

STANDARDS COMMITTEE

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

PRESENT

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

ALSO PRESENT

Corporate Director: Governance and Business/ Monitoring Officer (GW), Trainee Solicitor (EC) Legal Officer (SR) and Committee Administrators NH and KJ [Zoom host].

1 APOLOGIES

None.

2 DECLARATION OF INTERESTS

Town and Community Council Member, Councillor Gordon Hughes declared a personal interest in agenda item 12, 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

None.

The Chair raised the issue regarding the posting of the Standards Committee agenda and reports pack leading to them being received late by many Committee Members, and gave reassurance that the Committee Administration Team were aware of this.

4 MINUTES OF THE LAST MEETING

The minutes of the Standards Committee meeting held on the 8 September were submitted.

Accuracy –

Page 10 – Item 6: Attendance at Meetings – to replace ‘directly’ to ‘directed’.

Page 10 – item 6: Attendance at Meetings in the **RESOLVED-** to amend ‘anonymous observational feedback from the Standards Committee be submitted to all Town/City/Community Councils per quarter, via email/letter’ to ‘anonymous observational feedback from the Monitoring Officer be submitted to all Town/City/Community Councils per quarter, via email/letter’.

Matters arising –

Page 8 – Item 4: Minutes (Matters Arising) – Annual online meeting with Town, City and Community Councils. A date for the meeting had not yet been identified. A consideration being considered was the Council's need to engage with Town, City and Community Councils regarding a wide range of matters and decisions were ongoing to determine if this would be incorporated into the annual meeting. The Monitoring Officer was hoping to receive clarity on this within the coming weeks and a potential date would be circulated to Members.

Page 11 – Item 8: National Standards Forum – The Chair asked the Committee if they had received the latest minutes from the meeting on 30 June 2023. The monitoring Officer informed the Committee that he would circulate the minutes following the meeting.

Page 12 – Item 8: National Standards Forum – A response from the Public Service Ombudsman for Wales (PSOW) had been received and circulated to all Members.

Page 13 – Item 9: Group Leaders Duty – Statutory and Non Statutory Guidance for Principal Councils in Wales – The Deputy Monitoring Officer would provide a report/feedback in the March 2024 Standards Committee meeting and this would be noted on the Forward Work Programme.

Page 14 – Item 9: Group Leaders Duty – Statutory and Non Statutory Guidance for Principal Councils in Wales – The Monitoring Officer would seek clarity regarding the sharing of the Standards Committee Annual Report with the PSOW and Town/City and Community Councils.

Page 14 – Item 10: Corporate Joint Committee – The Monitoring Officer attended the Corporate Joint Committee meeting. The Corporate Joint Committee needed to have their own Standards Committee and it was hoped that nominations could be sought from existing Standards Committee Members to sit on a Corporate Joint Committee Standards Committee. The regulations did not allow for the above and therefore the current process for recruiting Members for Committees would apply. The Monitoring Officer in Gwynedd County Council presented a report to the Corporate Joint Committee explaining the recruitment process and it was approved. The Chair requested that the report be circulated to all Members.

Page 15 – Item 12: Standards Committee Forward Work Programme – Ethical Liaison Group Meeting - A meeting was scheduled for the 18 December 2023, the agenda for the meeting would be circulated to all Members following a meeting with Group Leaders on the 18 December 2023.

Page 15 – Item 12: Standard Forward Work Programme – 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. The

Monitoring Officer stated that this item can be brought to the March meeting of the Committee, and this will be added to the Forward Work Programme.

RESOLVED: *that subject to the above, the minutes of the meeting held on the 8 September 2023 be received and approved as a correct record of the proceedings.*

5 PUBLIC SERVICES OMBUDSMAN FOR WALES - 'OUR FINDINGS'

Elinor Cartwright: Trainee Solicitor presented the Public Services Ombudsman For Wales (PSOW): Our Findings report to Members.

The report covered the period from 3 August – 24 November 2023. The 'Our Findings' section of the Ombudsman's website contained a summary of those cases involving Code of Conduct complaints that had been investigated by the Ombudsman.

The PSOW received a complaint that a Member of Conwy County Council had breached its Code of Conduct by participating and voting in a virtual Council meeting whilst appearing to be driving, which would have the potential to bring the Council into disrepute. Given that there was only evidence of a single event, the Ombudsman found that this incident was not indicative of repeated behaviour, and despite the Member being in breach of the Code of Conduct, found that it would not be in the public interest to take further action under s69(4)(b) Local Government Act 2000.

The Chair questioned if the complaint referring to a Member of Conwy County Council joining a hybrid meeting whilst driving should be fed back to all Members to remind them of the protocol in place within Denbighshire County Council, and questioned if the Policy in Denbighshire needed any amendments considering the complaint.

The Monitoring Officer explained to the Committee that a policy was in place regarding joining hybrid meetings. The information concerning the complaint within the report could be sent to group leaders to inform their groups and encourage good behaviour.

Members referred to a radio article highlighting that Members who are joining hybrid meetings could be doing other things at that time as their camera's do not remain on for the entirety of the meeting.

The Monitoring Officer explained that the Hybrid Meeting Protocol covered this concern. When Members joined meetings, they were asked to keep their camera's on for the duration of the meeting, only having their camera off if there was a connection issue.

The monitoring Officer stated that the hybrid policy did not currently refer specifically to joining meetings within a vehicle and this would be included in the policy.

Members questioned if Members needed to attend meetings in person in order to be able to take part in any vote. The Monitoring Officer explained that members can vote if they join a meeting remotely or attend in person. There were many ways in which voting within meetings were conducted including the electronic system within the Chamber and roll call. There were ongoing tests being undertaken on Zoom polls.

The Chair and the Monitoring Officer thanked the Trainee Solicitor for their report and for attending the meeting.

After a discussion it was –

RESOLVED: *that -*

- (i) group Leaders be advised of the contents of the report and remind all members of their responsibilities*
- (ii) an amendment to the Hybrid Meeting Protocol Policy to include joining meeting in vehicles*
- (iii) the contents of the report be noted.*

6 ATTENDANCE AT MEETINGS

Members reported on their attendance at meeting as follows –

- Independent Member Samuel Jones reported on a meeting of Llanfair DC Community Council held at 7.30pm on Monday 30 October 2023. Declarations of interest were sought at the beginning of the meeting. The Chair made a personal declaration of interest although she did not specifically express which agenda item it was relating to, it appeared to be related to an item reviewing correspondence. As it was only a review of correspondence, and no decision was being made, it appeared that the member acted in accordance with her declaration. The Chair and Clerk were very efficient in progressing items, whilst giving appropriate discussion time for each. Overall, the meeting was conducted professionally, and debate was constructive. The Clerk was easy to contact and was responsive to messages.
- Independent Member Peter Lamb reported on a meeting of Dyserth Community Council held at 7pm on 9 October 2023. Declarations of interests were sought at the beginning of the meeting. The Clerk of the meeting was very organised, and information was clearly presented on a video screen. The Committee were friendly and cordial with each other and were respectful of the Chair. The Clerk was confused as to the role of the Standards Committee, thinking that it had a broader scope over Denbighshire County Council (DCC). Overall, the meeting ran smoothly, and the Clerk was easy to contact and supplied the agenda and minutes of the previous meeting.

- Independent Member Peter Lamb reported on a meeting of the Ruthin Community Council held at 7pm on 20 November 2023. Declarations of interests were sought at the beginning of the meeting. The meeting was hybrid and worked well with all participants involved following the discussion. The public seats were behind the Committee, and this made it difficult to hear at times. Committees should be reminded that the public should be able to hear the discussions clearly. Overall, the meeting was well orchestrated and contact with the Clerk was straightforward and responsive.
- The Chair reported on a meeting of the Cynwyd Community Council held at 7.30pm on the 8 November 2023. Declarations of interest were sought at the beginning of the meeting. The Clerk of the meeting was relatively new to the Council and was learning the role as they had not been a Clerk previously. There had been long periods when the Council had no Clerk in post, and times when a previous Clerk was absent due to sickness. The meeting was conducted bilingually, and the agenda was bilingual. Three members of the public participated throughout the meeting on various agenda items. Equipment for hybrid meetings was discussed however, due to the costs it was agreed that it was not a high priority currently for the Council. The Council were struggling to fill vacant Councillor and Clerk posts and due to this it appeared that papers and documents had not been circulated to all Members.
- The Chair reported on a meeting of Cyffylliog Community Council held at 7pm on the 9 November 2023. Prior to the meeting commencing it was made clear that Members would need to be prompted to declare any declarations of interests as Councillors did not have an understanding of declaring interests. The agenda consisted of 18 items and all of them were covered within the meeting. A discussion on One Voice Wale training courses took place with some confusion over compulsory and voluntary courses and how many they would need to attend.

Members discussed the discrepancy between the workings of Clerks within Community Councils and questioned if training should be offered to ensure continuity. The Monitoring Officer explained that Code of Conduct training was offered to Clerks, generic Clerk training was for the Community Councils themselves to provide however, Denbighshire County Council did offer informal advice to Clerks.

Members agreed the following would be included within generic feedback given to Community Councils –

‘Visits to Community Councils have illustrated the importance of competent and qualified resourced Clerks to ensure the Council is operating effectively and efficiently in providing adequate support to the Chair’. Members further agreed that clarity on personal and prejudicial interests being declared at Community Council meetings be added within the feedback.

RESOLVED: *that, subject to the above, the verbal reports from Members attending meetings be noted.*

7 DISPENSATION REQUESTS

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

Members reiterated their concerns that no dispensation requests had been received.

RESOLVED: *that the position be noted.*

8 STANDARDS COMMITTEE ANNUAL REPORT

A report was submitted by the Deputy Monitoring Officer (previously circulated) presenting the draft Standards Committee Annual Report for consideration prior to its submission to full Council. The report detailed the Committee's work during the 2023 calendar year.

It was a requirement that an Annual Report from Standards Committee was presented to Full Council 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.

The Monitoring Officer guided members through the content of the report and during debate the following amendments were agreed by the Committee –

- Members requested a paragraph was included at the start of the report reflecting the efforts of the Standards Committee in addressing the standards of public life and the encouragement of good behaviour within the Council. The Monitoring officer would add this including noting Code and Compliance and Diversity, Equality and Democracy.
- Members requested it be made clear and concise the role of the Standards Committee, clarifying that they were separate from the Council. The Monitoring Officer explained that a paragraph explaining this would be included within the generic feedback given to Town, City and Community Councils.
- Members requested an amendment to the recommendation of the report to Council as follows – 'Members note the contents of the report and endorse the work of the Standards Committee in promoting and encouraging high standards of conduct in public life'.
- Paragraph 4.5 – Members requested that reference be made to the conduct at meetings in which Standards Committee Members observed, to ensure that Town, City and Community Council meetings being observed were aware of their role in observing only at that time, not to participate.

- Paragraph 4.2 – requested an amendment stating the Chair of Standards Committee is to be an Independent Member.
- Paragraph 4.3 – PSOW complaint statistics to be inserted into the report prior to Full Council.
- Paragraph 4.4 – Response to PSOW letter – feedback to include the concerns of the Standards Committee regarding the lack of complaints being investigated with statistics including the number complaints received compared to the number of complaints investigated further and the need for staff to be aware that great detail is needed in order for the complaint to be considered/ carried forward.
- Paragraph 4.5 – to be reworded and renumbered (Observation of meetings).
- Paragraph 4.6 – Standards Committee concerns of the lack of dispensation requests and asked for work to be prepared to encourage greater application.
- Paragraph 4.6 – to add feedback to Councillors if appropriate and include the Denbighshire County Council link to policies within the report.
- National Standards Forum – list action points to come out of the recent minutes of the National Standards Forum to be discussed and approved by the Chair and Monitoring Officer.

The Monitoring Officer informed Members that a revised draft of the Standards Committee Annual Report would be circulated to all Members for comments following the Group Leaders meeting on the 18 December 2023.

Members emphasized the importance of the report and therefore, due to the current volume of agenda items on the Full Council Forward Work Programme it was agreed that the report be taken to the Full Council meeting in February 2024.

RESOLVED: that, subject to the above, the Annual Standards Committee draft report be received and noted.

At this juncture in the meeting the Committee adjourned for comfort break.

The Committee resumed business at 12.45pm.

9 CHAIR'S TRAINING EVENT

The Monitoring Officer gave a verbal update to Members on the Chair's Training Event.

Positive feedback had been received from attendees of the training, via feedback forms. The feedback form responses were verbally reported to the Committee covering topics such as how useful the training was and whether they would be interested in attending another training session covering different topics in the future.

Members commented on the high quality of the training however, noted that the attendance was disappointing. There were many opportunities for attendees to participate in the training and Members welcomed further training in the future.

Reference was made to the helpful tips given by the trainer on the training course regarding the role of Chair in meetings and they were briefly reported to the Committee by the Chair.

The Chair requested that the information leaflet on 'Chairing Meetings' from the training session be circulated internally with Chairs of Committees within the Council. The Monitoring Officer agreed to seek approval from the external trainer to obtain consent before the information was shared.

RESOLVED: that –

- (i) *The Chairing Meetings Leaflet is circulated following receiving consent from the trainer and –*
- (ii) *The Chair's Training Event be received and noted.*

10 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

The Standards Committee Forward Work Programme was presented for consideration and Members noted the following –

There were 3 Report Items scheduled for the Standards Committee's March meeting –

- National Standards Forum Update
- Statutory and Non-Statutory Guidance for Principal Councils in Wales relevant to the Standards Committee
- Feedback from the Ethical Liaison Group meeting.

Items agreed to be added to the Forward Work Programme during the meeting were –

- Comparison of Standards Committee Recruitment Panel Compilation update.
- Elements of Statutory Guidance Clarification relating to Standards Committee, 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).
- Review of the size and composition of the Standards Committee.

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

11 DATE OF NEXT MEETING

Members noted that the Standards Committee's next meeting had been scheduled for 10am, Friday 1 March 2024.

EXCLUSION FROM 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 12 A of the Local Government Act 1972.

12 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

The 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.

The Monitoring Officer provided a summary of the two complaints lodged, which had not been investigated, together with the reasons, therefore. Given the change in reporting arrangements it was noted there may be complaints lodged with the PSOW which would not be known until a decision had been made as to whether or not the complaint would be investigated.

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.

Meeting concluded at 13.05pm