

STANDARDS COMMITTEE

29TH JANUARY, 2020

PRESENT: Mr. R. Alexander (CHAIR)

Councillors K. Hayden & M. Moore

Mr. S. Williams
Mr. J. Price
Miss. H. Roberts
Town Councillor J. Thomas

WITH: Head of Legal and Corporate Compliance (Monitoring
Officer)
Data Protection & Governance Officer

1. SIMULTANEOUS TRANSLATION

No requests had been received for the simultaneous translation service.

2. WELCOME & APOLOGIES

The Chair welcomed everyone to the meeting, and the following apologies for absence were reported:

Councillor G. Thomas and Mr. J. Evans.

3. DECLARATIONS OF INTEREST AND DISPENSATIONS

No declarations of interest or dispensations were reported.

A discussion ensued when the Chair expressed a view that that other Local Authorities appeared to have a higher volume of requests for dispensations compared to Blaenau Gwent.

The Head of Legal & Corporate Compliance said this was a long standing trend at Blaenau Gwent, the reasons for which had been considered previously. Members were trained on the availability of dispensations as part of their induction process and refresher training was also provided. Application forms for dispensations were available to Members along with guidance on when to apply.

The Officer said dispensations became important when there was a narrow margin in the balance of political representation between parties, particularly when voting on issues which were contentious etc. However, this was not

such a pressing issue in Blaenau Gwent due to the clear majority of Independent Members. The grounds upon which dispensations can be applied was also limited, and as a result Members in Blaenau Gwent were more inclined to declare an interest, and not participate if necessary.

The Officer said whilst she was able to raise awareness of the availability of dispensations, she could not influence Members to apply. The grounds for dispensations were narrow and the Officer said the majority of issues discussed with Members in terms of declarations of interest did not fall into the category of possible dispensations. However, she would look to see where the profile of dispensations could be strengthened.

4. MINUTES OF PREVIOUS MEETING

The minutes of the Standards Committee held on the 5th July, 2019 were submitted.

It was AGREED that the minutes be accepted as a true record of proceedings.

5. OMBUDSMAN'S ANNUAL REPORT (CONDUCT ELEMENT)

The Head of Legal & Corporate Compliance referred to the annual report issued by the Public Services Ombudsman for Wales in relation to service complaints and Member Code of Conduct complaints.

The Ombudsman Annual Letter was issued in the Summer, and the Officer confirmed that it had been reported to the Audit Committee and Council for consideration.

The Officer went through the report and highlighted points contained therein, particularly P.58 which provided comparative data for 2018/19 and 2017/18 in relation to Code of Conduct complaints received. For both years there was no evidence found of a breach of the Code of Conduct against any Members of the Local Authority.

The Standards Committee also have a role in overseeing the conduct of Town and Community Councils, and details of these were also outlined on P.58 of the report.

The Officer said in terms of benchmarking, the rate of complaints received in Blaenau Gwent was generally lower than other Local Authorities.

The Chair referred to the Public Services Ombudsman (Wales) Bill and the potential impact on Standards Committees.

In response the Officer said it was likely to impact more on Health Authorities rather than LA's.

A Member asked regarding the situation for 2019/20, and the Officer confirmed that a number of complaints had been lodged with the Ombudsman in relation to Town & Community Councils, and 1 complaint in relation to the Local Authority had been withdrawn.

6. **CONSIDERATION OF EXAMPLES FROM OMBUDSMAN'S CASEBOOK**

The Head of Corporate & Legal Compliance said at the last meeting there was discussion around the types of complaints lodged with the Ombudsman. The Ombudsman published the findings of individual cases and this information was collated into a Code of Conduct Casebook. Copies of the Casebook was circulated to Members and discussion ensued regarding the case summaries highlighted therein.

The Officer said there was no right of appeal for a complainant in the event of a Member being found not in breach of the code of conduct, there was a review process that could be undertaken independently, but no formal right of appeal.

A further discussion ensued when a Member said the Ombudsman's Casebook was very useful for Members, and it was AGREED that this would become a standing item for discussion on future agendas.

7. **UPDATE RE: OTHER COUNCIL STANDARDS COMMITTEES**

The Head of Legal & Corporate Compliance said at the last meeting she had been tasked with making enquiries of other Local Authorities' Standards Committees in terms of how they operated and the frequency of meetings.

The Officer reported that following discussions with other Monitoring Officers, and looking at other Council websites, the frequency of meetings was varied. Cardiff City Council met more often as they had more business to deal with and also requests for dispensations, and those Authorities with a high number of Town & Community Councils also met more often. However, our neighbouring Authorities seemed to be on a par with Blaenau Gwent, and other Councils had also signed up to a local resolution procedure.

In relation to previous discussions around Members observing Council meetings, the Officer reported that none of the Standards Committees that she had made enquiries of undertook this practice. Some Councils had indicated that they would not encourage their Standards Committee

Members to observe meetings as it could prejudice future Standards Committee hearings, in terms of a Member potentially becoming a witness to any complaints arising out of the observed meetings.

The Officer said it was the responsibility of the Monitoring Officer to observe behaviour at meetings, and she assured that any issues of conduct would be given immediate priority. She also pointed out that the majority of breaches occurred outside the formal meeting environment.

The Chair reported that at the last meeting he also undertook to provide feedback as a Member of the Vale of Glamorgan Standards Committee and the South Wales Fire & Rescue Standards Committee. He reported that both Authorities had adopted the procedure of requiring Standards Committee Members to attend other meetings. The Vale of Glamorgan Standards met approximately 4 or 5 times a year, and their Members were expected to attend 2 Council meetings per annual cycle and 2 meetings of the Town & Community Council. Whereby the South Wales Fire & Rescue Standards were more in the development stage and have asked Members to attend 1 other meeting of the Authority. He had attended 1 meeting, and was due to attend another shortly.

Another Member said her experience of other Standards Committees was the same as Blaenau Gwent in terms of the frequency of meetings. She also took on board the Officer's comment that observing meetings may prejudice Members involvement should any issues of conduct arise.

A discussion ensued when the Officer said she did not feel it was necessary for Members to attend meetings as this was part of her role. However, she would suggest Members could attend in the event of any recurring problems. She also reported that the Authority may introduce webcasting of meetings in the future, and this would enable Members to observe meetings through the Council's website.

It was AGREED that this issue would be discussed again in the future.

8. FUTURE WORK PLAN/TRAINING REQUIREMENTS

The Head of Legal & Corporate Compliance reported that the maximum term of office for Mr. J. Evans and Mr. J. Price would be coming to an end on the 25th July, 2020. She confirmed that the recruitment process would commence in the Spring, with a meeting in June to consider applications.

In relation to training, the Officer confirmed that a training session to include new Members would be held in September.

9. AOB / DATE OF NEXT MEETING

A Member referred to the Local Government and Election (Wales) Bill and the potential impact on Standards Committees, in terms of the requirement to produce annual reports, and suggested that an update on the provisions of the new legislation be received.

In response the Officer confirmed that the Authority had responded to a number of areas during the consultation period. She said it was proposed that Group Leaders assume more responsibility for conduct within their political groups, and the Officer said it was her view that the reason why the number of conduct issues were low in Blaenau Gwent was due to the fact that Group Leaders already worked closely with the Managing Director, and herself as the Monitoring Officer, and the Head of Democratic Services, to monitor behaviour and have early conversations to resolve issues.

The vast majority of the Bill was around democracy, however, she undertook to look at those issues that would directly impact on the Standards Committee, and also circulate a summary of the main provisions of the Bill to Members.

It was AGREED that the next meeting be held early June 2020.
