



FULL COUNCIL - INFORMATION REPORT

Date Written	25 th March 2021
Report Author	Simon Jones
Service Area	Legal & Democratic Services
Exempt/Non Exempt	Non Exempt
Committee Date	21 st April 2021

To: Mayor, Ladies and Gentlemen

Report of Standards Committee Determination

1.0 SUMMARY OF THE REPORT

- 1.1 At a meeting of the Standards Committee on the 29th January 2021 and pursuant to paragraph 4.3(i) of the "Procedure for dealing with allegations that a Councillor has breached the Local Protocol for Merthyr Tydfil County Borough Council, the Chair of the Standards Committee gave consent in accordance with Stage Three of the aforementioned procedure for the Standards Committee to hear and determine a complaint that a Councillor had breached (1) Merthyr Tydfil County Borough Council's Social Media Policy for Members and (2) the Members Code of Conduct.
- 1.2 Following on from this a Hearing of the Standards Committee took place remotely on TEAMS on Friday the 19th March 2021. After hearing evidence from the complainant councillor and the respondent councillor the Standards Committee determined (1) that there was a basis to the complaint and (2) that the respondent councillor had breached both the Council's Social Media Policy for Members and the Members Code of Conduct. The Standards Committee determined that the breach was such that the respondent councillor should not be censured although it was recommended that the respondent councillor undergo refresher training on the Council's Social Media Policy for Councillors.

2.0 INTRODUCTION AND BACKGROUND

- 2.1 On the 23rd March 2020, the Monitoring Officer received a complaint that a councillor had breached the Members Code of Conduct. Attempts to resolve the complaint informally proved unsuccessful so in accordance with the "Procedure for dealing with allegations that a Councillor has breached the Local Protocol for Merthyr Tydfil County Borough Council" (the procedure), the matter was referred to the Standards

Committee for consideration. As a consequence of the disruption caused by the coronavirus pandemic there were no Standards Committees held until the 29th January 2021. Committees scheduled for the 27th March 2020 and the 27th November 2020 were cancelled. At a remote meeting of the Standards Committee on the 29th January 2021 and pursuant to paragraph 4.3(i) of the procedure, the Chair of the Standards Committee gave consent in accordance with Stage Three of the procedure for the Standards Committee to hear and determine the aforementioned complaint.

- 2.2 Directions were given at this Standards Committee meeting for the filing of witness evidence and for the matter to be heard by the Standards Committee on the 19th March 2021. The hearing duly took place remotely on this date and after hearing written evidence and submissions from the complainant councillor and written and oral evidence from the respondent councillor the Standards Committee determined (1) that there was a basis to the complaint and (2) that the respondent councillor had breached both the Council's Social Media Policy for Members and the Members Code of Conduct. The Standards Committee determined that the breach was such that the respondent councillor should not be censured although it was recommended that the respondent councillor undergo refresher training on the Council's Social Media Policy for Councillors.
- 2.3 Paragraph 4.3 which details Stage 3 of the procedure sets out the three conclusions that can be made by the Standards Committee in these circumstances and they are:-
- (i) There is no basis to the complaint.
 - (ii) There is a basis to the complaint but no further action is required.
 - (iii) There is a basis to the Complaint and that the Councillor should be censured.
- 2.4 Paragraph 4.4 of the procedure states that the conclusion of the Standards Committee will be reported to Council for information whilst paragraph 5.1 states that "publicity will not be given to the name of the Councillor (*respondent*) involved unless it is decided to uphold the complaint and that the Councillor should be censured. The hearing before the Committee will be exempt".

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications associated with this report.

4.0 INTEGRATED IMPACT ASSESSMENT

	Positive Impacts	Negative Impacts	Neutral/Not Applicable
1. Merthyr Tydfil Well-being Objectives	0 of 4	0 of 4	4 of 4
2. Sustainable Development Principles - How have you considered the five ways of working?	0 of 5	0 of 5	5 of 5

<ul style="list-style-type: none"> • Long term • Prevention • Integration • Collaboration • Involvement 				
3. Protected Characteristics (including Welsh Language)	0 of 10	0 of 10	10 of 10	
4. Socio-economic Disadvantage	0 of 6	0 of 6	6 of 6	
5. Consultation and Engagement	Undertaken	Due to be Undertaken	Not Required	
	0 of 1	0 of 1	1 of 1	
6. Data and Evidence to inform the proposal	Yes		No	
	0 of 1		1 of 1	
7. Biodiversity and the resilience of Ecosystems	Maintained	Enhanced	Reduced	Neutral/Not Applicable
	0 of 1	0 of 1	0 of 1	1 of 1
Summary				
The main positive impacts are:	None			
The main negative impacts are:	None			

ELLIS COOPER
CHIEF EXECUTIVE

COUNCILLOR ANDREW BARRY
CABINET MEMBER FOR GOVERNANCE
& CORPORATE SERVICES

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
Does the report contain any issue that may impact the Council's Constitution?		No

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.