

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in the Council Chamber, County Hall, Wynnstay Road, Ruthin and via Zoom on Friday, 28 October 2022 at 11.30 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

ALSO PRESENT

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

WELCOME

The Chair welcomed everyone to the meeting. A special welcome was extended to Independent Member Samuel Jones who was attending his first meeting.

1 APOLOGIES

Gary Williams, Corporate Director: Governance and Business/Monitoring Officer

Due to recent changes in the Council's senior management structure and ongoing review of the Senior Leadership Team, Lisa Jones, Deputy Monitoring Officer had been appointed Interim Head of Service – Legal and Democratic Services, and would be working more closely with the Standards Committee going forward.

2 DECLARATION OF INTERESTS

No declarations of personal or prejudicial interest had been raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

The Chair raised the following under urgent matters –

- the sad news that Councillor Brian Blakeley (Rhyl Tynewydd) had passed away in the early hours of that morning and all present observed a minute silence
- the omission of 'Dispensation Requests' as a standing item on the agenda. The Deputy Monitoring Officer confirmed that no requests for dispensation had been received from Town/City/Community Councils or at county level.

4 MINUTES OF THE LAST MEETING

The minutes of the Standards Committee held on 22 July 2022 were submitted.

Accuracy –

Page 7 – Present – to replace ‘a’ with ‘and’ to read “Peter Lamb and Councillor Gordon Hughes”

Page 10, second paragraph – Item 8: Ethics and Standards Training – to replace ‘Denbighshire’s’ with ‘Denbighshire’

Page 10, second to last paragraph – Item 8: Ethics and Standards Training – to replace ‘meetings’ with ‘training session’

Page 11, Item 9: Welsh Government Guidance – Duty of Group Leaders to Promote Ethical Behaviour, first sentence – to replace ‘circulate’ with ‘circulated’

Page 14, Item 13: Date of Next Meeting – to replace ‘march’ with ‘March’. It was noted that the timetable for future meetings was 10am on Fridays, and that the rescheduling of the current meeting for 11.30 am was contrary to that timetable. However, that had been due to the limited availability of dates and key officers.

Matters Arising –

Page 8 – Item 6: Minutes (Matters Arising) – Process for recruiting independent members of the Standards Committee – the Standards Committee (Wales) Regulations 2001 allowed for up to nine members with Denbighshire’s constitution currently stipulating seven members, and the potential to review that position had been highlighted. There had been no further discussions on the matter since then and it was agreed that the item be added to the forward work programme for future consideration. It was accepted that there would be budget implications associated with any increase in members which would be a decision for full Council to make.

Page 8 – Item 6: Minutes (Matters Arising) (Page 11, Item 8) – there had been some discussion around the inclusion of independent members on the Recruitment Panels for independent members, which happened in other local authorities but not in Denbighshire. Following that discussion, the Chair had been involved in the latest interview process as an observer. There were regulations governing Standard Committee member recruitment but varying practices in different local authorities across Wales and a report back on that topic had been included on the forward work programme for December. Councillor Hugh Irving advised that he had been on the latest Recruitment Panel but had been unable to attend both sessions. It was agreed that the protocol to be enacted in those circumstances also be included as part of the report back on the composition of the recruitment panel.

Page 10 – Item 8: Ethics and Standards Training, fifth paragraph – Code of Conduct training had been provided for elected members following May’s local government elections with a further session scheduled for 10am on 20 December for those members who had not yet attended and provided an opportunity for Standards Committee members to attend. Three sessions had been conducted for Town, City, and Community Councils which had not been particularly well attended due to an administrative problem. Therefore, an online session would be offered before Christmas with face to face sessions planned in the new year in both the North and South of the county. The Deputy Monitoring Officer agreed to circulate

the dates to Committee members via email. The Chair had been disappointed to note the communication issue and limited attendance and stressed the importance of additional sessions to ensure all members were given opportunities to attend the training as early as possible in the new Council term to develop an understanding of the requirements and expectations at the outset. It was a requirement that every member attended a Code of Conduct training session at least once each Council term, regardless of whether they were returning members. A further update on member training had been included in the forward work programme for December.

Page 11, Item 9: Welsh Government Guidance – Duty of Group Leaders to promote ethical behaviour – reference was made to the proposal to create an Ethical Liaison Group to be supported by the Monitoring Officer and a member of the Standards Committee (e.g. Chair or Vice-Chair). The Chair felt that both the Chair and Vice-Chair should be involved. The Deputy Monitoring Officer advised that a report had been scheduled for the December meeting and members could agree an approach at that time. She had no update at present on the Monitoring Officer's initial meeting with the Group Leaders scheduled on 29 July. The Chair was a member of the Standards Committee with another local authority and provided some templates which had been co-produced with Group Leaders in that authority which could be used as a starting point to further develop with Denbighshire's Group Leaders. She emphasised the need for the protocol to be developed jointly with Group Leaders in order for it to work for both sides. The Committee agreed that the Chair and Deputy Monitoring Officer work together on a suggested template for that purpose.

Page 12, Item 10: National Standards Forum – The Deputy Monitoring Officer reported that a draft terms of reference had been produced and circulated to all Monitoring Officers in Wales and work was progressing in that regard. The Chair asked that regular updates on progression with the establishment of the National Standards Forum be included in the forward work programme.

Page 14, Item 14: Code of Conduct – Part 3 Local Government Act 2000 – the Committee had noted the change in the way the Ombudsman dealt with the notification of complaints and asked the Monitoring Officer to provide feedback to the Ombudsman that receiving a copy of the initial complaint was of value. The Deputy Monitoring Officer was not aware that feedback had been given and confirmed that she would take that action forward on behalf of the Committee.

Any other matters arising had been covered in the agenda items for the meeting.

RESOLVED that, subject to the above, the minutes of the meeting held on 22 July 2022 be received and approved as a correct record.

5 CHAIRS ANNUAL REPORT

A report was submitted by the Deputy Monitoring Officer (previously circulated) presenting the draft Chair's Annual Report for consideration prior to its submission to full Council. The report detailed the Committee's work during 2021.

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. Due to the May local government elections there had been a delay in receiving the report which would usually have been produced much earlier in the year.

The Deputy Monitoring Officer guided members through the content of the report and during debate the following amendments were agreed by the Committee –

- paragraph 4.2 – reference to the appointment of the new Public Services Ombudsman for Wales, Michelle Morris who had taken over from Nick Bennett, be included in the report. It was noted that the term ‘Ombudsman’ was still used despite the new appointment. It was agreed that the local resolution protocol be included and referred to in a supportive way as a means of avoiding issues escalating and the link to the engagement of Group Leaders in such activities going forward. Whilst noting the report covered 2021 it was considered appropriate to mention that the current composition of the Standards Committee would be under future review with potential for up to two additional members
- paragraph 4.3 – the number of times the Committee met be amended to 4 occasions (from 3 occasions). It was agreed that listing the items provided an appropriate summary and the Chair may wish to elaborate on any of those items at full Council. Members noted the change to the annual reporting process to full Council from municipal year back to calendar year. There was some discussion on how best to report to Council the meeting held on 11 June 2021 to determine an allegation of breach of the code of conduct. Further reference had been included in paragraph 4.6. Whilst it was important to be sensitive to the situation it was also important that the new Council had an understanding of the role and processes of the Standards Committee. It was agreed to provide further clarity in the report in that regard and the Chair may wish to elaborate on the issue at full Council. It was agreed that the Chair and Deputy Monitoring Officer discuss and agree the best approach outside of the meeting
- paragraph 4.4 – the addition of ‘Dispensation Requests’ be included as a standing item for the Committee going forward. 4.4(a) – to reword the sentence and replace “from a support and educational angle” with “from a supportive and collaborative angle” to better reflect the approach taken. As part of the role of attendance and observation at meetings, reference be included to also ensuring that meetings were accessible to the public in an appropriate way. 4.4(b) it was agreed that the new approach taken by the Ombudsman regarding notification of complaints be referenced in the next annual report and not in the 2021 report, but that the wording be strengthened to further explain the Committee’s approach in identifying any trends and patterns to proactively target those issues as a preventative measure. It was agreed to include the Public Services Ombudsman for Wales Code of Conduct Casebook as a standing item
- paragraph 4.5 – brief reference be made to the key issues arising from the Penn review in order to raise awareness of those matters and the potential implications for the Standards Committee and County Council together with the new responsibility on Group Leaders, and
- further clarity be provided that the report covered 2021 and the Committee’s membership at that time, which also covered the period of the previous Chair. The current Chair (Vice-Chair in 2021) would present the report to Council.

The Chair thanked the Deputy Monitoring Officer 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.

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.*

[At this point (12.30 pm) Councillor Bobby Feeley left the meeting.]

6 ATTENDANCE AT MEETINGS

The Deputy Monitoring Officer (DMO) presented a report (previously circulated) for members to consider and agree a coordinated and structured approach to their attendance and observation at meetings and feedback. Details of County Council Committees, Town, City and Community Councils and suggested script, and draft feedback form had been appended to the report.

By way of introduction, the Chair advised that members had not attended meetings for some time and the purpose of the report was to agree a way forward. She also highlighted discussions with the Monitoring Officer on the remuneration potential for the activity, given that independent members of other Standards Committees (at least two other North Wales authorities), were remunerated to undertake those visits. It was clarified that independent members in Denbighshire could claim travel expenses for visits but payment was not currently made for the attendance element.

The DMO advised that the activity had always been perceived as a voluntary task in Denbighshire and there was currently no budget for that purpose. Informal advice from the Independent Remuneration Panel for Wales indicated that remuneration for the activity was discretionary. The item had been listed for discussion at the Heads of Democratic Services Group which would provide an all-Wales position on the issue. The matter would also need to be considered in the context of the current cost of living crisis and diminishing council budgets. It was proper that the matter be given due consideration and it was suggested that the Committee consider the issue at a future meeting, either formally or informally, to form a view taking into account the position of other local authorities in Wales and financial considerations.

During debate there was general support for consistency of approach across Wales and the Committee agreed that it would be sensible to await further information on the subject to facilitate an informed discussion. It was agreed that discussion should be carried out in a formal meeting in an open and transparent way. It was noted that a programme of attendance could be tailored and costed as appropriate, with potential to target areas of concern/complaint, whilst also taking into account the supportive nature of the visits for all, and ensuring public accessibility.

There was some debate on whether to delay consideration of the current report and the approach to future attendance and feedback pending the outcome of the discussion on the remuneration potential for that work. The Chair explained the reasoning behind the report, highlighting the approach previously taken to attending meetings and general consensus that a more formal approach should be carried out. She elaborated on the process taken in a different county of which she was also a Standards Committee member as a starting point for consideration, highlighting the selection process for identifying town/community councils to visit and a number of operational considerations, which resulted in a structured programme carried out over one year. Outcomes were fed back to the Standards Committee with generic messages back to all town/community councils in terms of both reminders and best practice to support and facilitate improvement. Specific feedback to individual councils, if required, was provided by the Monitoring Officer.

As a way forward, the Committee agreed to consider the potential remuneration for attendance at their next meeting, and to defer the consideration of the approach to their attendance and feedback pending the outcome of the remuneration discussion. In the interim, the Chair and DMO would produce a potential methodology in line with the process outlined at the meeting and taking into account the feedback form. The ultimate decision on remuneration would be for the Council but members stressed the importance of Council recognising the value of those visits in promotion of the Code of Conduct and reduction in complaints.

RESOLVED that –

- (a) *a report be submitted to the next meeting of the Committee on the potential remuneration for independent members' attendance and observation at meetings, to include comparisons with other local authorities in Wales and financial considerations, and*
- (b) *consideration of a structured approach to attendance and observation at meetings and feedback, to include a potential methodology, be deferred to the Committee's next meeting in order to be further informed by the report at (a) above and the outcome of that discussion.*

7 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

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

- noted additional items to be added to the forward work programme agreed during the course of the meeting relating to 'Review of the size and composition of the Standards Committee' (future item) and 'Potential remuneration for independent members' attendance and observations at meetings' (December)
- reaffirmed the standing items listed for the agenda on the forward work programme with an explanation of the purpose of each item
- the lack of dispensation requests over some time was noted which could indicate a potential breach of the Code of Conduct and there may be some future work required in that regard. The Deputy Monitoring Officer (DMO) confirmed that the application process for dispensations had been

communicated to Town/City/Community Council clerks some months ago which had not solicited any dispensation requests, and the intention was to conduct a training session with clerks next spring to include dispensation requests

- the intention to provide a short 30-minute training session before future meetings was highlighted and topics for those sessions would be considered – members were encouraged to contact the Chair or DMO outside of the meeting with any training topics to improve the Committee's knowledge and skills
- the three separate items relating to Ethical Liaison and Group Leaders' Duty be combined into one item on the forward work programme for December
- reference to the report back from Standards Forum be renamed National Standards Forum on the forward work programme for December and thereafter
- the Chair's Annual Report for 2022 be included in the forward work programme for March 2023.

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

8 DATE OF NEXT MEETING

Members noted that the Standards Committee's next meeting had been scheduled for 10.00 am on Friday 2 December 2022. In the event that a training session was held beforehand, the meeting itself would commence at 10.30 am.

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.

9 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

The Deputy Monitoring Officer (DMO) submitted a confidential report (previously circulated) providing an overview of complaints against members lodged with the Public Services Ombudsman for Wales (PSOW) since 1 January 2018.

In terms of future reporting it was agreed to receive details of closed complaints over the previous twelve months together with live complaints and for dates to be included to ensure a more focused report. The majority of complaints over the last twelve months had been from members of the public as opposed to member on member complaints, and for each occasion there had been a decision by the PSOW not to investigate for the various reasons as set out in the report. There were no live matters at present. Reference was made to the high threshold for targeting resources and two stage test used by the PSOW to consider whether or not to investigate a complaint.

There was some discussion on the new process implemented by the PSOW with regard to the notification of complaints which resulted in the Monitoring Officer not being informed of the initial complaint, only the outcome. The Committee reiterated the value of the Monitoring Officer being notified of all complaints, regardless of

whether the complaint resulted in an investigation, in order to identify and monitor trends with a view to targeting resources in that regard. The DMO reiterated that she would feedback that view directly to the PSOW and confirmed the topic could also be raised for discussion by the National Standards Forum.

RESOLVED that the report be received and noted.

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

The meeting concluded at 1.05 pm.