

ANNUAL REPORT

OF

**CAERPHILLY COUNTY
BOROUGH COUNCIL**

STANDARDS COMMITTEE

2022-23

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1. **Introduction**

- 1.1 The law requires every County and County Borough Council in Wales to establish and maintain a Standards Committee. Such committees are responsible for overseeing standards of conduct for elected members of both the principal council (Caerphilly CBC) and the constituent community and town councils within the principal council's area. The Committee receives and determines applications for dispensation from elected members in relation to the Code of Conduct and adjudicates upon code complaints referred to the Council by the Public Services Ombudsman for Wales ("the Ombudsman"). However, only rarely has the Committee been requested to undertake this latter function. The Committee also receives reports in relation to the operation of the Council's whistleblowing policy.

2 **Period Covered By The Report**

- 2.1 This report covers the activities of the Standards Committee during the period of the 2022/23 civic year from the local government election to the annual meeting of council.

3 **Terms of Reference**

- 3.1 To promote and maintain high standards of conduct by the members and co-opted members of the authority.
- 3.2 To assist members and co-opted members of the authority to observe the authority's code of conduct.
- 3.3 To advise the Council on the adoption or revision of a code of conduct.
- 3.4 To monitor the operation of the Council's adopted Code of Conduct throughout the Authority.
- 3.5 To train councillors and advise on conduct matters generally.
- 3.6 To arrange dispensation to speak and/or vote where a councillor has an interest.
- 3.7 To receive and implement advice from the Public Services Ombudsman For Wales or recommendation from the Adjudication Panel or case tribunals.
- 3.8 Where statute permits to receive reports and complaints in relation to councillors, to conduct or oversee appropriate investigations and to make appropriate recommendations to the Council.
- 3.9 To receive and hear complaints referred to the Committee under the Council's Local Resolution Protocol set out in Part 5 of the Council's Constitution.
- 3.10 To receive reports on the outcome of disciplinary matters.
- 3.11 To oversee the whistleblowing régime.
- 3.12 (a) To receive Public Services Ombudsman For Wales reports in relation to allegations of maladministration or allegations of breach of a code of conduct and make

appropriate recommendations.

- (b) To consider referring a report from the Public Services Ombudsman for Wales to the appropriate Scrutiny Committee, where in the opinion of the Standards Committee there has been a serious failure in service delivery that would benefit from further consideration by the appropriate Scrutiny Committee. A report setting out the reason for referral will be presented to the relevant Scrutiny Committee along with the report from the Ombudsman. The Chair of Standards Committee (or a nominee) will be invited to attend the respective Scrutiny Committee when the report is presented.
- 3.13 To exercise such powers or duties as may be given to or imposed on Standards Committees from time to time by legislation.
- 3.14 To exercise in relation to community councils and their members within the County Borough area such of the foregoing matters as are covered by Section 56 of the Local Government Act 2000.
- 3.15 To consider referrals by the Head of Democratic Services of member(s) who refuse to attend the mandatory training or do not have good reason for being unable to attend mandatory training as set out in the Member Training and Development Protocol set out in Part 5 of this Constitution.

Note: Provision is made under the Regulations to enable the Standards Committee or s monitoring officer with the prior written agreement of the Chairperson of the Standards Committee to

- (a) refer a report of a misconduct investigation to another authority's Standards Committee for determination and/or
- (b) To refer a dispensation application to another authority's Standards Committee for determination.

4. **Membership of the Committee**

4.1 The Panel consists of 8 members: 2 county councillors, 1 community councillor and 5 independent, lay members.

4.2 During the period covered by this report, there were two changes to the independent lay members of the Committee.

- One member had served two consecutive terms, so was required to resign from the post of Chair, (Mr. David Lewis); the other member (Mr. C. Finn), formally resigned. The Standards Committee and the Council thanked both members for their hard work and commitment during their tenure.
- In November an interview panel of the Standards Committee was established and 7 candidates were interviewed for the 2 vacant positions. The interview panel made a recommendation to the Council, which was accepted in January 2023, that Ms Lisa Jay and Mr Vik Yak be appointed as independent, lay members on the Standards Committee.

- The independent, lay members are Mr. Peter Brunt (Chair), Mrs. Linda Davies, Mr. Jon Card, Ms. Lisa Jay and Mr. Vik Yadh.
- There was also a change to the community council representative of the committee. The previous member Community Councillor Gill Lewis had served two full terms and following an appointment exercise with the town/community councils, Community Councillor Anne Gray was nominated and accepted by the Council at its meeting in January 2023. .
- There was one change to the county borough councillor membership of the committee during this year, Councillor John Taylor replaced Councillor Colin Mann, who had to stand down from the committee having served two full terms. The county borough councillors on the committee are Councillors John Taylor and Diane Price.

5. **CODE OF CONDUCT COMPLAINTS**

- 5.1 The Committee was not required to adjudicate upon any Code of Conduct complaints during the period of this report.
- 5.2 Formal complaints about councillors who are suspected of breaching the Code of Conduct are referred directly to the Ombudsman for investigation without the initial involvement of the Standards Committee.
- 5.3 Most complaints are resolved by the Ombudsman, but occasionally the Ombudsman may require the Standards Committee to investigate and adjudicate on a complaint. During the period of the report, the Ombudsman did not refer any complaints to the Committee, nor were any matters referred to the Adjudication Panel for Wales in respect of councillors from Caerphilly. More serious allegations of alleged breaches of the code of conduct are referred to the Adjudication Panel of Wales.
- 5.4 During the period covered by this report the Ombudsman considered 6 code of conduct complaints against councillors from Caerphilly County Borough Council. Four complaints were considered to not require investigation whilst 2 complaints remain the subject of ongoing investigation.
- 5.5 The Standards Committee did not have to adjudicate on any complaints made under the Council's Protocol on Member/Officer Relations or Local Resolution Protocol.

6. **Applications For Dispensation**

- 6.1 The grounds upon which the Committee may grant a dispensation are set out in the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.
- 6.2 The Committee continues to approach each application with a presumption in favour of granting a dispensation wherever practicable, particularly in relation to granting a dispensation to speak only.

6.3 The Committee has not received any applications for dispensation from county borough, community or town councillors during this year.

6.4 The grounds on which the Standards Committee can grant a dispensation are:-

- (i) No fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (ii) No fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (iv) or (v) also applies;
- (iii) In the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (iv) The nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (v) The interest is common to the member and a significant proportion of the general public;
- (vi) The participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (vii) The business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (viii) The business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (ix) It appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed; or
- (x) It appears to the Committee to be otherwise appropriate to grant a dispensation.

7. **Code Of Conduct Training**

7.1 Code of conduct training was undertaken following the local government elections in May 2022. The training was conducted in person and online. It is pleasing to note that all 69 members have received training on the code of conduct from the Monitoring Officer.

8. **Whistleblowing Policy**

- 8.1 The Committee has oversight of the authority's Whistleblowing Policy. The process is regulated by the Public Interest Disclosure Act 1998, which protects against dismissal and other detriment for employees who disclose wrongdoing.. There have been no whistleblowing complaints recorded during the period of this report.

9. **Code Of Conduct Compliance By Town & Community Councils**

- 9.1 The Standards Committee did not have to adjudicate on any investigations of the Ombudsman into allegations of breaches of the code of conduct by town or community councillors within the county borough.
- 9.2 The Monitoring Officer gave 2 training sessions on the Code of Conduct to town and community councils following the elections in May 2022.

10. **Other Activities**

- 10.1 The Chair of the Standards Committee attended remotely the first meeting of the National Standards Committee Forum in January, the purpose of which is to share experiences and best practice with other Standards Committee chairs from across Wales. The Forum received a presentation from the Public Services Ombudsman for Wales, Ms Michelle Morris.

11. **Duties On Group Leaders**

- 11.1 The Local Democracy and Elections Act 2021 introduced 2 duties on the leaders of political groups within councils. The first duty on group leaders is to take reasonable steps to promote and maintain high standards by the members of the group, however the duty does not make leaders of a political group accountable for the behaviour of their members as conduct must be a matter of individual responsibility. Welsh Government guidance says that group leaders do have a role in taking reasonable steps in maintaining standards, setting an example, using their influence to promote a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues as soon as they arise.
- 11.2 The guidance says that reasonable steps the group leader can undertake include:
- demonstrating personal commitment to and attending relevant development or training around equalities and standards;
 - encouraging group members to attend relevant development or training around equalities and standards;
 - ensuring nominees to a committee have received the recommended training for that committee;
 - promoting civility and respect within group communications and meetings and in formal council meetings;

- promoting informal resolution procedures in the council, and working with the standards committee and monitoring officers to achieve local resolution;
- promoting a culture within the group which supports high standards of conduct and integrity;
- attend a meeting of the council's standards committee if requested to discuss Code of Conduct issues;
- work to implement any recommendations from the Standards Committee about improving standards;
- work together with other group leaders, within reason, to collectively support high standards of conduct within the council.

11.3 The second duty requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions.

11.4 The group leaders have endorsed the steps listed in paragraph 10.02 and have ensured all of their respective members have received training on the code of conduct. It is hoped moving forward that the group leaders will continue to promote civility and respect in formal meetings of the council and communications with each other, in particular on social media.

12. **Conclusion**

12.1 We have been much encouraged by the good levels of compliance with the Code of Conduct exhibited by councillors across the county borough and very much hope this will continue .