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For all enquiries relating to this agenda please contact Emma Sullivan
(Tel: 01443 864420 Email: sullie@caerphilly.gov.uk)

Date: 12th January 2024

To Whom It May Concern,

A multi-locational meeting of the **Standards Committee** will be held at Penallta House and via Microsoft Teams on **Friday, 19th January, 2024 at 10.00 am** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so.

This meeting will be live streamed and a recording made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals present and or speaking will be publicly available to all via the recording on the Council website at www.caerphilly.gov.uk.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Christina Harrhy', enclosed in a large, loopy oval shape.

Christina Harrhy
CHIEF EXECUTIVE

A G E N D A

	Pages
1 To receive apologies for absence.	
2 Declarations of Interest.	

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

A greener place Man gwyrddach



To approve and sign the following minutes: -

3 Standards Committee held on 23rd November 2024. 1 - 4

To receive and consider the following report(s): -

4 Public Interest Test. 5 - 6

5 Referral of an Investigation Report by the Public Services Ombudsman for Wales. 7 - 32

Circulation:

Councillors: J. Taylor and Mrs P. Cook

Lay Members: P. Brunt, J. Card, L.M. Davies, Ms. L. Jay and V. Yadh

Community Councillor: Mrs A. Gray

And Appropriate Officers

HOW WE WILL USE YOUR INFORMATION

Those individuals that attend committee meetings to speak/give evidence will be named in the minutes of that meeting, sometimes this will include their place of employment or business and opinions expressed. Minutes of Meetings including details of speakers will be publicly available to all via the Council website at www.caerphilly.gov.uk. except for discussions involving confidential or exempt items.

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STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON 23RD NOVEMBER 2023 AT 10:00AM.

PRESENT:

P. Brunt, J. Card, L.M. Davies, L. Jay and V. Yadh

Community Councillor A. Gray

County Councillors P. Cook and J. Taylor

Together with:

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

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor D. Price. Councillor P. Cook attended as substitute.

2. DECLARATIONS OF INTEREST

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

3. TO APPOINT A VICE CHAIR OF THE STANDARDS COMMITTEE

It was moved and seconded that V. Yadh be appointed as Vice Chair of the Standards Committee, by a show of hands this was unanimously agreed.

RESOLVED that V. Yadh be appointed as Vice Chair of the Standards Committee.

4. MINUTES – 28TH FEBRUARY 2023

RESOLVED that the minutes of the meeting held on the 28th February 2023, be approved as a correct record.

REPORTS OF OFFICERS

5. PUBLIC SERVICES OMBUDSMAN FOR WALES – ANNUAL LETTER 2022/23

Consideration was given to the report which presented the Public Services Ombudsman for Wales Annual Letter 2022/23. The Annual Letter sets out a summary of all complaints received and investigated by her office during 2022/23.

It was noted that overall, there was an 11% reduction in complaints referred to the Ombudsman compared to the previous year and during the 2022/23 period the Ombudsman intervened in (upheld, settle or resolved at an early stage) 13% of Local Authority complaints. Members were referred to Appendix 1 of the Officers report which detailed the complaints in respect of Caerphilly County Borough Council

Officers also confirmed that there were fewer Code of Conduct complaints received in 2022/23 and referred Members to Section 5.6 of the report which detailed the 49 referrals in respect of Caerphilly.

The Monitoring Officer outlined the Ombudsman decision process/test thresholds for complaints where the decision had been made not to investigate. It was noted that consideration was given to several factors, and these were detailed for the Standards Committee information.

The Standards Committee thanked the Monitoring Officer for the information and agreed that it was very useful to know the background and factors taken into account by the Ombudsman when reaching a decision.

The Standards Committee considered and noted the content of the Annual Letter.

6. MEMBER PROTOCOL ON INVOLVEMENT IN OTHER WARDS

Consideration was given to the report which updated the Standards Committee on the recently adopted Member Protocol on Involvement in Other Wards.

The Standards Committee noted that the protocol sets out a simple process for dealing with a situation where a member of the public approaches a non-ward Member about 'a local issue'. In these instances, the non-ward member should explain to the resident that they are not the local Member and refer them to the local Members to deal with the issue. If the resident does not want their local member to represent them, then the non-ward Member should inform the local members of their involvement and provide a signed authority from the resident to the relevant Head of Service that they wish the non-ward Member to act on their behalf.

It was noted that the protocol also says that the Member needs to notify the Monitoring Officer where they act outside their own ward, and this would then be reported in the Annual Report of the Standards Committee to the Annual Meeting of Council in May.

The Standards Committee noted the content of the report and the protocol.

7. LOCAL RESOLUTION PROTOCOL

Consideration as given to the report which advised the Standards Committee on the Local

Resolution Protocol. The Protocol sets out how low-level Member on Member complaints at a local level rather than making complaints to the Public Services Ombudsman for Wales.

The Standards Committee noted that along with the National Park Authorities and Fire and Rescue Authorities, all 22 principal Councils in Wales have a local resolution protocol in place to deal with low-level member on member complaints, it was also noted that One Voice Wales had produced a similar model local protocol for adoption by Town and Community Councils.

The Monitoring Officer confirmed that the protocol specifies the standards of behaviour expected of members, the criteria of a 'low level' complaint and the 2 stages of the complaint process and these were outlined for the Standards Committee's information. Members noted that the only sanction that the Standards Committee could impose under the protocol was to request that the Member is censured at the next meeting of Council. This censure could be in the form of a statement or apology at Council.

A Member sought clarification as to any specific timescale between Stage 1 and Stage 2 of the process. The Monitoring Officer referred to section 4.4 of the protocol and the requirement that a complaint must be submitted within one month of the event, other than that there was no specific timeframe, however very effort would be made to deal with the matter as quickly as possible.

A Member then queried what would happen if a resolved complaint resurfaced or a pattern of behaviour emerged. The Monitoring Officer advised in circumstances like these a referral could be made to the Ombudsman and the Ombudsman would take this repeat behaviour on board. Further clarification was then sought as to what would happen if this behaviour escalated and become more serious in nature.

The Monitoring Officer confirmed that more serious Member on Member complaints that go beyond the protocol criteria then the matter would be referred to the Ombudsman. The Standards Committee were advised that a Member of the Public complaint about an Elected Member must go to the Ombudsman.

The Standards Committee noted the information contained within the report and the Local Model Resolution.

8. MEMBERS' DECLARATION OF GIFTS AND HOSPITALITY

Consideration was given to the report which advised the Standards Committee of the gifts and hospitality declared by Members for the period August 2018 to October 2023.

The Standards Committee noted that Paragraph 17 of the Code of Conduct requires Members within 28 days of the date of receipt, notify the Monitoring Officer of the existence and nature of any gifts, hospitality, material benefits or advantage received or offered to them and declined where the value of the item or benefit exceeds £25.

Clarification was sought as to whether a Member attending a function or hospitality event would need to declare this. The Monitoring Officer advised that if the function was a conference or event paid for by the Council then this would not come under this provision and there would be no requirement for it to be declared.

A Member queried whether it would be appropriate for the Member to say why they were attending a particular function, by adding a simple explanation to the declaration, as this might make it clearer to the public. The Monitoring Officer agreed that including this detail into the register would be useful, as the need for making the declaration might not be immediately

clear to a Member of Public and confirmed that he would take this suggestion on board.

Clarification was then sought as to whether a Community Councillor would need to declare gifts in a similar way. The Monitoring Officer advised that this would be a matter for the Community Council, but it would be prudent to record gifts in an official capacity and technically all gifts or hospitality of £25 or more should be declared to the Clerk, whether they were accepted or declined.

The Standards Committee noted the information contained in the report and that going forward the Standards Committee would receive an annual report on gifts and hospitality received or declined by Members.

9. APPLICATIONS FOR DISPENSATION – INFORMATION ITEM

Consideration was given to the report which advised Members of the decision of the Chair and Independent Member of the Standards Committee to grant an application for a dispensation to Town Councillor George Edwards-Etheridge to speak at a meeting of Blackwood Town Council.

The Standards Committee noted the reasons for the dispensation and sought clarification as to what would happen should another related matter arise because of this meeting; would Town Councillor Edwards-Etheridge have to reapply for another dispensation for him to attend another meeting.

The Monitoring Officer confirmed that Town Councillor Edwards-Etheridge could attend a subsequent meeting under the dispensation, however the dispensation was time limited and should the nature of the interest change then a further dispensation would be required.

The Standards Committee noted that the dispensation was granted.

The meeting closed at 10.55 am.

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

CHAIR



STANDARDS COMMITTEE – 19TH JANUARY, 2024

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS SCHEDULE 12A (PARAGRAPHS 12 & 18C) LOCAL GOVERNMENT ACT 1972

**SUBJECT: REFERRAL OF AN INVESTIGATION REPORT BY THE PUBLIC
SERVICES OMBUDSMAN FOR WALES**

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

I have considered grounds for exemption of information to be presented to the Committee and make the following recommendations to the Proper Officer:-

EXEMPTIONS APPLYING TO THE REPORT:

Paragraph 12 - Information relating to a particular individual(s) and paragraph 18C – the deliberations of the Standards Committee.

FACTORS IN FAVOUR OF DISCLOSURE:

There is a public interest in the way in which the Council deals with Member issues.

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

The reports contains detailed information regarding personal information which affects a particular individual/s and the affairs of that individual/s. At this stage, the Standards Committee needs to consider the report in private.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:

That paragraphs 12 and 18C should apply. My view on the Public Interest Test is that whilst there is a need to ensure transparency and accountability of a public authority for decisions taken in relation to Member issues, this must be balanced against the fact that these matters have not yet been concluded at this stage and this outweighs the need for the information to be made public.

The information is not affected by any other statutory provision, which requires the information to be publicly registered. The information contains personal data which is protected by the Data Protection Act 1998.

On that basis I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.

RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:

On that basis I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, and that the report should be exempt.

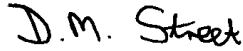


Signed:

Dated: 9.1.24

Post: Head of Legal Services & Monitoring Officer

I accept recommendation made above.



Signed:

Proper Officer

09.01.2024

Date: _____

Agenda Item 5

By virtue of paragraph(s) 12, 18c of Part 1 of Schedule 12A of the Local Government Act 1972.

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of the Local Government Act 1972.

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