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STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Council Chamber, County Hall, Ruthin and by video conference on Friday, 22 July 2022 at 10.00 am.

PRESENT

Independent members:

Julia Hughes (Chair), Anne Mellor (Vice-Chair), Peter Lamb a Councillor Gordon Hughes

Councillors Bobby Feeley and Hugh Irving

Observer – Councillor Andrea Tomlin

ALSO PRESENT

Monitoring Officer (GW)

Deputy Monitoring Officer (LJ)

Senior Committee Administrator (KJ)

Democratic Services Officer (KE)

1 APOLOGIES

There were no apologies.

2 DECLARATION OF INTERESTS

Corwen Town Councillor, Gordon Hughes declared a personal interest in agenda item 14, Code of Conduct – Part 3 Local Government Act 2000.

3 APPOINTMENT OF CHAIR

Nominations were sought for the role of Chair of Standards Committee. Members were reminded that the appointment could only be made from the independent membership of the committee, although all members were entitled to vote.

Anne Mellor nominated Julia Hughes for the role. The nomination was seconded by Peter Lamb. There being no other nominations Julia Hughes was duly appointed.

RESOLVED that Julia Hughes be appointed Chair of Standards Committee.

4 APPOINTMENT OF VICE-CHAIR

The Chair nominated Anne Mellor for the role of Vice-Chair of Standards Committee. The nomination was seconded by Peter Lamb. There being no other nominations Anne Mellor was duly elected.

RESOLVED that Anne Mellor be appointed Vice-Chair of Standards Committee.

5 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent matters.

6 MINUTES OF THE LAST MEETING

The Chair welcomed Councillors Bobby Feeley and Hugh Irving to the Standards Committee.

Minutes accuracy:

Apologies, page 7- erroneously refers to the 'acting chair's last meeting' instead of 'Chair's last meeting'.

Matters arising:

Standards Conference 2022, page 9 – Over 100 delegates had joined a virtual meeting of the conference. It was pleasing to note that attendance did not drop throughout the day.

Process for recruiting independent members of Standards Committee, page 10 – It was noted that The Standards Committee (Wales) Regulations 2001 allowed for up to nine members. Denbighshire's constitution currently stipulated seven members. That may need to be reviewed in future depending on the anticipated changes to investigation of complaints and the requirement of local resolution.

Page 11, item 8 – at the last meeting there had been some discussion around the inclusion of independent members on the recruitment panels for independent members of standards committees which had not been recorded. It was requested that a report reviewing Independent Member Recruitment to Standards Committee, including comparisons of other Local Authority panels be added to the forward work programme.

RESOLVED that subject to the above amendments that the minutes for Standards Committee held on Friday 4th March 2022 be agreed as an accurate record.

7 PUBLIC SERVICES OMBUDSMAN FOR WALES - 'OUR FINDINGS'

The Monitoring Officer introduced the report (previously circulated). He reminded the Committee that the Public Services Ombudsman (PSO) previously produced a Code of Conduct Casebook on a quarterly basis which summarised the cases referred to them from the various local authorities across Wales. It gave a brief outline of the complaint and whether they had determined that there was or was not a breach of conduct. Subsequently, if they had concluded that there was a breach whether it was determined: no further action; referred to the Standards Committee or the Adjudication Panel for Wales.

The Code of Conduct Casebook had been replaced with a section on the PSO website called 'Our Findings'. The summaries were more comprehensive and

categorised into subjects. Complaints reported on between 1st April 2021 and 30th June 2022 were as follows:

- Integrity 12
- Equality and respect 12
- Disclosure and registration of interests 3
- Duty to uphold the law 3
- Selflessness and Stewardship 1

Their outcomes resulted in:

- No evidence of breach 10
- Investigation discontinued 5
- No action necessary 6
- Referral to a Standards Committee 7
- Referral to Adjudication Panel for Wales 3.

There was one case relating to a Denbighshire council on the matter of sharing of a CCTV image on a Facebook page that may have been possible to identify a young individual. The Ombudsman determined that there may have been a breach of the Code of Conduct but due to the absence of training (on CCTV and social media) and the prompt apology and removal of content that no further action was necessary.

Two substantive complaints were referred to the Adjudication panel for Wales (The Panel). Both were found to be in breach of the Code of Conduct. The first resulted in the resignation of the member. Nevertheless, The Panel decided he should be disqualified from holding office or standing for election for a period of 24 months. The second was suspended for their part in a street altercation that became a police incident but not sanctioned further over social media postings that potentially would restrict the member's Article 10 right to Freedom of Speech.

Members of the Committee reflected that the 'Our Findings' section was quite difficult to navigate and many of the searches were truncated. Members considered that search facility would be easier if there was a single category of 'Code of Conduct' and then a drop down menu for integrity, respect etc. It was anticipated that as it was a new section on the PSO website it would be under review and changes made as necessary in due course.

RESOLVED that the 'Our Findings' section of the Public Services Ombudsman website be noted.

8 ETHICS AND STANDARDS TRAINING

The Chair introduced the item by stressing how important it was upon entering a new term of Council that all County and Town, City & Community Councillors were given the opportunity to access training and information to help them undertake their duties and adhere to the Code and the Standards Committee's responsibility to ensure that induction and training does happen.

The Monitoring Officer advised that previously local authorities had produced their own Code of Conduct training for members but the Welsh Local Government Association (WLGA) had agreed for the sake of consistency to produce a common set of training materials (appended to the report).

Denbighshire's amended its Code of Conduct to make it 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.

There were three separate training sessions in the first week following the elections in May where the agenda included Code of Conduct and Member / Officer Relations Protocol with further sessions arranged for September. There had also been a commitment for the Monitoring Officer to attend Group meetings in the autumn for a question and answer session.

Although more sessions had been offered for training than previously there had been less of a turnout. In 2017 at one session in Denbigh Town Hall there had been 45 (out of 47) members present. In the three sessions run in May there had been 27 attendees. Reminders were being circulated for members to attend the September training session.

In July similar training sessions were run for City, Town and Community Councils. However, an administrative problem meant that there was limited attendance and further sessions were being scheduled for September. Those dates would be circulated to members of the Standards Committee who as co-opted members of the Authority were also obliged to comply with the Code.

Members' Code of Conduct training had previously been presented to the Senior Leadership Team. Employees also had their own Code of Conduct training upon induction to the Authority. It had been some time since that Code had been reviewed, it would be updated and re-launched in the near future. It was expected that if there were an issue between an elected member and a member of staff then the Head of Service would be the person to mediate a resolution in the first instance.

Members were advised that the Code of Conduct training was the same for County and Town, City and Community Councils. Clerks to the Town, City & Community Councils received letters reminding them of the rules on dispensations given that they were usually the person responsible for submitting them to the Committee. The Chair was keen that training be provided to all members on dispensations.

The Chair felt it was important that the Committee continue to receive statistics on the attendance of members at meetings until the 100% attendance had been achieved. The MO agreed to circulate the September training date with members of the Committee.

Clarification was sought on the statement (page 49) in the training materials 'Note: Standards Committee local resolution may still be discussed and debated in a public forum'. It appeared to contradict the proposition that an issue be resolved

locally. The MO explained that there was no single way of completing local resolution. Some local authorities may have a local resolution that concluded in a Standards Committee hearing. That was not the case in Denbighshire.

RESOLVED that the materials being used in the training of elected members on ethics and standards be noted.

9 WELSH GOVERNMENT GUIDANCE - DUTY OF GROUP LEADERS TO PROMOTE ETHICAL BEHAVIOUR

The Monitoring Officer introduced the report (previously circulate) advising that the Local Government and Elections (Wales) Act 2021 provided a new duty on the leaders of political groups to take steps to promote and maintain high standards of conduct of their members. The Act also provided a duty for the Standards Committee to monitor, advise and provide training to group leaders to enable compliance with the duty.

The Committee noted that Welsh Government's consultation on the statutory guidance for group leaders had not coincided with the Committee's scheduled meetings. The guidance should have been circulated to members via email. The final guidance was still to be circulated, the draft was not expected to change, it included examples of how group leaders might perform their duty.

One of the examples included in the guidance was to work together with other Group Leaders to collectively support high standards of conduct with the Council. Therefore, group leaders were going to be approached with the proposal of creating an Ethical Liaison Group comprised of each Group Leader plus another group member of the opposite gender. The group would be supported by the MO and a member of the Standards Committee (e.g. Chair or Vice-Chair).

The Group would examine any current issues or new initiatives around standards e.g.:

- implementing the recommendations of the Penn Review, enabling them to support each other and
- local resolution.

The idea of the Group was to have a collective responsibility of maintaining standards within Council. Specific terms of reference were yet to be discussed.

Responding to the Committee's questions the MO advised:

- If an issue was with a group leader then the Chair of Council would be recruited to take their place.
- It was important for group leaders to set aside any political leanings and undertake their legal duty to uphold the standards of the Council.
- If group leaders were not seen to be compliant with their duty to promote or maintain good standards of conduct, then that would be seen to be a breach of the Code of conduct in itself.

- It was anticipated that rather than stifling debate the expectation of high standards of conduct would more likely promote participation.
- Production of a template to assist group leaders report to Standards Committee e.g. listing the activities undertaken to promote compliance, would be useful.

Further discussion would be required as to whether Standards Committee would be members of the Ethical Liaison Group or whether they would be invited to attend meetings as observers.

The MO would brief and consult and Group Leaders at a meeting on 29th July.

RESOLVED that the Welsh Government Guidance – duty of Group Leaders to Promote Ethical Behaviour be noted.

10 NATIONAL STANDARDS FORUM

The MO reminded the Committee that previously there had been a North Wales Standards Forum comprised of the Chairs of each of the Standards Committees from the 6 North Wales Local Authorities and National Parks Authority. It met twice per year to exchange best practices and deal with any new initiatives.

On a few occasions the Ombudsman attended the forum for question and answer sessions. The forum was held up as good practice under the Penn Review of the Ethical Regime in Wales and recommended that it should be a national forum.

Following that recommendation Monitoring Officers were asked whether their authority would support the notion of an all Wales forum, to which the response was positive. Discussions had been held with the WLGA seeking secretariat support for the forum, the burden of which would ease through remote meetings.

The remote meetings of the forum could prove a useful tool to promote engagement with the Ombudsman's office as well as tackling some of the issues arising from the Ethical Framework Review.

It was anticipated that there would be one representative from each authority.

RESOLVED that the update on the creation of a National Standards Forum for Wales be received.

11 ATTENDANCE AT MEETINGS

The Chair explained to the new members that the independent members of the Committee attend Town, City and Community Councils (TC&CC) on an ad hoc basis as observers and report their findings – good/poor practices - back to the Standards Committee.

The Chair suggested that Attendance at Meetings item be tabled on the agenda for September's meeting to consider a more structured approach with respect to which

meeting should be observed, what information was noted and how to report feedback to the TC&CC.

The MO would provide contact details for all the TC&CC clerks and the recently agreed Committee Timetable for 2022/23 in order to discuss prioritisation of meetings to be observed. The introduction of webcast meetings meant that members did not have to observe in real time but could view the webcast at their convenience.

Where members intended to attend a TC&CC meeting in person clerks should be notified by an officer in advance explaining that it was routine rather than a challenge.

The Committee asked for a list of which councils had been visited in recent times to avoid duplication. It was also suggested that a template of the visit report be produced to facilitate feedback to the clerks following the meeting and that feedback be provided formally to clerks in the form of a letter.

RESOLVED that a specific item for Attendance at Meetings be added to the agenda for the meeting of the Standards Committee on 16th September 2023.

12 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

The Chair opened the item for discussion by querying whether 1 meeting per quarter was sufficient to attend to the duties of the Standards Committee. The Monitoring Officer advised that the legal requirement was 1 meeting per year and there was a wide variety of scheduling across local authorities.

It was suggested that meetings proceed quarterly, however, if the agendas became too cumbersome, dispensations were received or cases referred for local resolution then additional meetings could be considered. It was highlighted that additional meetings would be a resource issue for Democratic Services and would have to review the impact of increased frequency of meetings.

It was agreed that there would be standing items for each meeting including:

1. 'Our findings'
2. Dispensation Requests.
3. Forward Work Programme
4. Attendance at Meetings
5. Part 2 – Code of conduct – Part 3 Local Government Act 2000

Future Items to be considered:

- Report on Regular Training Sessions for Committee Members
- Progress of Group Leaders' Duty.
- Member Induction / Training Update
- Code of Conduct for Employees Policy Review.
- Feedback from Ethical Liaison Meeting.
- Report back from Standards Forum.
- Joint meeting with Town, City and Community Councils.

- Draft Annual Report of the Standards Committee.
- Comparison of Standards Committee Recruitment Panel Compilations.

RESOLVED that subject to the inclusion of the above the Standards Committee Forward Work Programme be agreed.

13 DATE OF NEXT MEETING

The time table for future meetings of the Standards Committee was at 10:00am Friday:

- 16th September 2022
- 2nd December 2022
- 3rd March 2023
- 16th June 2023
- 15th September 2023
- 1st December 2023

14 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

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 (PSOW) since 1 January 2018. There were seven Denbighshire complaints completed since the last meeting – all determined not for investigation.

The MO advised the committee that the Ombudsman had changed the way in which they dealt with notification of complaints. Previously they had sent:

- a copy of the letter of complaint to the member with the complaint against them and
- a copy of the complaint letter, together with the letter sent to the member to the Monitoring Officer.

That process had allowed the Monitoring Officer to keep abreast of the situation by looking out for the Ombudsman's determination as to whether the complaint would be investigated or not. At the conclusion of the Ombudsman's considerations the Monitoring Officer would receive a copy of the letter sent to the complainant and the member for the record.

The change of process meant that Monitoring Officers were no longer informed of complaints, only the outcomes. The MO advised that even if the Ombudsman deemed that there was no case for investigation, if they felt there was a training requirement for the member they would apprise the MO of such.

The Committee asked that the MO provide feedback to the Ombudsman that receiving a copy of the initial complaint was of value.

RESOLVED –that the Standards Committee receive and note the contents of the report.