

<b>Report to</b>	County Council
<b>Date of meeting</b>	28 <sup>th</sup> January 2024
<b>Lead Member / Officer</b>	<b>Julia Hughes Chair of Standards Committee</b> , Gary Williams, Corporate Director for Governance and Business
<b>Report author</b>	Gary Williams, Corporate Director for Governance and Business
<b>Title</b>	Standards Committee Annual Report    D R A F T

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

1.1. This is Annual Report of Standards Committee to the Full Council and covers the calendar year January to December 2024. It was agreed that the Chair will present their report on this basis annually to the Full Council, in order to keep Members informed of trends; issues in respect of compliance with the Members' Code of Conduct generally across the County and the work of the Committee in driving up standards of behaviour at the County level, but also at Town, City and Community levels.

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

2.1. It was agreed by Members of this Committee that an Annual Report should be presented on the work of the committee each year and its findings and observations, to all Council Members as part of the Committee's drive to increase standards of ethical behaviour and compliance with the Members Code of Conduct. The obligation to deliver a report is now enshrined in legislation and a copy of the report is then lodged with the Public Services Ombudsman Wales (PSOW).

## **3. What are the Recommendations?**

3.1. That Members note the contents of the report.

## 4. Report details

### 4.1. Role and structure of Standards Committee

Standards Committee main role is to monitor adherence to the Members' Code of Conduct. All members are aware that their Code is founded (and should be read in conjunction with) the 7 Nolan Principles of Public Life. In Wales there are ten principles namely Selflessness, Honesty, Integrity and Propriety, Duty to uphold the law, Stewardship, Objectivity in decision making, Equality and Respect, Openness, Accountability and Leadership.

Standards Committee regulations stipulate that the size of the Committee shall not be less than 5 but no more than 9 Members.

In Denbighshire the Standards Committee consists of the following Member types – 2 County Councillors, 4 Independent (co-opted) Members, and 1 Community Council Member (who is not also a twin hatted Member), therefore 7 members. The Committee Terms of Reference stated that the committee can also only be quorate when at least half of those Members present are the independent lay members.

The majority of the Members are not elected but are recruited from members of the public as per the requirements of the Standards legislation in Wales.

The Standards Committee (Wales) Regulations 2001 paragraph 15 provides that every Council in Wales must establish a recruitment panel consisting of not more than 5 panel members. One panel member must be a member of the public who is not an elected or lay member of the Council ie completely independent of the Council; the panel must also include one panel member who is a member of a community council situated in the local authority's area. This therefore leaves 3 seats left, which Denbighshire County Council when it originally set up the recruitment panel, agreed these should remain for the three main political groups.

A review of the composition of the recruitment panel that appoints the lay (independent non elected) members to the Council's Standards Committee has been undertaken and Full Council in February 2024 agreed to reduce the number of elected County Council members on the recruitment panel to 2 rather

than 3 members. These members will be the elected members who sit on the Standards Committee. The third position is taken by the Chair of Standards Committee.

During the past year the Committee met on 4 occasions. The table attached as Appendix 1 sets out a summary of the items under discussion.

#### **4.2. Group Leaders Duty**

The Local Government and Elections (Wales) Act 2021 introduced a duty on political group leaders requiring them to take reasonable steps to promote and maintain high standards of conduct by the members of their group, and to cooperate with the council's standards committee in the exercise of the standards committee's functions.

The Committee has received written reports from the Group Leaders in respect of the actions that they have taken to comply with their duty and has met individually with each Group Leader to discuss the content of their reports and to ascertain what additional support or training could be provided to Group Leaders to assist them. The Group Leaders all demonstrated to the Committee their commitment to the promotion of good standards of conduct by promoting relevant training and providing guidance to their members. They all demonstrated a willingness to work with the Monitoring Officer and each other to maintain those standards by addressing any issues that do arise in a constructive manner.

The Committee is satisfied that each of the Group Leaders has discharged their duty in this regard.

#### **4.3. Public Services Ombudsman for Wales**

When the Committee receives a referral from the Public Services Ombudsman for Wales (PSOW) following her investigation into a complaint, they will then sit in a quasi-judicial capacity whilst they hear the matter. They have powers to suspend a Member from Office for a maximum of 6 months, during which time they will not be able to act in their capacity as an elected member and will not receive any member salary. The Committee has discretion to impose lesser

sanctions such as a partial suspension from duties or a 'public censure' and to impose other conditions such as attendance at training. At the time of writing the Monitoring Officer has been made aware of 5 complaints lodged against members of the County Council and 7 complaints lodged against members of Town City and Community Councils with the PSOW. The PSOW has decided not to investigate 10 complaints and 2 are under investigation.

#### **4.4. Determination Meetings**

During this year there was no meeting in respect of a Determination as to whether there had been a breach of the Code of Conduct at County or Community level.

#### **4.5. Code of Conduct Training**

An annual programme for Code of Conduct Training for City, Town and Community Council has been established as follows:

21/10/2024 – 6 p.m.  
28/11/2024 – 6 p.m.  
27/01/2025 – 6 p.m.  
27/02/2025 – 6 p.m.  
24/03/2025 – 6 p.m.  
17/04/2024 – 6 p.m.  
19/05/2025 – 6 p.m.  
26/06/2024 – 6 p.m.  
29/09/2025 – 6 p.m.  
23/10/2025 – 6 p.m.

Members also carried out [insert final number following December Standards Committee] of visits as observers at Town, City and Community Councils. Feedback is now provided to the relevant Council and a form of anonymous generic feedback is provided to all Town, City and Community Councils on observations found and to enable the sharing of good practice.

#### **4.6. Standing Items**

The standing items in 2023 the Committee received were:

(a) Reports from Standards Members in respect of their attendance and observations at Committee and Council meetings whether at County or Community level. Denbighshire County Council Standards Committee is

proactive in its' approach to raising standards and awareness of the Code of Conduct. Committee Members attend to observe conduct and general effectiveness of the meetings; will then feed back to the Committee, who may make recommendations in respect of any training needs or trends or patterns of conduct in particular communities or at County level. Accessibility of meetings is also noted.

As emphasised last year, the Committee is keen to make it clear that their approach in attending in person at meetings is from a support and collaborative angle; in order to target resources to improve standards and the public's confidence in the vital work being done at community level, on a voluntary basis; and not from any enforcement or critical angle. The Committee fully recognises the value such councils and their members add to local communities. The Committee believes that the Code is there to give public confidence, but to also protect members and any efforts to raise this awareness for all serving members is a key theme they continually endorse.

- (b) Overview of Complaints lodged against Members with the Public Services Ombudsman for Wales. The report is presented in a closed session and members are provided with a limited amount of detail in respect of the complaint but with sufficient detail to enable members to consider if training or other actions can be recommended to particular town city and community councils which are experiencing issues or an increase in complaints.
- (c) Forward Work Programme. This aligns the approach of other council committees and encourages a more strategic approach to the role of the Committee as a proactive one not just reactive to complaints.
- (d) Dispensation requests from City, Town and Community Councils. At the time of writing two requests for dispensations have been received for the period in question, one from Llandyrnog Community Council and one from Gwyddelwern Community Council. The lack of dispensation requests had been a cause of concern for some time for the committee. The Monitoring Officer has ensured that this is covered during the Code of Conduct Training. The Committee was pleased to see that this had resulted in applications coming forward.

(e) Public Services Ombudsman for Wales' – Our Findings. These are shared at each Committee so that a national picture of complaints is understood and the level of sanctions that have been imposed.

#### 4.7. National Standards Forum

During this year there were two meetings of the National Standards Forum 29<sup>th</sup> January 2024 and 24<sup>th</sup> June 2024 [ standards committee to agree which areas they want to highlight]

*29<sup>th</sup> January 2024*

The meeting welcomed a new panel advisor, 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 the Monitoring Officer for Gwynedd, on Corporate Joint Committees (CJCs) and Joint Standards Committees; he 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 own 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 the CJC

would need to conform with the code of conduct, members of the CJC would have to raise a declaration of interest relating to their own 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.

*24<sup>th</sup> June 2024*

It had been confirmed that lobbying regarding remuneration was not the remit of the Forum, it was the responsibility of the Local Authorities.

The new President of the Adjudication Panel for Wales was Eleri Tudor.

At the Forum discussions took place regarding sanction guidance and it was noted that the Adjudication Panel for Wales could increase or decrease sanctions on appeal.

Michelle Morris, Public Services Ombudsman for Wales (PSOW) had attended the Forum and stated that they had received more complaints this year. 90% were public services and 10% code of conduct issues. They had no additional resources to deal with the increase in complaints. The PSOW's aspiration was to conclude cases in 12 months.

There had been an issue in the office of the PSOW as a member of staff had made remarks about the Conservative party and questioned political bias in the office. Dr Melissa McCullough was to lead the review together with a review

team. The PSOW was keen to establish no political bias. The Monitoring Office agreed to circulate the terms of reference.

There was to be a review of the Local Resolution procedures. It was confirmed that DCC had been contacted by the PSOW and a copy of the Local Resolutions had been provided and acknowledged.

The next meeting of the National Standards Forum was to take place 27 January 2025.

#### **4.8. Deputy Monitoring Officer role**

Deputy Monitoring arrangements have been reviewed and going forward the role would be split between 3 officers. The role of Deputy Monitoring Officer (Conduct) would be carried out by the Head of Corporate Support Services: People (Catrin Roberts). The role of Deputy Monitoring Officer (Governance and Lawfulness) would be carried out by the Legal Services Manager (Sally Henderson) and the Legal Services Team Leader (Clare Lord).

The Monitoring Officer and Deputies were to work together as a team in respect of all aspects of the monitoring role.

## **5. How does the decision contribute to the Corporate Plan 2022 to 2027: The Denbighshire We Want?**

5.1. A fully functioning and representative Standards Committee which upholds the high standards expected of members helps underpin the Council's exercise of its democratic functions.

## **6. What will it cost and how will it affect other services?**

6.1. There are no additional costs associated with this report and there are no implications for other services as a result of this report.

## **7. What are the main conclusions of the Well-being Impact Assessment?**

7.1. A Well Being Impact Assessment is not required.



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

8.1. No other consultations are considered required; this report has been for consultation to Standards Committee and that they are content the report reflects the Committee and Chair' perspective in respect of adherence to the Members' Code of Conduct in the County and observations in respect of probity and ethics generally.

## **9. Chief Finance Officer Statement**

9.1. Not required.

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

10.1. There are no identified risks.

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

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