

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in the Council Chamber, County Hall, Ruthin and by video conference on Friday, 8 September 2023 at 10.00 am.

PRESENT

Independent Members Julia Hughes (Chair), Samuel Jones and Peter Lamb together with Councillors Bobby Feeley and Hugh Irving

ALSO PRESENT

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

WELCOME

The Chair welcomed everyone to the meeting. A special welcome was extended to the Council's Trainee Solicitor who was attending her first Standards Committee meeting.

1 APOLOGIES

Councillor Gordon Hughes and Independent Member Anne Mellor
Gary Williams, Corporate Director: Governance and Business/Monitoring Officer

2 DECLARATIONS OF INTEREST

Councillor Bobby Feeley declared a personal interest in agenda item 14, Code of Conduct – Part 3 Local Government Act 2000, in respect of one of the complaints lodged with the Public Services Ombudsman for Wales.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Standards Committee held on 16 June 2023 were submitted.

Accuracy –

Page 5, Item 2: Declaration of Interests – the Chair reported that Councillor Gordon Hughes was still a member of Corwen Town Council. It was clarified that minutes were written in the past tense and therefore the reference that Councillor Hughes 'was' a member was technically correct. The declaration could be recorded that Councillor Hughes 'was currently a member' to more accurately reflect that he was a serving member at the time that the meeting was held.

Page 7, Item 6: Attendance at Meetings – to include wording to accurately reflect the position as follows “...that both the clerk and the chair were married **to each other** and queried whether any declarations of interest should have been raised...”

Page 12, Item 12: Standards Committee Forward Work Programme – to remove the reference to the first bullet point which was an error, with attendance at meetings being reported back to each meeting.

Matters Arising –

Page 5, Item 4: Minutes of the last meeting – training for clerks via video conference would be provided, but no date had yet been confirmed.

Page 6, Item 4: Minutes of the last meeting – the Chair had presented the Standards Committee Annual Report to full Council on 5 September, and she provided feedback thereon. Given the length of the meeting, some members had left before the item, but the report and subsequent minutes would be available for all members. The Chair had also highlighted the importance of training for Town/City/Community Councils and improving attendance; corrected and confirmed the National Standards Forum meeting dates; stressed the importance of the Group Leaders Duty and welcomed the Group Leaders Reports, but expressed disappointment over missed submission deadlines, and referred to further work on the process in future; gave a snapshot of the presentation by the Public Services Ombudsman for Wales to the National Standards Forum, and provided an update on the Penn Review. Questions were answered regarding mandatory training with all county councillors having undertaken Code of Conduct Training apart from the newly elected councillor, and the Monitoring Officer also referred to wider training provided by One Voice Wales and confirmed a piece of work to provide an overview of training provision. Different leaders also welcomed the process for dealing with small problems informally. Councillor Bobby Feeley added that the meeting had been well attended and the report had been well received.

In respect of an annual online meeting with the Town, City and Community Councils, the Deputy Monitoring Officer agreed to take the matter back to the Monitoring Officer to advise further.

Page 7, Item 6: Attendance at Meetings – no resolution had been agreed regarding providing feedback following reports back to the Standards Committee and it was agreed to discuss the matter further under that agenda item later in the meeting.

Page 8, Item 8: Comparison of Standards Committee Recruitment Panel Compilation – a request had been made for a report on the matter to be included on the Council’s forward work programme and confirmation of a slot was currently awaited. An update would be provided to members when available.

Page 8, Item 9: Code of Conduct Training – the Committee would be advised once the newly elected councillor had undertaken the mandatory training. Discussions were ongoing with Democratic Services regarding recording a training session and circulating that material; a further update would be provided at the next meeting.

Page 10, Item 10: Group Leaders Reports to Standards Committee – it was suggested an Ethical Liaison Group meeting be held on the same day as the next Standards Committee and it was agreed to discuss the matter under agenda item 9.

RESOLVED that, subject to the above, the minutes of the meeting held on 16 June 2023 be received and approved as a correct record.

5 PUBLIC SERVICES OMBUDSMAN FOR WALES - 'OUR FINDINGS'

A report was submitted by the Deputy Monitoring Officer (previously circulated) on the latest case summaries contained in the 'Our Findings' section of the Public Services Ombudsman for Wales (PSOW) website which had replaced the previous Code of Conduct Casebook. A web link to the relevant section had been provided.

The 'Our Findings' section covered all matters investigated by the PSOW and not just conduct matters. However, no cases involving a Code of Conduct complaint had been investigated during the report period 10 May 2023 to 3 August 2023.

Members noted that no complaints had been investigated nationally and surmised that there may be cases in the pipeline given the timescales involved. There was some debate as to whether the threshold for taking cases forward was too high, which would be disillusioning for complainants in the event their complaints were not investigated. Due to the recent change in process, the Monitoring Officer (MO) was only made aware of the complaint at the point he was notified by the PSOW of the decision whether to investigate. Prior to that change, the MO was notified of complaints as and when they were received by the PSOW.

RESOLVED that the contents of the report be noted.

6 ATTENDANCE AT MEETINGS

Members reported on their attendance at meetings as follows –

- Independent Member Samuel Jones reported on a meeting of Llandyrnog Community Council held at 7pm on 18 July 2023, which had been held in person, with no public present. The Chair and Clerk were very efficient, and most councillors participated during the meeting. Declarations of interest had been sought at the outset, with one declaration made later in the meeting by a councillor who had arrived late, although it was not clear as to whether it was a personal or personal and prejudicial interest, and the member's intended participation in the item was not made clear. Overall, the meeting was conducted professionally throughout, and it was pleasing to see members were proactive in the community, and debate was constructive. The Clerk was also easy to contact and responsive to messages.
- In the absence of Independent Member Anne Mellor, the Deputy Monitoring Officer read out her report on a recent meeting of Llanarmon Yn Ial Community Council. It had been a very busy meeting, and all was in order due mainly to the Chair who was very competent and guided everyone through with the aid of the Clerk who was also very experienced. Sadly, the Clerk was only standing in

until a replacement was found. There was some unrest on the Community Council with members having resigned and new members coming on board. It was felt that another visit would be advisable in the not-too-distant future and that the support of the Standards Committee would be welcomed.

- The Chair reported on a hybrid meeting of Denbighshire's County Council held at 10am on 5 September 2023, and which had been live streamed. The meeting had been well attended, but it was lengthy, and some members had left before the end. Officers attended in person and remotely and it was difficult to ascertain whether those in the public gallery were officers or public, although two members of the public attended to ask questions and the Council encouraged more public participation. Declarations of interest appeared on the agenda and a statement read out with one interest declared and the member acted in accordance with their declaration. Four urgent matters had been added. All members and officers were respectful to the Chair and each other, and the Chair ensured all had opportunity to speak. He did not allow a change to a motion after one point in discussion as he said it was too late to do so in the process. The Chair ensured the meeting ran smoothly and efficiently, and respectfully directed members to the focus of the debate. Points of order were raised and addressed satisfactorily. The Monitoring Officer gave advice and explanation during the meeting in support of the Chair and councillors. It was noted that the voting procedure did not currently give anonymity to those councillors attending remotely. In conclusion, the meeting was very well run, encouraged discussion, good behaviour, and professionalism.

Members highlighted the need for an agreed methodology on how best to feedback following attendance at meetings in a positive and proactive way. The previously agreed approach of any significant or urgent issues of concern being passed to the Monitoring Officer was reaffirmed. There was a lengthy debate on the merits of providing tailored feedback to individual councils visited and generic feedback to all councils to share good practice, particularly bearing in mind that only a proportion of councils would have received a visit. Different views on the best way forward were expressed and debated which led to a consensus that it would be courteous after a visit to provide some acknowledgement and individual feedback in a balanced and supportive manner. It was also agreed that generic feedback and other key messages/common themes be given to all councils on a quarterly basis following receipt of members reports on attendance at meetings of the Standards Committee.

RESOLVED that –

- (a) *the verbal reports from members attending meetings be noted, and*
- (b) *the methodology for feedback following attendance at meetings be agreed as follows –*
 - *in the event of any concerns, the Monitoring Officer shall make contact the Clerk or Chair of the council;*
 - *in respect of individual councils that have been visited, a letter be submitted to that particular council with feedback after each Standards Committee, and*

- *anonymous observational feedback from the Standards Committee be submitted to all Town/City/Community Councils per quarter, via email/letter.*

7 DISPENSATION REQUESTS

Consideration of dispensation requests from Town/City/Community Councils and at county level was a standing item on the agenda.

Members noted that no dispensation requests had been received.

The lack of dispensation requests had been a cause of concerns for some time and members had discussed the need to continue to raise awareness of the issue. The Chair suggested that this topic be included in the first generic feedback letter to Town/City/Community Councils following members attendance at meetings.

RESOLVED *that the position be noted.*

8 NATIONAL STANDARDS FORUM

The Chair and Monitoring Officer had attended the second National Standards Forum held on 30 June 2023. The Chair highlighted the following key points –

- notes would be circulated to Standards Committees and be publicly available
- a training session on chairing Standards Committees would be arranged by the Welsh Local Government Association
- a talk by Professor Mark Philp on his role as a member of the Chair of the Committee on Standards in Public Life Research Advisory Board
- a talk by Michelle Morris, Public Services Ombudsman for Wales (PSOW) on her annual report for 2022/23
- a discussion on promoting high standards, the Group Leaders Duty and duty of the Standards Committee to comment on the Group Leaders' compliance. It was confirmed that leaders should meet with the full Standards Committee
- supporting Town and Community Councils; the Deputy Monitoring Officer advised that some councils in Denbighshire had adopted a local resolution process whereas others had not; the Chair suggested reference to that topic could also be included in the generic feedback following attendance at meetings
- resourcing Standards Committees was a challenge, with greater responsibilities on Standards Committees and heavier workloads for Monitoring Officers
- an update on the Penn Review with the responses to the consultation being analysed and the results published in the autumn; depending on the results it may require secondary legislation followed by a 12-week consultation period
- Monitoring Officers were seeking to introduce £25 as the minimum value for gifts and hospitality which was usual amongst most councils (including Denbighshire)
- future items for consideration included local resolution protocols and Corporate Joint Committees and Joint Standards Committees.

The Chair advised that the meeting had been extremely useful and reiterated that the notes of future meetings would be shared with the Standards Committee.

Members highlighted that only 35 of the 280 complaints made to the PSOW had been investigated and discussed the potential reasoning for the low number, which could include a high number of lower-level issues, frivolous and vexatious complaints and/or too stringent an application of the public interest test. It was noted that the process for submitting complaints to the PSOW was clear and straightforward. Members accepted that the PSOW had limited resources and choices to make in terms of investigations and balancing the seriousness of the issues brought forward, with clinical negligence used as an example. However, it was considered that the high number of complaints not investigated could risk disillusionment and the loss of public support and trust in the process, and the Standards Committee could only carry out its work by way of reference from the PSOW. The other mechanism for involvement of the Standards Committee was via the informal complaints protocol, but the general view was that action would prejudice the Committee's judgement in the event the complaint was subsequently referred to the Standards Committee by the PSOW. At the close of debate, members agreed that a letter be sent to the PSOW detailing the Committee's observations regarding the high number of complaints which did not pass the public interest test, and reference to the PSOW's powers to refer matters to the Standards Committee at their own volition for local resolution.

RESOLVED that –

- (a) *the verbal report on the meeting of the National Standards Forum held on 30 June 2023 be received and noted, and*
- (b) *the Deputy Monitoring Officer draft a letter to the Public Services Ombudsman for Wales (PSOW), for consideration by the Standards Committee, setting out the Committee's observations regarding the high number of complaints which did not pass the public interest test and referencing the powers of the PSOW to refer matters to the Standards Committee for local resolution.*

At this juncture (11.55 am) the meeting adjourned for a comfort break.

9 GROUP LEADERS DUTY - STATUTORY AND NON STATUTORY GUIDANCE FOR PRINCIPAL COUNCILS IN WALES

The Statutory and Non-Statutory Guidance for Principal Councils in Wales – supporting provisions within the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021 had been previously circulated with the agenda.

The Deputy Monitoring Officer (DMO) provided an update on the Group Leaders Duty and next steps and the Statutory Guidance for Principal Councils in Wales. Members were also asked to agree to invite Group Leaders to a future Ethical Liaison Group. The DMO drew members' attention to the salient points regarding the Group Leaders Duty as referenced within the Statutory Guidance as follows –

- the leader of a political group consisting of members of a county council or county borough council in Wales must take reasonable steps to promote and maintain high standards of conduct by the members of the group
- the duty did not make leaders of political groups accountable for the behaviour of their members, but they had a role in taking reasonable steps in maintaining high standards, setting an example, using their influence to support a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues of alleged non-compliance as soon as they arose
- elaborated on the ten reasonable steps as set out which Group Leaders had to have regard to and could undertake with a view to build on and support a culture which was proactive, acts on and does not tolerate inappropriate behaviour
- the importance of Code of Conduct training and establishing relationships with members which encouraged them to raise issues with the Group Leader
- failure of a Group Leader to comply meaningfully with the duty may potentially be regarded as bringing their office into disrepute, likely in breach of the Code
- Group Leaders should evidence their compliance with the new duty and report compliance with their duty to the Standards Committee
- Group Leaders should co-operate and ensure their group co-operate with the Monitoring Officer and Standards Committee when an issue was referred
- at the start of each council year Group Leaders should meet with the Standards Committee to agree how they will work together, the frequency of meetings between them throughout the year, the threshold the Standards Committee would use to establish if Group Leaders had complied with their duties, and the mechanism for Group Leaders to provide reports to the Standards Committee.

Members discussed the document with the DMO who advised that the guidance had only recently been published, and although it was helpful and regard should be given to it, there was also scope for the Committee to tailor it to suit as appropriate, particularly regarding timescales for actions, etc. Members acknowledged the work that had already been carried out in terms of the additional responsibilities for both the Committee and Group Leaders, including the positive response regarding the proforma adopted, and the need for further discussions to develop those processes, fostering good relations and collaborative working. The opportunity to raise the issue of training was also highlighted, and the DMO suggested it might be useful for the Head of Democratic Services to also be involved in that regard.

The Committee agreed that an Ethical Liaison Group meeting (involving the Standards Committee and Group Leaders) be arranged with a view to initiating those discussions and actions as set out in the guidance to progress matters. The DMO agreed to arrange a meeting on the same day as the next Standards Committee if possible, otherwise a separate meeting date would be considered. The guidance was detailed and complex and the DMO advised that the initial meeting would focus on summarising the Group Leaders Duty and facilitating a debate on how the Group Leaders and Standards Committee would work together to support that process and the reasonable steps as set out in the guidance.

The Committee also recognised that there were other elements within the Statutory Guidance relating to the Standards Committee and it was agreed that the DMO would provide further detail on Part 2: Sections 5, 6 and 7 together with Part 4: The Schedule, Section 6 and Agenda and reports, Section 15.80 (background papers),

Chairing Meetings, Section 15.138 onwards, in so far as they related to Standards Committees, at a future meeting. For clarity, the Chair also drew attention to Section 7: Duty of standards committee to make annual report; and in accordance with the guidance the Committee agreed that their annual report be shared with the Public Service Ombudsman for Wales, and Town/City/Community Councils via the first generic feedback correspondence following attendance at meetings.

RESOLVED that –

- (a) *the verbal update on the Group Leaders Duty be received and noted;*
- (b) *the Deputy Monitoring Officer to arrange a meeting of the Ethical Liaison Group in order to facilitate discussions between the Standards Committee and Groups Leaders on the Group Leaders Duty and next steps, and*
- (c) *the Deputy Monitoring Officer to provide a report back to a future meeting of the Committee on the other relevant sections of the Statutory Guidance in so far as it related to the Standards Committee.*

10 CORPORATE JOINT COMMITTEE

The Deputy Monitoring Officer explained that a ‘Joint Committee’ was made up of two or more local authorities. The North Wales Corporate Joint Committee (CJC) covered the six local authorities in North Wales, led by Gwynedd Council.

CJCs had powers relating to economic well-being, strategic planning and the development of regional transport policies, and the North Wales CJC also carried out the functions of an Economic Ambition Board. They were corporate bodies which could employ staff, hold assets and dedicated budgets. The CJC required overview and scrutiny and a means of standards oversight. The Monitoring Officer, Gwynedd Council was drafting a governance document and arrangements and, whilst it was still early in the process, work was ongoing to secure capacity around governance and setting up those processes, following which a formal request for representatives to sit on a future Standards Committee would be forthcoming.

RESOLVED that the update regarding Corporate Joint Committees be noted.

11 CHAIR'S TRAINING EVENT

The Deputy Monitoring Officer reported that the services of a trainer had been secured to deliver a Chair's Training Event for Town/City/Community Councils to be held in person in County Hall, Ruthin from 10am – 12 noon on 24 November 2023.

It had been agreed with the Democratic Services Manager to extend the invitation to Chairs of Council Committees, and members of the Standards Committee were also welcome to attend if they wished. Communications would be sent to Clerks the following week seeking nominations for the event. Given the cost of the training incurred by the Council, a nominal £10 fee would be charged for each delegate which would also secure a commitment from them to attend. Similar training

provided by One Voice Wales cost £35. In terms of governance, the training would also include management of the clerk such as a contract of employment.

RESOLVED that the verbal update on the Chair's Training Event be noted.

12 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

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

- agreed to change the date of the next meeting in the forward work programme from 1 December to 8 December to reflect the reschedule
- to include a report on the forward work programme on other elements of the Statutory and Non-Statutory Guidance for Principal Councils in Wales relevant to the Standards Committee as discussed earlier on the agenda under item 9
- to reschedule the item on the National Standards Forum Update from December to March given that the meeting would not be held until January 2024
- to add an item to the forward work programme for March 2024 on feedback from the Ethical Liaison Group meeting (provisionally scheduled for 8 December)
- to add an item to the forward work programme for December 2023 on feedback from the Chair's Training Event held on 24 November 2023
- regarding future items the Deputy Monitoring Officer agreed to consult with the Monitoring Officer on an appropriate date for the item on the Review of the size and composition of the Standards Committee.

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 8 December 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 submitted a confidential report (previously circulated) providing an overview of complaints against members lodged with the Public Services Ombudsman for Wales (PSOW) since 1 April 2022.

There were no live complaints reported as under investigation at present. However, given the change in reporting arrangements there may be complaints lodged with the PSOW which would not be known until a decision had been made as to whether the complaint would be investigated. Members discussed several complaints

lodged in respect of one Community Council, none of which the PSOW was investigating due to them not passing the first stage of the public interest test because of insufficient evidence. The difficulty in reviewing the complaints was highlighted given that the Committee were not privy to the full facts of the case. Having considered the information available to the Committee, members felt that they would like to explore the matter further and asked that additional information be sought from the Monitoring Officer with a view to revisiting the matter at their next meeting. Members might also consider whether there was any merit in attending a future meeting of that council.

RESOLVED that the report be received and noted.

The meeting concluded at 1.20 pm.