Annual Report to Council 2015/16

The last report was presented to Council on 14 April 2015 by the previous Chair Mr Lyn Oelmann who has now retired.

Meetings

In the last civic year (May 2015 to date) there have been four ordinary meetings of the committee with one special meeting in May 2015 to determine the outcome of a complaint against a councillor following a local investigation by the Monitoring Officer.

The next scheduled meeting is 13 July 2016 and then quarterly thereafter, though additional meetings are arranged as necessary e.g. if there is an urgent need to consider granting a dispensation.

Report to Council on the outcome of a complaint under the Local Protocol

The committee heard its second complaint under the Local Protocol on 14 October 2015.

As in the first complaint, the committee decided that there was a basis to the complaint but we were pleased to note that the councillor complained about readily admitted his mistake to the committee, and offered a prompt apology to the other councillor which was accepted.

Though the committee does not relish handling such complaints, it is inevitable that differences will arise amongst members from time to time, and it is important that a local resolution process is available to resolve these differences and maintain good working relationships between elected members.

Report to Council on the outcome of a local investigation by the Monitoring Officer following complaints by members of the public

Though there was no finding of a breach of the Code in this instance, members will recall from the advice note sent by the Monitoring Officer at the direction of the committee, which quoted the words of the Ombudsman namely :-

“We should continue to work collaboratively to drive up standards in public life and to create a culture where members are respected for their selflessness, objectivity and respectful behaviour.

If we do so, we can build public confidence in our democratic institutions and promote good governance for the benefit of the people of all of our communities.

Whilst I recognise that political debate can, at times, become heated, the right to freedom of expression should not be used as an excuse for
poor conduct generally. Such poor conduct can only discredit the role of members in the eyes of the public.’

Annual All Wales Standards Conference

I attended the 2015 Annual All Wales Standards Committee at Cardiff last October, together with several other members of the committee.

The theme for the conference was “Standards and Ethics in a Changing World” to reflect the challenges being faced by the Welsh local government sector. The Conference aimed at reinforcing the importance of promoting and maintaining high standards of conduct and the connection between good conduct, good governance and excellent service delivery.

The conference also provided an excellent opportunity to share ideas, best practice and learning. There were a total of 117 attendees at the conference from 27 organisations from across the Welsh public sector, including representatives from every principal council in Wales, many community councils, the national parks authorities and fire and rescue services.

The slides from the conference are available through the minutes of the Ethics and Standards committee accessible on the web site and I would recommend that members take the time to view them.

Annual Report from the Public Services Ombudsman for Wales 2014/15

The Ombudsman has published his Annual Report for 2014/5 which includes a Section on Code of Conduct complaints.

Though the time span of the cases included in his report is somewhat dated now, it is still interesting to note the national trends.

Overall the number of complaints is about the same, but the Ombudsman reports an increase in complaints about members of county or county boroughs though a fall in the number of complaints against community councillors.

The majority of complaints related to matters of ‘equality and respect’, and a greater number of complaints were referred to an authority’s standards committee or to the Adjudication Panel for Wales compared to the previous year.

The figures for complaints against Torfaen County Borough Councillors (for 2014/5) show nine cases, seven of which were closed after initial consideration and two which were discontinued.

We await the Ombudsman’s Annual Report for 2015/16 which will give us more up to date information on the current position.

However it is clear from the Ombudsman’s speeches at the Standards Conference, that he sees his resources being utilised where he feels there is a
greater need such as health service complaints, making a local resolution process for code of conduct complaints even more important.

**Revised Whistleblowing Policies**

The remit of the Committee includes approving the Authority’s Whistleblowing Policies, monitoring their operation and making recommendations to the Council to improve their effectiveness.

The Council Wide Whistleblowing Policy has been updated and developed along with a separate Whistleblowing Policy for Schools following the key findings and proposals for improvement arising out of the Wales Audit Office’s review of the Council’s arrangements for whistleblowing in 2014.

I know many elected members attended the policy seminar on the revised policies at the beginning of February.

Although the policies are for staff and contractors, it is important that members know how to signpost staff to these or to other external agencies if there is concern about any wrong doing within the Council.

**Training**

The current Code of Conduct has been slightly modified recently but generally has been with us since 2008 without substantive change. However it is important that members continue to remind themselves of the principles under the Code as they apply it to the ever changing and challenging local government scene.

This becomes increasingly critical as there are more governance models now being introduced, such as the Public Service Board on which elected members will sit.

I know members have also been given training on the broader principles of ‘Good Governance’, where the behaviour of elected members sets the right tone and culture for an organisation to be well run and effective.

There have been training sessions on the Code for clerks of community councils and co-opted and independent members, as well as advice notes being sent out regularly by the monitoring officer.

However I am concerned to note that it has proved difficult for some co-opted members, particularly on our scrutiny committees, to find the time to attend basic training on the Code. I would strongly recommend that they make every effort to attend the next training session to be specially arranged for them.

**Dispensations**

The Committee regularly considers applications for dispensations in respect of personal interests which would otherwise be prejudicial and prevent a member
from participating in decision making. Most of these relate to Members’ Small Scheme Donations. This year we dealt with 33 of these.

We are pleased to be able to consider dispensations which allow members who are particularly active in their ward through committee and club memberships to make these donations without infringing the Code. However, we occasionally have felt the need to remind members that very large year on year donations to the same organisations need to be considered very carefully.

We also granted a number on on-going dispensations to enable members of scrutiny committees to better participate in effective scrutiny.

**Attendance of Members at Meetings**

The Committee continues to receive reports on the level of attendance at meetings, seminars and training sessions as part of its role in promoting high standards and supporting members in their training and development regarding the Code, always with the intention of helping members to perform their duties effectively and to aid public understanding of the demands and competing priorities members balance every day.

Attendance will become increasingly important as we move towards the type of duties which are envisaged by the draft Local Government (Wales) Bill.

**Proposals under the Draft Local Government (Wales) Bill**

Part 4 of the draft Bill imposes statutory duties upon the Members of the proposed new County Councils to attend meetings, hold regular ward surgeries, answer correspondence, complete compulsory training courses and publish an annual report. Leaders of political groups are required to take reasonable steps to promote and maintain high standards of conduct by Members of their group.

Standards Committees are given new functions to handle complaints that Councillors have breached these statutory duties and to monitor compliance of group leaders with their duties as well as to advise on, and arrange, relevant training.

The committee has responded to the consultation on these proposals as follows:-

*The committee welcomes the development of the Nolan principles recognised in the proposal for political Group leaders to set the appropriate style and tone of civic behaviour, and that their leadership role should be monitored by Standards committees.*

*They also welcome the ability for Standards committees to scrutinise councillors in the performance of their civic duties.*

*They note however, that the increased accountability of councillors and group leaders may have the effect of reducing the number of individuals who are willing to come forward to perform those roles.*
They would also draw attention to the fact that not all members belong to political groups, and there would have to be direct engagement with non group members.

Whilst more local determination of complaints etc is thought to be preferable, the committee is mindful of the increased work burden on the Monitoring Officer and other local authority staff to carry out local investigations etc at a time when local authorities are facing more stringent financial burdens and more streamlined staffing structures.

In addition, it becomes increasingly difficult in small authorities to progress a complaint locally when potential conflicts of interest may arise, thereby reducing the pool of officers available to properly carry out the various roles of investigation, reporting and advice etc.

I note however that the Standards Committee is given a statutory duty to make an annual report to Council describing how the Committee’s functions have been discharged during the year. As this is the sixth annual report the chair of the committee has presented to you, it is pleasing that Torfaen is ‘ahead of the game’ in discharging this proposed duty.

New and retiring members

My predecessor Mr Lyn Oelmann completed his second term of office on the committee last November and retired. I would want to record my thanks and those of my fellow members on the committee to him for the unfailing diligence and courtesy with which he discharged his duties.

I want also to welcome our new independent member Mrs Shirley Morgan who is commencing her first term of office.

Kathryn Pegington
Chair of Ethics and Standards Committee
June 2016