

Report to	County Council
Date of meeting	5 th September 2023
Lead Member / Officer	Julia Hughes, Chair of Standards Committee;
Report author	Lisa Jones, Interim Head of Legal and Democratic Services
Title	Standards Committee Annual Report

1. What is the report about?

This is Annual Report of Standards Committee to the Full Council and covers the calendar year January to December 2022. It was agreed that the Chair will present this report 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 County level, but also at Town, City and Community levels.

2. What is the reason for making this report?

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.

3. What are the Recommendations?

That Members note the contents of the report.

4. Report details

- 4.1 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.
- 4.2 By way of reminder, 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). The majority of the Members are therefore not elected, but are recruited from members of the public as per the requirements of legislation in Wales. The Committee can also only be quorate when at least half of those Members present are the independent lay members. Following the May 2022 elections a new chair and vice chair were in place for the Council term and a new lay member recruited.

4.3 During 2022 the Committee met on four occasions. The table below sets out a summary of the items under discussion: -

Date of Meeting	Report Items/Area s
4 th March 2022	<ul style="list-style-type: none"> • Standing Item: Attendance at meetings • Standing item: Forward Work Programme • Standing item: overview of complaints in Denbighshire against Members • Ethics and Standards training for the new Council and Town City and Community Councils • National Standards Conference
22 nd July 2022	<ul style="list-style-type: none"> • Standing Item: Attendance at meetings • Standing item: Forward Work Programme • Standing item: overview of complaints in Denbighshire against Members • Standing item: PSOW – ‘Our Findings’ • Ethics and Standards Training update on progress • WG draft Guidance on the new Group Leaders’ Duty • National Standards Forum update
28 th October 2022	<ul style="list-style-type: none"> • Standing item: Attendance at meetings • Standing item: Forward Work Programme • Standing Item: Overview of Complaints against Members • Chairs Draft Annual Report for consideration

2 nd December 2022	<ul style="list-style-type: none"> • Standing item: Attendance at meetings • Standing item: PSOW – ‘Our Findings’ • Standing item: Dispensation Requests • Standing item: Forward Work Programme • Standing item: Overview of Complaints against Members • Member Training uptake and feedback to Committee • Ethical Liaison and Group Leaders’ Duty • National Standards Forum – feedback • Remuneration for Independent Members
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4.4 Standing Items

There are now 5 standing items:

(a) Reports from Standards Members in respect of their attendance and observations at Committee and Council meetings whether at County or Town City and 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.

In line with every previous annual report the Committee is keen to make it clear that their approach by attending in person at meetings is taken from a supportive 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. 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 or the County Council, 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.

A ‘Dispensation’ can be applied for by a Member in situations where they have a personal and prejudicial interest for which there is no exemption under the Code but that the Member wishes to obtain a dispensation enabling them to take part in the debate (with or without a vote) and such dispensations are set out in Regulations. For example

the member has a particular role or expertise that could be of value to the debate; the members' participation would not damage public confidence; or at least half the members considering the business have a personal and prejudicial interest – which may make the meeting inquorate and therefore not possible to provide a resolution. Standards Committee instructs the Monitoring Officer to write to clerks at least annually to remind clerks of the ability for one or more Members to make an application. Standards Committee have some discretion to apply terms and conditions to such a grant of dispensation.

The Committee has some concern that the level of applications has reduced over the past 4 to 5 years and the Committee is not clear as to why this is the case. Clerks are encouraged to consider this option in their day to day advice to members and should not hesitate to make contact with the Monitoring Officer where clarification is needed.

(e) Public Services Ombudsman for Wales 'Our Findings'

This quarterly round up of cases is provided to the Committee to enable members to be informed of the thresholds and level of sanctions handed down or any areas of good practice and provides a 'national' picture. This information will inform whether local policy changes are required or additional training is needed for example; such updates are used by the Committee in a positive way to reflect practise in Denbighshire.

- 4.5 Training events in respect of Ethics and the Code of Conduct have been taking place in consultation with Standards Committee who fully support and encourage attendance by all elected members – via online and face to face sessions for County Councillors and Town City and Community Council Members. At County level such compliance contributes to promoting strong officer-member relations, with all County Council members having attended at least one session. Ongoing events for 2023 for town, city and community councils are scheduled, with the Committee keen to encourage and improve the attendance of community representatives and to take up this free awareness session, with the emphasis on the Code being there to protect Councillors in their vital community work. Data on the level of training take up by Community Councils is being collated and will be fed back to the Committee in due course.
- 4.6 During the year in question the established 'North and Mid Wales Standards Forum' has been formally replaced by an All Wales 'National Standards Committee Forum'. The forum now has secretariat assistance from the WLGA and provides a wider view of topical issues and a stronger voice in representing the views of the Standard Committees back to the Ombudsman and the Welsh Government. This national Forum met for the first time on the 8th December 2022 in order to agree Terms of Reference and appoint a Chair and Vice Chair; discuss the approaches taken nationally in supporting Group Leaders with their duty under the Local Government and Elections (Wales) Act 2021 and finally receiving a presentation from the Public Services Ombudsman for Wales, Michelle Morris.
- 4.7 Of note is that during 2022 there were no Standards Committee Determinations (hearings) as to whether there had been a breach of the Code of Conduct.
- 4.8 A key role for the Committee going forwards will be receiving an annual report from each Group Leader on the efforts being made that contribute to compliance with their new duty to take reasonable steps to promote and maintain high standards of conduct of their members under the Local Government and Elections (Wales) Act 2021.
- 4.9 The duty recognises those in positions of leadership and influence within a principal council should have some responsibility in respect of the ethical behaviour of members of their group and to act as a positive role model.

- 4.10 It is acknowledged that the duty is not intended to be the panacea, but it is designed to be proportionate and helpful. The aim is to prevent or stop inappropriate behaviour before it escalates into a breach of the Code of Conduct. Leaders must have regard to Statutory Guidance issued which is designed to support leaders of political groups understand and discharge their duties in relation to high standards of conduct, whilst recognising that they will wish to, and should, be encouraged to develop their own approach in line with their wider statutory obligations, local circumstances, and best practice. The Committee looks forward to working collaboratively, supporting Group Leaders with their duty wherever possible; and on the whole Group Leaders are approaching this new duty positively. The next Annual Report will examine compliance with the duty more closely.
- 4.11 A review into whether the ethical framework is fit for purpose is being conducted for the Welsh Government, referred to as the 'Penn Review'. Looking forward into 2023 the Committee and the Council will be contributing to the Welsh Government response to the Penn Review, which the Standards Committee 2021 Annual Report made reference; including a review of the impact of local resolution protocols.
- 4.12 In respect of the registration of gifts and hospitality thresholds, the Committee is looking at national consistency across Wales.

5. How does the decision contribute to the Corporate Priorities?

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?

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?

Not required.

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

No other consultations are considered required; consultation with Standards Committee has taken place and 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

Not required.

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

There are no identified risks.

11. Power to make the decision

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