated.*

*The Monitoring Officer outlined that whenever possible, the PSOW would like to see any concerns about a member's conduct to be resolved locally and at an early stage, to alleviate situations and prevent the need for further escalation and formal investigation by the PSOW. Furthermore, it was noted that the PSOW and members of the public, expect all members to take advantage of training which is available to them.*

- **National Forum For Standards Committee Chairs And Vice-Chairs**

*The Monitoring Officer provided with an update in respect of the National Forum for Standards Committee Chairs and the Committee considered the Forum's draft Terms of Reference.*

- **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.*

- **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.*

- **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 President'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 that these have previously been reported to Committee during the relevant period but are useful for Members who joined the committee during this municipal year.*

- **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 is anticipated the Forum will 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 will be at the end of June and the agenda for that meeting will 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.*

- **Recommendations of the Independent Review of the Ethical Standards Framework (Richard Penn Report)**

*The Monitoring Office advised Members 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 has 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 in order to provide a response to the consultation.*

- **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.*

\*\*\*

Tudalen wag