



STANDARDS COMMITTEE – 20TH JANUARY 2022

SUBJECT: ADOPTION OF PROCEDURE FOR STANDARDS COMMITTEE HEARINGS

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 For the Standards Committee to adopt a procedure to deal with investigation reports referred to it by the Public Services Ombudsman for Wales (PSOW).

2. SUMMARY

- 2.1 From time to time the Standards Committees will receive reports from the PSOW into complaints made against councillors of Caerphilly County Borough Council or councillors of the town and community councils within the boundary of the county borough alleging that the councillor has breached the code of conduct for members. The report contains a procedure that the Standards Committee can adopt when it receives an investigation report from the PSOW.

3. RECOMMENDATIONS

- 3.1 That the procedure found at appendix 1 of the report is adopted to deal with referrals from the PSOW of his investigation report into allegations that a councillor has breached the members' code of conduct.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 A procedure is required to deal with referrals from the PSOW.

5. THE REPORT

- 5.1 Under the Local Government Act 2000, on receiving a complaint, the PSOW has powers to investigate the behaviour of a councillor of the county borough or a town/community council within the boundary of the county borough who is alleged to have breached the code of conduct for members. Where the PSOW decides to investigate an allegation of a breach of the code of conduct for members, at the conclusion of the investigation, the PSOW may refer his report to the Standards Committee to conclude the matter.

- 5.2 Where this happens, the Standards Committee must have a procedure in place to deal with a referral. The procedure is attached at appendix 1.
- 5.3 Following the procedure, on receipt of the investigation report from the PSOW, the Standards Committee must first decide whether there is a case to answer. At this first meeting, the Standards Committee must decide either:
- (a) that there is no evidence of a failure to comply with the Code of Conduct; or
 - (b) that any person who is the subject of the investigation must be given an opportunity to respond, either orally or in writing.
- 5.4 Where the latter is decided, a subsequent hearing will be arranged where the Standards Committee will hear from the member complained against and the representative of the PSOW. At the conclusion of the hearing, the Standards Committee will make one of the following decisions:
- (a) there is no evidence of a failure to comply with the Code of Conduct and no further action should be taken;
 - (b) there is evidence of a failure to comply with the Code of Conduct but no further action should be taken; or
 - (c) there is evidence of a failure to comply with the Code of Conduct and the councillor or co-opted member should be censured or suspended.

5.5 **Conclusion**

The Standards Committee needs to adopt a procedure that will allow it to deal with referrals of investigation reports from the PSOW.

6. **ASSUMPTIONS**

- 6.1 No assumptions have been made in preparation of this report.

7. **SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

- 7.1 The report does not include an Integrated Impact Assessment (IIA) as a hearing procedure is required by the Standards Committee and already takes into account relevant aspects of the IIA.

8. **FINANCIAL IMPLICATIONS**

- 8.1 The payment of the allowances to the co-opted members of the Standards Committee, in accordance with the recommendations of the Independent Remuneration Panel for Wales.

9. PERSONNEL IMPLICATIONS

9.1 None.

10. CONSULTATIONS

10.1 Any consultation responses received will be included in the main body of the report.

11. STATUTORY POWER

11.1 Local Government Act 2000

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Consultees: Cllr Gordon – Cabinet member for Corporate Services,
Mr Peter Brunt – Vice-chair of the Standards Committee
Public Services Ombudsman for Wales
Lisa Lane – Head of Democratic Services and Deputy Monitoring Officer

Appendix 1 Procedure for dealing with complaints of breaches of the members' code of conduct