

<b>Report to</b>	County Council
<b>Date of meeting</b>	[to be confirmed]
<b>Lead Member / Officer</b>	Julia Hughes, Chair of Standards Committee
<b>Report author</b>	Lisa Jones, Legal Services Manager/Deputy Monitoring Officer
<b>Title</b>	Draft Chairs Annual Report

## 1. What is the report about?

This is Annual Report of Standards Committee to the Full Council and covers the calendar year January to December 2021. It was agreed that the Chair will present their report on this basis annually to the Full Council, in order to keep Members informed of trends; issues in respect of compliance with the Members Code of Conduct generally across the County and the work of the Committee in driving up standards of behaviour at the County level, but also at Town, City and Community levels.

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

It was agreed by Members of this Committee that an Annual Report should be presented on the work of the committee each year 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.

## 3. What are the Recommendations?

That Members note the contents of the report.

## 4. Report details

- 4.1 Standards Committee main role is to monitor adherence to the Members Code of Conduct. All members are aware that their Code is founded (and should be read in conjunction with) the 7 Nolan Principles of Public Life. In Wales there are ten principles namely Selflessness, Honesty, Integrity and Propriety, Duty to uphold the law, Stewardship, Objectivity in decision making, Equality and Respect, Openness, Accountability and Leadership.
- 4.2 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 lay members.

Lay members are recruited via a public advert, which is open to all save for strict criteria including 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; and who will also then if required to do so, sit in judgement in respect of any references to the Standards Committee from the Public Services Ombudsman for Wales, where there has been a breach of the Code of Conduct, which falls below the relevant threshold. The decision to investigate a breach, is at the discretion of the Ombudsman; based on the facts, evidence and nature of the breach and whether there is corroborative evidence or not, and if there is a public interest in exhausting time and public financial resources in the investigation and hearing itself; similar to the Crown Prosecution Service (CPS) approach to charges and prosecutions.

When the Committee receives a reference from the Public Services Ombudsman for Wales (PSOW) following her investigation into a complaint, they will then sit in a quasi-judicial capacity whilst they hear the matter. They have powers to suspend a Member from Office for a maximum of 6 months, during which time they will not be able to act in their capacity as an elected member and will not receive any member salary. The Committee has discretion to impose lesser sanctions such as a partial suspension from duties or a 'public censure' and to impose other conditions such as attendance at training.

There is also the option where the PSOW seeks the views of the Monitoring Officer and Standards Committee on whether in those circumstances where the Ombudsman decides not to investigate, that the Monitoring Officer may wish to investigate locally. In these circumstances, the Monitoring Officer consults the Chair and/or the Committee and each case is considered on its merits.

4.3 During the past year the Committee met on 3 occasions and 1 meeting was cancelled. The table below sets out a summary of the items under discussion: -

Date of Meeting	Report Items/Area s
5/3/21	<ul style="list-style-type: none"> <li>• Standing Item: Attendance at meetings</li> <li>• Forward Work Programme</li> <li>• Draft revised guidance from the PSOW on the Code of Conduct</li> <li>• Briefing on the Local Government and Elections Wales Act</li> <li>• Standards Committee Terms of Reference</li> <li>• Draft Chairs Annual Report up to March 2021</li> <li>• Standing Item : overview of complaints in Denbighshire against Members</li> </ul>
11/6/21	<ul style="list-style-type: none"> <li>• Determination of an Allegation of breach of the Members' Code of Conduct.</li> </ul>
17/9/21	<ul style="list-style-type: none"> <li>• Standing Item: Attendance at meetings</li> <li>• Forward Work Programme</li> <li>• Protocol the Member Officer Relations</li> <li>• PSOW Code of Conduct Casebooks</li> </ul>

	<ul style="list-style-type: none"> <li>• Standing Item: Overview of Complaints against Members.</li> </ul>
3/12/21	<ul style="list-style-type: none"> <li>• Standing Item: Attendance at meetings</li> <li>• Standards Committee Conference</li> <li>• Penn Review on the Ethical Framework.</li> <li>• Forward Work Programme.</li> </ul>

#### 4.4 Standing Items

The 3 standing items the Committee receives that continue to work well : -

- (a) 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 is proactive in its' 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 in particular communities or at County level.

In respect of the 2021 period, the general ethical framework functions were at reasonable level in the community and at county level; and this is reflected in the level of complaints to the PSOW.

As emphasised last year, the Committee is keen to make it clear that their approach in attending in person at meetings is from a support and educational angle; 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. The Committee believes that the Code is there to give public confidence, but to also protect members and any efforts to raise this awareness for all serving members is a key theme they continually endorse.

- (b) Overview of Complaints lodged against Members with the Public Services Ombudsman for Wales. The report is presented in a closed session and members are provided with a limited amount of detail in respect of the complaint but with sufficient detail 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.

(c) Forward Work Programme. This aligns the approach of other council committees and encourages a more strategic approach to the role of the Committee as a proactive one not just reactive to complaints.

- 4.5 During this year there was also one meeting of the North Wales Standards Forum. The main item for discussion at this meeting was the then ongoing independent review of the ethical framework in Wales commissioned by Welsh Government and conducted by Richard Penn. The review was considering the strengths and weaknesses of the current framework, how it could be enhanced and how the number of complaints could be reduced. This review has subsequently been completed and Welsh Government is considering its recommendations. On the whole the review concluded that the framework is fit for purpose. One of the recommendations was that the work of the North Wales Standards Forum be replicated on a national basis. Work is currently underway to establish an All Wales Standards Forum to enable representatives of local Standards Committees to share good practice and discuss matters of common interest.
- 4.6 During this year there was one meeting in respect of a Determination as to whether there had been a breach of the Code of Conduct. The Standards Committee heard the matter and concluded that there had been a breach of the Code of Conduct and imposed a two-month suspension. The member concerned appealed this decision to the Adjudication Panel for Wales which upheld the Standards Committee's decision.

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

A fully functioning and representative Standards Committee which upholds the high standards expected of members helps underpin the Council's exercise of its democratic functions.

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

There are no additional costs associated with this report and there are no implications for other services as a result of this report.

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

A Well Being Impact Assessment is not required.

## **8. What consultations have been carried out with Scrutiny and others?**

No other consultations are considered required; this report has been for consultation to Standards Committee and that they are content the report reflects the Committee and Chair's perspective in respect of adherence to the Members' Code of Conduct in the County and observations in respect of probity and ethics generally.

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

Not required.

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

There are no identified risks.

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

The Local Government Act 2000; the Standards Committee (Wales) Regulations 2001 and the Standards Committee (Wales) (Amendment) Regulations 2006.