

To: Chair and Members of Standards
Committee

Date: 1 December 2023

Direct Dial: 01824 712589

e-mail: democratic@denbighshire.gov.uk

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, 8 DECEMBER 2023** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND BY VIDEO CONFERENCE.**

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 8 September 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 STANDARDS COMMITTEE ANNUAL REPORT (Pages 23 - 32)

To consider the Standards Committee Annual report from the Monitoring Officer (copy enclosed).

9 CHAIR'S TRAINING EVENT

To receive a verbal update on the Chair's Training Event held on 24 November 2023.

10 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

(Pages 33 - 38)

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

11 DATE OF NEXT MEETING

The next meeting of the Standards Committee is scheduled for 10am, Friday 1 March 2024.

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.

12 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

(Pages 39 - 48)

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 Friday, 8 September 2023 at 10.00 am.

PRESENT

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

ALSO PRESENT

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

WELCOME

The Chair welcomed everyone to the meeting. A special welcome was extended to the Council's Trainee Solicitor who was attending her first Standards Committee meeting.

1 APOLOGIES

Councillor Gordon Hughes and Independent Member Anne Mellor
Gary Williams, Corporate Director: Governance and Business/Monitoring Officer

2 DECLARATIONS OF INTEREST

Councillor Bobby Feeley declared a personal interest in agenda item 14, Code of Conduct – Part 3 Local Government Act 2000, in respect of one of the complaints lodged with the Public Services Ombudsman for Wales.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Standards Committee held on 16 June 2023 were submitted.

Accuracy –

Page 5, Item 2: Declaration of Interests – the Chair reported that Councillor Gordon Hughes was still a member of Corwen Town Council. It was clarified that minutes were written in the past tense and therefore the reference that Councillor Hughes 'was' a member was technically correct. The declaration could be recorded that Councillor Hughes 'was currently a member' to more accurately reflect that he was a serving member at the time that the meeting was held.

Page 7, Item 6: Attendance at Meetings – to include wording to accurately reflect the position as follows “...that both the clerk and the chair were married **to each other** and queried whether any declarations of interest should have been raised...”

Page 12, Item 12: Standards Committee Forward Work Programme – to remove the reference to the first bullet point which was an error, with attendance at meetings being reported back to each meeting.

Matters Arising –

Page 5, Item 4: Minutes of the last meeting – training for clerks via video conference would be provided, but no date had yet been confirmed.

Page 6, Item 4: Minutes of the last meeting – the Chair had presented the Standards Committee Annual Report to full Council on 5 September, and she provided feedback thereon. Given the length of the meeting, some members had left before the item, but the report and subsequent minutes would be available for all members. The Chair had also highlighted the importance of training for Town/City/Community Councils and improving attendance; corrected and confirmed the National Standards Forum meeting dates; stressed the importance of the Group Leaders Duty and welcomed the Group Leaders Reports, but expressed disappointment over missed submission deadlines, and referred to further work on the process in future; gave a snapshot of the presentation by the Public Services Ombudsman for Wales to the National Standards Forum, and provided an update on the Penn Review. Questions were answered regarding mandatory training with all county councillors having undertaken Code of Conduct Training apart from the newly elected councillor, and the Monitoring Officer also referred to wider training provided by One Voice Wales and confirmed a piece of work to provide an overview of training provision. Different leaders also welcomed the process for dealing with small problems informally. Councillor Bobby Feeley added that the meeting had been well attended and the report had been well received.

In respect of an annual online meeting with the Town, City and Community Councils, the Deputy Monitoring Officer agreed to take the matter back to the Monitoring Officer to advise further.

Page 7, Item 6: Attendance at Meetings – no resolution had been agreed regarding providing feedback following reports back to the Standards Committee and it was agreed to discuss the matter further under that agenda item later in the meeting.

Page 8, Item 8: Comparison of Standards Committee Recruitment Panel Compilation – a request had been made for a report on the matter to be included on the Council’s forward work programme and confirmation of a slot was currently awaited. An update would be provided to members when available.

Page 8, Item 9: Code of Conduct Training – the Committee would be advised once the newly elected councillor had undertaken the mandatory training. Discussions were ongoing with Democratic Services regarding recording a training session and circulating that material; a further update would be provided at the next meeting.

Page 10, Item 10: Group Leaders Reports to Standards Committee – it was suggested an Ethical Liaison Group meeting be held on the same day as the next Standards Committee and it was agreed to discuss the matter under agenda item 9.

RESOLVED that, subject to the above, the minutes of the meeting held on 16 June 2023 be received and approved as a correct record.

5 PUBLIC SERVICES OMBUDSMAN FOR WALES - 'OUR FINDINGS'

A report was submitted by the Deputy Monitoring Officer (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. However, no cases involving a Code of Conduct complaint had been investigated during the report period 10 May 2023 to 3 August 2023.

Members noted that no complaints had been investigated nationally and surmised that there may be cases in the pipeline given the timescales involved. There was some debate as to whether the threshold for taking cases forward was too high, which would be disillusioning for complainants in the event their complaints were not investigated. Due to the recent change in process, the Monitoring Officer (MO) was only made aware of the complaint at the point he was notified by the PSOW of the decision whether to investigate. Prior to that change, the MO was notified of complaints as and when they were received by the PSOW.

RESOLVED that the contents of the report be noted.

6 ATTENDANCE AT MEETINGS

Members reported on their attendance at meetings as follows –

- Independent Member Samuel Jones reported on a meeting of Llandyrnog Community Council held at 7pm on 18 July 2023, which had been held in person, with no public present. The Chair and Clerk were very efficient, and most councillors participated during the meeting. Declarations of interest had been sought at the outset, with one declaration made later in the meeting by a councillor who had arrived late, although it was not clear as to whether it was a personal or personal and prejudicial interest, and the member's intended participation in the item was not made clear. Overall, the meeting was conducted professionally throughout, and it was pleasing to see members were proactive in the community, and debate was constructive. The Clerk was also easy to contact and responsive to messages.
- In the absence of Independent Member Anne Mellor, the Deputy Monitoring Officer read out her report on a recent meeting of Llanarmon Yn Ial Community Council. It had been a very busy meeting, and all was in order due mainly to the Chair who was very competent and guided everyone through with the aid of the Clerk who was also very experienced. Sadly, the Clerk was only standing in

until a replacement was found. There was some unrest on the Community Council with members having resigned and new members coming on board. It was felt that another visit would be advisable in the not-too-distant future and that the support of the Standards Committee would be welcomed.

- The Chair reported on a hybrid meeting of Denbighshire's County Council held at 10am on 5 September 2023, and which had been live streamed. The meeting had been well attended, but it was lengthy, and some members had left before the end. Officers attended in person and remotely and it was difficult to ascertain whether those in the public gallery were officers or public, although two members of the public attended to ask questions and the Council encouraged more public participation. Declarations of interest appeared on the agenda and a statement read out with one interest declared and the member acted in accordance with their declaration. Four urgent matters had been added. All members and officers were respectful to the Chair and each other, and the Chair ensured all had opportunity to speak. He did not allow a change to a motion after one point in discussion as he said it was too late to do so in the process. The Chair ensured the meeting ran smoothly and efficiently, and respectfully directed members to the focus of the debate. Points of order were raised and addressed satisfactorily. The Monitoring Officer gave advice and explanation during the meeting in support of the Chair and councillors. It was noted that the voting procedure did not currently give anonymity to those councillors attending remotely. In conclusion, the meeting was very well run, encouraged discussion, good behaviour, and professionalism.

Members highlighted the need for an agreed methodology on how best to feedback following attendance at meetings in a positive and proactive way. The previously agreed approach of any significant or urgent issues of concern being passed to the Monitoring Officer was reaffirmed. There was a lengthy debate on the merits of providing tailored feedback to individual councils visited and generic feedback to all councils to share good practice, particularly bearing in mind that only a proportion of councils would have received a visit. Different views on the best way forward were expressed and debated which led to a consensus that it would be courteous after a visit to provide some acknowledgement and individual feedback in a balanced and supportive manner. It was also agreed that generic feedback and other key messages/common themes be given to all councils on a quarterly basis following receipt of members reports on attendance at meetings of the Standards Committee.

RESOLVED that –

- (a) *the verbal reports from members attending meetings be noted, and*
- (b) *the methodology for feedback following attendance at meetings be agreed as follows –*
 - *in the event of any concerns, the Monitoring Officer shall make contact the Clerk or Chair of the council;*
 - *in respect of individual councils that have been visited, a letter be submitted to that particular council with feedback after each Standards Committee, and*

- *anonymous observational feedback from the Standards Committee be submitted to all Town/City/Community Councils per quarter, via email/letter.*

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 concerns for some time and members had discussed the need to continue to raise awareness of the issue. The Chair suggested that this topic be included in the first generic feedback letter to Town/City/Community Councils following members attendance at meetings.

RESOLVED *that the position be noted.*

8 NATIONAL STANDARDS FORUM

The Chair and Monitoring Officer had attended the second National Standards Forum held on 30 June 2023. The Chair highlighted the following key points –

- notes would be circulated to Standards Committees and be publicly available
- a training session on chairing Standards Committees would be arranged by the Welsh Local Government Association
- a talk by Professor Mark Philp on his role as a member of the Chair of the Committee on Standards in Public Life Research Advisory Board
- a talk by Michelle Morris, Public Services Ombudsman for Wales (PSOW) on her annual report for 2022/23
- a discussion on promoting high standards, the Group Leaders Duty and duty of the Standards Committee to comment on the Group Leaders' compliance. It was confirmed that leaders should meet with the full Standards Committee
- supporting Town and Community Councils; the Deputy Monitoring Officer advised that some councils in Denbighshire had adopted a local resolution process whereas others had not; the Chair suggested reference to that topic could also be included in the generic feedback following attendance at meetings
- resourcing Standards Committees was a challenge, with greater responsibilities on Standards Committees and heavier workloads for Monitoring Officers
- an update on the Penn Review with the responses to the consultation being analysed and the results published in the autumn; depending on the results it may require secondary legislation followed by a 12-week consultation period
- Monitoring Officers were seeking to introduce £25 as the minimum value for gifts and hospitality which was usual amongst most councils (including Denbighshire)
- future items for consideration included local resolution protocols and Corporate Joint Committees and Joint Standards Committees.

The Chair advised that the meeting had been extremely useful and reiterated that the notes of future meetings would be shared with the Standards Committee.

Members highlighted that only 35 of the 280 complaints made to the PSOW had been investigated and discussed the potential reasoning for the low number, which could include a high number of lower-level issues, frivolous and vexatious complaints and/or too stringent an application of the public interest test. It was noted that the process for submitting complaints to the PSOW was clear and straightforward. Members accepted that the PSOW had limited resources and choices to make in terms of investigations and balancing the seriousness of the issues brought forward, with clinical negligence used as an example. However, it was considered that the high number of complaints not investigated could risk disillusionment and the loss of public support and trust in the process, and the Standards Committee could only carry out its work by way of reference from the PSOW. The other mechanism for involvement of the Standards Committee was via the informal complaints protocol, but the general view was that action would prejudice the Committee's judgement in the event the complaint was subsequently referred to the Standards Committee by the PSOW. At the close of debate, members agreed that a letter be sent to the PSOW detailing the Committee's observations regarding the high number of complaints which did not pass the public interest test, and reference to the PSOW's powers to refer matters to the Standards Committee at their own volition for local resolution.

RESOLVED that –

- (a) *the verbal report on the meeting of the National Standards Forum held on 30 June 2023 be received and noted, and*
- (b) *the Deputy Monitoring Officer draft a letter to the Public Services Ombudsman for Wales (PSOW), for consideration by the Standards Committee, setting out the Committee's observations regarding the high number of complaints which did not pass the public interest test and referencing the powers of the PSOW to refer matters to the Standards Committee for local resolution.*

At this juncture (11.55 am) the meeting adjourned for a comfort break.

9 GROUP LEADERS DUTY - STATUTORY AND NON STATUTORY GUIDANCE FOR PRINCIPAL COUNCILS IN WALES

The 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 had been previously circulated with the agenda.

The Deputy Monitoring Officer (DMO) provided an update on the Group Leaders Duty and next steps and the Statutory Guidance for Principal Councils in Wales. Members were also asked to agree to invite Group Leaders to a future Ethical Liaison Group. The DMO drew members' attention to the salient points regarding the Group Leaders Duty as referenced within the Statutory Guidance as follows –

- the leader of a political group consisting of members of a county council or county borough council in Wales must take reasonable steps to promote and maintain high standards of conduct by the members of the group
- the duty did not make leaders of political groups accountable for the behaviour of their members, but they had a role in taking reasonable steps in maintaining high standards, setting an example, using their influence to support a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues of alleged non-compliance as soon as they arose
- elaborated on the ten reasonable steps as set out which Group Leaders had to have regard to and could undertake with a view to build on and support a culture which was proactive, acts on and does not tolerate inappropriate behaviour
- the importance of Code of Conduct training and establishing relationships with members which encouraged them to raise issues with the Group Leader
- failure of a Group Leader to comply meaningfully with the duty may potentially be regarded as bringing their office into disrepute, likely in breach of the Code
- Group Leaders should evidence their compliance with the new duty and report compliance with their duty to the Standards Committee
- Group Leaders should co-operate and ensure their group co-operate with the Monitoring Officer and Standards Committee when an issue was referred
- at the start of each council year Group Leaders should meet with the Standards Committee to agree how they will work together, the frequency of meetings between them throughout the year, the threshold the Standards Committee would use to establish if Group Leaders had complied with their duties, and the mechanism for Group Leaders to provide reports to the Standards Committee.

Members discussed the document with the DMO who advised that the guidance had only recently been published, and although it was helpful and regard should be given to it, there was also scope for the Committee to tailor it to suit as appropriate, particularly regarding timescales for actions, etc. Members acknowledged the work that had already been carried out in terms of the additional responsibilities for both the Committee and Group Leaders, including the positive response regarding the proforma adopted, and the need for further discussions to develop those processes, fostering good relations and collaborative working. The opportunity to raise the issue of training was also highlighted, and the DMO suggested it might be useful for the Head of Democratic Services to also be involved in that regard.

The Committee agreed that an Ethical Liaison Group meeting (involving the Standards Committee and Group Leaders) be arranged with a view to initiating those discussions and actions as set out in the guidance to progress matters. The DMO agreed to arrange a meeting on the same day as the next Standards Committee if possible, otherwise a separate meeting date would be considered. The guidance was detailed and complex and the DMO advised that the initial meeting would focus on summarising the Group Leaders Duty and facilitating a debate on how the Group Leaders and Standards Committee would work together to support that process and the reasonable steps as set out in the guidance.

The Committee also recognised that there were other elements within the Statutory Guidance relating to the Standards Committee and it was agreed that the DMO would provide further detail on Part 2: Sections 5, 6 and 7 together with Part 4: The Schedule, Section 6 and Agenda and reports, Section 15.80 (background papers),

Chairing Meetings, Section 15.138 onwards, in so far as they related to Standards Committees, at a future meeting. For clarity, the Chair also drew attention to Section 7: Duty of standards committee to make annual report; and in accordance with the guidance the Committee agreed that their annual report be shared with the Public Service Ombudsman for Wales, and Town/City/Community Councils via the first generic feedback correspondence following attendance at meetings.

RESOLVED that –

- (a) *the verbal update on the Group Leaders Duty be received and noted;*
- (b) *the Deputy Monitoring Officer to arrange a meeting of the Ethical Liaison Group in order to facilitate discussions between the Standards Committee and Groups Leaders on the Group Leaders Duty and next steps, and*
- (c) *the Deputy Monitoring Officer to provide a report back to a future meeting of the Committee on the other relevant sections of the Statutory Guidance in so far as it related to the Standards Committee.*

10 CORPORATE JOINT COMMITTEE

The Deputy Monitoring Officer explained that a ‘Joint Committee’ was made up of two or more local authorities. The North Wales Corporate Joint Committee (CJC) covered the six local authorities in North Wales, led by Gwynedd Council.

CJCs had powers relating to economic well-being, strategic planning and the development of regional transport policies, and the North Wales CJC also carried out the functions of an Economic Ambition Board. They were corporate bodies which could employ staff, hold assets and dedicated budgets. The CJC required overview and scrutiny and a means of standards oversight. The Monitoring Officer, Gwynedd Council was drafting a governance document and arrangements and, whilst it was still early in the process, work was ongoing to secure capacity around governance and setting up those processes, following which a formal request for representatives to sit on a future Standards Committee would be forthcoming.

RESOLVED that the update regarding Corporate Joint Committees be noted.

11 CHAIR'S TRAINING EVENT

The Deputy Monitoring Officer reported that the services of a trainer had been secured to deliver a Chair’s Training Event for Town/City/Community Councils to be held in person in County Hall, Ruthin from 10am – 12 noon on 24 November 2023.

It had been agreed with the Democratic Services Manager to extend the invitation to Chairs of Council Committees, and members of the Standards Committee were also welcome to attend if they wished. Communications would be sent to Clerks the following week seeking nominations for the event. Given the cost of the training incurred by the Council, a nominal £10 fee would be charged for each delegate which would also secure a commitment from them to attend. Similar training

provided by One Voice Wales cost £35. In terms of governance, the training would also include management of the clerk such as a contract of employment.

RESOLVED that the verbal update on the Chair's Training Event be noted.

12 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

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

- agreed to change the date of the next meeting in the forward work programme from 1 December to 8 December to reflect the reschedule
- to include a report on the forward work programme on other elements of the Statutory and Non-Statutory Guidance for Principal Councils in Wales relevant to the Standards Committee as discussed earlier on the agenda under item 9
- to reschedule the item on the National Standards Forum Update from December to March given that the meeting would not be held until January 2024
- to add an item to the forward work programme for March 2024 on feedback from the Ethical Liaison Group meeting (provisionally scheduled for 8 December)
- to add an item to the forward work programme for December 2023 on feedback from the Chair's Training Event held on 24 November 2023
- regarding future items the Deputy Monitoring Officer agreed to consult with the Monitoring Officer on an appropriate date for the item on the Review of the size and composition of the Standards Committee.

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 8 December 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 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.

There were no live complaints reported as under investigation at present. However, given the change in reporting arrangements there may be complaints lodged with the PSOW which would not be known until a decision had been made as to whether the complaint would be investigated. Members discussed several complaints

lodged in respect of one Community Council, none of which the PSOW was investigating due to them not passing the first stage of the public interest test because of insufficient evidence. The difficulty in reviewing the complaints was highlighted given that the Committee were not privy to the full facts of the case. Having considered the information available to the Committee, members felt that they would like to explore the matter further and asked that additional information be sought from the Monitoring Officer with a view to revisiting the matter at their next meeting. Members might also consider whether there was any merit in attending a future meeting of that council.

RESOLVED that the report be received and noted.

The meeting concluded at 1.20 pm.

Report to	Standards Committee
Date of meeting	8 th December 2023
Lead Member / Officer	Gary Williams, Monitoring Officer
Head of Service	Catrin Roberts, Head of Service, Corporate Support Services People.
Report author(s)	Elinor Cartwright, Trainee Solicitor
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 3rd August – 24th November 2023. The 'Our Findings' section of the Ombudsman's website contains a summary of those cases involving Code of Conduct complaints that have been investigated by the Ombudsman, broken down by subject matter as follows:

Duty to uphold the law	1
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4.6. The outcomes can be categorised as follows:

No Action Necessary	1
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4.7 The relevant extract from the Our Findings pages is attached for ease of reference as Appendix 1. The case doesn't relate to a council in Denbighshire.

4.8 In brief, the Ombudsman received a complaint that a Member of Conwy County Borough Council had breached its Code of Conduct by participating and voting in a virtual Council meeting whilst appearing to be driving, which would have the potential to bring the Council into disrepute. Given that there was only evidence of a single event, the Ombudsman found that this incident was not indicative of repeated behaviour, and despite the Member being in breach of the Code, found that it would not be in the public interest to take further action under s 69(4)(b) Local Government Act 2000.

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. No statement is required.

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. Local Government Act 2000

11.2. No decision is required.

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Extract from ‘Our Findings’

Relevant body: Conwy County Borough Council

Report date: 07/09/2023

Subject: Duty to uphold the law

Case ref number: 202205954

The Ombudsman received a complaint that a Member (“the Member”) of Conwy County Borough Council (“the Council”) had breached the Code of Conduct (“the Code”) by participating and voting in a Council meeting, which he attended virtually, while appearing to be driving.

The Ombudsman’s investigation considered whether the Member had breached the Code by bringing his office or authority into disrepute.

Information was obtained from the Council, including minutes from the relevant Council meetings and videos of the incidents that led to the complaint. Information was also obtained from the Member and from the Police.

The video footage from the first Council meeting showed the Member to be driving a vehicle whilst participating in the meeting and the Member acknowledged that this was the case. The Member felt it important that he attend all meetings. Subsequent videos showed the car either to be stationary or that the Member was in the passenger seat.

The Police said it had not received a complaint and it would not now be in the public interest to investigate the matter. It is not the Ombudsman’s role to determine whether the Member’s actions would have amounted to criminal behaviour. However, the Police decision does not mean the Member’s actions were considered acceptable.

The Ombudsman found that the actions of the Member were suggestive of a breach of the Code. The public rightly expect elected members to engage fully with Council business and to attend a meeting whilst driving a vehicle demonstrated poor judgement and had the potential to bring the Council into disrepute.

The Ombudsman considered that there was evidence of a single incident where the Member was driving and interacted with the meeting, and that it did not appear to be indicative of

repeated behaviour. That subsequent videos showed the Member to be in the passenger seat or in a stationary vehicle suggests the Member had not repeated the behaviour and has learned from this complaint.

The Ombudsman found that although the Member's actions were suggestive of a breach of the Code, that he had not repeated the behaviour since, and the lack of a criminal investigation meant it would not be in the public interest to take further action.

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.

This decision will be held on record and will be taken into account if there is any future similar behaviour by the Member.

Report to	Standards Committee
Date of meeting	8 th December 2023
Lead Member / Officer	Gary Williams, Corporate Director, Governance and Business/ Monitoring Officer
Report author	Lisa Jones, Legal Services Manager/Deputy Monitoring Officer
Title	Chairs 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 Chair's 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 it's 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' 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.

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Report to	County Council
Date of meeting	to be confirmed
Lead Member / Officer	Gary Williams, Monitoring Officer
Report author	Lisa Jones, Legal Services Manager
Title	Standards Committee Annual Report D R A F T

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 2023. It was agreed that the Chair will present their report on this basis annually 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 the 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. The obligation to deliver a report is now enshrined in legislation and a copy of the report is then lodged with the PSOW.

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 Standards Committee regulations stipulate that the size of the Committee shall not be less than 5 but no more than 9 Members with the Committee suggesting that this should be reviewed in the future. In Denbighshire 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), therefore 7 members. The majority of the Members are therefore not elected, but are recruited from members of the public as per the requirements of the Standards 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 When the Committee receives a reference from the Public Services Ombudsman for Wales (PSOW) following her investigation into a complaint, they will then sit in a quasi-judicial capacity whilst they hear the matter. They have powers to suspend a Member from Office for a maximum of 6 months, during which time they will not be able to act in their capacity as an elected member and will not receive any member salary. The Committee has discretion to impose lesser sanctions such as a partial suspension from duties or a 'public censure' and to impose other conditions such as attendance at training. At the time of writing the Monitoring Officer has been made aware of [insert number] of complaints lodged against members with the PSOW; of which [insert number / describe outcome]

4.4 There is also the option where the PSOW seeks the views of the Monitoring Officer and Standards Committee on whether in those circumstances where the Ombudsman decides not to investigate, that the Monitoring Officer may wish to investigate locally. In these circumstances, the Monitoring Officer consults the Chair and/or the Committee and each case is considered on its merits. The Standards Committee wrote to the PSOW in the Autumn of 2023 to communicate their observations that the number of complaints were not taken any further. [what does the Committee wish to add here?]

4.5 Group Leaders are now required by law to promote compliance within their Group in respect of adherence to the Code. An 'Ethical Liaison Group' has been established and Standards Committee met with the Group Leaders collectively for the second time on the 18th December 2023[insert details following GL meeting]

4.5 Members also carried out [insert final number following December Standards Committee] of visits as observers at Town, City and Community Councils. Feedback is now provided to the relevant Council and a form of anonymous generic feedback is provided to all Town, City and Community Councils on observations found and to enable the sharing of good practice.

4.6 During the past year the Committee met on 4 occasions. The table attached as Appendix 1 sets out a summary of the items under discussion.

Standing Items

The standing items in 2023 the Committee received were:

- (a) Reports from Standards Members in respect of their attendance and observations at Committee and Council meetings whether at County or 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. Accessibility of meetings is also noted.

In respect of the 2023 period, the general ethical framework functions were at [Standards Committee to provide comments on levels of compliance etc]

As emphasised last year, the Committee is keen to make it clear that their approach in attending in person at meetings is from a support and collaborative 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; and not from any enforcement or critical angle. 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. It is of note that at the time of writing no requests for dispensations have been received. A communication has been sent out to all clerks to remind them of the ability to obtain a dispensation but this has not generated any requests.
- (e) Public Services Ombudsman for Wales' – Our Findings. These are shared at each Committee so that a national picture of complaints is understood and the level of sanctions.

4.3 During this year there was also two meetings of the National Standards Forum – [standards committee to agree which areas they want to highlight]

4.4 During this year there was no meeting in respect of a Determination as to whether there had been a breach of the Code of Conduct at County or Community level.

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 has been for consultation to Standards Committee and that 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.

Appendix 1

Date of Meeting	Report Items/Area s
6/4/23	<ul style="list-style-type: none">• Standards Committee Annual Report• National Standards Forum feedback• WG consultation on the Penn Review Standing Item: Attendance at meetings• PSOW 'Our Findings'• Standing item: Dispensation requests

	<ul style="list-style-type: none"> • Standing Item: Overview of Complaints against Members • Forward Work Programme
16/6/23	<ul style="list-style-type: none"> • Code of Conduct Training update • Standards Committee Recruitment Panel • Group Leaders Duty and Reports • Response to the Penn Review • Standing Item: Attendance at meetings • PSOW 'Our Findings' • Standing item: Dispensation requests • Standing Item: Overview of Complaints against Members • Forward Work Programme
8/9/23	<ul style="list-style-type: none"> • National Standards Forum feedback • Group Leaders' Duty • Corporate Joint Committee update • Chairs Training Event for Town, City and Community Councils – confirmation of event. • Standing Item: Attendance at meetings • PSOW 'Our Findings' • Standing item: Dispensation requests • Standing Item: Overview of Complaints against Members • Forward Work Programme.
8/12/23	<ul style="list-style-type: none"> • Draft Standard Committee's Annual Report • Feedback from the Chair's training event held on the 24th November 2023 • Standing Item: Attendance at meetings • PSOW 'Our Findings' • Standing item: Dispensation requests • Standing Item: Overview of Complaints against Members • Forward Work Programme

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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

PREVIOUS MEETINGS

DATE OF MEETING	REPORT ITEMS / AREAS	REPORT AUTHOR
6 April 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 –	
	Standards Committee Annual Report	Lisa Jones (Deputy Monitoring Officer)
	National Standards Forum Update	Lisa Jones (Deputy Monitoring Officer)
	Welsh Government Consultation on the Penn Review	Gary Williams (Monitoring Officer)
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)
	Corporate Joint Committee (standards committee representatives)	Gary Williams (Monitoring Officer)
8 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 Request	Gary Williams (Monitoring Officer)
	Standing Item: Standards Committee Forward Work Programme	Gary Williams (Monitoring Officer)
	Standing Pat 2 Item: Overview of Complaints in Denbighshire	Gary Williams (Monitoring Officer)

	Report Items -	
	Standards Committee Annual Report	Lisa Jones (Deputy Monitoring Officer)
	Feedback from the Chair's Training Event held on 24 November 2023	Lisa Jones (Deputy Monitoring Officer)

FUTURE MEETINGS

DATE OF MEETING	REPORT ITEMS / AREAS	REPORT AUTHOR
1 March 2024	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)
	Statutory and Non-Statutory Guidance for Principal Councils in Wales relevant to the Standards Committee	Lisa Jones (Deputy Monitoring Officer)
	Feedback from the Ethical Liaison Group meeting (provisionally scheduled for 8 December)	Lisa Jones (Deputy Monitoring Officer)
7 June 2024	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 –	
13 September 2024	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 –	
6 December 2024	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 –	

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

Updated 30/11/23 NH

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