



STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN PARK ON FRIDAY 2ND NOVEMBER 2018 AT 10.30 A.M.

PRESENT:

Mrs D. Holdroyd - Chair
D. Lewis - Vice-Chair

P. Brunt, Mrs M. Evans

Community Councillor Mrs G. Davies

Councillors Mrs J. Gale (Substitute for Cllr D. Price) and C.P. Mann

Together with:

R. Tranter (Head of Legal Services and Monitoring Officer), L. Lane (Interim Deputy Monitoring Officer), E. Sullivan (Senior Committee Services Officer)

Also Present:

Councillors D. V. Poole and G. Simmonds

And:

Councillors C. Cuss, N. George, C. Gordon, B. Jones, P. Marsden, S. Morgan, L. Phipps and E. Stenner

APOLOGIES

An apology for absence was received from Councillor Dianne Price, it was noted that Councillor June Gale was in attendance as substitute.

1. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

2. MINUTES – 13TH SEPTEMBER 2018

RESOLVED that the minutes of the meeting held on the 13th September 2018 be approved as a correct record.

REPORT OF OFFICERS

Consideration was given to the following report: -

3. COMPLAINT BY A MEMBER UNDER THE COUNCIL'S LOCAL RESOLUTION PROTOCOL

The Chair explained the procedures for the meeting under the Local Resolution Protocol and referred Members to the Officer's report and appendices. A complaint had been made under the protocol by Councillor D. Poole against Councillor G. Simmonds in relation to remarks made by the latter in an exchange of emails between both Councillors culminating in the email of 28th July 2018 sent at 10:23am. It was noted that other Elected Members and Officers had been copied in to said exchange.

Councillor Poole was invited to make his representations to the Committee.

Councillor Poole referred to the exchange of emails commencing on the 27th July 2018 in relation to a perceived lack of funding within the Islwyn area that culminated with an email sent on the 28th July 2018 in which Councillors Simmonds made several remarks relating to Councillor Poole as Leader and his Cabinet Members.

The Standards Committee were advised that in this email Councillor Simmonds referred to the salary paid to Councillor Poole as Leader and to his Cabinet Members and their lack of performance in relation to the level salary received. The Member confirmed that the salary of all Councillors is set by the Independent Remuneration Panel, over which the individual Member has no control or influence. In relation to the inference of under performance or the shirking responsibilities there was no evidence to substantiate those claims. Councillor Poole advised that he met regularly with Senior Officers, the Chief Executive and opposition Group Leaders giving them the opportunity to challenge him on any matters relating to the Council and its operations. Furthermore there have been no notices of motion or questions to Council in relation to his leadership. Within the emails, further criticism was levelled at scrutiny and the financial management of the Council. Members were advised that Grant Thornton the Authority's accountants had raised no concerns in relation to the Council's financial operations and the Wales Audit Office's recent review of scrutiny had noted that scrutiny within Caerphilly County Borough was working well. The Wales Audit Office had also recognised that Caerphilly worked efficiently, effectively and economically when dealing with its resources. For these reasons Councillor Poole felt this criticism to be unjustified.

Councillor Poole accepted that a level of criticism is expected within the political domain but the content of the email went beyond this to a point that he considered to be bullying and to which Councillor Simmonds had copied to Directors, Senior and Junior Officers and other Elected Members and this was the reason for his complaint. In relation to the standards of conduct as referred to within the protocol for public behaviour, he felt that Councillor Simmonds had failed to show respect (2.1(a)), had made personal and abusive comments (2.1(b)), by including Officers and other Members in the email had published those insulting comments (2.1(c)), had made malicious allegations in relation to him and his Cabinet colleagues (2.1(d)) and again by including Officers and other Members in the email had published false information about him and his Cabinet Colleagues (2.1(e)). Councillor Poole advised that he had been personally offended by the comments made, comments which had no supporting evidence.

He advised the Committee that the comment 'we have a cabinet with none of the talents for the cost...' particularly offensive and could personally attest to their workload, commitment and effort since their appointment. He wished it noted that since taking office this administration had received a positive Care Standards Inspectorate for Wales report in relation to its social care provision, a positive Wales Audit Report and a positive auditors report from Grant Thornton. He provided assurances that Cabinet Members received regular performance development reviews all of which had successfully evidenced their abilities to drive their portfolio performance forward.

Councillor Poole again acknowledged that politicians expected, and rightly so, a level of criticism from the public, but he expected more from a colleague with a greater knowledge of the constraints and difficulties within which an elected representative works and to make those comments without any evidence is unjust and shows a lack of respect. He restated that under normal circumstances he would not be making a complaint of this nature and had no issue with any exchange of a political nature, but the copying in of Officers was unacceptable.

The Chair thanked Councillor Poole for his representations and sought clarification as to whether it was the copying in of the Officer's that made the difference in this case and Councillor Poole confirmed that it was.

Councillor Simmonds was invited to make his representations to the Committee.

Councillor Simmonds referenced meetings he had with Mrs Lisa Lane (Interim Deputy Monitoring Officer) during the informal stage of the local resolution process in which he had advised her that he hadn't meant any insult to the Leader or the Cabinet Members by his statements but had meant them solely as a commentary on what he considered to be a withholding of information in the wider public interest.

The Councillor then referred to comments attributed in the press to Lord Touhig in relation to the level of funding in the Islwyn area (£22m) in comparison to the Rhymney Valley area (£300m) and the disparity between the two. He then referenced requests that he had made for information on pension liability for which he had yet to receive a reply after already waiting 16 months and a wait of over 4 months for a response from Councillor Barbara Jones in relation to secondary pension payments.

The Councillor went on to outline his concerns regarding the withdrawal of the Local Development Plan and then referenced educational performance levels and pupil attainment in relation to the Welsh National Average and that Caerphilly schools continue to be in the bottom quartile. Councillor Simmonds asserted that he had been asking the same question in relation to education attainment for the last 18/19 years. He advised that he had made numerous requests for performance management reports through his membership of the the Education Improvement Board which had failed to be delivered to him dispute as he understood it, them being completed on an annual basis.

The Councillor then referred to the Sport and Active Recreation Strategy currently under consultation and made several references to the fact that the strategy was un-costed. The impact that this would have in his ward should the realignment of provision take place in terms of the multiple deprivation index was explained. In terms of leisure provision he advised the committee that he had made enquiries as to how Nofio Ysgol (Swim Wales) would operate following the service realignment and had not been provided with any information.

He expressed his disappointment in the level and quality of responses he had received when requesting information and how unacceptable he found this. All the aforementioned reasons were a contributing element to the tone and wording of the email he had used in order to express his frustration. He upheld his opinion that this Cabinet have refused to act in an open and transparent way and were by their actions failing to comply with the Nolan and Local Government Acts.

Councillor Simmonds referred again to the Sport and Active Recreation Strategy and the fact that the document presented for consultation was un-costed, he affirmed his confidence in his own calculations that it would not be delivered for less than £54m while achieving only £455,000 in savings whilst pushing his ward further into the deprivation index. The Member then went on to reference senior pay awards and ongoing disciplinary proceedings.

He expressed his regret that the Cabinet had taken his comments personally and would be willing to offer an apology for this as he had intended these to be a commentary on the performance of this authority and what he believed to be a lack of openness and transparency.

In conclusion Councillor Simmonds expressed his confidence in the Performance Management Unit of the Council and again referenced his frustration in not receiving the answers to his questions and his requests for information.

The Chair thanked Councillor Simmonds for his representations and sought clarification as to why he thought it necessary to copy in Officers to his email.

Councillor Simmonds advised that this was due to the length of time he had waited for Officer responses.

As detailed within the procedure the Chair invited Cllr Poole to make his closing remarks.

In his summing up Councillor Poole advised that it would be very tempting to discuss the many points raised by Councillor Simmonds but that was not the purpose of this meeting. The Committee were here to consider the content of the emails sent and the fact that Officers had been copied in to this correspondence. Did Councillor Simmonds make personal and insulting remarks and malicious allegation which were published? Furthermore Councillor Simmonds had been given the opportunity to apologise but did not.

Councillor Poole asked the Committee to disregard the representations made by Councillor Simmonds which bore no relevance to the matter in hand and concentrate on the comments he made within the email of the 28th July 2018.

As detailed within the procedure the Chair invited Councillor Simmonds to make his closing remarks.

In his summing up Councillor Simmonds emphasised that he had been waiting months for the information and answers he requested, he again referenced the un-costed Sport and Active Creation Strategy and this own costings, the impact that the strategy would have on the deprivation index for his ward, the inequitable funding for the Islwyn area and failures in educational attainment.

He reaffirmed that he hadn't meant to insult the Leader or Cabinet but had meant his comments as a reflection on the running of the Council and the frustration borne from his inability to receive answers to his questions.

The Chair thanked both Members for their statements and the meeting stood adjourned to allow the Committee to deliberate in private on the representations received.

The meeting was reconvened at 12.10pm.

The Chair announced the decision of the Standards Committee as follows:-

We consider that there is a basis to the complaint made by Councillor Poole against Councillor Simmonds. We feel it was unfortunate that Councillor Simmonds used the language he did in his email to the Leader of the 28th July 2018. Whilst we have heard that Councillors Simmonds did not intend to cause offence to the Leader and his Cabinet, nevertheless he did. We would advise Councillor Simmonds that he takes more care in his wording of future emails and to whom the emails are copied to. In the circumstances we feel and expect Councillor Simmonds to offer an apology to all those who received the email of the 28th July 2018 at 10.23am. We expect that the apology should be made in writing within 7 days of today's date, with a copy to the Monitoring Officer.

The meeting closed at 12.30pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the next meeting they were signed by the Chair.

CHAIR