

To: Chair and Members of Standards
Committee

Date: 8 June 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 **FRIDAY, 16 JUNE 2023** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND BY VIDEO CONFERENCE**.

PLEASE NOTE THERE WILL BE A SHORT TRAINING SESSION FOR ALL STANDARDS COMMITTEE MEMBERS AT 9.15 AM IMMEDIATELY PRIOR TO 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 6 April 2023 (copy enclosed).

5 PUBLIC SERVICES OMBUDSMAN FOR WALES - 'OUR FINDINGS'
(Pages 17 - 22)

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 COMPARISON OF STANDARDS COMMITTEE RECRUITMENT PANEL COMPILATION

To receive a verbal update from the Interim Head of Service - Legal and Democratic Services/Deputy Monitoring Officer regarding the comparison of standards committee recruitment panel compilation.

9 CODE OF CONDUCT TRAINING (Pages 23 - 28)

To receive a verbal update from the Interim Head of Service - Legal and Democratic Services/Deputy Monitoring Officer regarding code of conduct training and delivery for County and Town, City and Community Councils.

10 GROUP LEADERS REPORTS TO STANDARDS COMMITTEE (Pages 29 - 32)

To receive a report (copy enclosed) by the Interim Head of Legal and Democratic Services to provide Members with an overview of the training delivered by the Monitoring Officer since May 2022.

11 FORMAL RESPONSE TO THE WELSH GOVERNMENT CONSULTATION ON THE PENN REVIEW (Pages 33 - 40)

To receive a report (copy enclosed) from the Monitoring Officer in respect of the Welsh Government's review of the Ethical Framework in Wales.

12 STANDARDS COMMITTEE FORWARD WORK PROGRAMME (Pages 41 - 42)

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

13 DATE OF NEXT MEETING

The next meeting of the Standards Committee is scheduled for 10:00 am 15 September 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.

14 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000 (Pages 43 - 52)

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

Press and Libraries

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 the Council Chamber, County Hall, Ruthin and by video conference on Thursday, 6 April 2023 at 10.00 am.

PRESENT

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

Observers – Councillors Jeanette Chamberlain-Jones, Karen Edwards and Huw Hilditch-Roberts

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 (KEJ and NPH [Zoom Host])

1 APOLOGIES

There were no apologies.

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 a member 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 2 December 2022 were submitted.

Accuracy – no points of accuracy were raised.

Matters Arising –

Page 9 – Item 6: Attendance at Meetings – the Committee noted that Code of Conduct training was not mandatory for Town/City/Community Councils. An online training session had been delivered to Denbigh Town Council in December 2022 and a face to face training session had been scheduled for April 2023 in Caledfryn, Denbigh which would hopefully capture the remaining members, although it would be possible to offer a further training session if required. If there were issues in respect of the way in which members addressed each other, those matters could be

pursued by those individuals either through local resolution or complaints to the Ombudsman. The Monitoring Officer/Deputy Monitoring Officer were available to provide support to Town/City/Community Councils in terms of advice, guidance and training in respect of members' obligations under the Code of Conduct.

Page 11 – Item 8: Member Training Update – the Committee had been pleased to note that all county councillors had attended the Code of Conduct training.

Page 12 – Item 9: Ethical Liaison and the Duty of Group Leaders – the Chair reported on an initial meeting with Group Leaders in January with further meetings planned. An item on Group Leaders Reports to the Standards Committee had been scheduled for the June meeting which would provide sufficient time to apprise Group Leaders in that regard. The Monitoring Officer and Chief Executive had met with Political Groups and had taken the opportunity to explain the extent of the Group Leaders duty to ensure all members understood the position. The issue had also been mentioned in the Chair's Annual Report 2021 presented to full Council.

RESOLVED that the minutes of the meeting held on 2 December 2022 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 had been provided.

The 'Our Findings' section covered all matters investigated by the PSOW and not just conduct matters. A summary of each case involving Code of Conduct complaints investigated for the period 1 November 2022 to 28 February 2023 had been provided, which had been broken down by subject matter as follows –

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

The outcomes were 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

None of the matters related to a council in Denbighshire.

The Committee noted that the matter referred to the Standards Committee had yet to be fully reported. Similarly, one of the two cases referred to the Adjudication Panel for Wales (APW) had not yet been fully reported. The one case referred to the APW that had been fully reported related to a member of St. Harmon

Community Council in Powys who had failed to declare a prejudicial interest at two meetings. The APW found that the member had breached the Code of Conduct by failing to declare her interests and by participating in the meetings. The APW also considered 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 twelve months.

The Chair queried if any training or support needs for Denbighshire had been identified in any of the cases. The MO advised that the training provided already covered the matters set out in those cases. He also highlighted that discrimination complaints were taken seriously by the PSOW and investigated. However, having applied the proper tests, there was no evidence of a breach in this case.

RESOLVED that the contents of the report be noted.

6 ATTENDANCE AT MEETINGS

The Chair reported on her attendance at a hybrid meeting of Denbighshire's County Council held at 10am on Tuesday, 16 December 2022 in the Council Chamber, Ruthin and remotely via video conference, and which had been live streamed.

The Chair had attended to present the Standards Committee Annual Report 2021 and had also taken the opportunity to observe the proceedings. The meeting had been well attended by members, with 3 apologies, and no public present other than herself as an observer. Declarations of interest appeared on the agenda and a statement read out with no declarations on this occasion. The meeting had been well chaired through the medium of Welsh with simultaneous translation, and officers supported as appropriate with the Chair reminding councillors of protocols as necessary. All attendees had been introduced, all items had been proposed and seconded, and the voting systems explained. Code of Conduct training was also mentioned. The meeting closed at 12.10pm with a 15-minute break during the meeting. In conclusion, it had been an excellent meeting overall, respectful, with plenty of business covered, and had been well run and well supported.

Following the Chair's presentation of the Annual Report to Council, there had been a positive debate and appropriate questions. The Chair provided feedback on the matters raised and responses given by the Monitoring Officer, in brief –

- Vexatious Complaints – the response referred to the requirement under the Code of Conduct that members not make vexatious complaints and the Ombudsman's two stage test to filter out complaints unsuitable for investigation
- Legal Representation and Qualification – members who appeared before the Committee could, but were not required, to be legally represented and there was no requirement for Committee members to be legally qualified, although they received training in respect of hearing procedures and sanctions. Reference was made to the Appeals Panel for Wales having a legally qualified President
- Dispensations – an explanation was given as to the existence of dispensations, the appropriate regulations and criteria as well as some examples of the sort of issues for which dispensations may be sought

- Member Training – covered the provision in the Council's Code of Conduct for mandatory training and the recommendation from the Penn Report that training should be mandatory.

No further attendance at meetings had taken place by other members. It was clarified that traditionally, it had been independent lay members who attended meetings given there may be an inference of bias for county councillors who it was also recognised had many other meetings to attend. The community councillor representative had attended to observe other meetings in the past. In terms of future attendance, the Deputy Monitoring Officer (DMO) advised that members had previously agreed a more strategic approach to planning visits. No councils had been identified that would specifically benefit from a visit and the next stage involved cross checking the record of attendances provided by the Chair with the Standards Committee minutes over the last term to avoid any repeat attendances. In the meantime, the DMO had contacted all lay members with a list of town/community councils and there had been some commitment to attend a number of meetings going forward. The DMO agreed to share a more strategic list with members as a matter of some urgency. The Chair added that consideration would also be given to councils that had new clerks and whether they would benefit from a visit. She was also pleased to note plans for a separate training session for clerks later in the year and welcomed further feedback following that session.

The Chair thanked officers for the update and looked forward to receiving the strategic list when it was available to continue with observations at meetings. She also offered support to any new members undertaking visits for the first time.

RESOLVED that the verbal report from the Chair be noted together with the update from the Deputy Monitoring Officer on progress with future attendance at meetings.

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.

The lack of dispensation requests had been a cause of concern for some time and the Monitoring Officer confirmed the issue was highlighted during training sessions. That message would continue to be reiterated at every opportunity given there would likely be individuals who would benefit from the ability to take a dispensation.

RESOLVED that the position be noted.

8 STANDARDS COMMITTEE ANNUAL REPORT

A report was submitted by the Deputy Monitoring Officer (previously circulated) presenting the draft Standards Committee Annual Report for consideration prior to submission to full Council. The report detailed the Committee's work during 2022.

The Standards Committee had previously agreed that an annual report on its work be presented 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.

The Deputy Monitoring Officer (DMO) guided members through the report content and during debate the following amendments had been agreed by the Committee –

- reference to the May 2022 council elections be included to reflect the change in committee membership of elected members and composition of the Committee
- in light of the Penn Review and Welsh Government's (WG) response to consider the operation of the local resolution protocol and assessment of its impact, to include reference to the Council's local resolution process and its likely review following the WG's statutory guidance to Standards Committees
- paragraph 4.3 – to revisit the formatting of the bullet points within the tables for consistency, with some having full stops and others not
- paragraph 4.4 (b) – to add 'county councils' to the reference to 'town, city and community councils' in relation to complaints lodged against members
- paragraph 4.5 – to remove the yellow highlight at 4.5
- paragraph 4.6 – the reference to 'North Wales Standards Forum' be amended to 'North and Mid Wales Standards Forum'
- paragraph 4.10 – there was some discussion on the Group Leaders Duty and obligations on the Standards Committee to report in that regard. The report needed to reflect work in 2022 but reference to the approach be included describing the positive and collaborative nature in which Group Leaders were approaching that task, and setting out the future process with a view to fully reporting back thereon in the next Annual Report
- reference to be included in the report to the involvement of the Council in discussions with colleagues across Wales with a view to achieving a level of consistency in relation to the gifts and hospitality threshold.

The Chair thanked the DMO for her hard work in preparing the draft report and work to prepare an amended draft to incorporate the Committee's amendments. It was agreed that the Chair and Vice-Chair approve the final draft and a suitable date be confirmed with the Chair to present the report to Council.

RESOLVED that the Standards Committee –

- (a) *note the contents of the report, and*
- (b) *subject to the above comments/amendments being incorporated into the report, and subsequent approval of the final draft by the Chair and Vice-Chair, recommend its presentation by the Chair to the full Council.*

9 NATIONAL STANDARDS FORUM UPDATE

The Chair and Vice Chair reported on their attendance at the National Standards Forum Committee held on 27 January 2023. The notes of the meeting, including the presentation received from the Public Services Ombudsman for Wales (PSOW), had been previously circulated with the agenda. [Given the number of acronyms in

the notes, the Monitoring Officer (MO) agreed to feedback on the need for either a glossary of the terms or for the abbreviation to be set out in full in the first instance.]

The Chair and Vice Chair elaborated on the items discussed, and responded to questions raised thereon, which covered the election of the Chair and Vice-Chair, Role and Terms of Reference, implementation of the new duty on Group Leaders and how it would be reported as part of the Standards Committee Annual Report, a presentation from Guest Speaker Michelle Morris, PSOW and an update on the Penn Report from Lisa James, Welsh Government. Under AOB there was an action to establish the practice for Standards Committee in Wales to produce Members Annual Reports and to develop training for Chairs and Vice Chairs of Standards Committees. It had been considered an excellent forum, very worthwhile and useful for information sharing. It was noted that MOs in North Wales would agree a representative to attend each meeting going forward and feedback to their Group.

The following points were raised during the ensuing debate –

- a number of the issues discussed at the meeting related to the Penn Report which would be further discussed by the Committee under the next agenda item when responding to the Welsh Government's consultation thereon
- more complaints had been received by the PSOW during April 2021 to March 2022 than in the last decade; just under 300 complaints, 240 complaints not taken forward to investigation, 20 complaints passed to Standards Committees. The correlation between breaches of the Code of Conduct and councillors not undertaking regular training was also highlighted, emphasising the importance of training. The PSOW had agreed to review the changes to the reporting system which had made it difficult for MOs to provide information to Standards Committees and looked forward to working with the forum going forward
- the reasoning behind the majority of complaints received by the PSOW not being investigated was discussed taking into account capacity and the introduction of the public interest test. There was an acknowledgement that low level misbehaviour still had a detrimental impact both on organisations and public confidence and the role of the local resolution process was highlighted in that regard. The issue had been recognised in the Penn Report.
- Chairs and Vice Chairs could attend the forum but if neither could attend it was likely any request for a further representative would be looked upon favourably
- agendas for the forum should be set by Standards Committees and members were encouraged to raise items with the MO. It was suggested that future items should include: monitoring the response to the Welsh Government's consultation on the Penn Review and viewpoint of other local authorities; continual information sharing and good practice on implementation of the Group Leaders duty, and the provision of Standards Committees to the Corporate Joint Committees given the various options available. As an aside, it was noted there had been no recent talks on the possibility of joint Standards Committees and the MO confirmed that if and when any approaches or recommendations were made, the matter would be brought before the Standards Committee
- the forum would meet twice a year, with the next meeting to be arranged for late June/early July.

RESOLVED that the verbal report on the meeting of the National Standards Forum held on 27 January 2023 be received and noted.

10 WELSH GOVERNMENT CONSULTATION ON THE PENN REVIEW

The Deputy Monitoring Officer submitted a report (previously circulated) presenting the consultation on the recommendations of the Penn Review and sought the Committee's views on the Welsh Government's response and 21 questions raised in the consultation, prior to collating the views of the wider Council membership and key officers involved in the Local Government Ethical Standards Framework.

The Monitoring Officer (MO) and Deputy Monitoring Officer (DMO) delivered a PowerPoint Presentation on the document to facilitate the debate and inform and contribute to the Council's response. The presentation included some background to the review and its conclusions; elaborated on the 12 recommendations and other related matters; guided members through the consultation questions, and reported on the next steps in the consultation process with a final response considered at the Committee's next meeting and submission of comments by 23 June 2023.

With regard to Recommendation 2 and register of interests, the changes had been made in terms of members providing only a street name or postcode in order to provide a greater level of protection. It was highlighted that, in some cases, the postcode/street name would identify only one property. The MO agreed to look into the matter further and ascertain whether, given the changes to the regulations, the provision not to disclose an address in particular circumstances, still existed.

During a lengthy debate, the Committee responded to the questions as follows –

Q1 – agreed to the change to the Code to reflect the Equality Act 2010 definitions of protected characteristics

Q2 – agreed to the Adjudication Panel for Wales (APW) being able to issue Restricted Reporting Orders to be used proportionally in the interests of fairness and protection of witnesses

Q3 – agreed there should be express legal provision to enable the APW to protect the anonymity of witnesses

Q4 – agreed to support the changes to the permission to appeal procedure outlined in the recommendation to streamline the process but proposed that a timescale be included to ensure the process was completed within a reasonable period of time

Q5 – supported there being an express power for the APW to summon witnesses to appeal tribunals but commented on the difficulties of enforcing such a provision

Q6 – 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, although one member felt there could be some flexibility given that every case was different. One member considered there to be value in referring the

matter back to the Standards Committee in order to reflect on the merits of the reasons given to reconsider their decision and retain local control and responsibility

Q7 – agreed there should be express provision to enable part or all of tribunal hearings to be held in private; that provision to be used proportionally in the interests of justice

Q8 – agreed that the requirement to provide not less than seven days' notice of the postponement of a hearing should not be retained in order to provide greater flexibility. However, reasonable notice should be given

Q9 – agreed there should be a wider range of powers available to the APW with the current powers available being too restrictive

Q10 – agreed to support interim case tribunal suspensions in extreme circumstances

Q11 – in relation to 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 – 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 in order to reach a wide and diverse audience

Q14 – agreed the lifelong ban on former council employees being independent members of their previous employer's Standards Committee be removed, with 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, with one member advocating a lesser grace period or none at all

Q16 – agreed the Standards Committee should not have the power to summon witnesses given that power could not be enforced

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

Q18/19/20 – considered the current bilingual provision to be sufficient with any changes having a neutral impact on the Welsh Language

Q21 – noted the document was first published and last updated on 24 March 2023.

The Chair thanked the MO and DMO for the presentation and the DMO agreed to keep the Committee updated with issues emanating from the Penn Review.

RESOLVED that the Committee's initial views on the consultation as detailed above be collated and included in the final response for consideration by the Committee at their next meeting.

11 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

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

- the final formal response to the Welsh Government's consultation on the Penn Review would be brought to the next meeting of the Committee in June
- following the outcome of the consultation on the Penn Review, the Welsh Government's response would be shared with members when available; it was suggested a summary version and overview of the key changes would be useful
- in terms of the future item on 'Joint meeting with Town, City and Community Councils', the Deputy Monitoring Officer would raise the issue at an upcoming liaison meeting scheduled with clerks and report back to the next meeting
- with regard to the future item on 'Review of the size and composition of the Standards Committee' it was suggested it may be for Democratic Services Committee to consider in the first instance and the Monitoring Officer would raise the issue with the Democratic Services Manager regarding timescales with a view to bringing a report back to the Committee in September or December
- in relation to the future item 'Monitor the Regional Working arrangements', it was suggested that greater clarity on the position with regard to Corporate Joint Committees should be available by September
- the Chair asked that, in future, the items scheduled for the current meeting be retained on the forward work programme submitted with the agenda.

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

12 DATE OF NEXT MEETING

Members noted that the Standards Committee's next meeting had been scheduled for 10.00 am on Friday 16 June 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.

13 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.

The meeting concluded at 1.20 pm.

Report to	Standards Committee
Date of meeting	16 th June 2023
Lead Member / Officer	Gary Williams, Monitoring Officer
Head of Service	Lisa Jones, Interim Head of Service
Report author(s)	Gary Williams, Monitoring Officer
Title	Public Service 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 March 2023 to 10th May 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:

Promotion of equality and respect	1
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4.6. The outcomes can be categorised as follows:

Investigation discontinued	1
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4.7. The relevant extracts from the Our Findings pages are attached for ease of reference as Appendix 1. The case does not relate to a council in Denbighshire.

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

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

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

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

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

9. Chief Finance Officer Statement

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

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

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

11. Power to make the decision

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

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Extract from 'Our Findings'

Relevant body: Saundersfoot Community Council

Report date: 03/03/2023

Subject: Promotion of equality and respect

Case ref number: 202202280

The Ombudsman received a complaint from a member of the public (“the complainant”) that a Member of Saundersfoot Community Council (“the Council”) had failed to observe the Code of Conduct for Members.

It was alleged that the Member approached the complainant and behaved aggressively towards him over a parking matter. The complainant alleged the Member had behaved in a bullying and intimidating manner and used his position to belittle and humiliate him.

The complainant said that the Member behaved in a way that was bullying and intimidating. The Member acknowledged there was an encounter but said that he did not behave poorly in the interaction. There is no other witness or CCTV evidence available. Having considered the evidence submitted from both of the parties involved, none of the information or evidence available suggested that one account should be preferred over the other. Therefore, in the absence of any independent evidence of the incident, the Ombudsman was unable to say whether the behaviour of the Member was suggestive of a breach of the Code of Conduct.

Further investigation of this matter was unlikely to yield any information which would alter the balance of evidence available and therefore it was not proportionate or in the public interest to continue the investigation.

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Report to	Standards Committee
Date of meeting	16 th June 2023
Lead Member / Officer	Gary Williams, Monitoring Officer
Report author	Lisa Jones, Interim Head of Legal and Democratic Services.
Title	Member Code of Conduct – overview of training delivered.

1. What is the report about?

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.

2. What is the reason for making this report?

To provide Members with an overview of the training delivered by the Monitoring Officer since May 2022.

3. What are the Recommendations?

That the Committee notes the content of this report.

4. Report details

- 4.1. Appendix 1 sets out the dates, venue and levels of attendance at the training provided by the Monitoring Officer and his office.
- 4.2. In relation to 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 bi-election.

- 4.3. The Committee will note that despite offering a number of 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.
- 4.4. Capacity to deliver training on this scale on a continuous basis over and above what has already been provided is difficult to sustain and 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 with some FAQs for example.
- 4.5. The Committee may wish to refer the suggestion to the National Standards Forum and to consider whether this could be a national initiative for example.

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

The report has no direct impact on corporate priorities.

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

There are no costs associated with this report.

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

An assessment is not required for this report.

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

There have been no consultations in respect of this report.

9. Chief Finance Officer Statement

As stated in 6.1, there is no direct financial impact to this report.

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

There are no risks associated with this report.

11. Power to make the decision

No decision is required.

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Appendix 1

Code of Conduct Delivered by the Monitoring Officer /and or DMO.

County Councillor training: all 48 Councillors trained as at 20.12.22
Dates: 10 th May 2022, 13 th May 2022, 20 th December 2022.

Town, City and Community Councillor – training delivered by the MO/DMO.

No of Councillors 377

Date	Venue	No of attendees
1 st December 2023	Online to Denbigh Town Council	3
9 th January 2023	Online at 5.30pm	8
18 th January 2023	Corwen	Approx. 8
2 nd February 2023	Online at 5.30pm	9
7 th February 2023	Russell House Rhyl at 2pm	10
31 st March 2023	County Hall Ruthin at 10am	17
27 th April 2023	Caledfryn Denbigh at 2pm	6

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Report to	Standards Committee
Date of meeting	16 th June 2023
Lead Member / Officer	Gary Williams, Monitoring Officer
Report author	Lisa Jones, Interim Head of Legal and Democratic Services
Title	Group Leaders Duty

1. What is the report about?

The report is about the new duty placed upon political group leaders to promote ethical behaviour.

2. What is the reason for making this report?

To provide Standards Committee with the opportunity to consider the information received from Group Leaders who report annually to the Standards' Committee.

3. What are the Recommendations?

3.1 That members consider whether reasonable steps have been taken to promote compliance.

3.2 That the Committee consider whether there is merit in an informal meeting with the Group Leaders collectively and the Committee taking place, to share best practice and consider any training requirements.

4. Report details

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

4.2. The legislation also provides duties on the Standards Committee to monitor group leaders' compliance with this duty and to advise and provide training for group leaders on the discharge of the duty.

4.3. The Committee has previously been advised that the Welsh Government produced draft statutory guidance for group leaders and standards committees prior to the election and sought views upon it. The draft guidance can be viewed here:

<https://gov.wales/consultation-local-governmentand-elections-wales-act-2021-standards-conduct-statutory-guidance>.

4.4 By way of reminder the draft guidance includes examples of how Group Leaders might perform their duty such as:

- demonstrating personal commitment to and attending relevant development or training around equalities and standards;
- encouraging group members to attend relevant development or training around equalities and standards;
- ensuring nominees to a Committee have received the recommended training for that Committee;
- promoting civility and respect within group communications and meetings and in formal Council meetings;
- promoting informal resolution procedures in the Council, and working with the Standards Committee and monitoring officers to achieve local resolution;
- promoting a culture within the group which supports high standards of conduct and integrity;
- attending a meeting of the Council's Standards Committee if requested to discuss Code of Conduct issues;
- work to implement any recommendations from the Standards Committee about improving standards;
- work together with other Group Leaders, within reason, to collectively support high standards of conduct within the Council.

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

There is no direct impact on corporate priorities. However, a functioning, well governed Council contributes to good local democracy and trust in elected members' decision making.

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

There are no additional costs to this duty and any activity will be met within existing resources.

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?

Standards Committee have been consulted on the WG Guidance in respect of this item and Group Leaders have been briefed on duties.

9. Chief Finance Officer Statement

The duty should be contained within existing resources.

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

The introduction of this duty and the enhanced role of the Committee in supporting the discharge of it, will mitigate against the risk of behaviour occurring which falls short of the expected standards of conduct.

11. Power to make the decision

s.54 Local Government Act 2000 and Section 62 of the Local Government and Elections (Wales) Act 2021

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Report to	Standards Committee
Date of meeting	16 th June 2023
Lead Member / Officer	Gary Williams, Monitoring Officer
Report author	Lisa Jones, Interim Head of Legal and Democratic Services
Title	Penn Review Consultation

1. What is the report about?

The report relates to the Welsh Government's review of the Ethical Framework in Wales.

2. What is the reason for making this report?

To inform the Standards' Committee of the Council's response to the consultation.

3. What are the Recommendations?

3.1 That members agree that the response be submitted.

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. Standards Committee received a presentation at it's last meeting in order to provide their views on the consultation questions. Group Leaders are being consulted in between the writing of this report and this Committee meeting due to the shortness of time provided to respond. Group Leaders views will be shared with the Committee at the meeting.

4.3 The response is provided at Appendix 1.

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

There is no direct impact on corporate priorities.

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

There are no additional costs.

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?

Standards Committee and Group Leaders have been consulted prior to submission of the response.

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

Local Government Act 2000.

Consultation response form: WG47012

Your name: Lisa Jones, Interim Head of Legal and Democratic Services

Organisation (if applicable): Denbighshire County Council

email/telephone number: jones.lisa@denbighshire.gov.uk

Your address: County Hall, Wynnstay Road, Ruthin, Denbighshire, LL15 1YN

Consultation Questions

We are not seeking specific responses on all the Recommendations. This is because taking into account discussions held with stakeholders and key partners Welsh Ministers' responses to the Recommendations include a number of suggestions for legislative change, highlights some actions which have subsequently been addressed without the need for legislation since the Report was published, some suggestions for non-legislative action and further suggestions for improvement which have been identified in discussion with stakeholders since the Report's publication.

However, there is a general question at the end of the consultation questions where you can add your comments on the Recommendations that do not have a specific question below, or where you wish to make any other comments on the consultation document.

Recommendation 4

Q1. 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 (legislation.gov.uk)?

Yes

Recommendation 10

Q2. Should the Adjudication Panel Wales (APW) be able to issue Restricted Reporting Orders?

Yes

Comment: agreed to the Adjudication Panel for Wales (APW) being able to issue Restricted Reporting Orders to be used proportionally in the interests of fairness and protection of witnesses

Q3. Should there be express legal provision to enable the APW to protect the anonymity of witnesses?

Yes

Q4. Do you support the proposed changes to the permission to appeal procedure outlined in this recommendation. If not, what alternatives would you suggest?

Yes

Comment: agreed to support the changes to the permission to appeal procedure outlined in the recommendation to streamline the process but proposed that a timescale be included to ensure the process was completed within a reasonable period of time

Q5. Should there be an express power for the APW to summon witnesses to appeal tribunals?

Yes.

Comment: The Councils Standards Committee commented on the difficulties in enforcing this provision in practice.

Q6. Should there be any changes in the procedure for referring appeals decisions back to standards committees?

No:

Comment: 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, although one member felt there could be some flexibility given that every case was different. One member considered there to be value in referring the matter back to the Standards Committee in order to reflect on the merits of the reasons given to reconsider their decision and retain local control and responsibility.

Q7. Do you agree there should be an express provision to enable part or all of tribunal hearings to be held in private?

Yes

Comment: agreed there should be express provision to enable part or all of tribunal hearings to be held in private; that provision to be used proportionally in the interests of justice

Q8. Do you agree that the requirement to provide not less than seven days' notice of the postponement of a hearing should be retained?

Yes.

Comment: agreed that the requirement to provide not less than seven days' notice of the postponement of a hearing should not be retained in order to provide greater flexibility. However, reasonable notice should be given.

Q9. Should there be a wider range of sanctions available to the APW, and if so, what should they be?

Yes.

Comment: agreed there should be a wider range of powers available to the APW with the current powers available being too restrictive

Q10a. Do you support the proposed amendments to the process for interim case tribunals outlined in this recommendation? If not, could you please explain.

Yes.

Comment: in extreme circumstances

Q10b. 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?

No suggestions on process.

Q11. Do you have any further views on the recommendations made in relation to the operation of the APW?

Yes.

Comment: in relation to 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.

Recommendation 12

Q12. 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?

Comment: agreed to the need to raise awareness of the Ethical Standards Framework and to work with others as appropriate in that regard.

Other related matters outside of the Review Report

Q13. 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?

Yes

Comment: 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 in order to reach a wide and diverse audience.

Q14a. 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?

Yes.

Q14b. 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?

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. 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?

Yes.

Comment : 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, with one member advocating a lesser grace period or none at all.

Q16. Standards committees' summoning witnesses and sanctions: Should standards committees have the power to summon witnesses?

No

Comment: difficulties with enforcement.

Q17. Do you agree that the sanctions a standards committee can impose should be changed or added to?

Yes.

If yes, what sanctions would you suggest? 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.

Welsh language

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.

Q18. What effects do you think there would be?

Q19. How could positive effects be increased, or negative effects be mitigated?

Q20. 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.

Response to Q18/19/20 – considered the current bilingual provision to be sufficient with any changes having a neutral impact on the Welsh Language

Q21. 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?

No.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick

here:

Thank you for taking time to respond to this consultation. A summary of responses will be published in due course.

STANDARDS COMMITTEE FORWARD WORK PROGRAMME

NOTE: A SHORT 30-MINUTE TRAINING SESSION FOR ALL STANDARDS COMMITTEE MEMBERS WILL BE HELD BEFORE 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)
	Formal response to the Welsh Government Consultation on the Penn Review	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 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)
	Monitor the Regional Working arrangements	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	
September/December	Review of the size and composition of the Standards Committee	added by the Committee 28/10/22

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