

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Council Chamber, Russell House, Rhyl, Denbighshire, LL18 3DP on Friday, 6 March 2020 at 10.00 am.

PRESENT

Ian Trigger (Chair), Julia Hughes, Anne Mellor and Peter Lamb.

ALSO PRESENT

Deputy Monitoring Officer, Lisa Jones and Democratic Services Officer, Karen A Evans.

1 APOLOGIES

Apologies were received from The Monitoring Officer, Gary Williams, County Councillors Paul Penlington and Andrew Thomas and Town Councillor Gordon Hughes.

2 DECLARATION OF INTERESTS

None.

3 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent items.

4 MINUTES OF THE LAST MEETING

Accuracy:

Page 6, item 5 Public Service Ombudsman for Wales, Code of Conduct Casebook. Remove the word 'not' from the last sentence to correct the rationale for the lack of detail.

Matters arising:

Page 6, item 4 – Special Standards Hearing held in July 2019. Due to capacity issues it had not been possible to produce a report on lessons learned from the hearing. It was suggested that the report be added to the forward work plan for the next Standards Committee meeting on 5 June 2020.

Page 7, item 6 – 2019 report by the Committee on Standards in Public Life. The Committee asked that a report covering the following be added to the forward work programme:

- examples of good practice elsewhere
- review of the Terms of Reference for the Standards Committee (reminder of existing terms to be emailed to members) and

- workload capacity for support of the Standards Committee.

It was also agreed that Independent Members Julia Hughes and Ann Mellor feedback on their experience with Flintshire County Council and Conwy County Council's Standards Committees respectively.

Page 7, item 6 – Meeting choice of language. The Committee asked that the preferred language of Town, Council or Community Council meetings be requested when circulating advice on dispensations, to assist reviewing the timetable of visits.

It was noted how few dispensation requests were received by Denbighshire's Standards Committee – Flintshire received far more. The Committee questioned whether there was a training need and suggested that a follow up email be sent to Town Clerks giving examples of what type of activity would require a dispensation.

RESOLVED that subject to the above that:

- *a report on the Special Standards Hearing Lessons Learned be brought to the next Standards Committee meeting;*
- *a review of the Standards Committee Capacity & Terms of Reference be added to the Standards Committee forward work plan and*
- *the minutes of the Standards Committee meeting held on 13 September 2019 be confirmed as a correct record.*

5 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK

The Deputy Monitoring Officer (DMO) introduced a report on the Public Services Ombudsman for Wales – Code of Conduct Casebook (previously circulated). The DMO informed the Committee that the Casebook was intended to help members and others in considering whether circumstances that they were experiencing amounted to a breach of the Code. It also provided information about the way the Ombudsman and other standards committees in Wales dealt with cases with respect to sanctions applied.

The summaries highlighted case numbers in Denbighshire:

- 201803272 & 201900045 – Promotion of Equality and Respect – No breach of code of Conduct and
- 201700947 – Promotion of Equality & Respect – Standards Committee found that behaviour was capable of bringing the Council into disrepute and suspended the Member from office for a period of 4 months.

The Chair commented that it was difficult to draw a precedent from such potted histories. Whilst recognising that investigations for the Ombudsman was labour/resource intensive there was a danger that failing to take action would lead to a decrease in complaint submission and subsequent deterioration in local democracy.

The Committee identified the commonality of breach in the categories Equality & Respect and Disclosure of Information. It was suggested that County, Town, City and Community Councils might benefit from another round of Code of Conduct

Roadshows. It was also agreed that case resolution details should be circulated to Clerks of the respective Town, city and Community councils.

RESOLVED that the Committee notes the information contained within the Code of Conduct Casebook.

6 CIVILITY IN PUBLIC LIFE

The Deputy Monitoring Officer (DMO) introduced the report (previously circulated) to inform members of the Committee of the Councillors guide on the Civility in Public Life Campaign and to seek the Committee's views on the draft programme of activities attached as Appendix 3 – particularly the guidance on handling intimidation and keeping oneself safe.

The campaign had three main themes which would serve as the foundations for future action:

1. Prevention - support and guidance for authorities.
2. Support and Intervention- development of policy and legislative proposals that address intimidation and standards of public discourse and
3. Challenge – a Pan UK commitment to call out and challenge instances of intimidation and abuse of politicians.

Responding to the Committee's queries the DMO:

- explained that the Guide for councillors on Handling Intimidation had already been issued. The promotional campaign was about to be launched;
- advised that Elected members were not covered by the employee's Anti-bullying & Harassment Policy;
- confirmed that harassment was more likely to be conveyed by social media nowadays than face to face;
- advised that a not for profit organisation, Fix The Glitch, was being engaged by the LGA to help develop resources for councillors and councils to address intimidation and threats online;
- reassured the Committee that a database on violent persons/dangerous dogs was available to access prior to home visits (The Corporate H&S Team being custodians of the register);
- confirmed that the Monitoring Officer would act as a 'sounding board' for any councillor who would want to make contact and
- The Leader and lead Member for Finance, Performance & Strategic Assets represented the Authority at the Welsh Local Government Association Annual General Meeting.

The Committee discussed the report and commented that:

- There did appear to be an increase in divisive/poor behaviour – particularly on social Media;
- Respect for public office was diminishing;
- Logging of all intimidating events should be encouraged.
- The Councillors guide to handling intimidation should be circulated to all County, City, Community and Town councillors.

- That the Councillors guide to handling intimidation was a valuable resource that:
 - should be available as hard copy as well as electronic and
 - would benefit from a Summary sheet available for portability – e.g. a Keep Safe card for differing scenarios.
- Contrary to advice given on page 56 some acts fell under civil law and did not requiring proving beyond reasonable doubt.
- The Committee requested a return visit of the report to inform the drafting of a policy for Elected members.

RESOLVED that subject to the above the draft action plan be agreed.

7 ATTENDANCE AT MEETINGS

Independent members Anne Mellor and Peter Lamb had attended a meeting of Denbigh Town Council on 27th January 2020. They reported:

- There was some difficulty navigating Denbigh Town Council's web site to find the meeting start time and agenda.
- The meeting started promptly. There was the Chair, Vice-chair and 9 members present. Also in attendance was a translator.
- They were given a warm welcome and translation headsets.
- Although there were two declarations of interest for item 19 they were not made obvious as to whether they were personal or prejudicial.
- The item on Electronic Book Keeping was moved on quite quickly even though two Councillors questioned the standard practice. The Chair overruled their objections with very little dialogue between them.
- The rest of the agenda ran efficiently.
- They were asked to leave for the last item (item 19) on Denbigh Town Hall which was a Part 2 confidential item.

Overall the meeting was suitably formal, polite and well managed. The Chair was appropriate (if swift) and the Clerk was very knowledgeable on all items on the agenda.

The Independent members felt that it was beneficial to have two members of the Standards Committee in attendance as they both saw different aspects of participation in the meeting.

Independent members Julia Hughes and Anne Mellor had attended a meeting of Cefn Meiriadog Community Council on 25 February 2020 at 7:00pm. It was reported:

- The website was difficult to navigate to find meeting times etc. but the Clerk had been extremely helpful supplying information. The website was in the process of being replaced.
- It was not clear who the Chair was initially as the Clerk covered a number of items.

- There were 6 members plus the Clerk in attendance. Two members arrived late and two apologies were given.
- The declaration of interest statement was read aloud at the start of the meeting. The two late arrivals were not asked but one declared regardless. The member stated what their interest was but did not clarify whether it was a personal or prejudicial interest. The member remained in the room whilst the item of interest was discussed – Urdd Funding Request.
- Sometimes the discussions were concluded without clear actions agreed nor voted upon when required. Although most councillors took an active part.
- The Clerk made a request about his salary and expenses but was not asked to leave the room whilst the subject was discussed.
- The Clerk gave good legal advice with supporting documentation to the committee regarding requests by individuals for funding.
- The Gypsy and Traveller planning application was discussed. The County Councillor explained the planning process and advised that members of the public could attend the Planning Committee.
- The County Councillor was unable to attend the Gypsy & Traveller site meeting, however a member of the Community Council would be in attendance. It was not clear at the end of the discussion if the Chair would attend the site meeting.
- The Chairs and Councillors were well supported by the Clerk throughout the meeting.

Following the feedback reports the Committee suggested that a standard template / tick list of points to note at meetings, relating to Code of Conduct and training requirements, might be a useful tool.

It was noted that Flintshire County Council Partnership Office/Monitoring Officer would write to all their Town and Community Councils highlighting generic advice and feedback on observed meetings. The Deputy Monitoring Officer agreed to liaise with Flintshire County Council to source their feedback template letter.

RESOLVED that the above mentioned points be noted.

8 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

The Deputy Monitoring Officer submitted a report (previously circulated) seeking members' review of the Committee's work programme.

Discussion focused on the following –

- 1) Terms of Reference and workload capacity of Officer support of the Standards Committee.
- 2) Joint Standards Committees.
- 3) Standards Forums for North and Mid-Wales.
- 4) A standard template/form for City, Town, Community Council meetings.
- 5) Additional of the following subjects as standing items to future forward work programmes:
 - a. Monitoring Officer issues.
 - b. Dispensations and

6) Civility in Public Life update.

RESOLVED that, subject to the above inclusions, the forward work programme as detailed in Appendix 1 to the report be approved.

9 DATE OF NEXT MEETING

The next meetings of the Standards Committee were scheduled in conference room 1a, County Hall, Ruthin on:

- 5 June 2020
- 4 September 2020 and
- 4 December 2020.

10 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

The Deputy Monitoring Officer (DMO) presented a report (previously circulated) providing an overview of complaints lodged with the Public Services Ombudsman for Wales.

The DMO reported on complaints submitted involving councils in Denbighshire, giving outline details of the nature of the complaints made and the actions taken by the Public Services Ombudsman for Wales.

It was agreed to reduce the information provided in Completed Matters sheets to those completed within the last 12 months.

The Committee were informed that their advice to the Town Councillor to avail themselves of the opportunity to undergo Code of Conduct training with the Monitoring Officer had not transpired.

RESOLVED that the Standards Committee notes the contents of the report.