

## **STANDARDS COMMITTEE**

Minutes of a meeting of the Standards Committee held in Council Chamber, County Hall, Ruthin and by video conference on Friday, 1 March 2024 at 10.00 am.

### **PRESENT**

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

### **ALSO PRESENT**

Monitoring Officer (GW), Committee Administrators (SW Host) (RhTJ)

#### **1 APOLOGIES**

Apologies were received by Councillor Gordon Hughes.

The committee were informed that Councillor Hugh Irving was no longer a committee member, and his replacement would be decided upon at the Annual Council in May.

Apologies were also received by the Legal Services Manager and the Trainee Solicitor.

#### **2 DECLARATION OF INTERESTS**

The chair, Julia Hughes, queried whether she would need to raise an interest in agenda item 5 as she was a member of the standards committee for Flintshire County Council. The monitoring officers advised that the matter was a matter of personal interest and not a prejudicial one.

#### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

None.

#### **4 MINUTES OF THE LAST MEETING**

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

Accuracy –

- There were no accuracy points raised.

Matters Arising –

- Page 8 – The committee raised the annual meeting with the town, city, and community councils, which had been organised. The monitoring officer

clarified that the matter had been discussed with the CET, and the matter was complex due to the financial constraints the Council was facing. It was hard to add more work as cuts were being sought. Responding to those issues raised, the committee discussed inviting town, city, and community councils to an existing standards committee with a lighter agenda and having a forum-like meeting to discuss any concerns raised.

- Page 8 – The national standards forum minutes from June had been circulated; however, the January minutes still had not been circulated.
- Page 8 – the Corporate Joint Committee, the monitoring officers had not received anything but would circulate any information once received from Gwynedd, who was leading on the matter.
- Page 9/10 – the committee agreed that the matter would be beneficial to be circulated as frequently as possible, especially for group leaders; the committee believed the paper's circulation would benefit all.
- Page 10 – members queried whether there had been any decision taken on members joining meetings remotely from their car; the monitoring officer informed the committee that the Democratic Services manager had formed a working group to discuss the matter of how meetings were held, and the matter would be discussed further at the next Democratic Services meeting on the 22/03/24.
- Page 11 refers to general feedback with attendance at meetings. Still, the monitoring officer clarified that general feedback would be circulated quarterly to Town, City and Community Councils, and members of the standards committee would be included in those emails.
- Page 13 – Standards Annual report: members were made aware that the raised action points had not been completed due to the strain on capacity within the team. The Monitoring officer felt that the calendar year form of reporting was not the best suited for the committee and that a municipal year report would work better; the committee agreed with the statements and the draft report would hopefully be reported to the committee in June and then taken to the July Council meeting.
- Page 14 – Charing leaflets were raised, and whether there was any further information, the Monitoring Officer would look into the matter and update at the next meeting.

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

## **5 PUBLIC SERVICES OMBUDSMAN FOR WALES - 'OUR FINDINGS'**

The Monitoring Officer presented the Public Services Ombudsman For Wales (PSOW): Our Findings report (previously circulated) to Members; he and the chair

thanked Elinor Cartwright, Trainee Solicitor, for producing the report, who could not attend the meeting.

The report covered the period from 9th August 2023 – 15th February 2024. The 'Our Findings' section of the Ombudsman's website contained a summary of those cases involving Code of Conduct complaints that the Ombudsman had investigated. There were twelve cases, nine of which no further action was taken, two were referred to the relevant Standards Committee, and one had been referred to the adjudication Panel for Wales. None of the matters were related to Denbighshire.

The monitoring officer clarified that the Ombudsman seemed to have a sensible approach to the matter to allow those who breached to apologise for the issues which were caused and respond to the query relating to repeat offences; the Monitoring officer believed the Ombudsman would then take another approach to deal with the situation.

Responding to lower-level complaints that the Standards Committee raised and whether the information was logged, the monitoring officer clarified that the information was all stored. The Ombudsman had an excellent corporate memory with complaints.

The committee discussed the following further –

Peter Lamb referred to the first complaint within the appendix. He highlighted how the matter would cause distress. Once the comments had been made and the apology would not mitigate what had been stated, there needed to be further training to ensure people in authoritative positions were required to realise the weight that their words could bear. The Monitoring Officer raised that on some occasions, what has been said previously has not been a breach of the code of conduct but can offend or antagonise issues, and these matters are usually dealt with by the political groups for the affected authorises; the ombudsman does not usually deal with the matters due to resource issues.

Regarding social media, the MO stated that members would need to take a sensible approach with social media; however, it was noted that social media was complex as members of the public could say what they wanted regarding elected members with little to no repercussions.

The committee was concerned with social media as a whole and wanted to ensure that members received either training or refreshers on any already implemented training. The MO stated that a new document regarding social media could be launched, and he would raise the matter with the relevant head of service. He could encourage a Council Workshop for all members to ensure they were trained on social media etiquette, alongside guidance being sent to group leaders to disseminate amongst their political groups. Some committee members felt that any training could be forgotten and encouraged constant information to circulate to members through a bulletin; the MO stated that the bulletin would be too resource intensive, and the Council were currently reducing services.

The MO was questioned whether town, city, and community councillors had received code of conduct training. The MO clarified that they were not mandatory for town, city, and community councillors but were offered training and encouraged to attend any courses. The training, however, was compulsory for County Councillors.

After a discussion, it was –

**RESOLVED:** *that* –

1. Group leaders receive social media guidance to circulate amongst their political groups.
2. The public services ombudsman for Wales - 'Our findings' report will also be circulated to group leaders.
3. The Monitoring Officer writes to Town, City and Community Councils about relevant training dates.

## **6 ATTENDANCE AT MEETINGS**

Before members reported on their attendance at meetings, the query was raised when the allocation of meetings they could attend would be reset. The monitoring officer (MO) believed the matter would be reset with the new financial year; however, he would check with the democratic services manager to see if that was correct.

Members reported on their attendance at the meeting as follows –

- Independent Member Anne Mellor reported on the meeting of Corwen Town Council (10/01/24). Before the meeting, the independent member informed the committee that she had browsed the town council website, which was easy to navigate to find the relevant information. However, the website was a work in progress. The chairing of the meeting was done professionally and smoothly; apologies were sent from four committee members. The chair ensured the meeting followed the agenda well, and there was good discussion throughout the meeting; the meeting concluded at 20:25. The war memorial was an issue raised, and a dispensation would be the best to address the solution.
- During the quarterly feedback, the chair raised the issue that the town, city, and community councils needed to reiterate that dispensations could be helpful for the councils.
- The chair raised the issue that she still needed to attend a future Rhyl Town Council meeting, and Peter Lamb planned to participate in a Prestatyn Town Council meeting. Two councils require a standards committee member to attend: Bodfari and Llanfihangel; independent member Anne Mellor agreed to join Bodfari, and Samuel Jones would attend Llanfihangel. The chair questioned the MO about whether they were aware of any other council meetings that still required attendance, and the MO would investigate the matter and report back to the committee.

**RESOLVED:** Subject to the above, the verbal reports from members attending meetings should 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 NATIONAL STANDARDS FORUM UPDATE**

The Monitoring Officer (MO) presented the committee with the National Standards Forum Update; the last meeting was held on the 29th of January 2024; the meeting minutes had not been published.

The meeting welcomed a new panel advisor, Justine Cass, Deputy Monitoring Officer and Solicitor, Legal Services, Torfaen County Borough Council. Another aspect of the meeting was an update on the Richard Penn Review; the responses were being analysed, and a summary of the results was available.

The MO and the chair at the forum informed the committee that a significant element of the meeting was the update from Michelle Morris, Public Services Ombudsman for Wales. The presentation highlighted the increase in older complaints the ombudsman was receiving, proving challenging as they required more work than the usual complaints; the ombudsman stated that they wished to have older cases dealt with before the new financial year. Cases relating to other bodies were discussed, and the powers of suspension were raised regarding whether someone had been found in breach of the code of conduct and whether there could be power to suspend people from all bodies they represented for the violation; it was clarified that a suspension of that nature would be complex as the ombudsman would not be aware of all the bodies someone would have ties to.

Following the update from the Ombudsman, there was an update from Iwan Gwilym Evans, Gwynedd, on Corporate Joint Committees (CJCs) and Joint Standards Committees; Iwan would be the CJC's acting monitoring officer; the CJC would have the same constitution as the other local authorities, and it would have its budget; which would need to be set each year at January. The current membership included Council leads across North Wales, and they could co-opt members onto the Committee. The MO clarified to the committee that, with the code of conduct, members would have to raise a declaration of interest relating to their local areas.

The resourcing of the Standards Committee was discussed at the forum. There was a working mapping exercise on the matter and the possibility of increasing the Independent Remuneration Panel for Wales (IRPW).

The matter of payment for co-opted was raised as some members of the forum felt uncomfortable with the matter, and some local authorities said they would take the matter to discuss on a regional level.

Social media guidance was raised, and the members were made aware that Denbighshire could use multiple training modules. Other training was also raised for chairs and vice-chairs, and there were modules which were also available

Members of the committee thanked the chair and the MO for the update from the Forum. However, they suggested at the next pre-briefing before the next Standards meeting, the MO could give further details on the CJC and how it was proposed to work.

**RESOLVED** that the Standards Committee note the National Standards Forum Update.

**Break – 12:00 – 12:05 pm.**

**9 STATUTORY GUIDANCE 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).**

The Monitoring Officer (MO) presented the Statutory Guidance Relating to Standards Committee (previously circulated). The guidance was consolidated statutory guidance intended to support principal councils in meeting requirements under the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021.

The chair guided the committee through the guidance; they highlighted the areas that were relevant to members of the committee whilst also taking any questions or feedback from the document and determining where the matters could be implemented to facilitate the work of the standards committee.

Independent Member Peter Lamb highlighted training and felt that point 2.12 on page 44 of the report pack reflected his feelings on training. It was as follows – *‘Training is a process, not an event. Councils could put together a member development strategy, which should reflect the need to keep councillors’ skills refreshed and updated. This should incorporate the opportunity for organising briefings for councillors on emerging areas of law and policy. In producing such a strategy councils should consider any guidance including any charters or councillor development frameworks, developed by the WLGA and resources and guidance issued by the PSOW’*

The chair raised the matter of the duty of the standards committee to monitor group leader compliance with the duties; this was included with the guidance on page 64 of the report pack, with attention being brought to section 6.4 of the guidance – *‘As set out earlier in this guidance the standards committee should meet with group leaders at the beginning of each council year to agree on several issues, including the frequency of meetings between political group leaders and the standards*

*committee through the year to discuss compliance with the duties covered by this guidance, annual reporting processes and issues arising from the analysis of complaints in respect of standards of behaviour”* The Standards committee felt this matter was vital. A date should be arranged for each municipal year to ensure the standards committee monitors the group leaders' work and that dialogue can be had between both groups. The chair also referred to point 4.24 (page 58) within the report, highlighting the reasonable steps group leaders may undertake that would be useful for the group leaders and their reports being produced. Lisa has used these to assist with group leaders. It would be good to have these to ask Group leaders if they had considered them whilst conducting their work. The committee raised the issue that group leaders were busy, and ensuring they weren't too busy was a delicate balance.

The MO responded to queries regarding section 15.0, Page 162, Guidance on multi-location meetings, essentially guidance on how the new system works, 2011 remote attendance was used. COVID has made the system faster; now, Teams and Zoom were used for meetings, internal meetings were held on teams, and Zoom for external meetings. The matter was beneficial overall; there were improvements in the conduct of hybrid meetings anecdotally. The diversity was also increased with hybrid working, which allowed people to attend as they wanted. Councillor Bobby Feeley stated that although the process of hybrid meetings had improved drastically from the beginning, she still felt that most, if not all, meetings had issues that could hamper the proceedings somehow. The committee also raised the issue of members not conducting meetings remotely whilst in a moving vehicle.

Section 15.8 of Page 179/180 was raised relating to agendas and reports, predominately referring to background papers; 'Background papers relating to meetings of relevant authorities must now be proactively published on a website, not merely be available (although, exceptionally, if it is impractical to do this, they must be open for public inspection). This was a significant change; it involves the automatic placement in the public domain of specified documents, which may previously have only been, in practice, published on application. Councils would, therefore, need to think carefully about how background papers are identified, produced, and prepared for publication, as well as the transaction of paperless business in general. Multi-location meetings are likely to be paperless. Regulations now specify that formal information relating to meetings be published on an authority's website, with the requirement of hard copy material on public deposit removed. The MO informed the committee that a lot of local authorities had background papers; he had raised the matter with the democratic services manager previously; however, he would ensure the matter was investigated.

After a discussion, it was –

**RESOLVED:** *that –*

- I. *Group leaders should be advised of the report's contents and remind all members of their responsibilities; annual meetings should be organised with the group leaders.*
- II. *Terms of references to be kept up to date and correct.*

- III. *The matters raised in point 4.24 can be used as a checklist for group leaders whilst they report to ensure they're undertaking their duties*
- IV. *The contents of the report be noted.*

## **10 FEEDBACK FROM THE ETHICAL LIAISON GROUP MEETING**

The Monitoring Officer (MO) gave members feedback following the most recent Ethical Liaison Group Meeting.

The MO stated that the meeting was not noted, as it was to build relationships with members of different standards committees and see how they could assist each other moving forward. A working document would be stored to note shared issues, which would keep track of steps and notes taken on those to help each other moving forward.

Social media was one of the main topics of discussion during the meeting and ensuring that group leaders were fully trained and well versed on the subject to allow them to disseminate the information throughout their respective groups. Another topic of discussion was training and the requirements for them; communication with the WLGA was carried out to see what was available; members were happy to hear that training was being looked at; however, they felt that pressuring members with training sometimes had the opposite effect, and it would be better to encourage training and for the information to be shared amongst themselves.

***RESOLVED*** that the Standards Committee note the Feedback from The Ethical Liaison Group Meeting

## **11 STANDARDS COMMITTEE RECRUITMENT PANEL COMPILATION UPDATE**

The Monitoring Officer (MO) introduced the Composition of Standards Committee Recruitment Panel report (previously circulated). The report aimed to inform the committee of the composition of the Standards Committee recruitment panel and to provide the Committee with a copy of the report taken to the Full Council on the 27th of February 2024.

The MO stated that the Council set out no further recommendations. However, they unanimously agreed to reduce the number of elected Members on the Recruitment Panel to 2 (from 3) and replace the one elected Member with the Chair of the Standards Committee. The Standards Committee agreed that the matter was the most suitable for future recruitment panels.

The chair advised the MO that preparations needed to be made for the departure from the Standards Committee of herself, independent member Julia Hughes, and Anne Mellor. The MO responded that he would ensure the adverts were sent out promptly and the adverts would be circulated as widely as possible.

***RESOLVED*** that the Standards Committee note and receive the feedback from the Council Meeting.



## 12 PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL LETTER

The Monitoring Officer (MO) presented the Public Services Ombudsman for Wales Annual Letter (previously circulated) to the standards committee members.

The letter/report highlighted that Denbighshire had received a total of thirty-three complaints; out of those, only two had been investigated further by the Ombudsman.

Members highlighted an error in Appendix E; the matter should have stated five decisions not to investigate rather than discontinue. Another highlighted error was that Towyn and Kinmel Bay weren't in Denbighshire; the MO would raise the mistakes with the ombudsman.

The committee were happy that the results were positive overall and that no reports were produced. No further questions or comments were raised.

**RESOLVED** that the Public Services Ombudsman for Wales Annual Letter be received and noted.

## 13 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

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

There were 5 Report Items scheduled for the Standards Committees in the June meeting –

- Comparison of Standards Committee Recruitment Panel Compilation
- National Standards Forum Update
- Code of Conduct Training - overview of delivery for County and Town, City and Community Councils
- Group Leaders Reports to Standards Committee
- Formal response to the Welsh Government Consultation on the Penn Review

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

- Size and composition of the standards committee relative to surrounding local authorities.
- The possibility of having a joint standards committee or investigating whether one can be held.
- The overview of gifts and hospitality.
- Town, City and Community Council feedback report.
- National Standards Forum Update.
- Ethical Liaison Group Meeting.
- Terms of office for Standard Committee members.
- Annual Standards Draft Report.

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

#### **14 DATE OF NEXT MEETING**

Members noted that the Standards Committee's next meeting had been scheduled for 10:00am 7 June 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.

#### **15 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 one complaint lodged, the complaint was not investigated and did not pass PAT1.

**RESOLVED:** that the report be received and noted.

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

Meeting concluded at 13.15pm