

<b>Report to</b>	County Council
<b>Date of meeting</b>	6 <sup>th</sup> December 2022
<b>Lead Member / Officer</b>	Julia Hughes, Chair of Standards Committee
<b>Report author</b>	Lisa Jones, Interim Head of Legal and Democratic Services /Deputy Monitoring Officer
<b>Title</b>	Standards Committee Chairs' Annual Report

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

1.1 This is Annual Report of Standards Committee to the Full Council and covers the calendar year January to December 2021. The report covers the period where the current Chair presenting this report was Vice Chair and the Committee membership related to the last Council term.

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

2.1 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?**

3.1 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 regulations stipulate that the size of the Committee shall not be less than 5 but no more than 9 Members with the Committee suggesting that this should be reviewed in the future. In Denbighshire 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), therefore 7 members. 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.

- 4.3 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, (currently Michelle Morris) 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.
- 4.4 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.
- 4.5 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. Denbighshire County Council has also adopted a 'Members' Self-Regulatory Protocol' which is set out in the Council Constitution. This internal protocol is not intended to replace the Code of Conduct, rather it is intended to sit alongside the Code, enabling behaviour that has not yet reached the threshold to become a breach to be dealt with without escalation and

avoiding any delay. The basic premise being that County Council Members will make all reasonable attempts to resolve disputes that are Member – Member through this internal process if appropriate. One independent member of the Standards Committee may be required to play a supportive role in the process, if instigated and provides a link to Group Leaders.

- 4.6 Further work is also taking place to enable Group Leaders to promote compliance within their Group in respect of adherence to the Code with an approach being worked up to be taken to Group Leaders and this will be reported on to Council in the next Chairs' Annual Report.
- 4.7 Town City and Community Councils have also been encouraged to adopt such a protocol for their respective Councils, which they can administer themselves in a similar way.
- 4.8 During 2021 the Welsh Government commissioned an independent review of the ethical framework in Wales – the Penn Review, which was to look at whether the framework remained fit for purpose. The overall conclusion was that the framework was fit for purpose and did not need significant alteration but recommended some minor adjustments and amendments to include consideration of the role of Standards Committees in supporting community councils and additional powers that may be needed, not least resource implications in delivering such support. Of note the review highlights serious concerns about the extent of bullying, lack of respect or otherwise generally disruptive behaviour by some members at meetings of Town and Community Councils in Wales.
- 4.9 This was the first phase of the review with the second phase focusing on working with partners and stakeholders to deliver any changes to the ethical standards framework that are considered appropriate and necessary by Welsh Ministers in the light of the findings and recommendations of the first phase of the review.
- 4.10 During the past year the Committee met on 4 occasions and 1 meeting was cancelled. The table attached as Appendix 1 sets out a summary of the items under discussion.
- 4.11 Standing Items

The three standing items in 2021 the Committee receives that continue to work well with a fourth (Dispensation Requests) and fifth item (Public Services Ombudsman for Wales' Casebook) to be added going forwards: -

- (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. Accessibility of meetings is also noted. 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 collaborative 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.

4.12 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.

4.13 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.

4.14 The Committee has also observed the low level of applications for dispensations that are submitted despite writing to Councils to remind them of the procedure.

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

5.1 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?**

6.1 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?**

7.1 A Well Being Impact Assessment is not required.

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

8.1 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' 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**

9.1 Not required.

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

10.1 There are no identified risks.

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

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