

# Standards Committee

## Annual Report 2022-2023

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**RHONDDA CYNON TAF**



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**Mr Dave Bowen**

# FOREWORD

## Chair of the Standards Committee

**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.

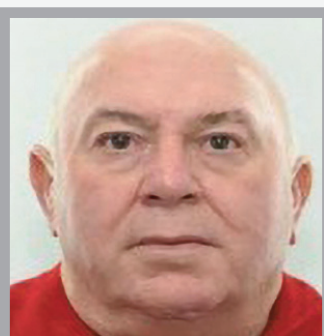
Through our work programme this year we have closely monitored the reports of the Monitoring Officer, and those published by the Public Services Ombudsman for Wales and where necessary, we have taken action to ensure that County Borough Councillors, Community/Town Councillors and Officers are reminded 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.

**Mr. Dave Bowen**  
**Chair (and Independent Member)**

# Members of The Standards Committee



Mr. Dave Bowen  
Chair and  
Independent Member



Ms. H. John  
Independent Member



Mr. J. Thomas  
Independent Member



A. Ellis  
County Borough  
Councillor



G. Hughes  
County Borough  
Councillor



Ms. L. Law  
Community Councillor  
Member



Mr. C. A Thomas  
Reserve Community  
Councillor Member

# 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:

18th November 2022

<https://rctcbc.moderngov.co.uk/ieListDocuments.aspx?CId=181&MId=50004280&Ver=4&LLL=0>

and

25th April 2023

<https://rctcbc.moderngov.co.uk/ieListDocuments.aspx?CId=181&MId=50004281&Ver=4&LLL=0>

(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

<https://rctcbc.moderngov.co.uk/documents/s42429/Appendix 2.pdf?LLL=0>

# 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.

# Items Considered During The 2022-2023 Municipal Year

- **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



# Items Considered During The 2022-2023 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.

# Items Considered During The 2022-2023 Municipal Year

- **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.

# Items Considered During The 2022-2023 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.

# Items Considered During The 2022-2023 Municipal Year

- **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.