

CYNGOR SIR POWYS COUNTY COUNCIL

Standards Committee

21 January 2022

REPORT BY: Head of Legal and Democratic Services

SUBJECT: Standards Issues

REPORT FOR: Decision, Information and Discussion

A. General Standards Issues for County Councillors and Co-opted Members

A1 Code of Conduct Training

As agreed at the last meeting the Chair wrote to the member, who had not completed the mid-term mandatory Code of Conduct training, asking them to complete the training within one month of the date of the letter. The member was advised that officers would support them to enable them to complete this training.

B. Referral of Councillors to Public Services Ombudsman

B1 County Councillor Referrals

The current position regarding matters with the Ombudsman is as follows:

02/CC/2020 Ombudsman investigating

01/CC/2021 Ombudsman deciding whether or not to investigate

03/CC/2021 Ombudsman investigating

04/CC/2021 Ombudsman investigating

C. Dispensations

D. Independent lay member vacancy

An independent member vacancy has occurred as a result of Mrs Chris Mulholland resigning with immediate effect on 6 January 2022.

The Council will consider the recruitment process at its meeting on 24 February 2022 and a copy of the report and process is attached [Appendix 2].

The report to Council is recommending the recruitment process used in previous years. Applications will be considered by an Appointments Panel of five members:

- two of the current Independent (Lay) Members of the Standards Committee,

- one of the four county councillors sitting on the Standards Committee,
- one Town/Community Councillor sitting on the Standards Community Sub-Committee

and one lay person [High Sheriff] who will act as Chair. The Standards Committee is requested to nominate Members of the Committee to sit on the Appointments Panel.

E. Late Payment of Expenses

There are no late claims for expenses.

F. Independent Review of the Ethical Standards Framework in Wales

The report is attached [Appendix 3].

G. Standards Conference Wales

The Wales Standards Conference will take place on 9 February and will be a virtual meeting. Information has been circulated to the Committee.

H. Ombudsman's Casebook

The Code of Conduct Casebook January 2021- March 2021 is attached [Appendix 4].

Back copies of the casebooks can be accessed from the website of the Public Services Ombudsman for Wales at: [Casebooks](#)

I. Adjudication Panel for Wales

A report in respect of an appeal against Standards Committee determination in relation to an alleged breach of The Code of Conduct is provided for information Appendix 5.

J. Correspondence – None

K. Requirement for Standards Committee to make annual report to Council

Members will please note that as from 5th May 2022 the s63 of the Local Government and Elections Act 2021 requires Standards Committees to make annual reports to Council as soon as reasonably practicable after the end of each Financial year.

The Act Provides as follows:

- (1) As soon as reasonably practicable after the end of each financial year, a standards committee of a relevant authority must make an annual report to the authority in respect of that year.

(2) The annual report must describe how the committee’s functions have been discharged during the financial year.

(3) In particular, the report must include a summary of—

(a) what has been done to discharge the general and specific functions conferred on the committee by section 54 or 56;

(b) reports and recommendations made or referred to the committee under Chapter 3 of this Part;

(c) action taken by the committee following its consideration of such reports and recommendations;

(d) notices given to the committee under Chapter 4 of this Part.

(4) An annual report by a standards committee of a county council or county borough council in Wales must include the committee’s assessment of the extent to which leaders of political groups on the council have complied with their duties under section 52A(1) during the financial year.

(5) An annual report by a standards committee of a relevant authority may include recommendations to the authority about any matter in respect of which the committee has functions.

(6) A relevant authority must consider each annual report made by its standards committee before the end of 3 months beginning with the day on which the authority receives the report.

(7) The function of considering the report may be discharged only by the relevant authority (and accordingly is not a function to which section 101 of the Local Government Act 1972 applies).

(8) In this section “financial year” means a period of 12 months ending with 31 March.” (2) Until section 62 comes into force, section 56B of the 2000 Act is to be read as if subsection (4) were omitted.

L. Meeting dates

To note the 2022 meeting dates:

9 September 0930hrs – appointment of town and community representatives on the Community sub-committee and induction training.

15 September 1400hrs

5 December 1400hrs

Contact Officer Name:	Tel:	Fax:	Email:
Clive Pinney – Head of Legal & Democratic Services	01597 826746	01597 826220	clive.pinney@powys.gov.uk

Role and Function

- 8.8 The Standards Committee will have the following roles and functions:
- 8.8.1 promoting and maintaining high standards of conduct by Members (including church and parent governor representatives);
 - 8.8.2 assisting Members (including church and parent governor representatives) to observe the Members' Code of Conduct;
 - 8.8.3 advising the Council on the adoption or revision of the Members' Code of Conduct;
 - 8.8.4 monitoring the operation of the Members' Code of Conduct;
 - 8.8.5 advising on training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
 - 8.8.6 granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
 - 8.8.7 dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
 - 8.8.8 overseeing the Council's whistle-blowing regime;
 - 8.8.9 providing advice to individual Councillors on such issues as the treatment of personal interest and on conduct matters generally;
 - 8.8.10 determining appropriate action on matters referred to it by the Public Services Ombudsman for Wales.
 - 8.8.11 overseeing the Register of Interest of Members, Co-opted members and Church and Parent Governor Representatives and Officers.
 - 8.8.12 overseeing the Council's rules and protocols on accountability of members.
 - 8.8.13 overseeing the attendance of Members and Co-opted Members at relevant meetings;
 - 8.8.14 monitor the training of Members serving on Member Bodies.
 - 8.8.15 [As soon as reasonably practicable after the end of each financial year, the Standards Committee will make an annual report to Full Council setting out the following:](#)
 - (a) [how the Committee's and Sub-Committee's functions have been discharged](#)
 - (b) [what has been done to discharge the general and specific functions set out in Rules 8.8.1 to 8.8.5 above;](#)
 - (c) [reports and recommendations made or referred to the Committee or Sub-Committee by the Ombudsman;](#)
 - (d) [action taken by the Committee or Sub-Committee following its consideration of such reports and recommendations;](#)
 - (e) [notices given to the Committee or Sub-Committee by the Adjudication Panel for Wales.](#)

- (f) the extent to which leaders of political groups on the council have complied with their duties to promote and maintain high standards of conduct during the financial year.
- (g) such other matters as the Committee may wish to draw to the attention of Full Council in relation to the Standards Committee's functions.