

**CYNGOR SIR POWYS COUNTY COUNCIL**  
**Standards Committee**  
**25 October 2023**

**REPORT BY:** Head of Legal and Monitoring Officer

**SUBJECT:** Standards Issues

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**REPORT FOR:** Decision, Information and Discussion

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

No update required.

**B. Members attendance**

At the previous meeting comments had not been received from one County Councillor regarding their attendance during the period 9 May 2022- 18 May 2023. Their attendance for this period was below 60%.

The response has been given to the Chair and vice Chair on a confidential basis as to include it in this report would easily reveal the identity of the Member and the Committee has not yet decided to do so. The Committee is advised that since May 2023 his attendance has been 100%.

**C. Referral of Councillors to the Ombudsman Wales**

**C1. County Councillor Referrals**

In response to a request from the Committee the information regarding referrals to the Ombudsman Wales is presented in a different format, showing the dates for each stage of the process.

The abbreviations used in the headings are as follows:

MO – Monitoring Officer

OW – Ombudsman Wales

Stds – Standards Committee

APW - Adjudication Panel for Wales

<b>Ref</b>	<b>Date OW notified MO of complaint</b>	<b>Date OW advised investigating or not investigating</b>	<b>Date OW's decision</b>	<b>Date considered by Stds</b>	<b>Date considered by APW</b>
02/CC/20	14/09/20	19/11/20 investigating	17/0222 referred to Stds	15/07/22, 27/01/23 and 26/06/23 former	N/A

				Councillor T Van-Rees censured	
04/CC/21		21/07/21 investigating	22/02/23 Referred to APW		Former Councillor Karen Laurie-Parry Hearing 06/07/23 agreed 18 month disqualification
03/CC/22		17/04/23 investigating			
05/CC/22		28/06/22 investigating			
01/CC/23		18/07/23 not investigating			

#### D. Dispensations

##### D1. Applications - County Councillors

No applications for dispensation have been received from County Councillors.

#### E. Appointments to the Standards Community Sub-Committee

One nomination was received for the vacancy of a Radnorshire Town and Community Councillor on the Sub-Committee.

<b>RECOMMENDED:</b>	
<p><b>1. That Town Councillor Stephen Deeks-D'Silva, be appointed to the Standards Community Sub-Committee to represent the Town and Community Councils in Radnorshire.</b></p> <p><b>2. That the term of office of the Town and Community Councillor be for the maximum term permitted by the existing regulations or by any amending regulations (currently a maximum of five years) or until they cease to be a Councillor or resign whichever shall first occur.</b></p>	<p><b>To constitute the Standards Community Sub-Committee.</b></p>

#### F. Ombudsman Wales – Our Findings

Details of cases are available in [Ombudsman Wales - Our Findings](#)

It should be noted that “Our Findings” covers all matters investigated by the Ombudsman and not just Code of Conduct matters. “Our Findings” is updated on a monthly basis.

‘Our Findings’ contains a search facility, which includes “Subject”. Under the “Subject” heading the following categories of the Code are listed:

- Integrity
- Promotion of equality and respect
- Disclosure and registration of interest
- Duty to uphold the law
- Selflessness and Stewardship

At a recent meeting of all Welsh Monitoring Officers, the Ombudsman’s office was asked to consider re-instating the “ Casebook”, which was considered to be more helpful.

## **G. Adjudication Panel for Wales**

Details of cases considered by the APW are available via the following link:  
[Decisions | The Adjudication Panel for Wales \(gov.wales\)](#)

### **(i) Cllr Steve Davies**

The Decision in respect of Cllr Steve Davies from Ceredigion is interesting in that it is the first case in which the PSOW has requested the APW to temporarily suspend a Member during its investigation stage of safeguarding allegations. The APW agreed to a 6 month temporary suspension on the basis that :

- There was prima facie evidence such that it appears that the Respondent has failed to comply with the Code of Conduct of the relevant authorities? ; and
- The nature of that failure such as to likely to lead to disqualification under section 79(4)(b); and
- It was in the public interest to suspend or partially suspend the Respondent immediately on the basis that it would facilitate the PSOW’s effective and expeditious investigation, would minimise any disruption to the business of the authority concerned during an investigation, maintain the reputation of the Councils or protect the Authorities from a legal challenge. The APW were satisfied that the allegations raised issues of such gravity that they jeopardised public confidence in the Councils concerned.

### **(ii) Cllr Karen Laurie Parry**

This will be of particular interest to the Committee as it involves a former County Councillor. The Member was disqualified for 18 months for:

- making repeated unsubstantiated allegations about officers;
- broke confidentiality;
- repeated allegations of a lack of transparency, conflicts of interest and corruption in public fora and over a significant period of time, without evidential proof, which were capable of undermining public confidence in the Council and its officers;
- sent an unreasonable amount of emails to officers which were a drain on the Council's resources in dealing with them, such as to use the council's resources imprudently, when she had been asked to stop sending repeated emails, particularly about matters which had been answered and/or dealt with.

#### **H. National Forum for Standards Committees**

The Forum met on 30 June 2023 and the notes are attached, Appendix 1. The next meeting is scheduled January 2024.

#### **I. Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021**

In June 2023, Welsh Government issued new Guidance to Principal Councils and Sections 4 – 7 of Part 2 of the Guidance are relevant to the Committee as they provide guidance on (a) the duties of leaders of political groups in relation to standards of conduct and (b) statutory guidance on the functions of standards committees. Copy of sections 4 -7 of Part 2 the Guidance can be found in Appendix 2.

- (i) Guidance on duties of leaders of political groups in relation to standards of conduct

Paragraph 4.23 of the Guidance makes it clear that leaders of a political group accountable for the behaviour of their members as conduct must be a matter of individual responsibility and accountability. However, they do have a role in taking reasonable steps in maintaining high standards, setting an example, using their influence to support a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues of alleged non-compliance as soon as they arise.

Paragraph 4.23 of the Guidance that the Reasonable steps that a Group Leader could take include the following:

- demonstrating personal commitment to and attending and participating in relevant development or training around equalities and standards, including on the Code of Conduct;

- actively encouraging group members to attend relevant development or training around equalities and standards including in relation to the Code of Conduct;
- ensuring nominees to a committee have received the recommended training for participating on that committee;
- promoting modelling civility and respect within group communications and meetings and in formal council meetings;
- supporting informal resolution procedures in the council, and working with the standards committee and monitoring officers to achieve local resolution;
- encouraging 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 participate in discussions on Code of Conduct issues;
- drive forward work to implement any recommendations from the standards committee about improving standards;
- work with the standards committee to proactively identify, consider and tackle patterns of inappropriate behaviour;
- work together with other group leaders, within reason, to collectively support high standards of conduct within the council and where any issues identified involve more than one political group.

(ii) The Duty to Co-operate with MO and the Standards Committee

Paragraphs 4.34 – 4.37 of the Guidance provides as follows:

- Leaders of a political group should build good relations, and work constructively with the monitoring officer, seeking advice from them and the standards committee on matters of behaviour and conduct when required, both promoting positive behaviours and addressing inappropriate one;
- Group leaders should also report any serious concerns about members' behaviour which have not been remedied by informal actions, in line with the requirement in the Code of Conduct to report such breaches;
- Group leaders should also report compliance with their duty to the standards committee. At the beginning of each council year Political group leaders should meet with the standards committee to agree the following:
  - How group leaders and the standards committee will work together to ensure appropriate standards of behaviour;
  - Frequency of meetings between group leaders and the standards committee throughout the year;

- The threshold which the standards committee will use to establish whether it is content that political group leaders have complied with the duties of the 2021 Act;
- The mechanism for political group leaders to provide reports to the standards committee about the actions they have taken to comply with the duties within the 2021 Act.

Monitoring officers across Wales are collaborating on revising the standard form used last year by group leaders to report compliance with the new duties, and it is hoped that a copy of the revised form will be available for consideration and amendment by the committee at its next meeting. Monitoring officers are also putting together some ideas on the thresholds which individual Standards Committees might consider using to establish whether or not a political group leader has complied with their new duties. It is hoped that these will be available for consideration at the next meeting.

(iii) Guidance on the Functions of Standards Committees

The Guidance confirms that the general function of the standards committee is to:

- promote and maintain high standards of conduct by members and cooperative members;
- to assist members to observe the members code of conduct;
- to advise the authority on the adoption or division of a code of conduct;
- to monitor the operation of the code of conduct to provide advice or provide or arrange training on the code of conduct for members;
- to regularly review the approach taken in respect of gifts and hospitality and the use of thresholds and to include the outcomes of such a review in their annual report;
- to monitor group leaders' compliance with the duties, and provision of advice and training;
- to make an annual report ( see section 7 of Guidance).

**J. Meeting Dates**

To note dates of meetings in 2024 as follows, all starting at 2pm:

7 February

10 April – annual meeting with Group Leaders

12 June

30 October

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