

**ANNUAL REPORT**

**OF**

**CAERPHILLY COUNTY  
BOROUGH COUNCIL**

**STANDARDS COMMITTEE**

**2023-24**

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## 1. **Introduction**

- 1.1 The law requires every 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 2023/24 civic year from the local government election to the annual meeting of council.

## 3. **The Standards Committee 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 a 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 have been no changes to the composition of this Committee. The committee is:

- The co-opted members are. Mr. Peter Brunt (Chair) Mrs. Linda Davies, Mr. Jon Card, Ms. Lisa Jay and Mr. Vik Yadh (Vice – chair).
- Community councillor Anne Gray. .

County councillors John Taylor and Diane Price. Councillor Pat Cook has substituted for Councillor Price at several meetings due to her on-going health issues.

## 5. **Code of Conduct Complaints**

- 5.1 The Committee was required to adjudicate upon one Code of Conduct complaint during the period of this report. The Committee received a referral of an investigation report by the Public Services Ombudsman for Wales into a complaint against Councillor Jon Scriven. The Committee decided to censure Councillor Scriven for a post on his Facebook page. Please find attached as Appendix 1, the decision notice.
- 5.2 For the period covered by this report the Ombudsman's Annual Report stated that she had considered and closed a total of 3 code of conduct complaints against councillors from Caerphilly County Borough Council.

## 6. **Local Resolution Protocol**

- 6.1 Like all principal councils in Wales, the Council has its own Local Resolution Protocol, that can be found in part 5 of the Council's Constitution. The purpose of the protocol is to deal with low-level 'member on member' complaints at a local level. The use of these protocols is actively encouraged by the Ombudsman at all levels of local government in Wales. The Monitoring Officer dealt with one referral under the protocol during 23/24. The disagreement between the 2 members was successfully resolved informally at stage 1. Whilst details of the councillors involved must remain confidential under the protocol, the dispute arose as a result of a something said on social media.

## 7. **Applications For Dispensation**

- 7.1 The grounds upon which the Committee may grant a dispensation are set out in the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.
- 7.2 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.
- 7.3 The Committee dealt with one application for a dispensation during the year. The application came from Councillor Edwards-Etheridge of Blackwood Town Council. The dispensation was granted under paragraph (vi) of the regulations namely "the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise".

## 8. **Code Of Conduct Training**

- 8.1 Whilst no formal Code of conduct training was undertaken during the year, being the second year of the new council, the Monitoring Officer and Deputy Monitoring officer were always available to offer elected members advice on the code of conduct. The Committee wishes to encourage members to undertake all forms of training offered to them in order to enable them to perform their duties as elected representatives of their communities throughout the county borough.

## 9. **Whistleblowing Policy**

- 9.1 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.

## 10. **Code Of Conduct Compliance By Town & Community Councils**

- 10.1 The Ombudsman's annual report recorded that there were 2 complaints made against community councillors in the county borough but the Ombudsman decided not to investigate the complaints.

## 11. **Other Activities**

- 11.1 The Chair of the Standards Committee continued to attend remotely quarterly meetings of the National Standards Committee Forum, the purpose of which is to share experiences and best practice with other Standards Committee chairs from across Wales. Once more the Forum received a presentation from the Public Services Ombudsman for Wales, Ms Michelle Morris.

## 12. **Duties On Group Leaders**

- 12.1 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.

- 12.2 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.

12.3 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.

12.4 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.

### 13. **Conclusion**

13.1 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 .

Appendices: Appendix 1 – Decision Notice