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STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held via video conference on Friday, 17 September 2021 at 10.00 am.

PRESENT

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

Observer - Councillor Meirick Lloyd Davies.

ALSO PRESENT

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

1 APOLOGIES

Apologies for absense were received from Councillor Andrew Thomas.

2 DECLARATION OF INTERESTS

Councillor Paul Penlington declared a personal interest in Agenda item 10 as reference to historical complaints were included.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters were raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Standards Committee meeting held on 5th March 2021 were presented for consideration.

Matters of arising –

Page 10 - Draft revised guidance on the Code of Conduct – The Monitoring Officer (MO) confirmed he had contacted the Ombudsman regarding the suggested amendments to the guidance.

Page 11 – Standards Committee Terms of Reference – The MO confirmed he was submitting a report to Governance and Audit Committee regarding the changes of terms of reference.

The MO confirmed he had contacted the MO of Flintshire about pre-meeting briefings and asked if information could be shared with DCC.

RESOLVED that the minutes of the Standards Committee meeting held on 5 March 2021 be confirmed as a correct record.

5 ATTENDANCE AT MEETINGS

The Chair invited members to update the committee on any attendance at meetings.

Independent member Julia Hughes informed the committee she had attended 2 meetings.

The first meeting was on the 23 March 2021 – Denbighshire Cabinet Meeting- Via Zoom. She confirmed that all 8 members were present for the meeting. 22 other participants were on the screen. It was confirmed that expressions of interest were requested from members. Members were informed they could submit a declaration of interest via electronic means.

Julia Hughes informed members she exited the meeting at the Part 2 item. From observing, the following points were noted:

- It was difficult to note who were committee members, officers or observers.
- The member of the Standards committee was welcomed
- Cabinet members introduced the agenda items followed by further detail from officers.
- For all agenda items the Leader invited Cabinet members to ask any questions and then allowed observers to submit questions to officers.
- The MO gave advice and support throughout the meeting.
- The recommendations for all the agenda items were proposed, seconded and voted upon. It was difficult to see all hands of agreement. There was an assumption of agreement if there were no objections.
- The Leader requested that any individual not entitled to stay for Part 2 reports left the meeting.
- Members and Officers were very respectful to all. There was good discussion and points raised.

The Chair thanked Julia for her observations. Members agreed it was often difficult to determine who was participating in the meeting and those who were observing. Members suggested it may be beneficial to include on the screen name the individual's role at the meeting.

The MO confirmed that members of the public were observers at the meeting and were not entitled to address the committee. Public meetings are webcast for the public to watch live or at a later stage. He confirmed that the agenda and reports are all made available for members and the public prior to the meeting. Members were informed before the hybrid facility was established the Local Democracy reporter was invited to meetings. He noted one of the difficulties with Zoom was the screen layout, it was difficult to separate members and observers.

The MO confirmed the authority had adopted the practice of taking matters by assent unless any member indicated they disagreed. The facility to run a Zoom poll was available if needed. He confirmed that recorded votes had also taken place.

The Chair thanked the officers for the detailed response. The Chair invited Julia to discuss the second meeting she had attended.

The independent member confirmed she had observed Denbighshire County Council Full Council meeting via webcast on the 13th April 2021. She confirmed that there were a number of apologies received. She stated it was difficult to observe how many officers were at the meeting. The MO invited members to declare any

declarations of interest at the start of the meeting. The webcast allowed members of the public to view the meeting, follow the agenda and note who was speaking. Links to the papers being discussed were available and proved very useful. All councillors and officers throughout the meeting were very respectful to each other and to the Chair of the Council. The Chair ensured all those that wished to speak had the opportunity to do so. The MO provided advice and explanations during the meeting. The recommendations were proposed and seconded, the Chair was careful to ensure all members had the opportunity to vote on each agenda item. The Poll function was used for one of the agenda items. The meeting was very well run.

Members thanked the Independent member for her observations. Members thanked Julia for her accurate and detailed report. The MO informed members that Zoom polls do allow for privacy on the way members vote.

The Chair thanked Julia for raising the points she observed at the meetings she attended.

RESOLVED that the above observations and discussion be noted.

6 PROTOCOL ON MEMBER/OFFICER RELATIONS

The Monitoring Officer (MO) guided members through the Protocol on Member/Officer relations (previously circulated).

The MO confirmed that the protocol was an existing element of the Council's Constitution and had been reviewed on occasions. He stated that for authorities to work effectively a healthy, professional relationship between officers and members was required. An element of trust and respect was needed for both parties.

The MO provided further detail of each point of the protocol. The protocol gave members and officers guidance on what each was entitled to expect from the other. The document included principles as detailed in point 2 of the appendix to the report which summarised the basis of the protocol. The MO made reference to point 2.4, making reference to the Code of Conduct for officers which was incorporated into their conditions of employment. Confirming mutual respect between employees and members was essential. The document set out the roles and responsibilities of officers and members and what each had the right to expect. The MO highlighted the importance of 4.5 within the appendix. He stated it was not appropriate for members to raise matters relating the conduct or capability of an officer publically. Concerns or issues should be raised through the appropriate procedures. The MO confirmed this was the same for officers having concerns regarding members.

The MO stated that point 7 of the protocol had been added more recently providing information and guidance for officer attendance at meetings not organised by the Council.

The MO highlighted point 14 which provided information on breaches of the Protocol.

The Chair thanked the MO for the detailed description of the protocol and thanked him for expanding on some of the points. Following members' discussion, the following points were expanded upon:

- It was confirmed the protocol was available for the public to view. It formed part of the Council's constitution.
- The MO stated a report on the Code of Conduct for Employees would be presented at a future Standards Committee meeting.
- Members stated the title of the protocol could be confusing to the public. The MO confirmed the protocol was for Denbighshire County Council Members and Officers. The MO confirmed an inclusion of 'Denbighshire County Council' could be included in point 1.1 to make it clear who the protocol applied to.
- Point 7.1 stated that officers can be expected to provide advice to formal meetings of the Council to informal meetings of members or to other meetings organised by or on behalf of the council.
- Point 12.7 should read 'In the name of the member'.
- Training was provided on the Code of Conduct. The training provided by WLGA was presented to members. To ensure a consistent approach across Wales a common set of training materials had been produced by the WLGA
- Any amendments to the document would need to be approved by Council.
- Hybrid meetings had been up and running for a number of months successfully. The MO confirmed that he was not aware of any issues contacting or communicating with officers or members.
- Members were informed that any formal press released by the Council would not be released by the Communications team containing a remark from a Councillor unless approval for that remark to be contained had been granted. The content of a press release would also have been authorised by the Lead Officer to ensure accuracy.
- Members heard that members were discouraged from using the chat function when on a webcast Zoom meeting as the message was visible for public viewers to read.
- 'Over familiarity' covered a broad spectrum of relationships. The relevant requirements in respect of declaration of interest both by members under the code and officers would require them not to be involved in relevant business if they were in a close relationship. Officers would be required to declare an interest to their Head of Service if they were close to an individual.

The Chair thanked the MO for the detailed response to members questions and for the comprehensive summary of the protocol.

RESOLVED that members note the information report.

7 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK

The Chair reminded members that the Ombudsman had two decisions to make those being, 1- has there been a breach of the Code of Conduct, and, 2 – is it in the

public interest to proceed. He stated it was very difficult to obtain a true feeling of these cases from the short summaries provided.

The Chair informed the committee that in his opinion the case reported in Glynneath Town Council, detailed in the report should have been reviewed. The Chair confirmed he had expressed his concerns to the Ombudsman.

The Monitoring Officer (MO) introduced a report on the Public Services Ombudsman for Wales – Code of Conduct Casebook (previously circulated). The MO informed the Committee that the Casebook was intended to help members and others in considering whether circumstances that they were experiencing amounted to a breach of the Code. It also provided information about the way the Ombudsman and other standards committees in Wales dealt with cases. The MO confirmed that a number of cases had resulted in no further action being taken. The MO guided members through each of the cases and provided further information.

Members thanked the MO for the report. Members asked the MO if in his opinion the authority could do anything to strengthen procedures to ensure similar issues are not evident in this county.

The MO stated the authority had to be vigilant, he noted that the vast majority of cases included in the casebook are from Community Councils. A number of those cases resolved around issues of respect and consideration.

Members heard that a Standards conference to discuss the ethnical review would be arranged for later in the year. The Chair asked if all members were invited to attend. The MO stated that an allocated number of individuals could attend. He stated he would update members when he had more information

RESOLVED – that the Committee notes the information contained within the Code of Conduct Casebook.

8 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

The Monitoring Officer (MO) introduced the Standards Committee Forward Work Programme (previously circulated).

- June 2022 - Appointment of Chair to be included.
- March 2022 - Process of Recruitment of Lay Members
- WLGA Training Material once received
- Review of the Ethnical Forum once received

The MO suggested that a separate informal meeting be arranged between the Group Leaders and the Standards Committee following the next elections and guidance from Welsh Government in respect of the group leaders' duty.

The Chair noted that he wanted to encourage the Public Service Ombudsman to remit issues more widely when there is conflicting evidence, and for that matter to be suggested as an agenda item at the next North Wales Standards Forum.

RESOLVED that subject to the above, the Standards Committee's forward work programme be approved.

9 DATE OF NEXT MEETING

The date of the next Standards Committee meeting was confirmed for Friday 3rd December 2021 at 10.00 am.

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.

10 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

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

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.

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

The MO confirmed he would circulate any details of the Standards Conference once received.

The meeting concluded at 12.25 p.m.