

To: Chair and Members of Standards
Committee

Date: 30 March 2023

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Dear Member of the Committee,

You are invited to attend a meeting of the **STANDARDS COMMITTEE** to be held at **10.00 am** on **THURSDAY, 6 APRIL 2023** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND BY VIDEO CONFERENCE**.

PLEASE NOTE THERE WILL BE A SHORT TRAINING SESSION FOR ALL STANDARDS COMMITTEE MEMBERS IMMEDIATELY FOLLOWING THE MEETING

Yours sincerely

G. Williams
Monitoring Officer

AGENDA

PART 1: THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 DECLARATION OF INTERESTS (Pages 5 - 6)

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES OF THE LAST MEETING (Pages 7 - 16)

To receive the minutes of the Standards Committee meeting held on 22 December 2022 (copy enclosed).

5 PUBLIC SERVICES OMBUDSMAN FOR WALES - 'OUR FINDINGS'
(Pages 17 - 26)

To consider a report by the Monitoring Officer (copy enclosed) on the published 'Our Findings' page on the Public Services Ombudsman for Wales website.

6 ATTENDANCE AT MEETINGS

To note the attendance by members of the Standards Committee at County, Town and Community Council and to receive their reports.

7 DISPENSATION REQUESTS

To consider any dispensation requests received from Town/City/Community Councils or at county level.

8 STANDARDS COMMITTEE ANNUAL REPORT (Pages 27 - 34)

To consider a report by the Interim Head of Legal and Democratic Services (copy enclosed) seeking the Committee's views on the Standards Committee Annual Report, prior to its presentation to full Council.

9 NATIONAL STANDARDS FORUM UPDATE (Pages 35 - 40)

To receive a verbal update from the Chair following attendance at the National Standards Forum on 27 January 2023 (notes attached).

10 WELSH GOVERNMENT CONSULTATION ON THE PENN REVIEW
(Pages 41 - 96)

To receive a report (copy enclosed) and presentation from the Monitoring Officer in respect of a consultation paper on the review of the Ethical Framework.

11 STANDARDS COMMITTEE FORWARD WORK PROGRAMME (Pages 97 - 98)

To consider the Standards Committee Forward Work Programme (copy attached).

12 DATE OF NEXT MEETING

The next meeting of the Standards Committee is scheduled for 10.00 am on Friday 16 June 2023.

PART 2: CONFIDENTIAL ITEMS

It is recommended in accordance with Section 100A(4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that exempt information as defined in paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act would be disclosed.

13 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000 (Pages 99 - 104)

To consider a confidential report by the Monitoring Officer (copy enclosed) providing an overview of complaints against members lodged with the Public Services Ombudsman for Wales.

MEMBERSHIP

Independent Members:

Julia Hughes (Chair), Anne Mellor (Vice-Chair), Peter Lamb and Samuel Jones

Town/Community Council Member

Councillor Gordon Hughes

County Councillors

Councillor Bobby Feeley

Councillor Hugh Irving

COPIES TO:

All Councillors for information

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Town and Community Councils

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LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of
*(*please delete as appropriate)*

Denbighshire County Council

CONFIRM that I have declared a ***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-

*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Council Chamber, County Hall, Ruthin and by video conference on Friday, 2 December 2022 at 10.00 am.

PRESENT

Julia Hughes (Chair), Anne Mellor (Vice-Chair), Peter Lamb and Sam Jones together with Councillors Gordon Hughes, Bobby Feeley and Hugh Irving

Observer - Councillor Andrea Tomlin

ALSO PRESENT

Interim Head of Service – Legal and Democratic Services/Deputy Monitoring Officer (LJ) and Committee Administrators (SJ and KEJ [Zoom Host])

1 APOLOGIES

No apologies.

Members heard the Monitoring Officer, Gary Williams had intended to attend the meeting but had another engagement. The Deputy Monitoring Officer Lisa Jones was attending in his absence.

2 DECLARATION OF INTERESTS

There were no declarations of interest raised at this agenda item.

Councillor Gorgon Hughes raised a personal interest in relation to agenda item 14 as he was a member of the Corwen Town Council. Councillor Hughes raised his declaration during the Part 2 discussion.

3 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent items raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Standards Committee held on 28 October 2022 were submitted.

Accuracy – There were no matters of accuracy raised.

Matters Arising –

Page 11 – Chair's Annual Report – The Chair apologised as it was her understanding the draft report had not been issued to the Vice Chair for comments.

The Chair confirmed she had approved the report along with the deputy Monitoring Officer.

Page 13 – Date of the next meeting – The Chair confirmed a training session had been scheduled following the meeting.

RESOLVED that, subject to the above, the minutes of the meeting held on 28 October 2022 be received and approved as a correct record.

5 PUBLIC SERVICES OMBUDSMAN FOR WALES - 'OUR FINDINGS'

The Deputy Monitoring Officer (DMO), guided members through the report (previously circulated).

It was explained to members the report was a regular report presented to the committee, it had previously been named the Code of Conduct Casebook.

The report outlined the collection of conclusions in respect of investigations. Members heard the DMO had extracted the detail from the website for reference. It provided members with a sight of what was happening nationally and the approach adopted for those cases.

It was a useful tool and gave examples of other sanctions imposed by other Standards Committees.

It was highlighted in the report since July 2022 seven matters had been reviewed. Details of each had been included in the papers including the outcome of each investigation.

A breakdown of the seven investigations was as follows:

Integrity 1
Equality and respect 3
Duty to uphold the law 2
Accountability and Openness 1

The outcomes were categorised as follows:

Investigation discontinued 1
No action necessary 5
Referral to a Standards Committee 1
Referral to Adjudication Panel for Wales 0

The DMO stressed none of the complaints that had been received had been in relation to a councillor of Denbighshire.

Members were provided with further detail of a complaint regarding a duty to uphold the law at Llandoverly Town Council which had been referred to the Council's Standards Committee. The member in question had been convicted of drink driving. The Ombudsman considered if further investigation was needed in the public interest. It was deemed appropriate to investigate and it was referred to the Standards committee for a hearing of the complaint. The Standards committee decided to suspend the Councillor for 2 months and the Councillor was required to attend code of conduct training within 6 months.

Members were also provided with further detail on the complaint received in relation to Llanigon Community Council. The Ombudsman had received a complaint regarding a breach of the Code of conduct, with a detailed list of the allegations put forward. The councillor in question had not been re-elected in the May 2022 elections, the evidence was inconsistent therefore the ombudsman did not consider it was in the public interest to take a further stance.

Members noted the strong link to the public interest test and how public interest played a large part of the decision to proceed with an investigation and queried the situation when there was repeat behaviour. The DMO stated it would be unlikely for the Ombudsman to look back 4 or 5 years if the councillor was re-elected at the next elections but a record was kept by the ombudsman of complaints to monitor any patterns. The information online was the only information that was provided.

The complaint from Merthyr Tydfil County Borough Council was an example of an officer complaining against a County Councillor and no action taken was discussed.

The Chair thanked the DMO for the detailed and comprehensive report.

RESOLVED that the Standards committee note the contents of the report.

6 MEMBER TRAINING UPDATE

The Chair informed the committee she had attended a meeting of Denbigh Town Council. The meeting had taken place remotely via Zoom on the 23 November 2022. In attendance had been 10 members and the clerk.

At the meeting expressions of interest were sought, with a member declaring a personal interest. The clerk advised she had received notice of the interest prior to the meeting and it was a personal interest only. The councillor did not partake in the discussion for the item but did take part in the vote.

The Chair drew Members attention to a number of new councillors having resigned from Denbigh Town Council recently, including one during the meeting she had attended.

The meeting had started well, with the clerk supporting the Chair well and ensuring the correct proceedings were followed.

One member joined the meeting via the telephone and was not asked for their opinion or contribution throughout the meeting. It was noted however by the Committee that chairing a hybrid meeting is not always easy and the Chair stressed the importance of members of the committee having screens on for the duration of the meeting if possible.

The Chair noted that there were some exchanges during the meeting which were heated, and an observer would not have understood the reasons for the heated exchange.

New members of the Town Council had asked for extra information via email to which a response was that business is not conducted via email. The DMO advised that Councillors may receive appropriate or background information via email providing there was no actual decision being made.

The Committee was informed that training for the Town Council was being arranged in addition to the training and induction that is provided by the Clerk.

RESOLVED that members note the feedback from attendance at meetings.

7 DISPENSATION REQUESTS

The Chair asked the Deputy Monitoring Officer (DMO) to provide the committee with the reasoning why dispensation applications should be made.

The DMO informed members when a prejudicial interest is declared by a member but they wish to take part in the debate and vote, it is possible for that member to apply to the Standards Committee for a dispensation to take part, subject to legal limitations. The Committee has powers to attach terms and conditions, limits and timeframes at their discretion.

Members heard an annual reminder was sent to all City, Town and Community Council clerks to remind them of the dispensation process.

The Chair proposed a reminder be sent to clerks, providing an overview of the process and purpose of the procedure.

Members noted that no dispensations had been received and it was confirmed that had been included in the annual report due to be presented at the next Denbighshire County Council meeting.

It was stressed the dispensation process did form part of the Code of Conduct training for members. The process to request a dispensation was straightforward and can be submitted by a letter.

RESOLVED that members noted the verbal Dispensation Request update.

8 MEMBER TRAINING UPDATE

The Chair reminded members that Code of Conduct training was offered to all new and existing councillors in each term of council.

The Deputy Monitoring Officer informed the committee training had been delivered to Denbigh Town Council the previous evening. Further dates for training would be offered in the New Year once the necessary arrangements had been confirmed. It was hoped the face to face training would be held in the North, mid and South of the County.

Members noted the Code of Conduct training scheduled for the 20 December was taking place. The Deputy Monitoring Officer welcomed members to attend if they wished. Previous training sessions where Standards Committee members had been in attendance had been very useful.

It was noted 14 County Councillors to date had not attended Code of Conduct training. Members stressed the importance of the training and the requirement for all members to attend. The Deputy Monitoring Officer confirmed she would email members with a reminder to attend the training when offered.

Councillor Gordon Hughes suggested an email be sent to group leaders to encourage members to attend if not done so, given the new requirements of group leaders. The Deputy Monitoring Officer thanked Councillor Hughes for his suggestion and agreed that could be completed.

All members were in agreement for the Deputy Monitoring Officer to issue an email reminder to County Councillors with a reminder to attend the Code of Conduct training, including the reference to Standards committee being aware of those members who were required to attend. Members also agreed for correspondence to be issued to group leaders, for them to ensure their members attend.

Members also requested that dates of proposed training for City, Town and Community members be circulated.

RESOLVED that Standards Committee members note the verbal Member Training update.

9 ETHICAL LIAISON AND THE DUTY OF GROUP LEADERS

The Deputy Monitoring Officer guided members through the report (previously circulated) which provided details of the new duties placed on group leaders to promote good ethical behaviour.

The statutory guidance issued by the Welsh Government in respect of the guidance for Group leaders had yet to be formally finalised. The draft guidance was available for all to see on the Welsh Government website.

Members were guided through the draft guidance which included examples of how Group Leaders might perform their duty, detailed in the report, with the Standards Committee having the responsibility to request Group Leaders attendance at a Standards' Committee meeting to discuss any issues or concerns.

It also recommends that the Standards Committee arrange to train the Group Leaders on the duty annually. Therefore, it was proposed a meeting with Group Leaders to review behaviour in the form of an 'Ethical Liaison Group' would be established. It was suggested the group would meet regularly and could include members from the Standards committee.

Members heard the draft guidance also referred to the need for group leaders to make reports to the Standards Committee on their progress in fulfilling their duty.

The Standards Committee would be able to discuss these reports with group leaders and use them as a basis for the Committee's annual report to Council on the way in which group leaders are discharging that duty.

Included in the pack was a template that could be adopted for Group Leaders to complete for Standards Committee members to review.

It was proposed the Chair and Vice Chair attend with the Monitoring Officer at the next Group Leaders meeting to discuss the changes and emphasise the importance of the role of each Group Leader.

The Chair thanked the Deputy Monitoring Officer for the detailed report. She reminded members the regulatory requirement of the Standards Committee to report on the role of the Group Leaders. In her opinion the attached template set out a clear and transparent report for Group Leaders to complete. It provided a clear and transparent way for Group Leaders to detail information. She suggested the template be shared with the Group Leaders for comments or suggested amendments to use going forward.

Members suggested that a training session on 'Local Resolution Protocol' could be added as an area for the Standards Committee to revisit. The Deputy Monitoring Officer noted the suggestion and agreed to add to the suggested areas of training.

Members felt it important to ensure Group Leaders were aware of what was required from them and suggested it was emphasised at either a Standards Committee meeting or at an Ethical Liaison meeting.

The Chair informed the committee that at Flintshire County Council, the Ethical Liaison Group had commenced. Those meetings had been attended by the Chair and Vice Chair of the Standards Committee along with the Group Leaders and Monitoring Officer. It allowed members at those meetings to discuss any arising issues or discuss examples of any areas of concern. It allowed a platform for Group Leaders to share experiences in a safe environment.

Members suggested an informal meeting could be arranged to discuss the proposed Ethical Liaison Group with Group Leaders and a 'workshop' informal meeting would be the place to commence.

Members agreed that all Standards Committee members be invited to a briefing to discuss and agree a methodology to ensure that together we promote compliance of the Code of Conduct whilst complying with statutory duties.

It was suggested that on the attached template form, a box for the period of time be included along with a section at the top stating the source to be made more clear. It was also suggested that a section be included on open and resolved complaints to ensure members are made aware of any ongoing complaints.

Members,

RESOLVED,

- *That members discuss and agree an approach which supports Group Leaders to discharge their duties, providing information and reasoning behind the draft regulations. Members agreed for the proposed template to be presented for consideration.*
- *That all Standards Committee members be invited to attend with the Monitoring Officer a Group Leaders' meeting in order to move forward with an agreed method of monitoring the duty.*
- *That the Committee gave consideration to training and support to be provided and by whom. The Committee support the establishment of an Ethnical Liaison Group for meetings going forward.*
- *That the Group Leader' reports be received by the Committee following the municipal year to form part of the Standards Committee Annual report to Full Council.*
- *That the Group Leader' reports be received by the Committee following the municipal year to form part of the Standards Committee Annual report to Full Council.*

10 NATIONAL STANDARDS FORUM UPDATE

The Chair reminded members one of the areas emanating from the Penn Review had been the good practice of the North Wales Standards Forum which became the North and Mid Wales Forum. The group met biannually for Chairs and Vice Chairs to gather to discuss a variety of areas.

The Deputy Monitoring Officer informed members the National Forum was due to meet virtually on the 8 December 2022. At the meeting a Chair and Vice Chair will be elected along with the role and terms of reference of the group, an update on the Penn Review and the implementation of the new duties of group leaders. The Public Services Ombudsman for Wales would be in attendance.

Members heard the purpose of the forum was to share best practice and to provide a forum for problem solving across the 22 principal councils, fire and rescue service and national parks in relation to the work of Standards Committees; with any formal decisions being made by individual Standards Committees.

The election of Chair and Vice-Chair of the forum would take place every 2 years. The Welsh Local Government Association would be responsible for the preparation of the agenda, completion of minutes and basic reports. The frequency of meetings being biannually.

The Deputy Monitoring Officer informed members she would clarify if both the Chair and Vice-Chair were invited to attend. The Chair stressed feedback from that forum to the committee would be required from those in attendance.

RESOLVED that the National Standards Forum update be noted by the committee.

11 REMUNERATION FOR INDEPENDENT MEMBERS

The Chair guided members to the agenda papers (previously circulated). The report intention had been to discuss the attendance of members at City, Town and

Community meetings. The Deputy Monitoring Officer reminded members a previous report had been submitted for discussion at the last meeting and members had requested further information on the subject.

The committee had previously been requested to consider a structured approach to attendance and observation of Town, City and Community Council meetings.

One of the issues raised had been payment in respect such attendance at these Council meetings. The Head of Democratic Services, had been in consultation with his national forum on the approach taken across Wales, it being noted that various approaches had been adopted nationally. Also of note was that Denbighshire's neighbouring authorities were making payments to members for such attendances.

The Deputy Monitoring Officer confirmed she had met with the relevant finance officer and Members heard there was no separate budget line for Standards Committee members' attendance at Town, City and Community Council meetings specifically.

However, due to the requirement to hold certain hybrid meetings, this has reduced the amount of travel payments issued and positive in respect of the carbon footprint. Therefore it was confirmed that the authority could fund attendance at meetings to a maximum of £2000 per annum in total; this would include travel costs. It was proposed that it only be made available for the Independent members and the Community Council members, stressing that it would have to be closely monitored and reviewed by the Monitoring Officer.

The Chair welcomed having a clear direction and communication and members be reminded of the restrictions in place with regards to attendance at meetings. She offered her thanks to the Deputy Monitoring Officer for providing further information following the previous meeting. In the Chairs' opinion the small budget available would help support members to attend meetings. The Deputy Monitoring Officer stressed the budget was solely for attendance at meetings. It was not to fund any preparation time. The Chair suggested that members capped the rate of reimbursement at half a day rate for attendance at any Town, City or Community Council meeting. The Deputy Monitoring Officer supported this suggestion and stressed that could be reviewed and amended in the future.

The Chair suggested that 10 meetings be attended per annum by the Independent and Community Council members. That would allow a small amount of budget to be left in reserve.

Members were all in agreement that Independent and the Community Councillor attend a total 10 meetings a year which would equate to about 2 meetings each.

The Chair suggested the approach to attendance of meetings be conducted in a more structured way and looking at those Councils that may not have been visited or have new clerks or substantial changes.

Members were reminded that to use the template and script information forms prior to attending meetings.

The Chair suggested a list be decided outside of the meetings of which City, Town or Community Council's to attend. All agreed for the Chair and the Deputy Monitoring Officer to construct a list and circulate with members along with the template. Members were also reminded if they requested any support members could inform the Chair and arrangements could be made. It was suggested to list any meetings that may be conducted through the medium of Welsh.

The Chair informed members that on previous occasions she has let the clerk of the council know she is planning to attend the meeting 2-3 days before the meeting. Thus allowing enough time to be issued any relevant information of joining details if the meeting is being held remotely.

Members suggested that generic feedback email or letter be issued to a council following a meeting providing both positive or negative following the feedback being presented to the Standards Committee.

It was also suggested a generic message be issued to Clerks to remind them that they may be visited by Standards Committee members.

The Chair thanked all members for the detailed discussion and suggestions regarding attending at meetings. Thanks were given to the Deputy Monitoring Officer for the work on addressing members concerns on the remuneration for members.

It was

RESOLVED, that Standards Committee members note the position in relation to remuneration and members agreed for the Chair and Deputy Monitoring Officer to construct a coordinated and structured list of City, Town and Community Councils for members to attend.

12 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

The Standards Committee Forward Work Programme was presented for consideration and members discussed the following –

The Monitoring Officer confirmed the 'Comparison of Standards Committee Recruitment Panel Compilation' had been included for the meeting on the 3 March 2023.

Councillor Bobby Feeley noted a large amount of regional working had taken place and there was a trend to increase regional working. She thought it best to note for future reference the importance of monitoring regional working agreements.

RESOLVED that, subject to the above, the Standards Committee's Forward Work Programme be agreed.

13 DATE OF NEXT MEETING

Members noted that the Standards Committee's next meeting had been scheduled for 10.00 am on Friday 3 March 2023.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

14 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

The Deputy Monitoring Officer (DMO) submitted a confidential report (previously circulated) providing an overview of complaints against members lodged with the Public Services Ombudsman for Wales (PSOW) since 1 January 2022.

Councillor Gordon Hughes declared a personal interest in this agenda item.

Members heard that there were no live matters at present. Details of the previous 12 months complaints were presented to the committee. An update on a complaint that had been received but had not been available to be included within the confidential paper due to timescales, was provided.

The Chair informed the committee she was attending Denbighshire County Council meeting due to be held on Tuesday 6th December to report the Standards Committee annual report.

The Chair provided members with detailed feedback of her attendance at Denbigh Town Council meeting. She informed members she had forwarded her feedback and observations to the Deputy Monitoring Officer. It was stressed the role of the Standards Committee was to support all City, Town and Community Councils in respect of Code compliance.

RESOLVED that the report be received and noted.

At the close of the meeting the Chair thanked members for their attendance and contributions and also conveyed her thanks to the support staff.

The meeting concluded at 12.55 p.m.

Report to	Standards Committee
Date of meeting	6 th April 2023
Lead Member / Officer	Gary Williams, Monitoring Officer
Report author	Gary Williams, Monitoring Officer
Title	Public Services Ombudsman For Wales – ‘Our Findings’

1. What is the report about?

1.1. The latest case summaries contained in the ‘Our Findings’ section of the Public Services Ombudsman for Wales (the Ombudsman) website

2. What is the reason for making this report?

2.1. To inform members of the latest case summaries contained within the ‘Our Findings’ section of the Ombudsman’s website which replaces the previous Code of Conduct Casebook.

3. What are the Recommendations?

3.1. That the Committee notes the content of this report.

4. Report details

4.1. Members of the Committee will recall that the Ombudsman has previously published a ‘Code of Conduct Casebook’ (the Casebook) on a quarterly basis which set out a short summary of matters which had been investigated by the Ombudsman and the outcome that had resulted from that investigation.

4.2. The Casebook was regarded as a useful tool in giving elected members, the public, and standards committees an insight into the types of complaints that were being investigated and the results of those investigations.

4.3. The Ombudsman has now ceased to publish the Casebook and has instead created an 'Our Findings' section on her website which can be accessed via the following link: <http://ombudsman.wales/findings/>

4.4. The 'Our Findings' section contains a search facility whereby details of cases considered by the Ombudsman can be searched for by topic, by authority, by outcome, by date, and by case reference number. The section covers all matters investigated by the Ombudsman and not just Conduct matters.

4.5. This report covers the period from 1st November 2022 to 28th February 2023. The 'Our Findings' section of the Ombudsman's website contains a summary of those cases involving Code of Conduct complaint that have been investigated by the Ombudsman, broken down by subject matter as follows:

- Disclosure and registration of interests 2
- Promotion of equality and respect 2
- Objectivity and propriety 1

4.6. The outcomes can be categorised as follows:

- Investigation discontinued 0
- No evidence of breach 1
- No action necessary 1
- Referral to a Standards Committee 1
- Referral to Adjudication Panel for Wales 2

4.7. The relevant extracts from the Our Findings pages are attached for ease of reference as Appendix 1. None of the cases relate to a council in Denbighshire.

4.8. The matter that has been referred to a Standards Committee has yet to be fully reported. Similarly, one of the two cases referred to the Adjudication Panel for Wales (APW) during this period has also not yet been fully reported.

4.9. The one case referred to the APW that has been fully reported related to a member of St. Harmon Community Council in Powys. The member concerned had failed to declare a prejudicial interest at two meetings that were considering an Audit Wales report. The member confirmed that she was aware that she had prejudicial

interests but did not declare them as she did not want to leave the meetings. She participated in the meetings and voted. She confirmed that she did not regret her actions. The APW found that the member had breached the Code of Conduct by failing to declare her interests and by participating in the meetings. Further they considered that she had brought her authority into disrepute by her actions and had improperly used or attempted to use her position improperly to avoid a disadvantage for another person. The APW disqualified the member from being or becoming a member of any relevant authority for a period of twelve months.

5. How does the decision contribute to the Corporate Plan 2022 to 2027: The Denbighshire We Want?

5.1. This report has no direct impact on the corporate plan

6. What will it cost and how will it affect other services?

6.1. There are no costs associated with this report.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1. An assessment is not required for this report.

8. What consultations have been carried out with Scrutiny and others?

8.1. There have been no consultations in respect of this report.

9. Chief Finance Officer Statement

9.1. There are no direct financial consequences of this report.

10. What risks are there and is there anything we can do to reduce them?

10.1. There are no risks associated with this report

11. Power to make the decision

11.1. There is no decision required.

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Extract from 'Our Findings'

Relevant body: Powys County Council

Report date: 22/02/2023

Subject: Objectivity and propriety

Case ref number: 202101250

The Ombudsman's office received complaints that a Member of Powys County Council had breached the Code of Conduct. The report on the investigation was referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal.

Relevant body: Haverfordwest Town Council

Report date: 20/02/2023

Subject: Promotion of equality and respect

Case ref number: 202200117

The Ombudsman received a complaint that a Member ("the Member") of Haverfordwest Town Council ("the Council") had breached the Code of Conduct for Members of the Council. The report on the investigation was referred to the Monitoring Officer of Pembrokeshire County Council for consideration by its Standards Committee.

Relevant body: St Harmon Community Council

Report date: 29/11/2022

Subject: Disclosure & register of interest

Case ref number: 202106162

The Ombudsman's office received a complaint that a former member ("the Former Member") of St Harmon Community Council ("the Council") had breached the Code of Conduct. It was alleged that the Former Member had failed to declare interests at 2 Council meetings when a report by Audit Wales was discussed.

The investigation considered whether the Former Member failed to comply with the following provisions of the Code of Conduct:

6(1)(a) – Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

7(a) – Members must not in their official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for themselves, or any other person, an advantage or create or avoid for themselves, or any other person, a disadvantage.

10(1) – Members must in all matters consider whether they have a personal interest, and whether the Code of Conduct requires them to disclose that interest.

10(2)(c) – Members must regard themselves as having a personal interest in any business of their authority if a decision upon it might reasonably be regarded as affecting their wellbeing or financial position, or that of a person with whom they live, or any person with whom they have a close personal association.

11(1) – Where a member has a personal interest in any business of their authority and they attend a meeting at which that business is considered, they must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

11(2) – Where a Member has a personal interest in any business of their authority and they make oral representations to a member or officer of their authority they should disclose the interest at the commencement of such representations, or when it becomes apparent to them that they have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

12(1) – Where a Member has a personal interest in any business of their authority, they also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest.

14(1)(a) – Subject to sub-paragraphs (2), (2A), (3) and (4), where a member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee withdraw from the room, chamber or place where a meeting considering the business is being held

—
i. where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and, in any event, before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

ii. in any other case, whenever it becomes apparent that that business is being considered at that meeting.

14(1)(c) – Subject to sub-paragraphs (2), (2A), (3) and (4), where a member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority's standards committee, not seek to influence a decision about business.

14(1)(e) – Subject to sub-paragraphs (2), (2A), (3) and (4), where a member has a prejudicial interest in any business of their authority they must, unless they have obtained a dispensation from their authority’s standards committee, not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

The Former Member admitted that she was aware that she had personal and prejudicial interests, but she did not declare them as she did not want to be made to leave the meetings. She agreed that she had addressed Council and took part in votes at both Council meetings. The Former Member said that she had no regrets about her actions.

The investigation found that the Former Member’s conduct was suggestive of a breach of paragraphs 6(1)(a), 7(a), 11(1), 14(1)(a), 14 (1)(c) and 14(1)(e) of the Code of Conduct.

The Tribunal concluded that the Member had breached paragraphs 11(1), 14(1)(a) and 14(1)(e) of the Code of conduct by failing to disclose the existence and nature of personal and prejudicial interests in relevant business, in failing to withdraw from meetings dated 1 April and 3 November 2021 and in making oral representations in respect of that business in the meetings. The Tribunal also concluded that the Member had breached paragraph 6(1)(a) of the Code of Conduct by conducting herself at such meetings in a manner which could reasonably be regarded as bringing her office or authority into disrepute. The Tribunal further concluded that the Member had breached paragraphs 7(a) and 14(1)(c) of the Code of Conduct by using or attempting to use her position improperly to avoid a disadvantage for another person and seeking to influence a decision about relevant business. Accordingly, the Tribunal decided that the Member should be disqualified for 12 months from being or becoming a member of the authority or of any other relevant authority.

Relevant body: Radyr and Morganstown Community Council

Report date: 05/12/2022

Subject: Promotion of equality & respect

Case ref number: 202105923

The Ombudsman received a complaint that a Member (“the Member”) of Radyr and Morganstown Community Council (“the Council”) had breached the Code of Conduct.

It was alleged that the Member made racist comments to another member of the Council by making a seemingly out of context and negative reference to a political

and religious figure to the Complainant who was of the same religion as that figure. The Ombudsman determined that an investigation into the comments was appropriate and considered whether the Member's conduct may have breached paragraphs 4(a), 4(b), 4(c) and 6(1)(a) of the Code of Conduct.

Information was obtained from the Council, including relevant meeting minutes and emails. Witnesses, including the complainant, and the Member were also interviewed.

The investigation found that the Member's comments could reasonably be said to fall within the realms of freedom of expression. The investigation found that the Member's explanation for his comments, the fact that he had posted previously on social media about similar issues and that he said that he did not intend to be disrespectful to the Complainant and her faith suggested that he was entitled to express his views. His comments did not go beyond what was lawful comment and did not amount to gratuitous or personal comment or hate speech. The Ombudsman was not persuaded that the comments amounted to a breach of paragraph 4(a), 4(b), 4(c) or 6(1)(a) of the Code of Conduct.

The Ombudsman found that under Section 69(4)(a) there was no evidence of any failure to comply with the Code of Conduct.

Relevant body: Porthcawl Town Council

Report date: 30/11/2022

Subject: Disclosure & register of interest

Case ref number: 202105146

The Ombudsman received a complaint that a member ("the Member") of Porthcawl Town Council ("the Town Council") had breached the Code of Conduct for Members.

It was alleged that the Member had failed to declare a personal and prejudicial interest regarding an association with an employee ("the Employee") of a company which the Town Council had contracted for work. It was also alleged that the Member had allowed an inaccurate Internal Audit report to be published on the Town Council's website. The Ombudsman determined that investigation of the allegations concerning interests was appropriate, and the investigation considered whether the Member's conduct may have breached paragraphs 6(1)(a), 7(a), 11(1), 14(1)(a) and 14(1)(b) of the Code of Conduct.

Information was obtained from the Town Council, including relevant minutes and emails. Witnesses, including the complainant, and the Member were also interviewed.

The investigation found that the Member and Employee had had a short relationship in 2020, during which it was likely that the Member had a personal and prejudicial interest which they would have needed to declare and withdraw from relevant meetings where associated matters were discussed, or in approving invoices. The

evidence obtained suggested that the Member had not approved invoices whilst the relationship was ongoing, and whilst they had attended several Town Council meetings, which included associated items, only one of these meetings fell within the period of the relationship. The Ombudsman determined that the Member may therefore have breached paragraphs 11(1), 14(1)(a) and 14(1)(b) of the Code of Conduct with regard to the meeting within the relevant period.

It was found that as the Member and Employee's association was neither close or acrimonious after the relationship ended, the interest was no longer personal and prejudicial. The Ombudsman's investigation also found there was insufficient evidence to suggest the Member had used their position improperly or brought their office as a member of the Town Council into disrepute in breach of paragraphs 6(1)(a) or 7(a) of the Code of Conduct.

The Ombudsman considered that in the light of the limited involvement in the Town Council's business during the relationship and the fact that the Member had reflected on their position and that they should have considered their obligations under the Code and sought advice, it was unlikely a sanction would be imposed and it was not in the public interest to take further action in respect of the matter. However, it was recommended that the Member should attend refresher training on the Code of Conduct in respect of the matters investigated.

The Ombudsman found that under Section 69(4)(b) of the Local Government Act 2000 no action needed to be taken in respect of the matters investigated.

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Report to	Standards Committee
Date of meeting	6th April 2023
Lead Member / Officer	Gary Williams, Corporate Director, Governance and Business/ Monitoring Officer
Report author	Lisa Jones, Interim Head of Legal and Democratic Services
Title	Standards Committee Annual Report

1. What is the report about?

This report to Standards Committee is to enable the full Committee to have sight and contribute to the Standards Committee Annual Report, in advance of the item being presented to the full council. The draft report is attached as Appendix 1.

2. What is the reason for making this report?

It was agreed by Members of this Committee that an Annual Report should be presented on the work of the committee each year and its findings and observations, to all Council Members as part of the Committee's drive to increase standards of ethical behaviour and compliance with the Members Code of Conduct.

3. What are the Recommendations?

That Members:

- 3.1 Note the contents of the report.
- 3.2 Provide the Monitoring Officer with comments on the content in order to ensure that it accurately reflects the views of this Committee.
- 3.3 Recommend its presentation by the Chair to the Full Council

4. Report details

The draft report is attached as Appendix 1 for consideration.

5. How does the decision contribute to the Corporate Priorities?

A fully functioning and representative Standards Committee which upholds the high standards expected of members helps underpin the Council's exercise of its democratic functions.

6. What will it cost and how will it affect other services?

There are no additional costs associated with this report and there are no implications for other services as a result of this report.

7. What are the main conclusions of the Well-being Impact Assessment?

A Well Being Impact Assessment is not required.

8. What consultations have been carried out with Scrutiny and others?

No other consultations are considered required; this report is the consultation with Standards Committee that they are content the report reflects the Committee and Chair's perspective in respect of adherence to the Members' Code of Conduct in the County and observations in respect of probity and ethics generally.

9. Chief Finance Officer Statement

Not required.

10. What risks are there and is there anything we can do to reduce them?

There are no identified risks.

11. Power to make the decision

The Local Government Act 2000; the Standards Committee (Wales) Regulations 2001 and the Standards Committee (Wales) (Amendment) Regulations 2006.

Report to	County Council
Date of meeting	[to be confirmed]
Lead Member / Officer	Julia Hughes, Chair of Standards Committee;
Report author	Lisa Jones, Interim Head of Legal and Democratic Services /Deputy Monitoring Officer
Title	Draft Standards Committee Annual Report

1. What is the report about?

This is Annual Report of Standards Committee to the Full Council and covers the calendar year January to December 2022. It was agreed that the Chair will present this report to the Full Council, in order to keep Members informed of trends; issues in respect of compliance with the Members' Code of Conduct generally across the County and the work of the Committee in driving up standards of behaviour at County level, but also at Town, City and Community levels.

2. What is the reason for making this report?

It was agreed by Members of this Committee that an Annual Report should be presented on the work of the committee each year and its findings and observations, to all Council Members as part of the Committee's drive to increase standards of ethical behaviour and compliance with the Members' Code of Conduct.

3. What are the Recommendations?

That Members note the contents of the report.

4. Report details

- 4.1 Standards Committee main role is to monitor adherence to the Members Code of Conduct. All members are aware that their Code is founded (and should be read in conjunction with) the 7 Nolan Principles of Public Life. In Wales there are ten principles namely Selflessness, Honesty, Integrity and Propriety, Duty to uphold the law, Stewardship, Objectivity in decision making, Equality and Respect, Openness, Accountability and Leadership.
- 4.2 By way of reminder, Standards Committee consists of the following Member types – 2 County Councillors, 4 Independent (co-opted) Members, and 1 Community Council Member (who is not also a twin hatted Member). The majority of the Members are therefore not elected, but are recruited from members of the public as per the requirements of legislation in Wales. The Committee can also only be quorate when at least half of those Members present are the independent lay members.

4.3 During 2022 the Committee met on four occasions. The table below sets out a summary of the items under discussion: -

Date of Meeting	Report Items/Area s
4 th March 2022	<ul style="list-style-type: none"> • Standing Item: Attendance at meetings • Standing item: Forward Work Programme • Standing item: overview of complaints in Denbighshire against Members • Ethics and Standards training for the new Council and Town City and Community Councils. • National Standards Conference
22 nd July 2022	<ul style="list-style-type: none"> • Standing Item: Attendance at meetings • Standing item: Forward Work Programme • Standing item: overview of complaints in Denbighshire against Members • Standing item: PSOW – ‘Our Findings’ • Ethics and Standards Training update on progress • WG draft Guidance on the new Group Leaders’ Duty. • National Standards Forum update
28 th October 2022	<ul style="list-style-type: none"> • Standing item: Attendance at meetings • Standing item: Forward Work Programme • Standing Item: Overview of Complaints against Members. • Chairs Draft Annual Report for consideration

2 nd December 2022	<ul style="list-style-type: none"> • Standing item: Attendance at meetings • Standing item: PSOW – ‘Our Findings’ • Standing item: Dispensation Requests • Standing item: Forward Work Programme. • Standing item: Overview of Complaints against Members. • Member Training uptake and feedback to Committee • Ethical Liaison and Group Leaders’ Duty • National Standards Forum – feedback • Remuneration for Independent Members.
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4.4 Standing Items

There are now 5 standing items:

- (a) **Reports from Standards Members in respect of their attendance and observations at Committee and Council meetings whether at County or Town City and Community level.** Denbighshire County Council Standards Committee is proactive in its’ approach to raising standards and awareness of the Code of Conduct. Committee Members attend to observe conduct and general effectiveness of the meetings; will then feed back to the Committee, who may make recommendations in respect of any training needs or trends or patterns of conduct in particular communities or at County level.

In line with every previous annual report the Committee is keen to make it clear that their approach by attending in person at meetings is taken from a supportive angle; in order to target resources to improve standards and the public’s confidence in the vital work being done at community level, on a voluntary basis. The Committee fully recognises the value such councils and their members add to local communities. The Committee believes that the Code is there to give public confidence, but to also protect members and any efforts to raise this awareness for all serving members is a key theme they continually endorse.

- (b) **Overview of Complaints lodged against Members with the Public Services Ombudsman for Wales.**

The report is presented in a closed session and members are provided with a limited amount of detail in respect of the complaint but with sufficient detail to enable members to consider if training or other actions can be recommended to particular town, city and community councils which are experiencing issues or an increase in complaints.

(c) Forward Work Programme.

This aligns the approach of other council committees and encourages a more strategic approach to the role of the Committee as a proactive one not just reactive to complaints.

(d) Dispensation Requests.

A 'Dispensation' can be applied for by a Member in situations where they have a personal and prejudicial interest for which there is no exemption under the Code but that the Member wishes to obtain a dispensation enabling them to take part in the debate (with or without a vote) and such dispensations are set out in Regulations. For example the member has a particular role or expertise that could be of value to the debate; the members' participation would not damage public confidence; or at least half the members considering the business have a personal and prejudicial interest – which may make the meeting inquorate and therefore not possible to provide a resolution. Standards Committee instructs the Monitoring Officer to write to clerks at least annually to remind clerks of the ability for one or more Members to make an application. Standards Committee have some discretion to apply terms and conditions to such a grant of dispensation.

The Committee has some concern that the level of applications has reduced over the past 4 to 5 years and the Committee is not clear as to why this is the case. Clerks are encouraged to consider this option in their day to day advice to members and should not hesitate to make contact with the Monitoring Officer where clarification is needed.

(e) Public Services Ombudsman for Wales 'Our Findings'

This quarterly round up of cases is provided to the Committee to enable members to be informed of the thresholds and level of sanctions handed down or any areas of good practice and provides a 'national' picture. This information will inform whether local policy changes are required or additional training is needed for example; such updates are used by the Committee in a positive way to reflect practise in Denbighshire.

4.5 Training events in respect of Ethics and the Code of Conduct have been taking place in consultation with Standards Committee who fully support and encourage attendance by all elected members – via online and face to face sessions for County Councillors and Town City and Community Council Members. At County level such compliance contributes to promoting strong officer-member relations, with all County Council members having attended at least one session. Ongoing events for 2023 for town, city and community councils are scheduled, with the Committee keen to encourage and improve the attendance of community representatives and to take up this free awareness session, with the emphasis on the Code being there to protect Councillors in their vital community work. Data on the level of training take up by Community Councils is being collated and will be fed back to the Committee in due course.

4.6 During the year in question the established 'North Wales Standards Forum' has been formally replaced by an All Wales 'National Standards Committee Forum'. The forum now has secretariat assistance from the WLSA and provides a wider view of topical issues and a stronger voice in representing the views of the Standard Committees back to the Ombudsman

and the Welsh Government. This national Forum met for the first time on the 8th December 2022 in order to agree Terms of Reference and appoint a Chair and Vice Chair; discuss the approaches taken nationally in supporting Group Leaders with their duty under the Local Government and Elections (Wales) Act 2021 and finally receiving a presentation from the Public Services Ombudsman for Wales, Michelle Morris.

- 4.7 Of note is that during 2022 there were no Standards Committee Determinations (hearings) as to whether there had been a breach of the Code of Conduct.
- 4.8 A key role for the Committee going forwards will be receiving an annual report from each Group Leader on the efforts being made that contribute to compliance with their new duty to take reasonable steps to promote and maintain high standards of conduct of their members under the Local Government and Elections (Wales) Act 2021.
- 4.9 The duty recognises those in positions of leadership and influence within a principal council should have some responsibility in respect of the ethical behaviour of members of their group and to act as a positive role model.
- 4.10 It is acknowledged that the duty is not intended to be the panacea, but it is designed to be proportionate and helpful. The aim is to prevent or stop inappropriate behaviour before it escalates into a breach of the Code of Conduct. Leaders must have regard to Statutory Guidance issued which is designed to support leaders of political groups understand and discharge their duties in relation to high standards of conduct, whilst recognising that they will wish to, and should, be encouraged to develop their own approach in line with their wider statutory obligations, local circumstances, and best practice. The Committee looks forward to working collaboratively, supporting Group Leaders with their duty wherever possible.
- 4.11 A review into whether the ethical framework is fit for purpose is being conducted for the Welsh Government, referred to as the 'Penn Review'. Looking forward into 2023 the Committee and the Council will be contributing to the Welsh Government response to the Penn Review, which the Standards Committee 2021 Annual Report made reference.

5. How does the decision contribute to the Corporate Priorities?

A fully functioning and representative Standards Committee which upholds the high standards expected of members helps underpin the Council's exercise of its democratic functions.

6. What will it cost and how will it affect other services?

There are no additional costs associated with this report and there are no implications for other services as a result of this report.

7. What are the main conclusions of the Well-being Impact Assessment?

A Well Being Impact Assessment is not required.

8. What consultations have been carried out with Scrutiny and others?

No other consultations are considered required; consultation with Standards Committee has taken place and they are content the report reflects the Committee and Chair' perspective in respect of adherence to the Members' Code of Conduct in the County and observations in respect of probity and ethics generally.

9. Chief Finance Officer Statement

Not required.

10. What risks are there and is there anything we can do to reduce them?

There are no identified risks.

11. Power to make the decision

The Local Government Act 2000; the Standards Committee (Wales) Regulations 2001 and the Standards Committee (Wales) (Amendment) Regulations 2006.

National Standards Forum Committee

Friday, 27th January 2022

1. Election of Chair

- Clive Wolfendale elected as Chair.

2. Election of Vice Chair

- Jason Bartlett elected as Vice Chair.

3. Role and Terms of Reference

- The forum consists of all local government organisations in Wales. There will be 4 MO's at any one meeting from principle councils, 1 MO from Fire and 1 from NPAs – these have been taken from the CJC regions.
- Secretariat by WLGA.
- Frequency of meetings 2 per year.
- MOs will suggest agenda items at Lawyers in Local Government meetings.
- The forum is essentially a voluntary members association, any work undertaken by MOs will be done on a voluntary basis. The forum may benefit from having a dedicated MO resource.
- Cardiff deputy MO will be able to support the forum if needed.

Comments

- The idea of having a MO is sensible, Chair of BBNPA Pam Hibbard supports this decision.
- Point of clarification – on the occasion when a Chair is not available to attend a meeting, can a Vice Chair stand in as substitute?
 - Yes, Vice Chair is welcome as a sub.

ACTION: Secretariat to circulate the ToR.

4. Discussion on implementation of the new duty on Group Leaders and how this will be reported as part of the Standards Committee Annual Report

- The new duty was introduced under LG & Elections Wales Act 2021, came into effect in May 2022. Will impact at the end of this municipal year when preparing the Annual Report. There has been statutory guidance produced by WG, expectations on Group Leaders to promote standards rather than be responsible.

ACTION: Secretariat to circulate Annual Report pro-forma

Comments

- Standards committee met with Group Leaders in Newport before Christmas. Issued the stencil to the Group Leaders, will be going through the document with the Leaders individually at the next Standards Committee meeting.
- MTCBC have had the introductory meeting with Group Leaders, a very positive meeting. Agreed on regular meetings with Group Leaders for continuity. Have been invited to the next Council meeting to give an update.
- Duty in the Act is new, in Swansea there has been a similar process for a number of years. Have been meeting with Group Leaders on a formal basis. In discussions about meeting informally with the Group Leaders to see if that will bring out any other issues which can be raised informally.
- WLGA have received requests from Councils around providing group leader support/training around the new duty. Can be organised online or in person.

ACTION: WLGA to circulate training offers.

- Pembrokeshire Standards Committee Chair and Vice Chair are planning on meeting with Group Leaders. 35 independent Councillors in Pembrokeshire, 22 consider themselves to be their own groups, with 13 identifying as one group. Will have to ask each individual for their own report.

ACTION: WLGA to give thought to how communication is made via Chairs.

- Ethical Liaison meetings in Flintshire – a few councils have said they are doing something similar.
- Denbighshire have adopted a similar system to Flintshire, have had a useful meeting with Group Leaders, helped and amended the template.

5. Guest Speaker: Michelle Morris, Public Service Ombudsman for Wales

- Investigating complaints that service users and members of the public make, also a key role in driving improvement in public services in Wales and ethical standards in public life.
- In terms of current work – April 21-March 22 was a busy year, more complaints than in the last decade, just under 300 complaints, 240 complaints were not taken forward to investigations.
- A lot of breaches are about lack of respect for others, about behaviours, over 50% of the complaints.
- Helpful for the forum to be a sounding board for advice and guidance.

Comments

- Ovw have not had additional funding to help support Town and Community Councils, is there something that this forum can do?
- Ceredigion did undergo some training, detailed process.

- Quarterly reports have been changed into a search engine, the reports were very useful to analyse trends across Wales, will you revert to the reports or upgrade the search engine?
 - Useful feedback, planning to do some work on the website and how information is provided.

6. Penn Report, Lisa James, Welsh Government

- The Minister has not made any further announcements or decisions since thanking Richard for the report.
- The next stage will be a 12 week consultation seeking views on the recommendations of the report. Some things have moved on like the publication of Members addresses which was resolved prior to the elections.
- In terms of membership of Standards Committees, ban on those who have been a Member of a Council or an employee of the Council – worth asking questions around this again.
- Powers of standards committees to summon witnesses.

Comments

- Have started to implement things from the Penn Report.

7. AOB

- Members Annual Reports – it is not a statutory requirement to do them but encourage Members to do so in Anglesey. What is the practice for other Standards Committees across Wales?

ACTION: Secretariat to establish baseline figures for 2021/22 Councillor Annual Reports via the Heads of Democratic Services Network

- Chairing Skills for Chairs and Vice Chairs of Standards Committees.

ACTION: WLGA to work with Chair and Vice Chair to develop training for Chairs of Standards Committees

ACTION: Secretariat to scheduled next meeting for late June / early July

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Presentation Notes – National Standards Forum

Introduction

- Introduce Ombudsman
- Powers of PSOW set out in Local Government Act 2000 - Ethical Standards in Public Life (c.750 bodies in jurisdiction);
- Welcome est. of National Standards Forum – important forum to promoting the highest standards of conduct;

Overview of PSOWs Current Work

- Figures for 2021/22
 - **294 Complaints (Split PC123/TCC 171)** (at this point last year it was 219 PC 85/TCC 129)
 - **No. closed at Assessment 241** (av 20.1pm)
 - **No. Investigations closed last year was 39** (23 at this point in the year)
 - **Referrals to SC/APW last year – 20 Referrals**
- Figures for current year 2022/23
 - **No. Complaints to date 219** (Split PC - 91/TCC - 126)
 - **No. closed at Assessment – 197** (av 22 pm + 6%)
 - **No. Investigations open is 62** (closed 22 compared with 23 at this point last year)
 - **No. Referrals to SC/APW – 5 to date (Likely to be 9 at end of year)**

Our Performance – good early in process but only 7/10 investigations concluded within 12 months.

Key themes

- Breaches due to lack of equality and respect – behaviours towards others (>50%)
- Lack of understanding between public and private role
- Inappropriate use of email and social media
- Lack of CoC training and strong correlation with Breaches
- PSOW work alongside Audit Wales – link between multiple complaints and governance issues = dysfunctional councils

PSOW has a role to be proactive in promoting highest standards of conduct.

Working with NSCF

- **Sounding Board**
- **Sharing data and intelligence** e.g. Annual Letters, SC Annual Reports;
- **Sharing and Promoting Good Practice** e.g. model procedure for agreeing arrangements with the parties (PSOW & the Cllr/their representative);
- **[Joint] Early Intervention** – to prevent escalation e.g. training (low level issues)
- **Promotion of Code of Conduct training** for all Members and reporting on compliance

Report to	Standards Committee
Date of meeting	6 th April 2023
Lead Member / Officer	Gary Williams – Corporate Director – Governance & Audit
Head of Service	Lisa Jones – Interim Head of Legal and Democratic Services
Report author	Lisa Jones
Title	Welsh Government Consultation on the Penn Review.

1. What is the report about?

To provide Members with the Consultation document released on the 24th March 2023 in respect of the Penn Review and to enable the Committee to contribute thereto.

2. What is the reason for making this report?

2.1. To seek the views of the Standards' Committee on the Welsh Government response and to consider the questions the consultation raises, in advance of collating the views of the wider Council membership and key officers involved in the Ethical Framework.

3. What are the Recommendations?

3.1 That Members give consideration to the questions raised by the Consultation paper and provide the Monitoring Officer with a view from the Committee's perspective.

3.2 A Well-being Impact Assessment is not required as part of this consideration.

4. Report details

4.1 The Committee has been kept updated in respect of the review of the Ethical Framework in Wales – the 'Penn Review' - which commenced in 2021, such framework

having remained largely unchanged for twenty years. Members will recall from previous reports that the initial phase on the review found that the framework was fit for purpose but that some areas may benefit from future amendments.

4.2 Members attention is drawn to the Consultation Paper attached as Appendix 1 and to give consideration to the 21 Questions raised.

4.3 A presentation on the paper will be presented to Standards' Committee Members at this meeting to facilitate the debate which will helpfully inform and contribute to the response the Council wishes to make.

5. How does the decision contribute to the Corporate Plan 2022 to 2027: The Denbighshire We Want?

The Ethical Framework contributes to the theme of a well run high performing Council.

It is likely that the decision or contribution will have a neutral impact of the Council becoming net carbon zero and ecologically positive by 2030 however further information will become available following the consultation to inform this assessment.

6. What will it cost and how will it affect other services?

There are no additional costs as a result of this report.

7. What are the main conclusions of the Well-being Impact Assessment?

For the purposes of this contribution to the Consultation no wellbeing impact assessment is required.

8. What consultations have been carried out with Scrutiny and others?

No consultations have been carried out on this Consultation Paper but consultation will take place following Standards Committee meeting and providing their views.

9. Chief Finance Officer Statement

Not required.

10. What risks are there and is there anything we can do to reduce them?

There are no identified risks in contributing to the consultation.

11. Power to make the decision.

Local Government Act 2000 and the Ethical Framework established thereunder.

Section 8.6.9 the Council's Constitution.

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Llywodraeth Cymru
Welsh Government

PUBLICATION

Consultation on the recommendations of the Independent Review of the Ethical Standards Framework (Richard Penn report)

We are seeking your views on our response to the review of the Local Government Ethical Standards Framework.

First published: 24 March 2023

Last updated: 24 March 2023

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/consultation-recommendations-independent-review-ethical-standards-framework-richard-penn-report> for the latest version.

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Introduction

In March 2021, the then Minister for Housing and Local Government commissioned an independent Review of the Ethical Standards Framework (“the Framework”) for local government in Wales established by the Local Government Act 2000 (“the 2000 Act”). An overview of the Framework is included at annex 2. The Framework extends to county and county borough councils, corporate joint committees, national park authorities, fire and rescue authorities and community and town councils. Where the term council(s) is/are used throughout this document this also extends to all member(s) of the above-named bodies.

The Framework has remained largely unchanged over the last 20 years, so an independent review was felt important to maintain confidence in the system and ensure developments in the way councillors and their public lives are reflected in its operation.

An effective ethical framework is essential to ensure people and councillors from all backgrounds have confidence to engage with local democracy or stand for elected office. It is part of making Wales a diverse and inclusive nation and its review is an action in our Anti-racist Wales Action Plan.

In addition, it is essential the Framework reflects significant legislation made since its establishment, in particular the Equality Act 2010, the Well-being of Future Generations (Wales) Act 2015 and the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”). This document contains links to the original legislation. In some cases, the legislation has since been amended and links to the amended legislation are contained in the bibliography at the end of this document.

The 2021 Act introduced several measures intended to complement the existing Framework. Firstly, it placed a new duty on leaders of political groups to take

reasonable steps to promote and maintain high standards of conduct by the members of their group. In doing so, a group leader must co-operate with the council's standards committee in the exercise of its functions to promote and maintain high standards of conduct. In turn, a standards committee has new functions under the above 2021 Act to ensure group leaders have access to advice and training to support their new duties and to monitor group leaders' compliance with those duties.

Secondly, after the end of each financial year, standards committees will be required to make an annual report to the council describing how the committee's functions have been discharged and setting out an overview of conduct matters within the council. The council will be obliged to consider the report and any recommendations within 3 months of receipt.

Terms of reference for the review

The independent review ("the Review") was undertaken by Richard Penn, a former local authority chief executive and former chair of the Independent Remuneration Panel for Wales.

The terms of the Review were as follows:

- an audit of the codes of conduct adopted by all the required authorities against the Model Code of Conduct to identify any local variances
- an analysis of the effectiveness of the Framework in fostering high standards of conduct in local government in Wales and public confidence in those arrangements
- consideration of whether the Framework is still 'fit for purpose', including whether the 10 principles of conduct are still relevant and whether the Model Code of Conduct needs updating. This included identification of areas where improvements could/should be made to the current arrangements
- consideration of the role of standards committees, including their role in

relation to community councils and whether the establishment of sub-committees has any impact on the process of supporting community councils and dealing with complaints

- an analysis of the arrangements and protocols in place within authorities to support members and staff in preventing the need for issues to a) arise in the first place, and b) be escalated beyond local resolution. This included areas such as clear communication and signposting, training and awareness and the authorities' approach to addressing concerns
- consideration of the current sanctions and whether they are still appropriate

Conclusions of the Independent Review of the Ethical Standards Framework

The **review** concluded the current Framework is 'fit for purpose' and works well in practice. It suggested a few amendments could lead to a greater emphasis in the Framework on prevention of complaints, improve the handling of complaints and result in already high ethical standards being further enhanced.

Development of this consultation paper

Since the publication of the Review, we have engaged with stakeholders including monitoring officers, the Public Services Ombudsman for Wales (PSOW) and her office, the Welsh Local Government Association (WLGA) and One Voice Wales. We also listened carefully to the discussion on the Review's recommendations at the All-Wales Standards Conference in February 2022. In addition, we are grateful to the standards committees which have written to us with their views. This consultation paper builds on the Review's recommendations taking these discussions and other communications into account.

Consideration of the recommendations of the Review

Recommendation 1

The Code does not specify any threshold for declarations of any gift, hospitality, material benefit or advantage. The threshold should be specified in the Code to ensure consistency across Wales.

Consideration of recommendation 1

The Review notes the Model Code of Conduct (“the Model Code”) does not include a threshold for the declaration of gifts, hospitality, material benefit or advantage. As a result, where councils have decided to include a threshold in their own codes, a wide variation has occurred ranging from £21 to £100. The Model Code of Conduct is annexed to the Local Authorities (Model Code of Conduct) (Wales) Order 2008, as amended.

Further exploration with stakeholders suggests this is because different councils are of different sizes and constitution. Also, local circumstances impact on whether councils have decided to include a threshold in their own code or not and, if so, what the threshold is. A threshold of £100 or £150 for example may not be appropriate for some councils, as for some it may be too high and for others it may be too low.

We do not propose to amend the Model Code but recognising that approaches to the management and monitoring of gifts and hospitality are often sensitive matters we have recommended in our Statutory and Non Statutory Guidance for Principal Councils in Wales supporting provisions within the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local

Government and Elections (Wales) Act 2021 that the approach to this is reviewed and agreed within individual principal councils and that the regular review of thresholds for declaration of gifts, hospitality, material benefit or advantage, are included in standards committee's annual report. This will assist in terms of transparency of the arrangements.

As part of the guidance, we have also suggested this is a matter that should be routinely discussed by the monitoring officers and chairs of standards committees' groups.

Recommendation 2

The 2000 Act requires members to include their home address in their Council's Register of Interests. There is agreement that the Code should not require Councillors to disclose their home address and that the Code should be amended appropriately.

Consideration of recommendation 2

The Model Code as set out in the regulations does not specifically require the disclosure of the detail of the councillor's home address when an interest is declared in terms of their home.

However, in view of the requirements in the Code of Conduct for members to be open and transparent in their handling of matters relating to their personal interests, including the property they own and live in, guidance provided by the PSOW's office advised councillors to include the address. Following discussions with stakeholders, it was agreed that councillors are required to declare the interest but the PSOW's guidance has since been updated '**The Code of Conduct for members of local authorities in Wales**' advising members that it is sufficient to provide only the street name or postcode of the property. These

changes relate to practical matters in respect of the publication of a councillor's home address only. It remains an obligation on councillors to ensure they declare personal and prejudicial interests in matters relating to any Council business which affects property they own or reside in.

In addition, the local authorities (Amendments Relating to Publication of Information) (Wales) Regulations 2022 Amendment to the Local Government Act 1972, which apply in relation to Wales, amend the Local Government Act 1972 ("the 1972 Act") and the local authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 ("the 2001 Regulations") removing the requirement for county councils in Wales to publish details of councillors' personal home addresses.

In view of the above the issue has now been resolved and we therefore propose no further action is required in respect of this recommendation.

Recommendation 3

A 'person' is not defined either in the 2000 Act or in the Model Code. It is recommended that a clear definition of what is meant by a 'person' on the face of the legislation or in the Model Code would be beneficial.

Consideration of recommendation 3

The Legislation (Wales) Act 2019 (and the Interpretation Act 1978) provide effectively identical definitions of a 'person'. This approach to a single definition of commonly used terms in the drafting of legislation is important to ensure primary and secondary legislation is not littered with conflicting, contradictory, or unnecessarily lengthy definitions of commonly used terms.

Whilst we sympathise with the example set out in the Review, we do not

propose to take any action on this recommendation.

Recommendation 4

Paragraph 4a of the Code which requires that a member must: 'carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion' does not include all protected characteristics. The provision in the Code should be extended to include all nine protected characteristics under the Equality Act 2010.

Consideration of recommendation 4

Section 4 of the Equality Act 2010 ('the 2010 Act') provides for the following protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The drafting of the Model Code pre-dates these provisions and, whilst the principles set out in the Model Code are in the spirit of the 2010 Act, discussions with stakeholders confirmed an alignment of the Model Code with the protected characteristics in the 2010 Act would not only provide clarity but also importantly send a strong message that councillors are expected to promote and maintain

the highest standards of conduct.

We therefore propose to amend the definition in paragraph 4a of the Model Code of Conduct ([the Local Authorities \(Model Code of Conduct\) \(Wales\) Order 2008](#)) to align with the definition of protected characteristics in section 4 of the Equality Act 2010.

We will also amend the definition of equality and respect in section 7 of [The Conduct of Members \(Principles\) \(Wales\) Order 2001](#).

Recommendation 5

The potential for breaches of the Code as a result of the extensive and increasing use of social media is a matter of concern. The helpful guidance by the WLGA and the Public Services Ombudsman should be formalised by appropriate amendments to the Code.

Consideration of recommendation 5

Discussions with stakeholders have included consideration as to how training, both induction training and on-going training, is being provided to elected members on the Model Code, including its application in the case of social media.

The discussions on take up of training after the May 2022 elections have been positive and we believe training and take up of training will be more effective in addressing this issue than amendment of the Model Code. The Model Code applies to a councillor's behaviour in a myriad of circumstances, and we feel it is therefore not appropriate to carve out one context as opposed to others in the Model Code itself.

We therefore do not propose to amend the Model Code but will continue to work with the WLGA, One Voice Wales, the PSOW and monitoring officers to promote training as the most appropriate way of preventing inappropriate behaviour through the medium of social media.

In addition, we have also included specific reference to Model Code training and the application of the Code in the context of social media in our revised statutory guidance on member training and development issued under section 7 of the Local Government (Wales) Measure 2011 and in the guidance on the training plans town and community councils are required to prepare under the 2021 Act.

Recommendation 6

6 (1)(b) of the Code of Conduct places the obligation on elected members to report the criminal behaviour of others but not of themselves. The Code should be appropriately amended to make this an obligation of the member to themselves report on their own criminal conduct.

Consideration of recommendation 6

The area of criminal behaviour is a legally complex one. Firstly, there is the issue of when should the member 'self-report' their own criminal behaviour. Should reporting happen when the member is charged or when the member is alerted to a criminal investigation taking place. How would this impact on the basic principles of natural justice and the possibility of the member prejudicing cases or investigations against themselves.

Should reporting be required when a conviction has been made, even though an appeal may be underway or when all avenues of appeal have been exhausted. Either way the recommendation as made would set a higher bar for self-reporting than for reporting another member where 'reasonably believes' is set

as the bar.

A further question is how this approach would interface with the disqualification regime for local authority membership. Currently, members are not disqualified until such time as all appeals are exhausted or they have not attended a local authority meeting for more than 6 months, whichever occurs first.

Also, we believe that the principles set out in The Conduct of Members (Principles) (Wales) Order 2001 are strong enough to rely upon a member self-reporting any action they may have taken which is potentially in breach of the principles and the related Code.

We therefore propose to take no further action in relation to this recommendation.

Recommendation 7

Mandatory training on the Code of Conduct for all members of principal councils and community councils. Include a commitment to undertake the necessary training in the Declaration of Acceptance of Office that all elected members are required to sign under The Local Elections (Declaration of Acceptance of Office) (Wales) Order 2004.

Consideration of recommendation 7

High quality, easily accessible training and its take-up has been a recurring theme in our discussions with stakeholders. One Voice Wales and the WLGA have focussed on this in the run up to and post the May 2022 elections. Monitoring officers have also been prioritising code of conduct training for newly elected and returning members.

Training is one of the areas we will be requiring standards committees to report on. Also, standards committees are required to work with political group leaders to support the delivery of their statutory duty to promote high standards of conduct amongst the members of their political groups in statutory guidance issued under the 2021 Act.

The requirement for and the provision of mandatory training on the code of conduct has wide ranging implications for prospective members, members and councils in terms of time commitment and cost. It would also potentially require primary legislation. We have therefore explored this issue further as part of the recent [consultation on electoral administration and reform](#). This consultation closed on 10 January. The responses received are currently being considered and will inform future policy on this matter.

The Local Elections (Declaration of Acceptance of Office) (Wales) Order 2004 has not been revoked or amended since it was made in 2004. The declaration of office is included in Schedule 1 as follows:

- I [(1)] having been elected to the office of [(2)] of [(3)] declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.
- I undertake to observe the code for the time being as to the conduct which is expected of members of [(4)] and which may be revised from time to time.
- Signed Date
- This declaration was made and signed before me.
- Signed

Proper officer of the Council (5)

(1) Insert the name of the person making the declaration.

(2) Insert 'member' or Mayor as appropriate.

(3) and (4) Insert the name of the authority of which the person making the declaration is a member or mayor.

(5) Where the declaration is made before another person authorised by section 83(3) or (4) of the Local Government Act 1972, state instead the capacity in which that person takes the declaration.

Arguably, including a reference to training in the declaration of office in effect makes training mandatory and so we do not propose to make any amendments to it at this time.

We will however:

- continue to work with councils, the WLGA and One Voice Wales to promote the importance of training and its take-up amongst councillors
- continue to support the development of easily accessible resources to enable training including on-line
- consider how this training is identified as part of the training and development assessment undertaken by heads of democratic services and democratic services committees in principal councils under the Local Government (Wales) Measure 2011 and as part of training plans produced under the 2021 Act in town and community councils

We will also:

- engage with the PSOW and her office to assess the level and nature of complaints being received and whether non-attendance at training has been a contributory factor to the reported poor behaviour and the extent to which training is recommended as part of the remedy
- require standards committees to monitor and report on whether councillors who have been the subject of a complaint which has been upheld have or have not attended a training session on the code of conduct. We have included this requirement in statutory guidance to standards committees issued under section 63 of the 2021 Act

Recommendation 8

Increased use of local resolution of complaints, the Model Code of Conduct should be appropriately amended to require that any complaint should be considered for local resolution before it can be referred subsequently to the Public Services Ombudsman.

Consideration of recommendation 8

Local resolution protocols are intended to deal with what are sometimes called ‘lower level’ complaints made under the code of conduct by 1 member about another member, and sometimes, if appropriate, similar complaints made by officers or members of the public. These are usually complaints about failure to show respect and consideration to others.

Firstly, we do not believe it is appropriate that any complaint made under the code of conduct should firstly be dealt with through local resolution. We do not believe it was the intention of the recommendation in any case that all complaints would first be the subject of local resolution.

Secondly, we suggest that the Model Code is just that, a Model Code which sets out the minimum legal requirement for inclusion in the code of conduct a council adopts. It would, in Welsh Government’s view, be perfectly feasible for councils to include the requirement to have a local resolution protocol in their codes as adopted.

However, we believe visibility of the process to the public, officers and members is important and we have therefore included a requirement in our statutory guidance to standards committees on their annual reports to consider the operation of the local protocol and an assessment of its impact. Where no local protocol has been adopted, we will require standards committees to consider

whether the adoption of such a protocol would support its functions in relation to promoting high standards of ethical conduct.

Recommendation 9

Extended powers for the Public Services Ombudsman for Wales Greater use of the Ombudsman's discretion for referral would be welcomed by Monitoring Officers and Chairs of Standards Committees. The extension of his power to refer complaints back for local resolution would be a beneficial change to the current framework.

Consideration of recommendation 9

The Report identified that poor conduct (even if it does not meet the PSOW's threshold for full investigation) has an adverse impact on public and elected member confidence in the system. This view was again expressed in the context of 'low level' complaints which do not meet the bar for full investigation by the PSOW.

We agree with the conclusions that action being seen to be taken and being taken to address this kind of behaviour is essential to maintain confidence in the system. However, we do not believe a change in the law is required.

When a case meets PSOW's threshold for investigation and the PSOW starts an investigation, section 70(4) of the 2000 Act states that where the PSOW ceases an investigation under section 69 before its completion, the PSOW may refer the matters which are the subject of the investigation to the monitoring officer of the relevant authority concerned. Even when cases are not investigated, PSOW's approach is to share all cases with the monitoring officers. This, when taken with the changes to the 2000 Act inserted by the 2021 Act, enhancing the role of political group leaders and standards committees to promote and maintain high

standards of conduct amongst members, enables this issue to be addressed through discussions between the PSOW, monitoring officers and standards committees.

The PSOW has agreed to explore how she may support monitoring officers and standards committees with their enhanced role, and we do not therefore intend to take any further action.

Recommendation 10

Changes to the powers and processes of the Adjudication Panel for Wales (APW).

Consideration of recommendation 10

The Report's recommendation included several proposals for changes to the procedures of the APW as follows.

Restricted reporting orders

The APW cannot control the reporting by the press about any case. The APW President considers that the powers such as those available to an Employment Tribunal, to impose a restricted reporting order either until the end of proceedings or an extended restricted reporting order, would be appropriate for all APW Tribunals where the fairness of the tribunal or the safety of witnesses, panel members or staff are potentially compromised.

We are therefore seeking your views on whether we should make legislative provision to enable the APW to issue restricted reporting orders, and a question on this is included in the consultation questions below.

Anonymity of witnesses

The President can issue guidance to ensure consistency and transparency, but the APW believes an express power to anonymise, used proportionately to ensure witness safety, would be appropriate for both case and appeal tribunals.

We are therefore seeking your views as to whether there should be express legal provision for the APW to protect the anonymity of witnesses and a question on this is included in the consultation questions below.

Disclosure

An issue related to the disclosure of the unused material held by the PSOW and monitoring officers was identified in the Report. It has been agreed to amend the PSOW's own process in this regard, with Presidential Guidance / Practice Direction on both disclosure and the role of the monitoring officer generally.

This issue has now been resolved through a change to Presidential Guidance and therefore no further action is required.

Appeal Tribunal procedure

The APW President believes there should be amendments to the Appeal Tribunal procedure to include an express power to summon witnesses to an Appeal Tribunal.

Also, regulation 9(2) of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 ("the 2001 Regulations") requires the standards committee to consider a recommendation from the APW decision that a different penalty should be

imposed to the original decision. Some stakeholders do not support this process whilst the APW President does support it as the standards committee remains responsible and can reflect its response to the Panel decision in the sanction it decides to impose.

The current arrangements in relation to appeals are set out in the 2001 Regulations and in Presidential Guidance. There is also a APW Practice Direction which sets out relevant information about the APW's procedures in response to a reference from the PSOW. The Guidance and Practice Directions are available on the [APW website](#). Also see the [APW's Presidential Guidance and Practice Directions](#).

We are therefore interested in your views as to whether an express power to summon witnesses to appeal tribunals should be provided for, and whether there should be any changes in the procedure referring appeal decisions back to standards committees. A question on this is included in the consultation questions below.

Case Tribunal procedure

The APW President considers that the regulations are outdated and has proposed a number of amendments to make the case tribunal procedure more efficient and fairer to witnesses.

These proposals relate to:

- providing express provision for part public and part private hearings
- whether the requirement to provide 7 days' notice of postponement of a hearing to the accused member should be reconsidered
- the process for seeking permission to appeal

The current process for seeking permission to appeal is set out in the Local

Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, as amended by The Local Government (Standards Committee, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016.

It requires the President, or their nominee, to make a decision within 21 days of receipt of a request to appeal. If the President requests further information the applicant has 14 days to respond, and then the President has 14 days from the receipt of the further information to make a decision. However, there is potential for different interpretations of the impact of a request for additional information on the timetable as it is potentially unclear whether the 'clock' on the 21 days stops while the additional information is being sought.

In addition, the regulations do not give the PSOW any opportunity to make submissions and a preliminary hearing to decide whether to grant permission to appeal is possible if there are 'special circumstances', but there is no extension of time provided for in the regulations to allow for this.

The President has therefore proposed an alternative approach as follows:

- Councillor sends in appeal; no deadline is set for an APW decision
- President/Registrar checks the appeal has attached the decision of the standards committee and if not, gives the councillor 7 days to provide it (and has the power to ask the monitoring officer if they so wish for the decision and any other information)
- the appeal is sent to the PSOW who is given 14 days to comment
- the appeal, decision of the standards committee and any comments from the PSOW are put before the President (or their nominee) for a decision on the papers; again, no deadline would be set for a decision
- the President or their nominee can direct a preliminary hearing takes place if they consider it is in the 'interests of justice' to do so as opposed to 'special circumstances'

We would welcome your views on these proposed changes to the permission to appeal procedure. Similarly, on whether there should be an express provision to enable part or all of a hearing to be held in private, and also whether the requirement to provide not less than 7 days' notice of the postponement of a hearing should be retained.

Questions on the above are included in the consultation questions below.

Sentencing powers

The powers available to the APW are limited and some stakeholders felt there should be an option to impose more varied sanctions as was the case with the former Adjudication Panel for England.

Where a case tribunal decides that a member has failed to comply with the code of conduct the sanctions it may impose are set out in section 79 of the 2000 Act. The tribunal may suspend a member for a period of up to 12 months or disqualify them for a period of up to 5 years.

We are interested in your views as to whether there should be a wider range of sanctions available to the APW and if so, what should these be? A question on this is included in the consultation questions below.

Interim Case Tribunals

The PSOW has the power to make interim referrals to the APW if it is in the public interest and where there is prima facie evidence that the person has failed to comply with the code of conduct, the nature of which is likely to lead to disqualification.

The threshold for meeting the legislative requirements for an interim referral is

considered by stakeholders to be too high, but any change to these powers would require primary legislation by the Welsh Government.

The proposal is that the whole process should be simplified by applying a test similar to that used by the Regulatory Tribunals such as the Medical Practitioners' Tribunal. This would be a relatively minor amendment to the current public interest test but would make the approach to be adopted and the definition of public interest much clearer. It would require new legislation by the Welsh Government.

To date there have been no interim tribunals. Stakeholders have suggested that this is largely because the process is the same as for a full case tribunal. The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001 are therefore perceived to be a barrier to their intended purpose.

Sections 76, 77 and 78 of the 2000 Act set out the membership of interim tribunals, the ability of the person who is the subject of the adjudication to have appropriate representation and the sanction which an interim tribunal can issue (a maximum of a one-off, 6 month suspension or partial suspension).

The process as currently set out therefore seems not to be fit for the purpose of balancing, and not prejudicing, an elected member's access to justice at a case tribunal with the public interest.

It has therefore been suggested the process is simplified by applying a test similar to that used by the Regulatory Tribunals such as the Medical Practitioners' Tribunal Service ("MPTS"). The interim case tribunal would proceed with a legal member sitting alone, and considering the application on the papers only, but with the ability to invite oral submission from the parties if the member considered that to be in the interests of justice.

As now, the process would also enable the PSOW to submit a reference to the

President of the APW with a report setting out the background and why an interim suspension was sought.

At the most, only 6 months suspension (partial or full) would be possible and could be renewed up to 3 times in total (18 months in total). The accused member would be given an opportunity to submit why the interim suspension should not be made, but there would be no evidence called and the PSOW's report would be taken at face value, in the same way as the GMC's at the MPTS.

A possible approach to the public interest test is as follows. It would be appropriate to suspend or partially suspend a member where it appears to the interim case tribunal that:

- a case tribunal at a final hearing would be likely to make a finding that there has been a failure to comply with the code of conduct of the relevant authority concerned
- and the nature of that failure is such as to be likely to lead to disqualification under section 79(4)(b) of the 2000 Act
- and that it is in the public interest to suspend or partially suspend the accused member immediately for the protection of members of the public, to maintain public confidence in local government, to uphold proper standards of conduct and behaviour, or to enable the completion of the PSOW's investigation

To fully achieve this change would require amendment to the 2000 Act and The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001

We are therefore seeking your views on this proposal and a possible intermediate step of amending the regulations only to simplify the process for interim case tribunals until such time, if the proposal is supported, a change can be made to the primary legislation. Amendment to the regulations could include

a new schedule specifically for a shorter, more streamlined process for interim tribunals. A question on this is included in the consultation questions below.

Recommendation 11: the role of Standards Committees

Additional powers to require necessary training of members and the power to require a member to make an apology to the complainant.

Establish an all-Wales Forum for Independent Chairs of Standards Committees and the re-establishment of the annual Conference for Independent Chairs and Independent members of Standards Committees.

Consideration of recommendation 11

The recommendations relating to the powers of standards committees to require the necessary training of members and to require an apology to the complainant are related to the role the Review proposed for standards committees in addressing both complaints dealt with through the local resolution process and any referred back for local resolution after having been initially referred to the PSOW. We do not believe standards committees need further legal powers to exercise these functions. The functions conferred upon them in the 2000 Act already include promoting and maintaining high standards of conduct and assisting members and co-opted members to observe the code of conduct.

We therefore propose these are matters that could be incorporated into local codes and protocols without the need for further legislation. We have incorporated guidelines on these issues in the statutory guidance to standards committees in relation to the exercise of the new functions conferred upon them by the 2021 Act.

The WLGA has agreed to convene an all-Wales forum for independent chairs of

standards committees and the all-Wales standards conference has been re-established. These actions were not for the Welsh Government, but we support them and very much welcome the establishment of the network and the reconvening of the conference.

Recommendation 12

Accessibility of the ethical standards Framework. Make the framework process more accessible for the public.

Consideration of recommendation 12

We agree with the review that public confidence in the Framework is essential to our local democracy. One of the steps in ensuring confidence is that the process is accessible and consistently applied across Wales. We will therefore work with the PSOW, the WLGA, One Voice Wales and monitoring officers to raise public awareness of the Framework and what the public can expect if they engage with it.

We would welcome any views on how awareness raising might be taken forward so as to be inclusive of everyone across Wales. A question on this is included in the consultation questions below.

Other related matters raised in discussions with stakeholders post publication of the Penn Review Report

In addition to the recommendations raised in the review report stakeholders have raised a number of further issues with us and we are now also seeking

views on the following.

Advertising for independent members of standards committees

The regulations require advertisements for vacancies for independent members of standards committees to be placed in local newspapers. Some stakeholders have told us that this does not generate a field of candidates and is costly and time consuming. They have suggested that other methods of advertising and reaching out through council networks generates a larger field and reaches candidates from more diverse backgrounds. (See regulation 13 the Standards Committees (Wales) Regulations 2001).

We are therefore seeking views on whether the requirement to advertise vacancies for independent members on standards committees in newspapers should be removed. A question on this is included in the consultation questions below.

Former council employees sitting as independent members on standards committees

After a 12 month period of grace, former council employees can sit as independent members on standards committees of councils where that council was not 1 of their previous employers but not on the standards committee of the council which employed them, even if the council was not their most recent employer.

This means all former employees including those who may have worked part time for the council, perhaps when they were students or early on in their careers cannot sit as independent members on the same council's standards committee.

Stakeholders have suggested this is disproportionate and excludes a large number of potentially high-quality candidates from putting themselves forward as independent members or chairs. (See regulation 7 of the Standards Committees (Wales) Regulations 2001).

We are therefore seeking views on whether the lifelong ban on former council employees being independent members of their previous employer's standards committee should be removed.

If so, what would be a suitable length for a period of grace between employment and appointment to a standards committee and should this be the same for all council employees, or longer for those who previously held statutory or politically restricted posts, as defined in the Local Government and Housing Act 1989, for example the Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Head of Democratic Service?

A question on this is included in the consultation questions below.

Former councillors sitting as independent members on Standards Committees

Also, after a 12 month grace period, former councillors may sit as independent members on standards committees of councils to which they were not elected. However, there is a lifelong ban on them serving as independent members on the standards committee of the council to which they were elected. (See regulation 6 of the Standards Committees (Wales) Regulations 2001).

There is no longer a period of grace for councillors being employed by the council to which they were formally elected and so we are also seeking views on whether the lifelong ban on serving as an independent member on the standards committee of the council to which a councillor was elected should be removed.

If you think it should, what do you think would be a suitable period of grace?

A question on this is included in the consultation questions below.

Standards committees' summoning witnesses and sanctions

The standards committee's role is to consider a report and recommendations from a monitoring officer or a report from the PSOW and, having heard representations from or on behalf of the person being investigated, determine whether there has been a breach of the authority's code of conduct or not and, if so, to decide the sanction. The standards committee may also request the monitoring officer or PSOW attend before it to, amongst other things explain their report. This is provided for in Regulation 8(3A) of the Local Government Investigations Regulations.

However, standards committees do not have the power under either the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 or the Standards Committees (Wales) Regulations 2001 to summon witnesses. There is a view that if the standards committee were to have the power to summon witnesses, it could be seen to be encroaching on the role of the investigators i.e., the monitoring officer and the PSOW and blurring its role of decision maker.

Some stakeholders have also suggested that the current sanctions available to standards committees in the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 are too inflexible and/or not a sufficiently strong disincentive. The current sanctions enable a standards committee to censure, suspend or partially suspend a member for a period of up to 6 months.

We are therefore seeking views on these issues, and a question on this is

included in the consultation questions below.

Consultation questions

Question 1

Do you agree the relevant regulations relating to the Ethical Standards Framework should be amended to align with the definitions relating to protected characteristics in the Equality Act 2010, and that we should amend the definition of equality and respect in section 7 of The Conduct of Members (Principles) (Wales) Order 2001?

Question 2

Should the Adjudication Panel Wales (APW) be able to issue Restricted Reporting Orders?

Question 3

Should there be express legal provision to enable the APW to protect the anonymity of witnesses?

Question 4

Do you support the proposed changes to the permission to appeal procedure outlined in this recommendation. If not, what alternatives would you suggest?

Question 5

Should there be an express power for the APW to summon witnesses to appeal tribunals?

Question 6

Should there be any changes in the procedure for referring appeals decisions back to standards committees?

Question 7

Do you agree there should be an express provision to enable part or all of tribunal hearings to be held in private?

Question 8

Do you agree that the requirement to provide not less than seven days' notice of the postponement of a hearing should be retained?

Question 9

Should there be a wider range of sanctions available to the APW, and if so, what should they be?

Question 10a

Do you support the proposed amendments to the process for interim case tribunals outlined in this recommendation? If not, could you please explain.

Question 10b

If you do support the changes to the process for interim case tribunals, do you agree that an intermediate arrangement should be put in place i.e. by shortening and streamlining the process for interim case tribunals in The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001? If yes, do you have any suggestions as to how this process could be streamlined within the regulations?

Question 11

Do you have any further views on the recommendations made in relation to the operation of the APW?

Question 12

Do you have any suggestions as to how work might be taken forward to raise awareness of the Ethical Standards Framework, in particular for people with protected characteristics as described in the Equality Act 2010?

Question 13

Advertising for independent members of standards committees: Do you agree

the requirement to advertise vacancies for independent members on standards committees in newspapers should be removed?

Question 14a

Former council employees sitting as independent members on standards committees: Do you agree that the lifelong ban on former council employees being independent members of their previous employer's standards committee should be removed?

Question 14b

If yes, what do you think would be a suitable period of grace between employment and appointment to a standards committee, and should this be the same for all council employees, or longer for those who previously holding statutory or politically restricted posts?

Question 15

Former councillors sitting as independent members on standards committees: Do you agree that the lifelong ban on serving as an independent member on the standards committee of the council to which a councillor was elected should be removed? If yes, what do you think would be a suitable period of grace?

Question 16

Standards committees' summoning witnesses and sanctions: Should standards committees have the power to summon witnesses?

Question 17

Do you agree that the sanctions a standards committee can impose should be changed or added to? If yes, what sanctions would you suggest?

Question 18

We would like to know your views on the effects that the above changes to the Framework and Model Code of Conduct would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be?

Question 19

How could positive effects be increased, or negative effects be mitigated?

Question 20

Please also explain how you believe the proposed amendments could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Question 21

Do you have any other comments you wish to make on the matters raised in this consultation, including for those Report Recommendations where no specific question has been posed?

How to respond

Submit your comments by **23 June 2023**, in any of the following ways:

- complete our [online form](#)
- download, complete our [response form](#) and email PennConsultationResponses@gov.wales
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Local Government Policy Division
Welsh Government
Cathays Park
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Data Protection Officer
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

E-mail: data.protectionofficer@gov.wales

Information Commissioner’s Office

Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 01625 545 745 or 0303 123 1113

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BIBLIOGRAPHY

Set out below are all the amending enactments which have amended the Orders and Regulations referred to in the consultation document.

These links are legislation.gov.uk links and will take you to the 'original' Orders/Regulations again, but only the Fire and Rescue Services Act 2004 (Consequential Amendments) (Wales) Order 2005 has been partially revoked, and not the relevant regulation (regulation 55).

The Local Authorities (Model Code of Conduct) (Wales) Order 2008

This Order has been amended by:

1. The Co-operative and Community Benefit Societies and Credit Unions Act 2010 (Consequential Amendments) Regulations 2014/1815; [legislation.gov.uk](https://www.legislation.gov.uk)
2. The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84; [legislation.gov.uk](https://www.legislation.gov.uk)
3. The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022/355; [legislation.gov.uk](https://www.legislation.gov.uk) and
4. The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2022/806 [legislation.gov.uk](https://www.legislation.gov.uk).

The Conduct of Members (Principles) (Wales) Order 2001

This Order has been amended by:

1. The Fire and Rescue Services Act 2004 (Consequential Amendments) (Wales) Order 2005/2929 [legislation.gov.uk](https://www.legislation.gov.uk); and
2. The Conduct of Members (Principles) (Wales) (Amendment) Order 2022/805 [legislation.gov.uk](https://www.legislation.gov.uk).

The Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001

These Regulations have been amended by:

1. The Public Audit (Wales) Act 2004 (Consequential Amendments) (Wales) Regulations 2005/761 legislation.gov.uk;
2. The Fire and Rescue Services Act 2004 (Consequential Amendments) (Wales) Order 2005/2929 legislation.gov.uk;
3. The Public Services Ombudsman (Wales) Act 2005 (Transitional Provisions and Consequential Amendments) Order 2006/362 legislation.gov.uk;
4. The Local Authorities (Case and Interim Case Tribunals and Standards Committees) (Amendment) (Wales) Regulations 2009/2578 legislation.gov.uk;
5. The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016/85 legislation.gov.uk; and
6. The Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) (Amendment) Regulations 2022/802 legislation.gov.uk.

The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001

These Regulations have been amended by:

1. The Public Services Ombudsman (Wales) Act 2005 (Transitional Provisions and Consequential Amendments) Order 2006/362; legislation.gov.uk and
2. The Local Authorities (Case and Interim Case Tribunals and Standards Committees) (Amendment) (Wales) Regulations 2009/2578 legislation.gov.uk.

Current version of the Model Code of Conduct

Schedule to the Local Authorities (Model Code of Conduct) (Wales) Order 2008, as amended (current as at 4 November 2022)

THE MODEL CODE OF CONDUCT

PART 1 INTERPRETATION

1.—

(1) In this code—

“co-opted member” (*“aelod cyfetholedig ”*), in relation to a relevant authority, means a person who is not a member of the authority but who—

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

“meeting” (*“cyfarfod ”*) means any meeting—

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” (*“aelod ”*) includes, unless the context requires otherwise, a co-opted member;

“register of members’ interests” (*“cofrestr o fuddiannau’r aelodau ”*) means the register established and maintained under section 81 of the Local Government Act

2000;

“*registered society*” means a society, other than a society registered as a credit union, which is—

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

“*relevant authority*” (“*awdurdod perthnasol*”) means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (ca) a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

“*you*” (“*chi*”) means you as a member or co-opted member of a relevant authority;

and

“*your authority*” (“*eich awdurdod*”) means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

- (a) “*proper officer*” (“*swyddog priodol*”) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and
- (b) “*standards committee*” (“*pwyllgor safonau*”) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

PART 2 GENERAL PROVISIONS

2.—

(1) Save where paragraph 3(a) applies, you must observe this code of conduct—

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3.

Where you are elected, appointed or nominated by your authority to serve—

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4.

You must—

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5.

You must not—

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.—

(1) You must—

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7.

You must not—

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority—
 - (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;

- (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
- (v) improperly for political purposes; or
- (vi) improperly for private purposes.

8.

You must—

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by—

(i) the authority's head of paid service for authorities other than county councils and county borough councils, and the authority's chief executive if the authority is a county council or county borough council;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

You must—

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3 INTERESTS

Personal Interests

10.—

(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if—

(a) it relates to, or is likely to affect—

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any—

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion

or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

(c) a decision upon it might reasonably be regarded as affecting—

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—

(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the

commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make—

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing—

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.—

(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to—

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to—

(i) the housing functions of your authority where you hold a tenancy or lease with your authority,

provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. –

You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.—

(1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee—

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business,

provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under a statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if—

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you—

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing—

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide

details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

STANDARDS COMMITTEE FORWARD WORK PROGRAMME

NOTE: A SHORT 30-MINUTE TRAINING SESSION FOR ALL STANDARDS COMMITTEE MEMBERS WILL BE HELD FOLLOWING EACH MEETING

PLEASE NOTE AGENDA TO BE CIRCULATED 1 WEEK IN ADVANCE OF MEETING

DATE OF MEETING	REPORT ITEMS / AREAS	REPORT AUTHOR
16 June 2023	Standing Items –	
	Standing Item: Public Services Ombudsman ‘Our Findings’	Gary Williams (Monitoring Officer)
	Standing Item: Attendance at Meetings	Independent members
	Standing Item: Dispensation Requests	Gary Williams (Monitoring Officer)
	Standing Item: Standards Committee Forward Work Programme	Gary Williams (Monitoring Officer)
	Standing Part 2 Item: Overview of Complaints in Denbighshire	Gary Williams (Monitoring Officer)
	Report Items –	
	Comparison of Standards Committee Recruitment Panel Compilation	Lisa Jones (Deputy Monitoring Officer)
	National Standards Forum Update	Lisa Jones (Deputy Monitoring Officer)
	Code of Conduct Training - overview of delivery for County and Town, City and Community Councils	Lisa Jones (Deputy Monitoring Officer)
Group Leaders Reports to Standards Committee	Lisa Jones (Deputy Monitoring Officer)	
15 September 2023	Standing Items –	
	Standing Item: Public Services Ombudsman ‘Our Findings’	Gary Williams (Monitoring Officer)
	Standing Item: Attendance at Meetings	Independent members
	Standing Item: Dispensation Requests	Gary Williams (Monitoring Officer)
	Standing Part 2 Item: Overview of Complaints in Denbighshire	Gary Williams (Monitoring Officer)

	Report Items –	
	National Standards Forum Update	Lisa Jones (Deputy Monitoring Officer)
1 December 2023	Standing Items –	
	Standing Item: Public Services Ombudsman ‘Our Findings’	Gary Williams (Monitoring Officer)
	Standing Item: Attendance at Meetings	Independent members
	Standing Item: Dispensation Requests	Gary Williams (Monitoring Officer)
	Standing Item: Standards Committee Forward Work Programme	Gary Williams (Monitoring Officer)
	Standing Part 2 Item: Overview of Complaints in Denbighshire	Gary Williams (Monitoring Officer)
	Report Items –	
	National Standards Forum Update	Lisa Jones (Deputy Monitoring Officer)

Future Items to be considered

Meeting T.B.C.	Joint meeting with Town, City and Community Councils	
	Review of the size and composition of the Standards Committee	added by the Committee 28/10/22
	Monitor the Regional Working arrangements	added by the Committee 02/12/22

Updated 30/03/22 KEJ

By virtue of paragraph(s) 12, 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

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