

## **STANDARDS COMMITTEE**

Minutes of a meeting of the Standards Committee held in Via video conference on Friday, 5 March 2021 at 10.00 am.

### **PRESENT**

Ian Trigger (Chair), Julia Hughes (Vice-Chair) and Peter Lamb together with Councillors Paul Penlington, Andrew Thomas and Gordon Hughes

**Observers** - Councillor Ann Davies, Councillor Meirick Lloyd Davies, Councillor Brian Jones, Councillor Christine Marston, Councillor Arwel Roberts and Councillor Tony Thomas.

### **ALSO PRESENT**

Monitoring officer (GW), Democratic Services Manager (SP) and Committee Administrator (SJ)

#### **1 APOLOGIES**

Apologies were received from independent member Anne Mellor.

#### **2 DECLARATION OF INTERESTS**

Councillor Paul Penlington declared a personal interest in Agenda item 12 as reference to historical complaints were included.

Councillor Ann Davies an observer at the meeting declared a prejudicial interest in Agenda item 12 with reference to ongoing investigations.

Independent member Julia Hughes reminded members that she represented Standards Committee on Flintshire County Council and the North Wales Fire and Rescue Standards Committee.

#### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

There were no urgent items.

#### **4 MINUTES OF THE LAST MEETING**

The minutes of the Standards Committee meeting held on 04 December 2020 were submitted.

Matters arising:

Members asked the Monitoring Officer if the Code of Conduct Casebook had been made available. The Monitoring officer confirmed the update to the Casebook had still not been published.

**RESOLVED** that the minutes of the Standards Committee meeting held on 4 December 2020 be confirmed as a correct record.

## 5 ATTENDANCE AT MEETINGS

The Chair stated that due to the current Covid-19 pandemic no physical attendance at meetings had taken place since the last Standards committee meeting. It was noted that meetings had resumed via online platforms to conduct any business.

The Chair explained that Independent member Anne Mellor had attended a meeting of the Rhuddlan Town Council and produced feedback for the committee to discuss. As Anne Mellor had been unable to attend the meeting the Monitoring Officer(MO) introduced the statement provided.

It stated,

Prior to the meeting I (Anne Mellor) reviewed the website and found it to be easy to use and navigate and it provided the contact details of the clerk. I had been sent a copy of the agenda and the meeting invitation for the meeting on the 14<sup>th</sup> January 2021. My opinion had been that the meeting was productive and had very good discussion and input from all present.

Independent Member Julia Hughes asked the MO if she could be invited to the next Cabinet and Council meeting.

The MO confirmed that the meetings of Cabinet and Full Council would be webcast for Public viewing. An invite to attend remotely would only have to be issued if the agenda contained confidential Part 2 documents as that part of the meeting was not broadcast. Members of the Standards Committee are entitled to observe the restricted part of a meeting. If members wished to attend a meeting that included Part 2 items, a request to Steve Price should be made.

Councillor Ann Davies thanked Anne Mellor for attending the Rhuddlan Town Council meeting. The thoughts were echoed by Councillor Arwel Roberts who stated the Town Council worked well and it was pleasing to hear the observations of the Standards member following the meeting.

The MO stated that Standards Members attended City, Town and Community Councils to observe the proceedings and report any findings back to Standards committee. It was deemed a verbal report would be acceptable. If observations from attendance raised any concerns, the committee could instruct the MO to support and assist the council if required.

The Chair stated he had previously attended the training provided by the MO, it had been well run and very informative.

The Chair thanked members for the discussion, it was therefor **RESOLVED** that the above observations and discussion be noted.

## 6 DRAFT REVISED GUIDANCE ON THE CODE OF CONDUCT

The Monitoring Officer (MO) guided members through the report. The two versions of the guidance had been produced for: 1- members of principal Council, Fire and Rescue Authority and National Parks, 2- Members of Town, City and Community Councils.

The current Code of Conduct guidance from the ombudsman had last been revised in 2016. The Ombudsman had sought to do a refresh and consultation for its publication prior to the local elections in 2022.

The Ombudsman had released the documents included in the papers and asked for views from members. The content of the revised guidance covered a number of similar aspects with no changes made to certain elements of the current document. The Monitoring Officer guided members through some of the changes that had been noted.

- The Code had been produced to help and guide members in maintain appropriate standards of Code of Conduct when carrying out duties.
- Emphasis for members to attend training when provided had been highlighted.
- Further explanation on the Standards Committee had been included.
- The introduction of interim reports that can be presented to the President of the Adjudication Panel for Wales. From which an interim case tribunal could take place and interim outcomes pending the outcome of the investigation and the hearing.

The Chair thanked the MO for the briefing of the changes. He stated the use of social media had been observed, in his opinion the dangers of social media should be emphasised more within the report.

Julia Hughes stated the guidance paper had been an accessible read and the use of appropriate examples to aid understanding was a good introduction. It was pleasing to note that the training section had been included in the guidance. The updated document was welcomed.

The MO offered clarity on the role related to elected members on Town, City and Community Councils and County Council and their conduct when they represented the authority. In respect to school governors who was not an elected member would not be covered under the proposed revised guidance document. If an elected member sat on a school governing body, in that role they are seen as a representative of the Council and the Code of Conduct would apply to them.

The MO confirmed that the majority of complaints received are dissolved and investigated by the Ombudsman due to a number of reasons. Within the guidance an expression of dismay from the Ombudsman on complaints made for political purposes was made. Confirmation that robust testing was adopted when investigating complaints and assessing if a complaint ought to be investigated. It was compulsory for City, Town and Community Council's to comply with the Code of Conduct.

Lay Member Peter Lamb raised the following points;

- The title on the first page should include 'guidance' in the title,

- The document referred to 'reassurance to the public' it was not clear what reassurance it provided,
- The word harm had been used on page 23 of the agenda pack, Mr Lamb questioned if it was the most appropriate word to use,
- The inclusion of the monetary value of £1000 in regard to use of mobile phone. It was suggested it might be best to leave out the monetary amount.

The MO thanked the Lay Member for his thoughts. In response to the points raised the MO confirmed he agreed with the point of including the word guidance within the title and would pass on the inclusion to the Ombudsman. In response to the other points raised the reassurance to the public was to emphasise the existence of the Code of Conduct provided comfort that a procedure was in place for elected members to adhere to.

The use of the word harm had been included in the broad sense to include all aspects of harm including physical harm, emotional harm, economic harm, career harm or reputational harm. It was the MO understanding the word had been used to cover all these aspects.

The comment on the monetary value of mobile phone use, would be related back to the team for consideration.

Following the discussion, the MO noted the following;

- The guidance was accessible enhanced document
- Pleased to note the emphasis on training
- The inclusion of the importance of seeking advice from the MO in any doubt
- More emphasis on the concerns around the use of social media
- To include 'guidance' on the title page
- To expand or re-examine the use of the word harm
- The monetary amount included may be worth considering omitting from the notes.

The MO confirmed the main points of the City, Town and Communities guidance had remained the same.

Members,

**RESOLVED** that the committee note the contents of the report and comment as noted above with considerations to the draft guidance.

At this juncture (11.40 a.m.) the meeting adjourned for a 10 minute refreshment break.

The meeting reconvened at 11.50 a.m.

## 8 STANDARDS COMMITTEE TERMS OF REFERENCE

The Monitoring Officer (MO) presented the report (previously circulated), following the request to review the terms of reference from members.

The MO stated the reference to school governors within the terms of reference was directed to dispensations to Councillors, Co-opted members and Church and parent

governor representatives are the individuals who are co-opted onto Scrutiny committees. It was confirmed the Law required the authority to have Church and Education representatives who are invited to attend Scrutiny meetings when considering matters of education. They are formally co-opted members of the authority.

The MO had compared the terms of reference held by Denbighshire's Standards committee to the terms held at the other North Wales authorities and also elements of other Welsh authorities as a point of reference.

The main functions of the Standards committee had been replicated in other terms of reference as they are a function of the Standards committee regulations. One difference to note had been had been Flintshire County Council and Wrexham include the annual Whistleblowing regime as a function of the Standards committee. It was confirmed within DCC constitution the report was presented to Corporate Governance and Audit committee annually. Another report noted of difference had been a report on indemnities requests. The role currently lay with Corporate Governance and Audit Committee.

Within Flintshire County Council terms of reference, they included a report on the planning code of conduct and council's constitution in so far they relate to issues concerning members which were to be reported to Cabinet.

In response to members concerns the MO expanded on the following:

- The Standards committee had a responsibility to report annually to County Council any findings of breaches of the Members Code of Conduct by the Public Services Ombudsman for Wales.
- In the opinion of the MO it was logical for the Corporate Governance and Audit committee to receive the whistleblowing policy. As both the MO and Chief internal auditor attend each meeting.
- The MO informed members, attendance at meetings was very good. No reverence to the Standard Committee had been required.
- The MO was happy to trial a pre-meeting for any training or upskilling members before each meeting if members felt would be beneficial. The MO stated he would contact the MO in Flintshire for guidance on what they had included in some briefings.
- The MO stated he could present a report on the member/ officer protocol and an employee's code of conduct for member's reference.
- A reminder email could be distributed to all clerks about dispensations.

The Chair thanked the MO for the report and comparison information, members

**RESOLVED,**

- *The MO suggest that the Standards Committee offer to receive the Whistleblowing annual review from Corporate Governance and Audit committee.*
- *The MO present reports on the Member/ Officer protocol and the employee's code of conduct.*
- *The MO approach the MO in Flintshire about pre-meeting briefings.*
- *An email be sent to Community Clerks reminding them of the dispensation process.*

## 9 DRAFT ANNUAL REPORT OF STANDARDS COMMITTEE

The Chair introduced the draft report of Standards Committee to be debated and presented to the County Council. It was explained that it had been 2 years since a report was presented to County Council on behalf of the Committee. The report would be reported by the Chair to Full Council in the May County Council meeting.

The Chair noted that within point 4.6 a slight amendment was needed as a four-month suspension not three months as stated had been issued. The Monitoring Officer (MO) stated he would amend as noted.

Members requested that the Chair or Vice Chair attend the North Wales Standards Forum and its purpose. Promoting news to be shared and collaboration between authorities

Within the report members wanted to illustrate the work the Standards Committee do and the reasons why. Members suggested it may be beneficial to include some information on the length of term for Lay members.

Lay Member Peter Lamb suggested the one dispensation request that had been heard by the Committee could be included to highlight the concern that only one had been presented to members.

The MO suggested a paragraph explaining the dispensation facility exists and the importance of it. It was hoped from that members would remind members of Community Councils that the facility was available. The MO stated he would write to clerks of the committees to provide further information.

Julia Hughes suggested that under 4.5 C the Code of Conduct Case book further explanation of the role of Standards Committee be made. The MO agreed this could be expanded.

A section on the forward working of the Standards and the implications of the new Act be added along with a section that the Standards Committee will have an overview on the training schedule for the members post the election 2022.

The MO stated he would note the comments from members and amend the draft report as suggested and send to the Chair and members.

***RESOLVED*** that members comment on the Draft Standards Committee report and agree the Chair to present the report at the County Council meeting.

***RESOLVED*** that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act.

## 12 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

Councillor Paul Penlington declared a personal interest in this agenda item due to historical complaints.

Councillor Ann Davies an observer at the meeting declared a prejudicial interest and left the meeting.

The Monitoring Officer (MO) presented the confidential report (previously circulated) to provide Members with an overview of complaints lodged with the Public Services Ombudsman for Wales since 1st January 2018.

The MO reported on the ongoing complaints submitted, giving outline details of the nature of the complaints made and the actions taken by the Public Services Ombudsman for Wales. It was stated at present 4 complaints had ongoing investigations.

The MO stated that he could expand on the information including timescales provided in the report to help members illustrate any themes from complaints received.

***RESOLVED*** that the Standards Committee notes the contents of the report.

**The meeting concluded at 13:00 p.m**