

STANDARDS COMMITTEE

Minutes of the meeting held on 17 September 2019

PRESENT: **Independent Members**

Mr Michael Wilson (Chair)
Mr Islwyn Jones (Vice-Chair)

Mrs Denise Harris-Edwards
Mr John Robert Jones
Mrs Dilys Shaw

Representing the County Council

Councillor Dafydd Rhys Thomas

Representing Town and Community Councils

Councillor Iorwerth Roberts
Councillor Keith Roberts

IN ATTENDANCE: Director of Function (Council Business)/Monitoring Officer
Head of Democratic Services (for Item 5)
Solicitor (Corporate Governance) (MY)
Human Resources Development Manager (for Item 4)
Trainee HR Development Officer (CD) (for Item 4)
Committee Officer (SC)

ALSO PRESENT: Mr Thomas Rhys Davies
Mrs Gill Murgatroyd
Mrs Sharon Warnes

APOLOGIES: Councillor J Arwel Roberts

1 DECLARATION OF INTEREST

No declaration of interest was received.

2 APPOINTMENT OF FOUR NEW CO-OPTED MEMBERS AND ONE ELECTED MEMBER TO THE STANDARDS COMMITTEE

Submitted - a report by the Chair of the Standards Committee Selection Panel in relation to the above.

The Monitoring Officer reported that the term of four of the five current independent members of the Standards Committee ends on 19 December 2019. The fifth

member, Mr John Robert Jones, appointed in December 2017, will continue in his role.

It was noted that the County Council had delegated its authority to the Standards Committee Selection Panel to conduct the recruitment and selection process for the appointment of new members to the Standards Committee.

The Monitoring Officer reported that the Panel drew up a shortlist of candidates for interview, and interviews were held on 29 and 30 July 2019.

The Panel nominated the following four members of the public to be appointed to the role of independent members of the Standards Committee:-

Mr Thomas Rhys Davies
Mrs Celyn Menai Edwards
Mrs Gill Murgatroyd
Mrs Sharon Warnes

The appointments were ratified by full Council at its meeting on 10 September 2019.

It was confirmed that Councillor Dafydd Rhys Thomas will continue in his role as a County Council representative on the Standards Committee until the next election in 2022.

Councillor Trefor Lloyd Hughes has stepped down as a County Council representative on the Standards Committee, and Councillor John Arwel Roberts has taken his place.

RESOLVED to note the contents of the report and the recommendations made by the Standards Committee Selection Panel, and accepted by full Council on 10 September 2019:-

- **To appoint Mr Thomas Rhys Davies, Mrs Celyn Menai Edwards, Mrs Gill Murgatroyd and Mrs Sharon Warnes as co-opted independent members of the Standards Committee from 20 December 2019; for up to two terms, as permitted by statute and the Constitution.**
- **Should a further casual vacancy arise for an independent member of the Standards Committee during the next twelve months, to automatically appoint Mrs Pauline Vella to this role without the need for a further recruitment process, provided always that Mrs Vella remains eligible for the role.**
- **To confirm that Councillor Dafydd Rhys Thomas will continue as a County Councillor representative until the next election in 2022.**
- **To confirm the appointment of County Councillor John Arwel Roberts as a member of the Standards Committee, initially until the next election in 2022, with the potential to sit for a further term.**
- **To confirm that the Director of Function (Council Business)/ Monitoring Officer be given authority to include the Standards Committee Selection Panel in the Council's Constitution to avoid the ongoing need for "saving**

provisions” in the committee structure report, which is affirmed by Council at its annual meetings.

3 MINUTES OF MEETING

The draft minutes of the Standards Committee held on 13 March 2019 were confirmed as correct.

Matters arising from the minutes:-

The Monitoring Officer reported that a “matters arising” document has been sent to all members of the Standards Committee detailing the actions which have been taken in accordance with the minutes of the meeting held on 13 March 2019.

The Monitoring Officer reported that Modern.Gov has responded to ICT’s enquiry regarding adding a narrative to the Modern.Gov system, to enable co-opted members to add information from a drop-down list for ‘Declarations of Interest’, ‘Gifts and Hospitality’ and ‘training’. Currently, only elected Members’ names are included on the online ‘drop down’ list.

The Monitoring Officer reported that the cost of updating the Modern.Gov’s system to include a narrative would be £5000.

RESOLVED:-

- **To note Modern.Gov’s fee to implement the above changes to the Modern.Gov system.**
- **That the Monitoring Officer, on behalf of the Standards Committee seek funding from the Section 151 Officer to update the system to include the co-opted members on the ‘drop down’ list.**

Action: See Resolution above

4 MEMBER DEVELOPMENT AND TRAINING

Submitted - a progress report by the Human Resources Development Manager on development opportunities offered to Members since the previous report was submitted to this Committee on 13 March 2019.

The HR Development Manager gave an update on the Member Training and Development Plan. She stated that the Development Plan will be circulated to the Standards Committee and Democratic Services Committee on a quarterly basis to identify suitable courses for Scrutiny Committees, the Standards Committee and co-opted members. It was noted that the Development Plan is an evolving document, which is being continually updated.

The HR Development Manager highlighted the following points:-

- Course evaluation forms are available online and in paper format. Although Members are encouraged to complete forms online, the uptake of electronic forms has been limited.
- Members need to take personal responsibility to record details online of training/courses they have attended/declined. Members are encouraged to publish their attendance records on the Council website under their individual profile.
- With reference to E-Learning, developments have taken place in relation to the NHS E-Learning Platform, which will result in the system becoming more user friendly. Accessibility to E-Learning modules via I-pads will also be enhanced.
- The Learning and Development Team have been working with ICT and Democratic Services to produce a handbook for Members on ICT issues. Drop-in sessions have been arranged to assist Members with any ICT issues.
- The GDPR Powerpoint presentation hosted in February 2019 can now be accessed via MonITor. An additional mandatory training session has been arranged for the Autumn, and members of the Standards Committee and co-opted members will be invited to attend.
- Equalities and Diversity Training - two sessions were arranged and delivered. Further mandatory training sessions have been organised for the Autumn, and members of the Standards Committee and co-opted members will be invited.

RESOLVED:-

- **To note and accept the Member Training and Development Plan.**
- **That a copy of the elected Member Training Programme be displayed in the Members' lounge.**
- **That the ICT Skills Handbook be circulated to Members and co-opted members.**
- **To request that Group Leaders remind Members of the need to attend mandatory and other training sessions.**

Action: See Resolution above

5 MEMBER RELATED ISSUES

Submitted - an update report by the Head of Democratic Services on various Member related matters.

The Head of Democratic Services reported that 28 out of 30 Members have now completed and published their Annual Reports for 2018/19 online. He stated that two Members have not submitted their Annual Reports for the period, and their Group Leader has been informed.

It was noted that a report will be presented to the Democratic Services Committee on 25 September 2019, in terms of arrangements for the preparation of Annual Reports for the current financial year. Any expectations on Members will come to light in the forthcoming Local Government Bill.

The Head of Democratic Services reported that the WLGA's Wales Charter for Member Support and Development was awarded to the County Council and officially presented to the Council in July for a period of three years.

RESOLVED to note progress as detailed in the report.

Action: None

6 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Submitted - a report by the Solicitor (Corporate Governance) on the quarterly update of complaints in the form of matrices for (a) County Councillors, and (b) Town and Community Councillors for Quarter 4 of 2018/19 and Quarter 1 of 2019/20.

The Solicitor (Corporate Governance) reported that no complaints had been lodged against Anglesey County Councillors between January and March 2019 (Quarter 4), and April and June 2019 (Quarter 1).

Three complaints were reported as having been made against Town and Community Councillors on the matrix for Quarter 4; the Ombudsman was investigating the first complaint, he was not investigating the second, and was considering the third complaint. On the matrix for Quarter 1, it is reported that two matters were with the Ombudsman for his consideration.

In relation to the first of those outstanding complaints, the Ombudsman has concluded, following an investigation, that there is no evidence of a failure to comply with the Code of Conduct. As regards the second, the Ombudsman has decided not to investigate.

RESOLVED:-

- **To note the report and Enclosures 1-4.**
- **That the Monitoring Officer circulates Enclosures 1-4 to the Town and Community Councils and Members and co-opted members of the Council.**

Action: See Resolution above

7 PUBLIC SERVICES OMBUDSMAN FOR WALES DECISIONS

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer summarising information published by the Public Services Ombudsman for Wales (PSOW)'s quarterly Casebook of Code of Conduct complaints for February and May 2019.

The Monitoring Officer highlighted the following from the report:-

- When using social media, Councillors should separate private social media pages from their role of Councillor. In some cases this will avoid engaging the Code of Conduct.
- Emphasis was placed on the need for Community Councillors to undertake equality and diversity training following a complaint against a Community Councillor who had made ageist and discriminatory comments.

- With regard to pre-registerable interests, Members were reminded of their obligation to register personal interests within 28 days of election to office, and to update, in the event of any changes, within a further 28 days.
- The Monitoring Officer referred to a complaint against a Councillor from Beguildy Community Council, who failed to declare in a meeting that he owned land, which would be affected by the matter under consideration, thereby breaching the Code. The Ombudsman found that the issue was of wider significance to the community, therefore no action was taken.

RESOLVED:-

- **To note the report and enclosures.**
- **Subject to the response from the Ombudsman in relation to Beguildy Community Council, that the Monitoring Officer seeks further information, if required, from the Clerk of Beguildy Community Council, on the basis that such information would be redacted and shared confidentially with members of the Standards Committee for information only.**

Action: See Resolution above

8 DECISIONS BY THE ADJUDICATION PANEL FOR WALES

Submitted - a report by the Solicitor (Corporate Governance) in relation to decisions made and published by the Adjudication Panel for Wales since the last meeting of the Standards Committee on 13 March 2019.

The Solicitor (Corporate Governance) explained that one case was reported, which related to a breach of the Code of Conduct by a former County Councillor (currently Community Councillor) in Monmouthshire County Council. It was noted that the Standards Committee had discussed the original case in its meeting on 13 March 2019 (Item 7 on the agenda). The current report is in relation to further comments made by the Councillor following the original APW hearing.

The case tribunal decided that the case should be dismissed as there was no written complaint, and the PSOW had referred the matter to the APW directly without investigation. It was concerned that the Ombudsman had not followed the correct procedure in referring the matter directly without investigation.

RESOLVED to note the content of the report and case summary.

Action: None

9 DISPENSATIONS

Submitted - a report by the Solicitor (Corporate Governance) on the outcome of dispensation applications received since the Standards Committee's last meeting on 13 March 2019. On this occasion, all the applications related to the County Council's Schools' Modernisation Programme.

The Solicitor (Corporate Governance) reported on the following applications for dispensations:-

- 7.3.19 - A block dispensation was granted to 8 members of Llanellian Community Council to overreach a number of different prejudicial interests in relation to the provision of primary education in the Amlwch area.
- 22.3.19 - A block dispensation was granted to 5 Members of the Executive who have prejudicial interests as grandparents to children and young people who may be affected by a decision in relation to the provision of post-16 education in the County.
- 29.3.19 - A limited dispensation was granted to Councillor Carwyn Jones in relation to prejudicial interests regarding the provision of post-16 education in the County, on the basis that he is a parent to children on Anglesey and works for a post-16 education provider.
- 18.7.19 - A dispensation was granted to Councillor Derek Owen of Llanbadrig Community Council in relation to prejudicial interests regarding the provision of primary education in the Amlwch area.

RESOLVED:-

- **That the Standards Committee note the dispensations granted and the grounds and circumstance in which they were granted.**
- **That the draft minutes of the Dispensation Panel held on 7.3.19 were ratified as correct by members of the Panel only (Michael Wilson, John R Jones and Keith Roberts).**
- **That the draft minutes of the Dispensation Panel held on 22.3.19 were ratified as correct by members of the Panel only (Michael Wilson, Denise Harris-Edwards and John R Jones).**
- **That the draft minutes of the Dispensation Panel held on 29.3.19 were ratified as correct by members of the Panel only (Michael Wilson, Denise-Harris Edwards and John R Jones).**
- **That the draft minutes of the Dispensation Panel held on 18.7.19 were ratified as correct by members of the Panel only (Michael Wilson, John R Jones and Keith Roberts).**

Action: See Resolution above

10 REVIEW OF THE REGISTERS OF INTERESTS FOR THE ELECTED AND CO-OPTED MEMBERS OF IOACC

Submitted - a report by the Solicitor (Corporate Governance) on the above.

The Solicitor (Corporate Governance) reported that the review of the three Registers of Interests for elected Members and co-opted members was carried out in June/July 2019 by the 5 independent members of the Standards Committee. The review of the 5 independent members' Registers of Interests was carried out by the Town and Community Council representatives of the Standards Committee.

It was noted that the Committee was generally happy with the outcome of the review, a further improvement on the previous year.

The following points were raised as matters which require attention:-

- Not all Annual Reports have been published on the Council website.
- Co-opted members do not have the facility to record their training records online (matter discussed in Item 3 - Minutes).
- With reference to the Standing Register of Interests, concerns were raised that the information included is not specific enough.
- A link should be included by ICT to Dispensations granted to members from each member's biography page/annual report.

Following an informal meeting of the independent members on 19 July 2019 and the Town and Community Council representatives on 28 June 2019, a general letter of advice (Enclosure 1) has been drafted, which will be circulated to members of the Committee in due course. The Solicitor reported that the Chair of the Standards Committee attended a Group Leaders' meeting on 5 September 2019 to discuss matters arising from the review of the Registers, and the contents of Enclosure 1.

RESOLVED:-

- **To note the contents of the report.**
- **To approve the contents of Enclosure 1, and agree to share the letter of advice with co-opted and elected Members of the Council.**
- **That the actions identified in Section 2.2.1 and 2.2.4 of the report be raised with ICT/Head of Democratic Services.**

Action: See Resolution above

11 NORTH WALES STANDARDS COMMITTEE FORUM REPORT FROM THE MEETING ON 24 JUNE 2019

Submitted - a report on the North Wales Standards Committees Forum hosted by Flintshire County Council on 24 June 2019.

The Chair reported that both he and the Vice-Chair attended the meeting. The Chair stated that the Ombudsman gave a presentation, which concentrated on equalities and gender issues; and the Ombudsman's new powers.

Discussion focused on a Joint North Wales Standards Committee. The Vice-Chair sought clarity on the potential advantages and disadvantages of such joint committees, and stated that this matter needs to be discussed further. Discussion followed, but the outcome was inconclusive.

The Chair felt that the minutes were inaccurate in some respects, and did not cover all the points.

RESOLVED to note the information presented, and the Chair/Vice-Chair would inform officers of any changes requested to the minutes.

12 RESPONSE FROM COMMUNITY COUNCILS REGARDING:-

12.1 Review of the Community Registers in 2018/19 12.2 Training for Community Councillors and Clerks

Submitted - an update report by the Director of Function (Council Business)/ Monitoring Officer in relation to the above.

The Standards Committee conducted a review of 5 Town and Community Councils in December 2018 / January and February 2019 to ensure compliance with the Code of Conduct for members.

The Monitoring Officer reported that a general report was circulated to all Town and Community Councils on the findings of the Review of the Registers, with a request that the Clerks bring the contents of this report to the attention of all their Town and Community Council members, and include such on their next agendas, with a copy of the minutes forwarded to the Standards Committee.

It was noted that 22 out of 40 Town and Community Councillors failed to respond.

Further correspondence was circulated to Town and Community Councils in relation to training. It was noted that 23 out of 40 of the Councils had not responded by 31 July 2019.

RESOLVED:-

- **To note the information presented with regard to Town and Community Councils in the Appendices to the report.**
- **That the Monitoring Officer write to the Clerks of Town and Community Councils expressing the Committee's gratitude to those who have responded positively, and confirm no review of those Councils will take place for at least the next 2 years.**
- **That the new Standards Committee take this data into account when selecting Town and Community Councils for review in the coming years.**

Action: As noted above

13 REVIEW OF PRECEDENTS/BRIEFING NOTES FOR APPROVAL OF THE COMMITTEE

Submitted - a report by the Solicitor (Corporate Governance) on the above.

The Solicitor (Corporate Governance) reported that the Standards Committee has agreed that the Briefing Notes for Town and Community Councillors in relation to Dispensations should be reviewed.

The Vice-Chair raised an issue regarding Point 9 on the Briefing Note for Dispensations, which refers to disability. He stated that on the Welsh agenda, **disability was referred to as 'anallu', which translates as inability, rather than the correct wording of 'anabledd'**. It was confirmed that the wording is that used

in the legislation, and confirmation from the PSOW details that it is inability i.e. a statutory disability (rather than a personal disability).

RESOLVED:-

- To note the contents of the report.
- To confirm the amendments to the Briefing Notes on Dispensations as shown in Enclosures 1 and 2.
- That Enclosure 1 be circulated to Town and Community Councils, with a request that the Clerks bring the same to the attention of the members, and for Enclosure 2 to be distributed to the IOACC elected and co-opted members, and for the amended document to be uploaded to the intranet system accordingly.
- To confirm the amendments to the Methodology Note on the Review of Registers in Enclosure 3.
- That the Methodology Note on the Review of Registers in Enclosure 4 be used in any future reviews conducted by Town and Community Councils.
- To confirm the adoption of the Constitution of the Standards Committee with the annotated amendments note in Enclosure 5.
- To adopt the Terms of Reference with the annotated amendments noted in Enclosure 6, and to publish the same on the Council's website.

Action: See Resolution above

14 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED to adopt the following:-

“Under Section 100(A)(4) of the Local Government Act 1972, to exclude the press and public from the meeting during discussion on Item 15, on the grounds that it involved the disclosure of confidential information pursuant to paragraph 4.2.10.2 of the Council's Constitution.

15 TO CONSIDER THE RESPONSE RECEIVED FROM THE PUBLIC SERVICES OMBUDSMAN FOR WALES IN A LETTER OF THE 13 AUGUST 2019

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer on decisions published by the PSOW in its Code of Conduct Casebooks.

As a result of the report presented at its meeting in March 2019, the Standards Committee decided to request further information from the PSOW in relation to five matters.

A response was received from the PSOW clarifying the information requested.

RESOLVED to note the contents of the initial letter at Enclosure 1, and the response received from the PSOW in Enclosure 2.

Action: None

The Chair thanked all the members of the Standards Committee for their assistance and support over the past eight years. He also expressed his gratitude to Councillor Trefor Lloyd Hughes for his excellent contribution to the Standards Committee.

Individual members of the Standards Committee thanked the Chair personally for his support and guidance over the years.

The meeting concluded at 5.00 pm

**MR MICHAEL WILSON
CHAIR**