



RHONDDA CYNON TAF COUNCIL STANDARDS COMMITTEE

Minutes of the virtual meeting of the Standards Committee meeting held on Friday, 19 March 2021
at 10.00 am.

Standards Committee Members in attendance:-

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

Officers in attendance

Mr A Wilkins, Director of Legal Services and Monitoring Officer
Mr P Nicholls, Service Director of Legal Services and Deputy Monitoring Officer
Mr C Hanagan, Service Director of Democratic Services & Communication

Others in attendance

Councillor M Webber
Councillor P Jarman
Councillor R Bevan
Councillor R Lewis

12 WELCOME AND APOLOGY

The Chair welcomed Committee Members, Officers and Observers to the virtual meeting of the Standards Committee and an apology for absence was received from Reserve Community Councillor, C. Willis.

13 DECLARATION OF INTEREST

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

14 MINUTES

It was **RESOLVED** to approve the minutes of the 27th November 2020 as an accurate reflection of the meeting.

15 Adjudication Panel for Wales Annual Report 2019-2020

The Monitoring Officer provided the Standards Committee with the Adjudication Panel for Wales' Annual Report 2019-2020. The Annual Report provided details of the membership of the Panel, an analysis of its performance a summary of cases and decisions made by the Panel during the reporting period.

The Chair thanked the Monitoring Officer for the Annual Report and commented that the information was valuable for the Standards Committee, should similar cases occur within RCT.

The Standards Committee **RESOLVED:**

1. To note the contents of the Adjudication Panel for Wales' Annual Report 2019-2020 contained at Appendix 1 to the report.

16 ADJUDICATION PANEL FOR WALES - RECENT TRIBUNAL DECISIONS

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

The Standards Committee were referred to the two detailed APW decision notices, which were attached to the report and were asked to consider 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.

Members spoke of the unnecessary use of inflammatory language and misogyny identified within the cases, agreeing that both decisions were justified.

Members were grateful for the opportunity to consider the recent APW decision notices and agreed that there were lessons to be learnt by all Elected Members of the Council, which could be communicated as part of future training for Members on the Code of Conduct. The Service Director, Democratic Services and Communication advised that there was an opportunity to circulate the information to all Elected Members as part of the Code of Conduct Refresher Training and through Social Media training.

In respect of the issues raised concerning social media, the Service Director spoke of a recent 'Coffee Morning', which was held virtually to provide Members with an opportunity to have informal discussions with the Democratic Services Team and other Elected Members. The Standards Committee were informed that during the session and through the Member PDR process, Elected Members had requested further support in respect of social media engagement. On behalf of the Committee, the Chair welcomed the opportunity to attend future 'coffee mornings' to participate in the beneficial discussions.

The Standards Committee **RESOLVED:**

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

17 UPDATE ON TOWN & COMMUNITY COUNCIL USE OF THEIR LOCAL RESOLUTION PROTOCOLS

The Monitoring Officer provided the Standards Committee with an update on Town & Community Council's use of their Local Resolution Protocol.

The Monitoring Officer advised that during the past, Town & Community Council's within Rhondda Cynon Taf had adopted local resolution protocols for dealing with low level member on member complaints that arise. However, prior to their adoption, the Public Services Ombudsman for Wales (PSOW) had been concerned about the growing number of, generally, low level complaints being made under the Code. As such, Members were informed that One Voice Wales had produced a template protocol, which is intended for use where complaints are low level and have been made by an officer (not the clerk) or another Member.

Members were referred to Section 4 of the report, which detailed the use of the Local Resolution Protocol during the period 1st Jan 2020 – 28th Feb 2021 following a survey of all Town & Community Councils.

The Chair thanked the Monitoring Officer for the update and advised that he would be happy to attend any future meetings held with the Clerks to discuss standards and code of conduct issues generally.

One Member noted that Community Councillors were elected to serve the community and that, often, they did not take a political stance. The Member spoke of the difficulties experienced by some Community Councillors, who had felt personally attacked on occasion.

With the agreement of the Chair, Non-Committee Member and Deputy Leader, Councillor M. Webber spoke on the item. The Deputy Leader spoke positively of the Local Resolution Protocol and welcomed the continued engagement and training opportunities for Community Councils. The Deputy Leader advised that the Council welcomed advice on any additional support or guidance needed and commented that the Community Councillors could be the Elected Members of the future.

The Chair thanked Members for their comments and the Standards Committee
RESOLVED:

1. To note the information contained in the report and to determine whether any action is required in response to it.

18 PUBLIC SERVICES OMBUDSMAN FOR WALES - CONSULTATION ON REVISED CODE OF CONDUCT GUIDANCE FOR MEMBERS OF PRINCIPAL COUNCILS AND COMMUNITY & TOWN COUNCILS

The Monitoring Officer provided the Standards Committee with details of the consultation initiated by the Public Services Ombudsman for Wales in respect of new draft guidance on the Members' Code of Conduct for both Principal Councils and Community and Town Councils.

The Monitoring Officer explained that the revised draft guidance outlined Members' duties under the Code and included examples drawn from

cases considered by the Ombudsman, local standards committees, and the Adjudication Panel for Wales. It was explained that the separate guidance for Members of Town and Community Councils had been tailored to the different nature of the role that community councillors undertake in their communities.

Members were informed that whilst there were no fundamental changes to the advice on the meaning of the Code of Conduct, the guidance sought to improve wording to aid clarity.

The Monitoring Officer drew Members' attention to the appendices attached to the report and invited Members to provide any comments to be given in response to the consultation.

The Standards Committee endorsed the Ombudsman's revised draft guidance on the Members' Code of Conduct for Members of Principal Councils; and Members of Town and Community Councils. Members were in favour of the new, clear reporting style and commented that the updated examples from real life of where the Code has been breached were an excellent tool to use moving forward.

The Standards Committee **RESOLVED:**

1. To consider the Ombudsman's revised draft guidance on the Members' Code of Conduct for (i) Members of Principal Councils; and (ii) Members of Town and Community Councils (attached as Appendix A and B respectively);
2. To provide comments in response to the consultation; and
3. To request the Monitoring Officer respond to the consultation on behalf of the Committee.

19 REVIEW OF THE PROCEDURES FOR DEALING WITH COMPLAINTS REFERRED TO THE COMMITTEE BY THE PSOW

The Monitoring Officer provided the Standards Committee with an opportunity to review the procedures for dealing with complaints referred to the Committee by the Public Services Ombudsman For Wales (the 'Ombudsman') and to determine whether any amendments are required to be made to those procedures and ensure they remain fit for purpose.

Members were reminded that the Committee adopted a procedure for dealing with complaints referred by the Ombudsman in April 2011, which seeks to comply with:

- a. The Regulations; and
- b. The principles of natural justice.

The Monitoring Officer advised that the procedure had been reviewed and drew the Committee's attention to Appendix A of the report, which detailed a number of recommended changes to reflect current legislative requirements, clarify procedures and ensure they remain fit for purpose.

The Chair thanked the Monitoring Officer for the report and noted that a lot of the proposed changes were repetitive and questioned if they were made to reflect that lower level complaints should be passed directly to the Investigating Officer.

It was explained that there were occasions where the Monitoring Officer had an interest or direct involvement with the incident and as such, the Investigating Officer would deal with the matter.

The Monitoring Officer acknowledged that many of the amendments were to provide further clarity and drew the Committee's attention to the following key changes for its consideration:

- An audio recording of the hearing proceedings shall be made by the Council – The Monitoring Officer advised that this had been included to help with future appeal processes and any issues that may arise as a result; and
- The Panel will issue a full written decision, with reasons, within *ten* working days from the end of the hearing – The Monitoring Officer spoke of a complex case in a neighbouring Local Authority, whereby it was difficult to formulate the detailed decision within the 5 working days and as such, the period had been extended.

The Standards Committee **RESOLVED:**

1. To authorise the Monitoring Officer to amend the procedures for dealing with complaints referred to the Committee as shown in Appendix A of the report.

20 LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021 AND THE STATUTORY ETHICAL FRAMEWORK

The Monitoring Officer presented the report, which sought to inform the Committee of changes to the statutory ethical framework, which were being introduced by Part 4 of the Local Government and Elections (Wales) Act 2021.

The Monitoring Officer provided the Standards Committee with background to the report. It was explained that the Local Government and Elections (Wales) Act 2021 ('the Act'), provides for the establishment of a new and reformed legislative framework for local government elections, democracy, performance and governance; and within Part 4 of the Act, changes were made to the statutory ethical framework set under Part III of the Local Government Act 2000. The Committee were informed that the new legislative provisions were not yet in force but were to be brought into effect on specified dates by commencement orders, which would be issued by the Welsh Government.

The Monitoring Officer continued and explained that in light of the changes, there was a need for the Committee to establish arrangements for meeting with Group Leaders to discuss Member conduct issues and ensure Group Leaders have appropriate access to advice and training. It was therefore proposed to amend the Standards Committee's terms of reference, which would require approval by Council.

The Monitoring Officer concluded by assuring the Committee that any further action to be taken by the Committee in relation to the new legislative provisions concerning group leaders will be kept under review and considered under the Committee's Work Programme.

With the agreement of the Chair, Non-Committee Member, County Borough Councillor P. Jarman spoke on the item. Councillor Jarman, as a longstanding Elected Member and Group Leader acknowledged the duty placed upon her and commented that the new requirement for leaders of political groups to take steps to promote and maintain high standards of conduct by members of their groups was a basic expectation.

The Member referred to the White Paper 'Reforming Local Government: Power to Local People', which expressed concern that an overly 'macho' culture in some authorities might be acting as a deterrent to women, in particular, standing for office; and spoke of an incident within the Local Authority.

Prior to concluding, the Member acknowledged that a Standards Committee would have new functions under the Bill to monitor Group Leaders' compliance and questioned how this would be carried out. The Monitoring Officer informed that Member that Welsh Government were due to deliver the relevant guidance, which would be shared with Group Leaders.

With the agreement of the Chair, Non-Committee Member, County Borough Councillor M. Webber spoke on the item. In respect of the overly 'macho' culture, the Deputy Leader agreed that all individuals should be treated equally, irrespective of politics. The Deputy Leader advised that the appropriate procedure was in place for dealing with such behaviour and that refresher training for all Elected Members would be necessary.

The Standards Committee were fully supportive of Bill and the new duties placed upon Members. The Committee acknowledged the Members' comments in relation to the overly 'macho' culture and were of the view that with new legislation, there was a need for a cultural change and supportive environment for better outcomes.

Referring to the above-mentioned incident within the Local Authority, the Chair queried the approach taken to support the Member in question. The Service Director of Democratic Services and Communication assured the Committee that officers had since engaged with the Member to learn from the incident and ensure that no other Member is subjected to a similar experience. The Service Director spoke of the importance of establishing a more positive culture to encourage future candidates to stand for the position. Furthermore, the Service Director spoke of the work being undertaken by the Democratic Services Committee: Diversity in Democracy Working Group, which had been established to increase diversity within democracy at the local Government Elections 2022 and any future election to reduce the barriers to attracting a more diverse pool of candidates.

The Deputy Leader also referred to the Member PDR process and explained that any issues could be discussed confidentially. In addition, the Deputy Leader spoke of the future webcasting provision and benefits of recorded meetings and invited the Standards Committee to view the facility at the Council Chamber at an appropriate time.

The Chair thanked the Members for their contributions and the Standards Committee **RESOLVED:**

1. To note the information set out in the report;
2. To recommend to Council that the Committee's terms of reference be amended as set out in paragraph 4.5, once the new legislation is brought

- into force; and
3. To note that Welsh Government is proposing to undertake a review of the Statutory Ethical Framework in Wales ahead of the Local Government Elections in 2022 and information in respect of this review will be presented to Committee as and when it becomes available.

21 STANDARDS COMMITTEE ANNUAL REPORT 2019-2020 AND 2020-2021

The Chair presented the Standards Committee Annual Report for the 2019/20 and 2020/21 Municipal Years. It was explained that the two reports had been combined due to the cancellation of meetings at the start of the Covid-19 pandemic.

The Chair was pleased to announce that, despite the challenges of the pandemic, during both Municipal Years, the Committee had continued to consider the reports of the Monitoring Officer, and those published by the Public Services Ombudsman for Wales and where necessary, action had been taken to ensure that County Borough Councillors, Community/Town Councillors and Officers were reminded of their requirements in relation to the different policies.

The Chair took the opportunity to thank the Members for their continued contribution, which had been invaluable at each meeting. Officers were also thanked for their support during the two years and for their help in ensuring Members had adapted to agile working throughout the pandemic.

One Member endorsed the Annual Report but requested that the formatting be relooked at.

With the agreement of the Chair, Non-Committee Member, Councillor M. Webber spoke on the item. The Deputy Leader took the opportunity to thank the Standards Committee for the pro-active approach undertaken over the years and advised that training opportunities were flexible, and all Elected Members would be provided with support to effectively carry out their duties.

With the agreement of the Chair, Non-Committee Member, Councillor P. Jarman spoke on the item. The Member noted that the Standards Committee consisted of a male dominant Membership and suggested that the Reserve Community Councillor be invited to future meetings and that Reserve Member photos be included within the Annual Report.

In response to the Member, the Monitoring Officer advised that the Community Council Reserve Member was invited to attend the meeting but had sent her apology. The Chair acknowledged the comment on the membership and advised that the interview panel had consisted of an equal gender balance but that it was out of his control which candidates apply. The Chair sought to assure the Member that the Standards Committee would consider all individual cases equally.

The Standards Committee **RESOLVED:**

1. To approve the Standards Committee Annual Report for the 2019-2020 and 2020-2021 Municipal Years.

This meeting closed at 11.50 am

**M Jehu
Chairman**