

## REPORT OF STANDARDS COMMITTEE

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### **SUBJECT: ANNUAL REPORT 2023/24**

It is now a statutory duty to prepare an annual report to the Authority on how the Standards Committee's functions have been discharged, and provide an overview of conduct matters generally within the Authority.

#### Terms of reference of the Standards Committee

- (a) to keep under review the Authority's Code of Conduct and to make recommendations to the Authority as to any changes it considers desirable;
- (b) to monitor the operation of the Authority's Code of Conduct;
- (c) to provide advice and training for Members of the Authority on matters relating to its Code of Conduct;
- (d) to consider any reports relating to Members of the Authority issued by the Monitoring Officer under Section 70 (4) or by the Public Services Ombudsman (Wales) under Section 71(2)(c) of the Local Government Act 2000 and any recommendations of the Adjudication Panel for Wales and to take such action thereon as it considered appropriate;
- (e) to receive and take action on any reports issued to it by a Case Tribunal under Section 79 of the Act;
- (f) to consider and make recommendations to the Authority as to the actions which should be taken on any report from a Case Tribunal under Section 80 of the Act;
- (g) to consider requests from Members of the Authority for dispensations under the Standards Committee's (Grant of Dispensations) (Wales) Regulations 2001,
- (h) the monitoring of the Authority's complaints procedure in relation to allegations of maladministration and the making of recommendations thereto and
- (i) to make recommendations to the Authority from time to time with regard to any proposed additions to or revisions of these Terms of Reference.

The current membership of the Standards Committee consists of two local authority Members, Cllr Dr Simon Hancock and Cllr Mike James. One Welsh government appointed member Dr Rosie Plummer and four independent members who are Mr John Daniels (Chair) Mr Philip Davies, Ms Wendy Taylor and Mrs Vicky Tomlinson.

The Chair and Vice Chair are, in accordance with the regulations, independent members.

Mrs Vicky Tomlinson's appointment as an independent member of the Standards committee will, in accordance with the regulations, end in September 2024 and the Members of the Standards Committee and the Monitoring Officer would like to thank her for her contribution and commitment throughout her time in office. The process of appointing a new Member to the Standards Committee is underway.

### Training

Member training on the code of conduct took place on the 21st June 2023 after the NPA meeting earlier in the day.

Members who attended felt that it would be useful if future training could be arranged which took the form of a question-and-answer session with some examples to work through. Accordingly, a further training session took place after the NPA meeting on the 15<sup>th</sup> of November 2023. As well as going through the code of conduct itself and the Nolan principles which underpin it, we ran through several scenarios some of which were based on issues which had recently arisen within the NPA. Feedback from the 9 members who were able to attend was that they found it useful and informative and a recording of the session is now available to members should those who were unable to attend wish to view it. It is anticipated that future training will follow a similar format. In addition training for members of Standards Committee is being arranged to cover the procedures to be followed in the event that the Public Services Ombudsman for Wales (PSOW) refers a complaint to the Standards Committee for adjudication.

### Complaints

Members will recall that a new complaints procedure was agreed by the NPA at its meeting on 20 September 2023 and is now included in the current Service Standards document. The new procedure follows the model procedure promoted by the PSOW. Complaints relating to Members adherence to the Code of Conduct are always dealt with by the Ombudsman who will decide using the two-part test whether to investigate and can then refer the matter back to the Standards Committee to consider or to the Adjudication Panel for Wales, or conclude that the complaint will not be investigated further and that no subsequent action is necessary.

### Current complaints.

In the past year to 31 March 2024, 18 complaints have been recorded by the NPA.

3 related to the restrictions imposed on Newport Sands (Traeth Mawr) following the acquisition of the beach in May 2023 but none of those were escalated to the Monitoring Officer in accordance with the Complaints procedure in place at that time and the Monitoring Officer is not aware of any complaint relating to Traeth Mawr having been escalated to the PSOW since the procedure was changed in September 2023. In addition, there were many approaches made to the NPA regarding the issue but other than the 3 referred to, all seem to have been resolved by the department without them needing to be recorded as formal complaints.

Other complaints related to issues concerning planning matters. 2 complaints were escalated to the Monitoring Officer in the period and both reports have been completed and so far no response has been received either from the complainants or the PSOW. In one of the cases, the complainant complained to the PSOW that the report was taking too long to be produced and that the complainant had not been kept adequately informed. The PSOW suggested the NPA compensate the complainant for the delay in the sum of £50.00 and imposed an extended time limit within which the full report should be completed. Whilst there were mitigating circumstances it was felt expedient to agree to the proposal. Accordingly, the compensation sum was paid together with an apology and the final report was issued well within the deadline imposed by the PSOW and a copy lodged with the PSOW in accordance with its direction.

There was one complaint relating to an alleged breach of the code of conduct which was escalated to the PSOW. However, following an investigation by the NPA which was reported to the PSOW no breach was identified and therefore no action was taken.

#### Trends.

It is pleasing that other than the issue mentioned in the preceding section of this report that there have been no allegations of breaches of the code of conduct. However the NPA must be vigilant in ensuring Members continue to be offered and do attend training on the Code of Conduct. If allegations of breaches of the Code of Conduct are made the PSOW are likely to ask what training the Member has been offered and received. So far as other trends are concerned, the majority of complaints relate to planning issues but as the department has now been able to recruit additional staff it is anticipated that complaints may decline.

#### Local Resolution Protocol. (LRP).

It was necessary to instigate the LRP on one occasion. This was the first time the procedure had been used and it is pleasing to report that it worked well, and matters have been satisfactorily resolved.

#### Dispensations.

No applications for dispensations have been received by Members in the current year. However, following the sad death of Cllr Reg Owens and the appointment of Cllr Vanessa Thomas the Monitoring Officer wrote to her advising of the general dispensation afforded to Pembrokeshire County Council nominated members to discuss issues related to Pembrokeshire County Council, subject to considering whether the code of conduct applies in the particular circumstances.

#### Unacceptable actions by complainants Policy.

A new policy dealing with this issue was introduced at the same time as the new complaints policy. So far it has not been necessary to implement it.

## Annual report of the Ombudsman.

The Ombudsman produced her report for the year March 2022 to March 2023. There were 11% fewer complaints about local authorities and 4% fewer complaints about code of conduct issues which is encouraging. However there was an increase in complaints relating to equality and respect and a decrease in cases concerning community and town councils which is heartening in view of the persistent increases over the past few years.

In the year 2022 to 2023 there were 8 referrals to Standards Committees and 4 to the Adjudication Panel of Wales. A copy of the Ombudsman's report can be found [here](#).

## Independent Remuneration Panel for Wales

Members will be aware that the Panel published its [final Annual Report](#) on 28 February 2024 and this contained a Determination (No. 5) which states:

“For co-opted members of Principal Councils, National Park Authorities and Fire and Rescue Authorities, payments, the Panel proposes there should be local flexibility for the relevant officer to decide when it will be appropriate to apply a day or a half day rate or to use an hourly rate where it is sensible to aggregate a number of short meetings.

The full and half day rates remain unchanged from 2023 to 2024. The only change is the stipulation of hourly rates.”

This provision applies to Independent Members of the Standards Committee and their attention was drawn to it.

## **RECOMMENDATION:**

**That this report is noted.**

Author: Michael Kent, Monitoring Officer