



STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON 28TH OCTOBER 2021 AT 2.00PM.

PRESENT:

P. Brunt, J. Card, L.M. Davies, C. Finn and D. Lewis.

Community Councillor Mrs G. Davies

County Councillor D. Price

Together with:

R. Tranter (Head of Legal Services and Monitoring Officer), L. Lane (Head of Democratic Services and Deputy Monitoring Officer), A. Jones (Complaints Officer), S. Hughes (Committee Services Officer), R. Barrett (Committee Services Officer), and E. Sullivan (Senior Committee Services Officer)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors C. Mann and M.E. Sargent.

2. DECLARATIONS OF INTEREST

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

3. MINUTES – 27TH JANUARY 2021

In relation to the minutes a Member sought reassurance that a response to the complaint had been made in a timely fashion and that a letter had been sent to the complainant on the Ombudsman decision bringing the matter to a close.

The Monitoring Officer confirmed that a letter had been sent and the matter had been concluded but he would check and provided confirmation of this to the Chair by email.

RESOLVED that the minutes of the meeting held on the 27th January 21, be approved as a correct record and signed by the Chair.

REPORTS OF OFFICERS

4. PUBLIC SERVICES OMBUDSMAN FOR WALES – ANNUAL LETTER 2020/21

Consideration was given to the report which informed the Standards Committee of the publication of the Annual Letter for 2021/2021 in respect of Caerphilly Council by the Public Services Ombudsman for Wales.

Officers confirmed that the Public Services Ombudsman for Wales issues an Annual Letter to each Local Authority in Wales which sets out a summary of all complaints received and investigated by his office during 2020/21 relating to that Authority. Members were referred to Appendix 1 of the report which contained the letter in respect of Caerphilly.

It was noted that the overall number of complaints regarding local authorities decreased by 12.5% compared with last year. However, a higher proportion of Code of Conduct complaints were referred to a Standards Committee or the Adjudication Panel for Wales at 3.4% compared to 2% in the previous year. This higher referral rate was also accompanied by a sharp increase in the number of Code of Conduct complaints received.

The Deputy Monitoring Officer outlined the various areas of interest and referred Members to appendices to the report which provided greater detail.

The Standards Committee welcomed the information in relation to the training of Officers and clarification was sought as to numbers and it was confirmed that all 4 sessions had been held and over 80 Officers had received training from the Ombudsman.

Officers explained the reporting processes in that moving forward the Governance and Audit committee and Cabinet would receive biannual reports on corporate complaints and confirmed that, proper process were in place to analyse and learn from outcomes. Members were reminded that the Annual Letter related to complaints which were referred to the Ombudsman only and that there were far more complaints dealt with by the Authority, which given the population and the services it provides was not unexpected. However it was important that the complaints were investigated and lessons learned and in this respect the authority was proceeding in the right direction.

Having fully considered the Officer's report the Standards Committee considered and noted the content of the Annual Letter ahead of its presentation to Council in November 2021.

5. REPORT OF THE ADJUDICATION PANEL FOR WALES

Consideration was given to the report on the outcome of the investigation by the Adjudication Panel for Wales relating to Councillor David Poole.

The Standards Committee were referred to Appendix 1 of the report which set out the decision of the Adjudication Panel for Wales. Members noted the referral process and timeline and were advised that the Case Tribunal on the 28th June 2021 unanimously concluded that Councillor Poole ought to have been suspended from acting as a member of the authority in respect of his breaches of paragraphs 6 and 7 of the Code, for a period of five months and in respect of his breaches of paragraphs 11 and 14 of the code, a period of two months, to run concurrently.

Clarification was sought as on the suspension process and why the matter had not been brought to the Standards Committee first. The Monitoring Officer explained that Councillor Poole had made a self-referral to the Public Services Ombudsman for Wales ('the Ombudsman') in September 2019. The process is that the Ombudsman considers whether to investigate the referral and if he decides to investigate, then he can refer the matter back to the Standards Committee or refer it to the Adjudication Panel for Wales to complete the adjudication process.

Members queried when the suspension started and were advised that this commenced on the 28th June 21 and would be concluded on the 28th November 21.

A Member expressed concern in relation to the lack of response from Councillor Poole to the letters sent to him on this matter considering the seriousness of the issues and further concern was raised as to any income generated by the shares in question. The Monitoring Officer explained that any profit made would be irrelevant to the Adjudication Panel and confirmed that the share holdings were relatively small and not major sums of money. The Monitoring Officer advised the Committee that he could not answer to the reasons why Councillor Poole did not initially respond to the Panel correspondence, however it should be remembered that we were in the middle of a pandemic during this period and that could possibly have been a factor. The Monitoring Officer informed the members that Councillor Poole did eventually respond, and the matter was taken forward.

Clarification was sought in relation to the declaration of the interest that Councillor Poole tried to make, the advice he was given at the time and the timeline of when this interest was added to his register of interests and why the advice changed during this time.

The Monitoring Officer explained that he became aware of Councillor Poole's shareholdings when Cllr Poole amended his register of interest in early 2019 and at this time, the Monitoring Officer provided advice to Cllr Polle that there was no need to amend the register of interests. The Monitoring Officer turned to the code of conduct in relation to personal interests at paragraph 10(2)(a)(iv) whereby you must regard yourself as having a personal interest in any business of your authority if it relates to or is likely to affect, 'any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the title issued share capital of that body'. The Monitoring Officer's interpretation of that paragraph was that Councillor Poole's shareholding did not require his entering this interest in his up-front register, as the holdings were less than the values and the business was not within the authority area.

At a meeting in April 2019, Councillor Poole quite rightly declared an interest in a matter under 10(2) (c) of the code, 'a decision upon it might reasonably be regarded as affecting (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association'. This is different to the upfront register of interests; these are declarations of interests that occur during a meeting, and in the meeting IQE was discussed and so the interest should be declared and entered into the minutes of the meeting. The Monitoring Officer hoped that explained the technical differences between registering an interest in the up-front register of interests and the requirement to declare an interest at a meeting..

The Deputy Monitoring Officer confirmed that she had prompted Councillor Poole in June 2019, following the declaration in the April 2019 meeting to update his upfront register which was done.

Clarification was then given on the process for updating the upfront register of interest, and the Standards Committee noted that a Member has 28 days to advise the Monitoring Officer of

any change to the upfront register of interest.

Reference was made to page 33 of the report, and the comments of the Adjudication Panel in relation to Councillors Poole's interaction with the adjudication process.

Clarification was then sought on the self-referral process, and it was explained that this is where a Member who has a query about his actions, goes to the Ombudsman directly to seek clarification on whether the code of conduct has been breached. The Monitoring Officer confirmed that this does happen from time to time and was a practice that he supported. A Member confirmed that she had also followed the self-referral process and felt this to be a very brave action to take by an elected Member.

Reference was made to a letter sent to the Chief Executive by Audit Wales in relation to declarations/register of interest, as this seemed to be the prompter for what came later. The Monitoring Officer confirmed this to be a matter of timing, as Councillor Poole had made his self-referral prior to this letter and the Chief Executives response. The Member expressed the concern that this letter had not been presented to the Standards Committee. The Monitoring Officer confirmed that he had advised the Standards Committee of the investigation but could not provide detail at that time as the investigation was ongoing. A Member also confirmed that the Standards Committee had been advised of the investigation.

The Standards Committee noted the Decision of the Adjudication Panel for Wales as set out in Appendix 1 of the report.

The meeting closed at 14.50pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 20th January 2022 they were signed by the Chair.

CHAIR