

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Council Chamber, County Hall, Ruthin and by video conference on Friday, 16 June 2023 at 10.00 am.

PRESENT

Independent Members Julia Hughes (Chair), Samuel Jones, and Peter Lamb together with Councillors Bobby Feeley, Hugh Irving and Gordon Hughes

Observer – Councillor Andrea Tomlin

ALSO PRESENT

Corporate Director: Governance and Business/Monitoring Officer (GW), Interim Head of Service – Legal and Democratic Services/Deputy Monitoring Officer (LJ) and Committee Administrators (RhtJ and SW [Zoom Host])

1 APOLOGIES

Apologies were received from Anne Mellor.

2 DECLARATION OF INTERESTS

Councillor Gordon Hughes declared a personal interest in agenda item 13, Code of Conduct – Part 3 Local Government Act 2000 because he was the current vice chair of Corwen Town Council.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES OF THE LAST MEETING

Minutes of the Standards Committee held on 6 April 2023 were submitted.

Accuracy –

Councillor Gordon Hughes raised that the minutes stated he was a member of Corwen Town Council; he clarified that he was still a member of the Town Council and had not left.

Matters Arising –

Page 10 – members queried whether there was an update on training which community council clerks would receive. The Deputy Monitoring (DMO) informed the committee that training for clerks would be held in the autumn. The committee were also told that if they wished, as standards committee members, they could also join the training.

Page 11 – the standards committee annual report was raised, and when was it likely that the information would be completed to be reported to the full Council, the Monitoring Officer (MO) stated that the timescales would not allow the report to be discussed at the July council meeting and would likely be included on the September agenda.

Page 15 – conducting a joint meeting with city, town and community councils (CTCCs) was raised, and any development on the matter could be shared with the committee. The MO responded that conducting a meeting would be difficult to accommodate; it was suggested that CTCC clerks could be contacted to see what areas caused challenges for them, and then appropriate assistance could be provided; it was stated that open dialogue with the clerks would need to be conducted. The DMO stated that the Interim Head of Service (Strategy and Performance, Corporate Programme and Projects Office, Climate Change) was working with CTCCs; the DMO would inform members of any update on the work, if any, at the next meeting.

Page 15 – the committee suggested that old meetings be retained on the forward work programme; this would ensure that no items which were not discussed would not be missed at future meetings.

RESOLVED that the minutes of the meeting held on 6 April 2023 be received and approved as a correct record.

5 PUBLIC SERVICES OMBUDSMAN FOR WALES - 'OUR FINDINGS'

A report was submitted by the Monitoring Officer (MO) (previously circulated) on the latest case summaries contained in the 'Our Findings' section of the Public Services Ombudsman for Wales (PSOW) website, which had replaced the previous Code of Conduct Casebook. A web link to the relevant section has been provided.

The MO informed the committee that there had been a case within the 'our findings' section of the Ombudsman's website; the details of the case were detailed within the appendices of the report. The MO summarised that the matter was likely to be a disagreement between people, there wasn't enough evidence on either side to warrant further investigation, and the case was not within the public interest to continue the investigation.

Members were surprised the matter had been given any air time, as the situation seemed self-explanatory and a waste of resources. The MO clarified that the case was only investigated further because it was alleged that Saundersfoot Community Council had used their station to bully someone; however, there was no evidence to allow further investigation.

RESOLVED that the contents of the report be noted.

6 ATTENDANCE AT MEETINGS

The chair queried members of the standards committee whether they had attended any meetings since the last meeting.

Independent Member Samuel Jones (SJ) informed the committee that he attended the Llanferres Community Council annual meeting on the 11th of May alongside the standards committee chair. SJ told the committee that the meeting well was run and organised by both the chair and the clerk. During the meeting, a member of the public was co-opted to the community council. They were informed of the training which was required of them as community councils.

Members queried what the membership of the community council was and what the attendance percentage was at the meeting; the membership was nine members with two current vacancies, and the meeting had over 50% attendance.

The committee members present at the community council found out afterwards that both the clerk and the chair were married and queried whether any declarations of interest should have been raised; officers clarified that the matter would only need to be raised whether something relating to the community council's structure was being discussed.

Members asked what method of giving feedback was appropriate at meetings; it was stated if there were a significant issue, it would be passed onto the Monitoring Officer (MO) or Deputy Monitoring Officer (DMO); however, members thought a proper methodology for reporting issues was required, and to give feedback back to the chair and clerk of city, town and community councils.

The MO stated that previously officers would contact clerks with any feedback; however, it was usually concerns raised rather than positive remarks. The MO felt that any feedback, good or bad should be shared.

The chair suggested that a generic letter could be drafted, which could be sent to community councils once a standards committee attended, highlighting good or bad practices.

RESOLVED that the committee note the attendance at meetings update.

7 DISPENSATION REQUESTS

Consideration of dispensation requests from Town/City/Community Councils and at county level was a standing item on the agenda.

Members noted that no dispensation requests had been received.

RESOLVED that the position be noted.

8 COMPARISON OF STANDARDS COMMITTEE RECRUITMENT PANEL COMPILATION

The Deputy Monitoring Officer (DMO) presented a verbal update regarding the Comparison of Standards Committee Recruitment Panel Compilation across other local authorities in Wales.

The matter was raised to see whether there was a consensus between local authorities on the structure they had for standards committee recruitment panels.

The DMO had received correspondence from some of the surrounding local authorities. Conwy's structure had the chair/vice chair of the council on the panel. Anglesey had the same structure as Denbighshire; Gwynedd had the chair of the council, democratic services committee and standards committee on their panel.

The DMO informed the committee that a report could be produced and taken to the full council to see what they're open to the change and having an independent standards committee member on the recruitment panel, as the decision would have to be made at Council.

Members of the committee raised the benefits an independent member could bring to a recruitment panel; they would give an alternative viewpoint, which would be beneficial whilst recruiting.

RESOLVED that the Standards Committee propose a report be taken to full council to seek approval of having an independent lay member of the standards committee stand on the recruitment panel.

9 CODE OF CONDUCT TRAINING

A report was submitted by the Deputy Monitoring Officer (DMO) (previously circulated) presenting the Member Code of Conduct – overview of training delivered; The Standards Committee has oversight of the ethical regime within the County, and training is an area that the Committee are keen to ensure is taken up by elected and co-opted members. The report aimed to provide Members with an overview of the training delivered by the Monitoring Officer since May 2022.

The DMO informed members that the training timetable was included within the appendices; concerning County Councillor attendance, as reported at the last Standards Committee, the Council had 100 per cent attendance. There is, however, one new Councillor who we need to offer training, who was elected as a result of a by-election.

The DMO stated that the Committee would note that despite offering several online opportunities and a mix of in-person venues North, Mid and South of the County, during day and evening times, the actual take up from Town and Community Councils could be significantly better.

The DMO informed the committee that the capacity to deliver training on this scale continuously over and above what has already been provided is difficult to sustain. The Monitoring Officer and Deputy are keen to discuss with the Committee other options, such as providing a recorded event to all Clerks to disseminate some FAQs. For example, the Committee may wish to refer the suggestion to the National Standards Forum and consider whether this could be a national initiative for example.

The committee discussed the following further –

- The committee raised the form of the training, and whether a leaflet to all newly elected members would be a cheaper and less time-consuming method of training, it was also raised whether training which was conducted by One Voice Wales could be carried out.
- Officers and members agreed that the potential recording of a training session could be conducted, and the video then be circulated to clerks to show to city, town and community councils (CTCC) to train their councillors. Members agreed to the suggestion of recording a training session; however, they suggested that it would benefit from members attending to ask relevant questions, which would enrich the training material for others.
- Members were informed of the training costs of the One Voice training; the cost for the code of conduct training would be roughly £35 per councillor.
- The committee suggested that the CTCC clerks could note all those who had conducted the training, and then any material could be aimed at those who hadn't. Members were reminded that the training was mandatory, and the concern was that if the matter became too detailed that some members would not want to conduct the training. Other members of the committee suggested that there was a need for the training; however, they indicated that a less is more approach with members and allow the matter to happen naturally with either e-learning, videos or leaflets, as long as training was received and the duty of the council was carried out.
- The Monitoring Officer stated that the best way to conduct the training was by face to face; however, the resources to maintain the form of training were unviable; recording a meeting and circulating the material would alleviate the resource concern. The DMO then suggested recording the next training session would be carried out, then seeing if that could be distributed further.

RESOLVED that the Standards Committee note the content of the report.

10 GROUP LEADERS REPORTS TO STANDARDS COMMITTEE

A report was submitted by the Deputy Monitoring Officer (DMO) (previously circulated) report related to the new duty placed upon political group leaders to promote ethical behaviour and to provide the Standards Committee with the opportunity to consider the information received from Group Leaders who report annually to the Standards' Committee.

Standards Committee will be aware of the provisions of section 62 of the Local Government and Elections (Wales) Act 2021 provide a new duty for the leaders of political groups to take reasonable steps to promote and maintain high standards of conduct for their members.

The Committee was previously advised that the Welsh Government produced draft statutory guidance for group leaders and standards committees before the election and sought views.

Members discussed the following further –

- The committee felt that the matter was a good exercise however thought that the questions within the guidance leaned towards generic responses, and there needed to be further discussion to get answers which would cause debate; members agreed; however, felt that the process was an excellent first step.
- The DMO suggested organising another meeting between the Standard Committee members and the group leaders to discuss the work required with group leaders; then, feedback from the session could be collected, collated and included with the annual standards committee report. This could highlight the ongoing work between the group leaders and the standards committee.
- Although members agreed with the ongoing work with group leaders, they highlighted that it could add to the already significant workload of the group leaders.

Members raised concerns that one Group Leader report had not been received and that the Committee could not confirm that all reasonable steps had been taken by all leaders.

RESOLVED, that:

3.1 The Committee would await further information on the national approach after the pan Wales Standards Forum had met.

3.2 That the Committee agreed that an informal meeting with Group Leaders collectively would be of benefit.

11 FORMAL RESPONSE TO THE WELSH GOVERNMENT CONSULTATION ON THE PENN REVIEW

The Monitoring Officer (MO) submitted a report (previously circulated) presenting the standards committee of the Council's response to the consultation.

The Committee has been kept updated regarding the review of the Ethical Framework in Wales – the 'Penn Review' - which commenced in 2021; such framework has remained essentially unchanged for twenty years. Members would recall from previous reports that the initial phase of the review found that the framework was fit for purpose but that some areas may benefit from future amendments.

The Standards Committee received a presentation at its last meeting to provide their views on the consultation questions. Group Leaders are being consulted between the writing of this report and this Committee meeting due to the shortness of the time supplied to respond. Group Leaders' views would be shared with the Committee at the meeting.

The recommendations were as follows –

- Q1 – Group leaders agreed to include all protected characteristics within the code of conduct.
- Q3 –Group leaders agreed with the express legal provision to enable the APW to protect the anonymity of witnesses.

- Q4 – Members agreed with the proposed appeals procedure changes, which would streamline the timescales.
- Q5 – it was agreed that the APW should have express power to summon witnesses; however, they felt that the matter would be difficult to enforce.
- Q6 – the group leaders disagreed with any changes to the appeal referring process. Most members did not recognise the benefit of the APW referring appeal decisions back to the Standards Committee, particularly given the same Committee would be reviewing the same case and would likely prolong the overall process for the appellant. However, one member felt there could be some flexibility given that every case differed. One member considered there to be value in referring the matter back to the Standards Committee to reflect on the merits of the reasons given to reconsider their decision and retain local control and responsibility.
- Q8 - members agreed that the requirement to provide not less than seven days' notice of the postponement of a hearing should not be retained to provide greater flexibility. However, reasonable notice should be given.
- Q9 – the group leaders agreed there should be a broader range of powers available to the APW, with the current ones being too restrictive.
- Q10b – there were no comments on the process.
- Q11 – it was felt that concerning the operation of APW and disclosure, the Committee supported a requirement to make available unused material held by the Public Services Ombudsman for Wales (PSOW) and MOs in the interests of natural justice.
- Q12 – the group leaders agreed to the need to raise awareness of the Ethical Standards Framework and to work with others as appropriate in that regard.
- Q13 - whilst noting there were merits to advertising for lay members in the local newspaper, it was agreed that it should not be a mandatory requirement provided a variety of other means were used to reach a broad and diverse audience.
- Q14b – relating to a lifelong ban on former council employees being removed, they felt that the ban should be lifted; however, a 12-month grace period between employment and appointment for most employees and a longer period for those formerly holding statutory or politically restricted posts.
- Q15 - agreed 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, with most members agreeing one council term would be a suitable grace period.
- Q16 – regarding Standards committees' powers to summon witnesses, the group leaders felt that the committee should not have the power as it would be difficult to enforce.
- Q17 - agreed that the sanctions a Standards Committee can impose should be added to, suggesting powers to direct training be undertaken rather than the current recommendation and an increase in the suspension period of up to one year.

There was no impact on the Welsh language regarding the Penn Review.

The chair queried the standards committee whether they had any further comments regarding the group leaders' responses to the Penn review.

Members raised Q14b. They agreed with the comments submitted by the group leaders and wanted them included in the response. Regarding Q17, members also agreed with the comments raised by group leaders, and it was decided whether there was a higher sanction and agreed that it would be discussed at a higher level.

RESOLVED that the standards committee agree with the comments added by group leaders alongside their initial views on the Penn Review and that a response be submitted.

12 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

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

- The Deputy Monitoring Officer (DMO) suggested that members would report on visits to other meetings at every other meeting.
- Standards Committee' Annual Report was raised, and whether the early stages could be discussed at the committee in December 2023.
- Corporate Joint Committees were raised, and the possibility of having standard committee representatives; on the joint committee, the Monitoring Officer presented there was some legislation to be organised; however, the matter could be discussed at the September meeting.

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 15 September 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 Monitoring Officer (MO) submitted a confidential report (previously circulated) providing an overview of complaints against members lodged with the Public Services Ombudsman for Wales (PSOW) since 1 April 2022.

The MO provided a summary of each of the seven complaints lodged, which had not been investigated, together with the reasons therefore. Given the change in reporting arrangements it was noted there may be complaints lodged with the

PSOW which would not be known until a decision had been made as to whether or not the complaint would be investigated.

RESOLVED that the report be received and noted.