

<b>Report to</b>	County Council
<b>Date of meeting</b>	18 <sup>th</sup> May 2021
<b>Lead Member / Officer</b>	Ian Trigger, Chair of Standards Committee
<b>Report author</b>	Gary Williams, Monitoring Officer
<b>Title</b>	Annual Report of the Standards Committee.

## **1. What is the report about?**

1.1. The Annual Report of the Standards Committee.

## **2. What is the reason for making this report?**

2.1. To provide a report to the County Council on the work of the Standards Committee. Due to the suspension of meetings during the earlier period of the pandemic, the report will cover the period from the last annual report presented in July 2019 and the end of the current municipal year.

## **3. What are the Recommendations?**

3.1. That the Council receives the Annual Report of the Standards Committee.

## **4. Report details**

4.1. It was agreed by Standards Committee some years ago that an Annual Report should be presented on the work of the committee 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. This will become a statutory requirement upon the commencement of the relevant provisions of the Local Government and Elections (Wales) Act 2021.

4.2. Standards Committee's main role is to monitor adherence to the Members Code of Conduct. All members are aware that their Code is founded on principles by which Members should conduct themselves based upon the 7 Nolan Principles

of Public Life. In Wales there are ten principles which are set out in the Conduct of Members (Principles) (Wales) Order 2001.

- 4.3. Standards Committee consists of the following Member types – 2 County Councillors, 4 Independent (co-opted) Members, and 1 Community Council Member (who is not also a twin hatted Member). The majority of the Members are therefore not elected, but are recruited from members of the public as per the requirements of the standards legislation in Wales. The Committee can also only be quorate when at least half of those Members present are the Independent members.
- 4.4. Independent members are recruited via a public advert, which is open to all save for strict criteria in respect of not previously being an Officer or Member of the Council within certain time frames, being of good standing and having certain attributes as laid down in the legislation. Other than this the opportunity is open to persons from all walks of life, in order to represent the views of the public with regard to the standards they expect of their elected members. The current independent members are Ian Trigger, Julia Hughes, Anne Mellor and Peter Lamb.
- 4.5. Independent members of the Committee are able to serve up to two terms of office. Ian Trigger's second term of office will end on the date of the local government elections in 2022. Peter Lamb's first term of office will end on the same date. The first terms of office of Julia Hughes and Anne Mellor come to an end in May 2021 and their appointment to a second term of office is the subject of a separate report.
- 4.6. During the period covered by this report the Committee met on 6 occasions. There are a number of standing items received by the Committee:

(a) Attendance at Meetings

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 has a proactive 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. The Committee is keen to make it clear that their approach in attending in person at meetings is to provide support and education, 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.

(b) Overview of Complaints lodged against Members with the Public Services Ombudsman for Wales (the Ombudsman). The report is presented in a closed session and members are provided with a limited amount of detail in respect of ongoing complaints as well as those that have been turned down by the Ombudsman for investigation. Sufficient detail is provided 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. The majority of complaints relate to complaints against members of Town, City and Community Councils and are very often brought by other members of the same council. The vast majority of these complaints have not been investigated by the Ombudsman who applies a two stage test, firstly whether there is any evidence to suggest that a breach of the Code has occurred, and secondly, whether it is in the public interest for his office to commit resources to an investigation.

(c) Code of Conduct Casebook. The Ombudsman produces a quarterly summary of complaints that have been considered by his office setting out what action has been taken in respect of the complaints, and where relevant, the sanction imposed. Any members who are interested in the contents of the casebook may access it via the Ombudsman's website.

- 4.6 The Committee has considered a number of other matters during this period. In July 2019 the Committee conducted a hearing to consider a complaint of a breach of the Code of Conduct by a member of a Town Council that was referred to the Committee by the Ombudsman. Following a two day hearing the Committee found that the member concerned had breached the Code of Conduct and imposed a suspension of four months on that member.
- 4.7 The Committee has considered the LGA's campaign regarding civility in public life and in particular how it relates to the use of social media. The Committee

has requested further work be done by officers to prepare guidance for elected members on the problem of intimidation on social media etc., building upon materials to be developed by the LGA.

- 4.8 The Ombudsman has published draft revised guidance on the Code of Conduct for elected members which has been considered by the Committee. This revised guidance contains slightly more explanatory text and an increased number of examples to help members understand the obligations placed upon them by the Code of Conduct. The revised guidance has not yet been published but will be of assistance in the provision of training to newly elected councillors in 2022.
- 4.9 The North and Mid Wales Standards Committees Forum is a body made up of the Chairs and Vice Chairs of the Standards Committees of the constituent authorities. The forum usually meets twice a year to discuss topics of mutual interest. There have been no meetings of the forum during the pandemic but it is hoped that it will begin to meet again soon albeit virtually.
- 4.10 In the coming year the Committee will be considering the implementation of the Local Government and Elections (Wales) Act 2021 which introduces new duties for political group leaders to promote and maintain high standards of conduct by members of their groups and to co-operate with the Committee in the exercise of its functions. The Committee will need to meet with group leaders to discuss how they and the Committee can work together to fulfil the requirements of the legislation. The Committee's terms of reference will need to be amended in order to reflect these new obligations.
- 4.11 The Committee will also play an important role in overseeing the preparation of training materials for the new Council following the local government election due to take place in May 2022 in respect of the ethical framework in general and the Code of Conduct in particular.
- 4.11 The Committee will also be promoting the process by which elected members whether may apply for dispensations which would allow them, in certain circumstances set out in law, to speak at meetings on matters in respect of which they would ordinarily be considered to have an interest. This is particularly relevant in town, city and community councils where the members of the council are often also members of other groups and societies in their

communities. The Committee would appear to receive fewer applications for dispensation than many other authorities' committees.

4.12 The Committee is keen to learn lessons from the good practice of other authorities' Standards Committees. The Committee will therefore be raising its profile within the Council in the coming year. Meetings will be arranged for the Chair and Vice Chair to meet the new Chief Executive and the Leader. Independent members who already observe town and community council meetings will observe some of the Council's meetings.

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

5.1. The report has no direct impact upon the Corporate Priorities, however, the ethical framework and the role played by the Committee play an important part in maintaining public confidence in the integrity of local government and those who serve within it.

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

6.1. There are no costs directly associated with this report.

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

7.1. An impact 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 with Scrutiny or anyone else before presenting this report to the Committee.

## **9. Chief Finance Officer Statement**

9.1. There are no direct resource implications of this report.

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

10.1. There are no risks associated with this report.

## **11. Power to make the decision**

11.1. The Committee has the power to make the report under the terms of the Council's Constitution.