



Cyngor Bwrdeistref Sirol
MERTHYR TUDFUL
MERTHYR TYDFIL
County Borough Council

OVERVIEW REPORT OF
THE STANDARDS
COMMITTEE

2019 - 2021

Foreword by the Chair

As the Chairman of the Standards Committee, I am pleased to present our second report of the Standards Committee which provides an overview of the Committee's work which covers the period from July 2019 to July 2021,

The Standards Committee is committed to promoting high standards of ethical conduct among Members and Officers in order to maintain public confidence in Local Government and it is essential that such standards are also being communicated, understood and practised across the Council.

The Committee's Work Programme is in place to ensure that the Members have a consistent and resilient approach to the work of the Standards Committee going forward and also to monitor the performance and governance of the Authority.

The continued COVID 19 pandemic and the lockdowns imposed by Welsh Government have been a very worrying and trying time for us all and, unfortunately, during 2020 we were unable to meet as a Committee to continue our efforts of progressing our Work Programme. However, Merthyr Tydfil County Borough Council has now introduced meetings through Microsoft Teams and, as a result, we have been able to meet remotely as a Committee with effect from January 2021.

Obviously due to social distancing we have been unable to progress training for our Members within the Committee. We will hopefully move forward with this as things improve so that we can continue with our joint training events with our neighbouring Standards Committee at Rhondda Cynon Taf and build on our good relationship with them.

We will also be committed to participating in the Standards Conference which gives our Members a good insight on how other Standards Committees work across Wales and to incorporate and share good practices with other Authorities. We are awaiting further details from the Monitoring Officers Network on how and when the Standards Conference will be scheduled.

Sadly our Bedlinog Community Council representative, Helen Thomas, passed away in October 2020. Helen was a very much respected and committed member of our Committee who I understand also worked tirelessly for her community through the Bedlinog Community Council. Helen will be sadly missed by us all.

We have one change on our membership for this period - Richard Searl was appointed as our Bedlinog Community Council Representative and attended his first meeting with us on the 29th January 2021. We wish to welcome him to our Committee and looking forward to working with him.

Finally, I would like to thank all Members of the Committee and Council officers for their advice and support throughout my term of office.

**JEFF MORGAN, CHAIR OF THE STANDARDS COMMITTEE
MERTHYR TYDFIL COUNTY BOROUGH COUNCIL**

Structure and Membership

- 1.0 The composition and membership of the Standards Committee is prescribed by the Standards Committees (Wales) Regulations 2001 (as amended). The Standards Committee comprises of 5 Independent Members, 3 Councillor members and 1 Community Council representative.

Current Membership (as at January 2021):

- **Independent Members:**
Jeffrey Morgan (Chair)
Ian Cathrew (Vice Chair)
Mike McCarthy
Anne Morgan
Martin Veale
- **Councillor Members:**
Councillor Julian Amos
Councillor Gareth Richards
Councillor Clive Tovey
- **Bedlinog Community Council Representative:**
Richard Searl

Previous Members:

- **Independent Members:**
Nathan Fear (September 2015 - July 2018)
Peter Young (October 2010 - November 2016)
- **Councillor Members:**
Councillor Howard Barrett (June 2014 - March 2017)
Councillor Paul Brown (July 2012 - March 2017)
Councillor Clive Jones (July 2012 - March 2017)
- **Bedlinog Community Council Member:**
Helen Thomas (September 2015 - October 2020)

The Committee was very sad to hear of the passing away of Helen Thomas in October 2020 and sent condolences to her family.

- 1.1 The independent members are appointed for a period of 4 years or no more than 6 years and may not be re-appointed. The Councillors are appointed annually by the Council at the AGM and replacement members can be appointed, as necessary, at any time. The Community Council representative continues as a member of the Committee until his/her term of office ends or ceases to be a community councillor, or until he/she is replaced by another nominee.

Terms of Reference

- 2.0 The Local Government Act 2000 Part III requires the Council to establish a Standards Committee to carry out the following statutory functions:-
- a. Promoting and maintaining high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives.
 - b. Assisting the Councillors, Co-opted Members and Church and Parent Governor Representatives to observe the Members' Code of Conduct and associated local protocols.
 - c. Advising the Council on the adoption or revision of the Members' Code of Conduct and associated local protocols.
 - d. Monitoring and reviewing the operation of the Members' Code of Conduct and associated local protocols.
 - e. Developing for recommendation to the Council local protocols to supplement the Members' Code of Conduct.
 - f. Enforcing local protocols and applying sanctions in respect of breaches as appropriate.
 - g. Advising, training or arranging to train Councillors, Co-opted Members and Church and Parent Governor Representatives on matters relating to the Members' Code of Conduct and associated local protocols.
 - h. 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 and associated local protocols.
 - i. Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred to that officer by the Public Services Ombudsman for Wales.
 - j. To keep under review, amend and make additional provisions to the Protocol on Member/Officer relations.
 - k. To monitor the Officers' Code of Conduct to ensure consistent application and enforcement Council-wide:
 - l. General overview of probity matters from the Public Services Ombudsman for Wales reports, Monitoring Officer reports and Audit reports.
 - m. The exercise of (a) to (l) above in relation to the Community Council wholly or mainly in its area and the members of the Community Council.

The Committee's Work (2019 - 2021)

3.0 The Committee's Work Programme

3.1 In order to formalise arrangements for the Standards Committee to maximise its opportunities to monitor the performance of the Authority, the Committee arranged to meet at least 3 occasions per calendar year on the following timetabled Work Programme:

March	Progress and Update on the Authority's Whistleblowing Policy.
July	Complaints and Compliments System dealing with complaints about all aspects of the Authority's work. Standards Committee Annual Report
November	The Public Services Ombudsman for Wales' Annual Report.

**Ad hoc meetings will also be convened as and when required.

- Council's Whistleblowing Policy

The Council's Monitoring Officer is required to administer the Council's Whistleblowing Policy and, in these times of austerity and drastic changes in the way that the Council functions, it is important to ensure that consideration is given to those complaints and whether or not they disclose any problems in the way that the Council is doing business. An annual report is therefore brought to this Committee summarising the number of complaints received in that year and their nature, together with some information as to the outcome of the complaint.

During this period, there have been two Whistleblowing complaints received and Members have been kept updated on their progress at the appropriate Standards Committees.

Members have however stressed the need to raise awareness of the Whistleblowing Policy to staff across the Authority and a publicity exercise was carried out in November 2020 reminding staff of the purpose of the Whistleblowing Policy and providing links on the process on how staff can make a complaint.

- Complaints and Compliments System - Review of Complaints Data

The Local Authority has a Complaints and Compliments System dealing with complaints about all aspects of the Authority's work. An annual report is scheduled to this Committee which summarises the number and types of complaints that have been received each year and whether or not they have been upheld. This information will enable the Committee to consider whether there are any trends being identified that should be highlighted to the Council as a whole.

During this period, Members have reviewed corporate complaints data for the financial years 2017/18, 2018/19, 2019/20 and 2020/21 so that Members can make a comparison year on year to identify any trends and make referrals to other Committees if required.

Although the system allows for compliments to be recorded, to date this function is not being used and no data is being collected.

- The Public Services Ombudsman for Wales

The Public Services Ombudsman for Wales publishes an annual report each summer which provides a summary of the work of the Ombudsman and details of the data in respect of referrals made to that service together with the trends in the complaints received. The report is presented to the Standards Committee each year summarising those issues and considering where Merthyr Tydfil's performance ranks alongside other Councils in Wales.

During this period, this Committee has reviewed data within the Ombudsman's Annual Report for the 2017/18 and 2018/19 financial years. There has however been a delay in reviewing the details of the 2019/20 Annual Report due to the lockdown and these will be scheduled for the November 2021 Standards Committee where they will be reviewed alongside the 2020/21 data.

4.0 **Complaints / Local Dispute Policy**

- 4.1 In accordance with the recommendations of the Public Services Ombudsman for Wales, this Authority adopted an internal procedure for dealing with "low-level" complaints that are not sufficiently serious as to warrant formal investigation and sanction.

- 4.2 The Committee are pleased to report that there are no complaints of misconduct referred to the Standards Committee by the Ombudsman for the period 2019- 2021.
- 4.3 The Committee receives updates from the Monitoring Officer about the number of on-going complaints being referred to and considered by the Ombudsman's office. This information is provided without disclosing precise details of individual complaints, to avoid any issues about pre-determination in case the complaints are reported to the Standards Committee for determination.
- 4.4 There have been two complaints referred for determination by the Committee under the Local Dispute Policy as they could not be resolved internally and formal Hearings were held in January 2020 and March 2021. Following consideration of the evidence and statements presented at these Hearings, the Standards Committee made formal decisions and these decisions have been noted by Councillors at their Full Council Meetings.

5.0 **Dispensation Applications**

- 5.1 The Standards Committee considers dispensation requests in accordance with the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 and Section 81 (4) of the Local Government Act 2000.
- 5.2 No dispensation requests have been received for consideration by the Standards Committee for the period 2019 - 2021.

There will however be an ongoing exercise to remind Councillors and provide them with the appropriate information and application form if they wish to request a dispensation for consideration by the Standards Committee.

6.0 **Training**

- 6.1. **No training has been arranged to date but arrangements are in place to attend Members' Code of Conduct Training together with joint training opportunities with neighbouring Authorities for the next 12 months.**
- 6.2 Consideration is being given, through the Monitoring Officers' Network, of a South East Wales Standards Committee Forum so that Standards Committees across the region can share good practice and build good relationships. There has obviously been a delay in the setting up of this forum due to the COVID 19 Pandemic but hopefully this will be progressed in the near future.