

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Council Chamber, County Hall, Ruthin and by video conference on Friday, 2 December 2022 at 10.00 am.

PRESENT

Julia Hughes (Chair), Anne Mellor (Vice-Chair), Peter Lamb and Sam Jones together with Councillors Gordon Hughes, Bobby Feeley and Hugh Irving

Observer - Councillor Andrea Tomlin

ALSO PRESENT

Interim Head of Service – Legal and Democratic Services/Deputy Monitoring Officer (LJ) and Committee Administrators (SJ and KEJ [Zoom Host])

1 APOLOGIES

No apologies.

Members heard the Monitoring Officer, Gary Williams had intended to attend the meeting but had another engagement. The Deputy Monitoring Officer Lisa Jones was attending in his absence.

2 DECLARATION OF INTERESTS

There were no declarations of interest raised at this agenda item.

Councillor Gorgon Hughes raised a personal interest in relation to agenda item 14 as he was a member of the Corwen Town Council. Councillor Hughes raised his declaration during the Part 2 discussion.

3 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent items raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Standards Committee held on 28 October 2022 were submitted.

Accuracy – There were no matters of accuracy raised.

Matters Arising –

Page 11 – Chair's Annual Report – The Chair apologised as it was her understanding the draft report had not been issued to the Vice Chair for comments.

The Chair confirmed she had approved the report along with the deputy Monitoring Officer.

Page 13 – Date of the next meeting – The Chair confirmed a training session had been scheduled following the meeting.

RESOLVED that, subject to the above, the minutes of the meeting held on 28 October 2022 be received and approved as a correct record.

5 PUBLIC SERVICES OMBUDSMAN FOR WALES - 'OUR FINDINGS'

The Deputy Monitoring Officer (DMO), guided members through the report (previously circulated).

It was explained to members the report was a regular report presented to the committee, it had previously been named the Code of Conduct Casebook.

The report outlined the collection of conclusions in respect of investigations. Members heard the DMO had extracted the detail from the website for reference. It provided members with a sight of what was happening nationally and the approach adopted for those cases.

It was a useful tool and gave examples of other sanctions imposed by other Standards Committees.

It was highlighted in the report since July 2022 seven matters had been reviewed. Details of each had been included in the papers including the outcome of each investigation.

A breakdown of the seven investigations was as follows:

Integrity 1
Equality and respect 3
Duty to uphold the law 2
Accountability and Openness 1

The outcomes were categorised as follows:

Investigation discontinued 1
No action necessary 5
Referral to a Standards Committee 1
Referral to Adjudication Panel for Wales 0

The DMO stressed none of the complaints that had been received had been in relation to a councillor of Denbighshire.

Members were provided with further detail of a complaint regarding a duty to uphold the law at Llandoverly Town Council which had been referred to the Council's Standards Committee. The member in question had been convicted of drink driving. The Ombudsman considered if further investigation was needed in the public interest. It was deemed appropriate to investigate and it was referred to the Standards committee for a hearing of the complaint. The Standards committee decided to suspend the Councillor for 2 months and the Councillor was required to attend code of conduct training within 6 months.

Members were also provided with further detail on the complaint received in relation to Llanigon Community Council. The Ombudsman had received a complaint regarding a breach of the Code of conduct, with a detailed list of the allegations put forward. The councillor in question had not been re-elected in the May 2022 elections, the evidence was inconsistent therefore the ombudsman did not consider it was in the public interest to take a further stance.

Members noted the strong link to the public interest test and how public interest played a large part of the decision to proceed with an investigation and queried the situation when there was repeat behaviour. The DMO stated it would be unlikely for the Ombudsman to look back 4 or 5 years if the councillor was re-elected at the next elections but a record was kept by the ombudsman of complaints to monitor any patterns. The information online was the only information that was provided.

The complaint from Merthyr Tydfil County Borough Council was an example of an officer complaining against a County Councillor and no action taken was discussed.

The Chair thanked the DMO for the detailed and comprehensive report.

RESOLVED that the Standards committee note the contents of the report.

6 MEMBER TRAINING UPDATE

The Chair informed the committee she had attended a meeting of Denbigh Town Council. The meeting had taken place remotely via Zoom on the 23 November 2022. In attendance had been 10 members and the clerk.

At the meeting expressions of interest were sought, with a member declaring a personal interest. The clerk advised she had received notice of the interest prior to the meeting and it was a personal interest only. The councillor did not partake in the discussion for the item but did take part in the vote.

The Chair drew Members attention to a number of new councillors having resigned from Denbigh Town Council recently, including one during the meeting she had attended.

The meeting had started well, with the clerk supporting the Chair well and ensuring the correct proceedings were followed.

One member joined the meeting via the telephone and was not asked for their opinion or contribution throughout the meeting. It was noted however by the Committee that chairing a hybrid meeting is not always easy and the Chair stressed the importance of members of the committee having screens on for the duration of the meeting if possible.

The Chair noted that there were some exchanges during the meeting which were heated, and an observer would not have understood the reasons for the heated exchange.

New members of the Town Council had asked for extra information via email to which a response was that business is not conducted via email. The DMO advised that Councillors may receive appropriate or background information via email providing there was no actual decision being made.

The Committee was informed that training for the Town Council was being arranged in addition to the training and induction that is provided by the Clerk.

RESOLVED that members note the feedback from attendance at meetings.

7 DISPENSATION REQUESTS

The Chair asked the Deputy Monitoring Officer (DMO) to provide the committee with the reasoning why dispensation applications should be made.

The DMO informed members when a prejudicial interest is declared by a member but they wish to take part in the debate and vote, it is possible for that member to apply to the Standards Committee for a dispensation to take part, subject to legal limitations. The Committee has powers to attach terms and conditions, limits and timeframes at their discretion.

Members heard an annual reminder was sent to all City, Town and Community Council clerks to remind them of the dispensation process.

The Chair proposed a reminder be sent to clerks, providing an overview of the process and purpose of the procedure.

Members noted that no dispensations had been received and it was confirmed that had been included in the annual report due to be presented at the next Denbighshire County Council meeting.

It was stressed the dispensation process did form part of the Code of Conduct training for members. The process to request a dispensation was straightforward and can be submitted by a letter.

RESOLVED that members noted the verbal Dispensation Request update.

8 MEMBER TRAINING UPDATE

The Chair reminded members that Code of Conduct training was offered to all new and existing councillors in each term of council.

The Deputy Monitoring Officer informed the committee training had been delivered to Denbigh Town Council the previous evening. Further dates for training would be offered in the New Year once the necessary arrangements had been confirmed. It was hoped the face to face training would be held in the North, mid and South of the County.

Members noted the Code of Conduct training scheduled for the 20 December was taking place. The Deputy Monitoring Officer welcomed members to attend if they wished. Previous training sessions where Standards Committee members had been in attendance had been very useful.

It was noted 14 County Councillors to date had not attended Code of Conduct training. Members stressed the importance of the training and the requirement for all members to attend. The Deputy Monitoring Officer confirmed she would email members with a reminder to attend the training when offered.

Councillor Gordon Hughes suggested an email be sent to group leaders to encourage members to attend if not done so, given the new requirements of group leaders. The Deputy Monitoring Officer thanked Councillor Hughes for his suggestion and agreed that could be completed.

All members were in agreement for the Deputy Monitoring Officer to issue an email reminder to County Councillors with a reminder to attend the Code of Conduct training, including the reference to Standards committee being aware of those members who were required to attend. Members also agreed for correspondence to be issued to group leaders, for them to ensure their members attend.

Members also requested that dates of proposed training for City, Town and Community members be circulated.

RESOLVED that Standards Committee members note the verbal Member Training update.

9 ETHICAL LIAISON AND THE DUTY OF GROUP LEADERS

The Deputy Monitoring Officer guided members through the report (previously circulated) which provided details of the new duties placed on group leaders to promote good ethical behaviour.

The statutory guidance issued by the Welsh Government in respect of the guidance for Group leaders had yet to be formally finalised. The draft guidance was available for all to see on the Welsh Government website.

Members were guided through the draft guidance which included examples of how Group Leaders might perform their duty, detailed in the report, with the Standards Committee having the responsibility to request Group Leaders attendance at a Standards' Committee meeting to discuss any issues or concerns.

It also recommends that the Standards Committee arrange to train the Group Leaders on the duty annually. Therefore, it was proposed a meeting with Group Leaders to review behaviour in the form of an 'Ethical Liaison Group' would be established. It was suggested the group would meet regularly and could include members from the Standards committee.

Members heard the draft guidance also referred to the need for group leaders to make reports to the Standards Committee on their progress in fulfilling their duty.

The Standards Committee would be able to discuss these reports with group leaders and use them as a basis for the Committee's annual report to Council on the way in which group leaders are discharging that duty.

Included in the pack was a template that could be adopted for Group Leaders to complete for Standards Committee members to review.

It was proposed the Chair and Vice Chair attend with the Monitoring Officer at the next Group Leaders meeting to discuss the changes and emphasise the importance of the role of each Group Leader.

The Chair thanked the Deputy Monitoring Officer for the detailed report. She reminded members the regulatory requirement of the Standards Committee to report on the role of the Group Leaders. In her opinion the attached template set out a clear and transparent report for Group Leaders to complete. It provided a clear and transparent way for Group Leaders to detail information. She suggested the template be shared with the Group Leaders for comments or suggested amendments to use going forward.

Members suggested that a training session on 'Local Resolution Protocol' could be added as an area for the Standards Committee to revisit. The Deputy Monitoring Officer noted the suggestion and agreed to add to the suggested areas of training.

Members felt it important to ensure Group Leaders were aware of what was required from them and suggested it was emphasised at either a Standards Committee meeting or at an Ethical Liaison meeting.

The Chair informed the committee that at Flintshire County Council, the Ethical Liaison Group had commenced. Those meetings had been attended by the Chair and Vice Chair of the Standards Committee along with the Group Leaders and Monitoring Officer. It allowed members at those meetings to discuss any arising issues or discuss examples of any areas of concern. It allowed a platform for Group Leaders to share experiences in a safe environment.

Members suggested an informal meeting could be arranged to discuss the proposed Ethical Liaison Group with Group Leaders and a 'workshop' informal meeting would be the place to commence.

Members agreed that all Standards Committee members be invited to a briefing to discuss and agree a methodology to ensure that together we promote compliance of the Code of Conduct whilst complying with statutory duties.

It was suggested that on the attached template form, a box for the period of time be included along with a section at the top stating the source to be made more clear. It was also suggested that a section be included on open and resolved complaints to ensure members are made aware of any ongoing complaints.

Members,

RESOLVED,

- *That members discuss and agree an approach which supports Group Leaders to discharge their duties, providing information and reasoning behind the draft regulations. Members agreed for the proposed template to be presented for consideration.*
- *That all Standards Committee members be invited to attend with the Monitoring Officer a Group Leaders' meeting in order to move forward with an agreed method of monitoring the duty.*
- *That the Committee gave consideration to training and support to be provided and by whom. The Committee support the establishment of an Ethnical Liaison Group for meetings going forward.*
- *That the Group Leader' reports be received by the Committee following the municipal year to form part of the Standards Committee Annual report to Full Council.*
- *That the Group Leader' reports be received by the Committee following the municipal year to form part of the Standards Committee Annual report to Full Council.*

10 NATIONAL STANDARDS FORUM UPDATE

The Chair reminded members one of the areas emanating from the Penn Review had been the good practice of the North Wales Standards Forum which became the North and Mid Wales Forum. The group met biannually for Chairs and Vice Chairs to gather to discuss a variety of areas.

The Deputy Monitoring Officer informed members the National Forum was due to meet virtually on the 8 December 2022. At the meeting a Chair and Vice Chair will be elected along with the role and terms of reference of the group, an update on the Penn Review and the implementation of the new duties of group leaders. The Public Services Ombudsman for Wales would be in attendance.

Members heard the purpose of the forum was to share best practice and to provide a forum for problem solving across the 22 principal councils, fire and rescue service and national parks in relation to the work of Standards Committees; with any formal decisions being made by individual Standards Committees.

The election of Chair and Vice-Chair of the forum would take place every 2 years. The Welsh Local Government Association would be responsible for the preparation of the agenda, completion of minutes and basic reports. The frequency of meetings being biannually.

The Deputy Monitoring Officer informed members she would clarify if both the Chair and Vice-Chair were invited to attend. The Chair stressed feedback from that forum to the committee would be required from those in attendance.

RESOLVED *that the National Standards Forum update be noted by the committee.*

11 REMUNERATION FOR INDEPENDENT MEMBERS

The Chair guided members to the agenda papers (previously circulated). The report intention had been to discuss the attendance of members at City, Town and

Community meetings. The Deputy Monitoring Officer reminded members a previous report had been submitted for discussion at the last meeting and members had requested further information on the subject.

The committee had previously been requested to consider a structured approach to attendance and observation of Town, City and Community Council meetings.

One of the issues raised had been payment in respect such attendance at these Council meetings. The Head of Democratic Services, had been in consultation with his national forum on the approach taken across Wales, it being noted that various approaches had been adopted nationally. Also of note was that Denbighshire's neighbouring authorities were making payments to members for such attendances.

The Deputy Monitoring Officer confirmed she had met with the relevant finance officer and Members heard there was no separate budget line for Standards Committee members' attendance at Town, City and Community Council meetings specifically.

However, due to the requirement to hold certain hybrid meetings, this has reduced the amount of travel payments issued and positive in respect of the carbon footprint. Therefore it was confirmed that the authority could fund attendance at meetings to a maximum of £2000 per annum in total; this would include travel costs. It was proposed that it only be made available for the Independent members and the Community Council members, stressing that it would have to be closely monitored and reviewed by the Monitoring Officer.

The Chair welcomed having a clear direction and communication and members be reminded of the restrictions in place with regards to attendance at meetings. She offered her thanks to the Deputy Monitoring Officer for providing further information following the previous meeting. In the Chairs' opinion the small budget available would help support members to attend meetings. The Deputy Monitoring Officer stressed the budget was solely for attendance at meetings. It was not to fund any preparation time. The Chair suggested that members capped the rate of reimbursement at half a day rate for attendance at any Town, City or Community Council meeting. The Deputy Monitoring Officer supported this suggestion and stressed that could be reviewed and amended in the future.

The Chair suggested that 10 meetings be attended per annum by the Independent and Community Council members. That would allow a small amount of budget to be left in reserve.

Members were all in agreement that Independent and the Community Councillor attend a total 10 meetings a year which would equate to about 2 meetings each.

The Chair suggested the approach to attendance of meetings be conducted in a more structured way and looking at those Councils that may not have been visited or have new clerks or substantial changes.

Members were reminded that to use the template and script information forms prior to attending meetings.

The Chair suggested a list be decided outside of the meetings of which City, Town or Community Council's to attend. All agreed for the Chair and the Deputy Monitoring Officer to construct a list and circulate with members along with the template. Members were also reminded if they requested any support members could inform the Chair and arrangements could be made. It was suggested to list any meetings that may be conducted through the medium of Welsh.

The Chair informed members that on previous occasions she has let the clerk of the council know she is planning to attend the meeting 2-3 days before the meeting. Thus allowing enough time to be issued any relevant information of joining details if the meeting is being held remotely.

Members suggested that generic feedback email or letter be issued to a council following a meeting providing both positive or negative following the feedback being presented to the Standards Committee.

It was also suggested a generic message be issued to Clerks to remind them that they may be visited by Standards Committee members.

The Chair thanked all members for the detailed discussion and suggestions regarding attending at meetings. Thanks were given to the Deputy Monitoring Officer for the work on addressing members concerns on the remuneration for members.

It was

RESOLVED, that Standards Committee members note the position in relation to remuneration and members agreed for the Chair and Deputy Monitoring Officer to construct a coordinated and structured list of City, Town and Community Councils for members to attend.

12 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

The Standards Committee Forward Work Programme was presented for consideration and members discussed the following –

The Monitoring Officer confirmed the 'Comparison of Standards Committee Recruitment Panel Compilation' had been included for the meeting on the 3 March 2023.

Councillor Bobby Feeley noted a large amount of regional working had taken place and there was a trend to increase regional working. She thought it best to note for future reference the importance of monitoring regional working agreements.

RESOLVED that, subject to the above, the Standards Committee's Forward Work Programme be agreed.

13 DATE OF NEXT MEETING

Members noted that the Standards Committee's next meeting had been scheduled for 10.00 am on Friday 3 March 2023.

EXCLUSION OF PRESS AND PUBLIC

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

14 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

The Deputy Monitoring Officer (DMO) submitted a confidential report (previously circulated) providing an overview of complaints against members lodged with the Public Services Ombudsman for Wales (PSOW) since 1 January 2022.

Councillor Gordon Hughes declared a personal interest in this agenda item.

Members heard that there were no live matters at present. Details of the previous 12 months complaints were presented to the committee. An update on a complaint that had been received but had not been available to be included within the confidential paper due to timescales, was provided.

The Chair informed the committee she was attending Denbighshire County Council meeting due to be held on Tuesday 6th December to report the Standards Committee annual report.

The Chair provided members with detailed feedback of her attendance at Denbigh Town Council meeting. She informed members she had forwarded her feedback and observations to the Deputy Monitoring Officer. It was stressed the role of the Standards Committee was to support all City, Town and Community Councils in respect of Code compliance.

RESOLVED that the report be received and noted.

At the close of the meeting the Chair thanked members for their attendance and contributions and also conveyed her thanks to the support staff.

The meeting concluded at 12.55 p.m.