

**DRAFT**

**STANDARDS COMMITTEE ANNUAL REPORT**

**2023 – 2024**



**RHONDDA CYNON TAF**



## **STANDARDS COMMITTEE ANNUAL REPORT 2023-2024**

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

Following my inaugural year as Chair, I welcomed the opportunity during the 2023 – 2024 Municipal Year for the Committee to revert back to its quarterly meeting cycle which will help ensure, as a Committee, we continue to do everything within our remit to uphold the standards of the Council, through the conduct of its Members.

The Council's Monitoring Officer has continued to support us in our role and our thanks are provided to him and his team for the support and advice actively provided to us as a Committee and to the Elected Members of the Council.

It was pleasing to start the year with a proactive joint training session undertaken with fellow standards committee colleagues from Merthyr Tydfil County Borough Council where we able to participate in a mock Code of Conduct Hearing training session. This session provided us with practical guidance and useful insight into the process and considerations if such a hearing was required to be held in the future. Such training is invaluable, and we look forward to further practical training opportunities going forward to again assist us in undertaking our role.

Throughout the year we have been provided with opportunities to receive quarterly updates from the Public Services Ombudsman for Wales in relation to summaries of complaints and recent investigations and findings. Such examples of investigations continue to provide us with further learning opportunities and help ensure that such behaviours are not replicated within the Council. The Committee was particularly pleased to note the low number of complaints made to the Public Services Ombudsman during 2023-2024, particularly in respect of Community Councillors across RCT, given some issues had arisen in previous years.

This year we proactively reviewed the Council's Member-Officer Protocol which sets out a framework for good working relationships between Members and Officers as the best means of supporting the work of this Council. It is important that such protocols are reviewed in a timely manner to ensure that they remain fit for purpose. To assist us with our review, we sought the opinions of the Council's Democratic Services Committee and we thank the Committee for their comments on our proposed amendments to the policy which will be presented to Council for approval.

During the Municipal Year I was also able to attend both meetings of the National Standards Committee Chairs Forum. The purpose of the Forum is to share best practice and provide a forum for problem solving across the relevant authorities in relation to the work of Standards Committees. The Forum has received presentations from the Public Services Ombudsman for Wales and discussed many issues affecting the standards and ethical framework in Wales.

Outside of the Committee's work it has been interesting to be part of the Council Headquarters relocation from Clydach Vale to Llys Cadwyn. Although we appreciate the new facilities that have been provided to Members and Co-opted Members we, as a Committee always reflect on our meeting arrangements, and have predominantly operated on a more

virtual setting during the Municipal Year, at the request of its Members. As chair and in deliberations with the Committee we have ascertained that in future the Committee meetings will revert to virtual only, which will be reviewed throughout the year.

Can I thank all Members for their, time, dedication and continued support and enthusiasm to the work of the Committee. During the year, we received the resignation of Community Councillor Member Ms Lynwen Law and although we were sad to receive this news, it provided the opportunity for our reserve Community Council Member, Mr Carl Thomas to become a substantive member of the Committee. All Members of the Committee have brought with them a wealth of personal experience and knowledge and I look forward to their continued expertise over the next Municipal year.

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### **The Ten General Principles of Public Life**

**Selflessness** – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and integrity** – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

**Objectivity** – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

**Personal judgement** – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

**Duty to uphold the law** – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship** – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

**Leadership** – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

**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:** 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 2023-2024**

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.

Details of the meeting and the relevant recordings for each of the meetings can be found here [\[Link\]](#).

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

## **ITEMS CONSIDERED DURING THE 2023-2024 MUNICIPAL YEAR**

- Mock Code of Conduct Hearing.
- Standards Committee Work Programme 2023 - 2024
- Draft Standards Committee – Annual Report 2022-2023
- Public Services Ombudsman for Wales - Annual Report and Letter 2022-2023
- Public Services Ombudsman for Wales – Summary of Complaints 2023-2024
- Public Service Ombudsman for Wales – Recent Investigation Outcomes – ‘Our Findings’
- Adjudication Panel Decisions and Annual Report
- National Standards Committee Chair’s Forum – Feedback from meetings
- Dispensation Application
- Review of the Council’s Member-Officer Protocol
- Summary of responses to the consultation on the Recommendations of the Independent Review of The Ethical Standards Framework (Richard Penn Report)
- Public Services Ombudsman For Wales - recent media articles concerning the actions of one of its officers and relevant updates

- **Mock Code of Conduct Hearing Training**

*To start the year the Committee welcomed the joint training session provided to both them and fellow Standards Committee members in Merthyr Tydfil County Borough Council in respect of a Mock Code of Conduct hearing. The training facilitated by the Monitoring Officer and Anthony Collins law firm provided valuable knowledge and experience for all participating.*

- **Public Services Ombudsman for Wales - Summary of Complaints 2023 - 2024**

*This is a regular report for the Standards Committee over the Municipal year and provides the opportunity for Members to receive a summary of complaints made against Members and submitted to the Public Services Ombudsman for Wales over certain periods across the year and the results of any investigations for those complaints that had been received.*

*Members were pleased to see that although 7 complaints had been made against Members of the Council during the year in relation to alleged breaches of the Code of Conduct. 6 of those complaints resulted in no investigation by the Ombudsman and in respect of the complaint that was investigated a decision of no further action was recorded.*

*The Councillors' Code of Conduct plays a vital role in setting out, openly and clearly, the standards councillors must apply when undertaking their Council duties. It is paramount that the Code continues to give assurance to the public that their elected members are acting in accordance with high ethical standards.*

*Members are continually reminded of the importance of adhering to this code and training and refresher sessions can be provided to Members upon request with the Councils Monitoring Officer.*

- **Public Services Ombudsman for Wales - Annual Report and Letter 2022-2023**

*The Annual Report sets out the workload that has been dealt with by the Public Services Ombudsman for Wales (PSOW) during 2022-2023. Members learnt that the PSOW received 283 new complaints about the Code of Conduct – 4% less than in 2021/22. 56% (158) of those complaints concerned Town and Community Councils. For the first time since 2019/20 this represents a decrease in the number of complaints about this group of Councillors. 43% (122) of the total complaints received related to County and County Borough Councillors. This represents a 7% increase in the number of complaints about councillors at principal councils when compared to 2021/22. There were 3 complaints about members of National Park Authorities.*

*The Monitoring Officer noted that as in previous years more than half of the new Code of Conduct complaints that the PSOW received were about 'promotion of equality and respect' but there is a further notable increase when compared to last years.*

*The Monitoring Officer reported there was 1 Code of Conduct complaint made about a Member in relation to their role as an RCT County Borough Councillor during the period, compared against 2 in 2021-2022. The complaint was discontinued after investigation.*

6 complaints were received in relation to Town and Community Councils within RCT as against 9 in the previous reporting period. In relation to all 6 complaints the PSOW decided not to investigate.

The PSOW has stipulated that although they noted some positive trends in 2022/2023 their office continues to underline the value of more education and training for councillors on the Code of Conduct and encourage the use of local resolution

procedures. Their belief is that these procedures can calm situations deal with problems early and prevent the need for further escalation to her office.

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

*A regular report provided to Members by the Monitoring Officer 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 Municipal Year.*

*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 '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.*

*An appendix to each report contained a summary of those published cases.*

- **Adjudication Panel For Wales Annual Report 2022-2023**

*The Monitoring Officer provided Members with an overview of the information contained in the Adjudication Panel for Wales' (APW) Annual Report 2022-2023.*

*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.*

- **Adjudication Panel for Wales - Recent Tribunal Decisions**



*The Monitoring Officer provided the Standards Committee with reports which provide updates on the 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.*

*Such consideration of the decisions taken by the Panel and the approaches adopted by the APW in formulating its decision and sanctions (where relevant) are helpful to us as a Standards Committee, in light of our own role when conducting Code of Conduct hearings. As a Committee we also find such reports useful to help us 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.*

- **Dispensation Applications** – As part of the Committee's Terms of Reference, the Committee considered and granted an application for a dispensation during the Municipal Year. Such dispensations allow Members to undertake their role whilst also adhering to the Code of Conduct.

- **REVIEW OF THE COUNCIL'S MEMBER – OFFICER RELATIONS PROTOCOL**

*A large part of the Committee's work during the year was the review of the Council's Member – Officer relations protocol. The Monitoring Officer reminded Committee that in 2013 the Council adopted a revised 'Member – Officer Relations Protocol' which sets out a framework for good working relationships between Members and Officers as the best means of supporting the work of this Council. It explains how the nature of the relationship between elected Councillors and employed officials should work and describes their different but complementary roles within the Council. It also sets out the behaviours and treatment that each can expect from the other and thereby expands upon the Councillors Code of Conduct.*

*The timely review of the protocol undertaken by the Committee looks to ensure the protocol remains fit for purpose. To assist in the review comparisons of protocols with other Local Authorities has been undertaken as well as the Committee referring the draft amendments to the Council Democratic Services Committee, for further consideration and feedback.*

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

*The Monitoring Officer, combined with the Chair of the Committee provided Members with updates in respect of the National Forum for Standards Committee Chairs meetings that had taken place across the year. By sharing best practice it is anticipated the Forum will help to raise standards across all authorities in Wales.*

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

*The Monitoring Office provided for information, a report representing the next stage in Welsh Governments review of the ethical standards framework in Wales following the Penn report. This report contained the consultation feedback received by respondents to the consultation exercise Welsh Government conducted last spring and to which the Committee responded too.*

*Members were reminded that 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.*

*The Committee noted that the Summary of responses indicated that many other local authorities share the same views as those submitted on behalf of RCT suggesting there is a broad consensus on these issues across Wales*

- **PUBLIC SERVICES OMBUDSMAN FOR WALES INDEPENDENT REVIEW**

*The Monitoring Officer took the opportunity to address Members on the allegation of political bias, made against the former Head of Investigations at the Ombudsman office. Members were reassured that the Ombudsman had announced that an independent review would be conducted to provide assurance that its code of conduct processes are sound, free from political bias and that lessons are learned from what has happened.*

*It was reported that the Ombudsman, Michelle Morris, had fully accepted that her office now needs to rebuild trust in the work of the organisation on complaints against Councillors. The review remit will include reviewing discretionary decisions previously made, by the former officer and her team, not to investigate complaints when applying the Ombudsman's processes.*

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## **Future Priorities**

The Committee regularly reviews its work programme and the following areas have been scheduled for consideration in 2024/25:

- Monitoring compliance with Group Leaders' statutory duties in relation to Member conduct - to receive and consider reports from political group leaders about steps taken to discharge their new statutory duties in accordance with the agreed reporting arrangements.
- Finalisation of the Member Officer Protocol before endorsement to Council
- Code of Conduct Complaints - To continue to receive quarterly reports on complaints made against Elected Members alleging a breach of the Code of Conduct.
- Consideration of any future proposals following the Welsh Government Consultation - Response to The Recommendations of The Independent Review of The Ethical Standards Framework.
- Review of the Council's Gifts & Hospitality Policy