

STANDARDS COMMITTEE

Minutes of the meeting held on 11 March 2020

PRESENT: **Independent Members**

(Chair)
(Vice-Chair)

Representing Town and Community Councils

Representing the County Council

Councillor J Arwel Roberts

IN ATTENDANCE:

ALSO PRESENT:

APOLOGIES: Mr Iorwerth Roberts and Mrs Sharon Warnes

1 DECLARATION OF INTEREST F_PR

No declaration of interest was received.

2 MINUTES OF MEETING F_PR

The draft minutes of the Standards Committee held on the following dates were presented for confirmation:-

- 17 September 2019
- 6 February 2020

The Chair reported that due to insufficient quorum present at the last meeting, the minutes of 17 September 2019 were presented to today's meeting. As the Committee members required to confirm the minutes were absent from today's meeting, the minutes will now be presented to the next meeting of the Standards Committee for confirmation.

The minutes of the Extraordinary meeting of the Standards Committee held on 6 February 2020 were confirmed as correct.

A question was raised as to why the Committee's attendances in the Registers of Interests is recorded as 'in attendance' rather than 'present' on the Council website, and whether this could be amended.

RESOLVED that the Monitoring Officer discusses with ICT whether the Members' attendances in meeting could be amended to 'present'.

Action: See Resolution above.

3 MEMBER RELATED ISSUES F_PR

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

The Head of Democratic Services reported that Members have been requested to complete annual reports for the period 2018/19. To date, 28 Members have published their reports, which can be viewed online.

It was noted that Group Leaders have been briefed on arrangements for annual reports for 2019/20, and Members will receive the pack in March for completion by the end of April, and publishing in June. It was suggested that the Chair and Vice-Chair attend Group Leaders' meetings in future to discuss relevant issues, including annual reports.

Discussion focused on the Independent Remuneration Panel for Wales (IRP)'s allowances for 2020/21 for Members and lay members. It was noted that there has been a small increase in the basic payments for Members.

The Head of Democratic Services reported that there is provision within the framework to reimburse Members on childcare and care costs for the elderly. The uptake on the payments has been low, and Members are encouraged to take advantage of the financial assistance. The IRP report will be presented to the Democratic Services Committee in due course, followed by the County Council for approval.

The Head of Democratic Services reported that Welsh Government has recently consulted on the draft Local Government and Elections (Wales) Bill. He highlighted the publication of Members' addresses on Council websites, and referred to concerns raised previously by the Democratic Services Committee in December 2019, and nationally about the issue. He stated that 21 Members of Anglesey County Council have requested that their personal addresses are not shared publicly. It was concluded that the Council will only publish those Members' names in future, and use the Council's address as a point of contact.

Discussion focused on whether the same applied during election periods in relation to candidates' addresses. It was noted that the Council's address or email could be used as a point of contact for election purposes. Nomination papers will still show addresses unless requests are received for changes to be made to the current system.

RESOLVED:-

- **To note the information presented in the report.**
- **That the Chair and Vice-Chair attend Group Leaders' meetings in due course to discuss relevant issues, including Members' Annual Reports.**

Action: As noted above.

4 MEMBER DEVELOPMENT AND TRAINING F_PR

Submitted - a progress report by the Trainee HR Development Officer and HR Development Manager on development opportunities offered to Members since the previous report was submitted to Committee on 17 September 2019.

The Trainee HR Development Officer reported that the Member Training and Development Plan notes the training sessions that are currently available to Members. The HR team work closely with the Head of Democratic Services and senior management to identify suitable training for Members.

Feedback from Members on courses they have attended is evaluated to ascertain whether the training met the needs of the audience, and to identify any additional training individuals may require. It was noted that the Development Plan (which is regularly evolving and updated) is presented to the Standards Committee and Democratic Services Committee every quarter for information.

The use of E-Learning work packages is encouraged, and digital support is available to Members on ICT issues. Guidelines are available on e.g. use of I-Pads, access to the E-Learning platform, and the ICT team hold regular 'drop in' sessions for Members.

The HR Development Manager reported that Members are requested to complete course evaluation forms following training. She stated that the forms are analysed to evaluate any further development needs individual Members may have. It was noted that HR staff also assess Members' training requirements through feedback received from their individual Personal Development Plans (PDRs).

Concerns were raised that the facility to record their attendances in meetings is not available online for co-opted members. The Monitoring Officer reported that the Standards Committee has previously explored all the available options with ICT and the Section 151 Officer, and concluded that it is not cost effective for the Council to adopt the facility. The HR Development Manager reported that she would look into the issue of recording attendances on training courses centrally on the HR system and report back to the Committee in due course.

Mrs Sharon Warnes, a member of the Standards Committee had requested that 'Risk Assessment' be included in the elected Member Development Programme. The Standards Committee were unclear regarding the context of risk Mrs Warnes referred to. The Committee agreed that the Head of Democratic Services seeks clarity on the issue from the Council's Audit team.

Discussion focused on whether the quality of training provided internally is evaluated externally. It was noted that Human Resources use evaluation forms to obtain feedback from Members and co-opted members attending training. In addition, HR staff may often sit in on training sessions. It was further noted that, prior to employing external providers, the HR officers will liaise with other local authorities to discuss training providers. Liaison with the Welsh Local Government Association (WLGA) also occurs, in order to obtain advice and guidance on training provision. Wherever possible, the option of officers delivering training is also considered.

Councillor J Arwel Roberts reminded the Standards Committee that although Members are encouraged to attend training sessions, only some courses are mandatory. He reported that when Members work full time, they often have to decline invitations to meetings and training sessions.

Concerns were raised that when training is declined, attendance is recorded as non-attendance. This point is referred to in annual reports. When training is arranged, in recognition that some Elected Members are employed, the HR team have a flexible approach regarding the timing of training sessions to accommodate Members' commitments.

The Monitoring Officer reported that the new Bill states that Group Leaders are responsible for their Members' performance, including training. She stated that each Member has a Personal Development Review (PDR) annually, and Group Leaders should target what is important to Members, and judge their performance against their needs.

RESOLVED:-

- **To note the Member Training and Development Plan and observations presented.**
- **That the Head of Democratic Services contacts the Council's Audit team to seek clarity on the issue of 'Risk Assessment', as raised by a member of the Standards Committee.**

Action: See Resolution above.

5 TRAINING FOR MEMBERS OF THE STANDARDS COMMITTEE F_PR

Submitted - a report by the Solicitor (Corporate Governance) on the training requirements for elected Members and co-opted members of the Standards Committee.

The Monitoring Officer gave an in-depth summary of each heading in the proposed training plan, which have been identified as essential or beneficial for members of the Standards Committee.

The training options were presented to the Standards Committee for comment, and will be included in the Chair's Annual Report, which will be presented to full Council.

The Standards Committee agreed that the following headings be included in the training plan:-

- Code of Conduct
- Dispensations
- Public Services Ombudsman for Wales (PSOW)/Adjudication Panel for Wales (APW) – review of cases
- IoACC Constitution
- Mediation in the context of the Local Resolution Protocol
- Standards Committee Hearings (to be arranged as necessary)
- Equality and Diversity
- Cyber Security
- GDPR
- Health and Safety
- Charing Committees
- Safeguarding (Basic)

The Monitoring Officer reported that occasionally joint Charing sessions are held across North Wales. It was suggested and agreed, that the Monitoring Officer liaises with other Monitoring Officers in Conwy and Gwynedd to ascertain whether they would be interested in convening a joint Charing session between the three local authorities.

RESOLVED:-

- **That the Standards Committee agreed that training on the above topics is appropriate and sufficient for members of the Standards Committee to undertake.**
- **That the Monitoring Officer contacts other Monitoring Officers in Conwy and Gwynedd with a view to convening a joint Charing session between the three local authorities.**

Action: See Resolution above.

6 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES F_PR

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/Community Councillors.

The Monitoring Officer reported that one complaint had been lodged against a County Councillor by a member of the public between July and September 2019 (Quarter 2), which the Ombudsman decided not to investigate. None were received against Town/Community Councillors for the same period.

No complaints were made against County Councillors for the period October to December 2019 (Quarter 3). Two complaints were made against Town/Community Councillors by members of the public for the same period, which the Ombudsman decided not to investigate. No further complaints have been received since December 2019. It was noted for information, that the Ombudsman informs elected Members and the Standards Committee when a complaint is made against them.

Discussion focused on complaints resolved internally by the County Council, and a request was made for the Standards Committee to be provided with samples as case studies. The Monitoring Officer responded that she would willingly share redacted copies of individual cases with the Committee.

RESOLVED:-

- **To note the contents of the report and Enclosures 1 - 4.**
- **That the Monitoring Officer distributes Enclosures 1 - 4 to Members and co-opted members of the Council and Clerks of Town/Community Councils.**
- **That the Monitoring Officer shares redacted versions of complaints received against Members of the Council/Town/Community Councils with the Standards Committee members.**

Action: See Resolution above.

7 DECISIONS BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES F_PR

Submitted - a report by the Solicitor (Corporate Governance) on the Public Services Ombudsman for Wales (PSOW)'s quarterly Casebook of Code of Conduct complaints for September and October 2019.

The Monitoring Officer gave a summary of information published by the Ombudsman, and stated that she would prepare a briefing newsletter for members and Clerks of Town/Community Councils highlighting key points from the report.

It was noted that the Standards Committee has been asking Town/Community Councils every year to develop a training programme for their elected members and Clerks. Some Town/Community Councils have complained that they cannot afford to fund the training, even though there is funding available through their precept. It was noted that One Voice Wales offer training for members of Town/Community Councils, and links to training courses are available via their website.

The Chair responded that it will be mandatory for Town/Community Councils to have a training programme in place under the new Bill, and the Standards Committee will have a role to review training and ensure that the requirements are met. Concerns were raised that some Town/Community Councils do not have a website to upload agendas and minutes, which is also a statutory requirement.

RESOLVED:-

- **To note the report and enclosures.**
- **That the Monitoring Officer forwards a briefing newsletter on behalf of the Standards Committee to Members and Clerks of Town/Community Councils highlighting the key points raised in today's meeting.**
- **That the Solicitor (Corporate Governance) reminds Town/Community Councils that One Voice Wales offers opportunities for training, which includes a website with links that members and Clerks may find useful.**
- **That the content of the report be brought to the attention of elected Members and co-opted members of this Council.**

Action: See Resolution above.

8 DECISIONS BY THE ADJUDICATION PANEL FOR WALES F_PR

Submitted - a report by the Solicitor (Corporate Governance) in relation to two recent decisions considered by the Adjudication Panel for Wales (APW) since the Committee's last meeting on 17 September 2019.

The Solicitor (Corporate Governance) reported that the first case relates to a Councillor from Powys County Council who had breached the Code of Conduct. The allegation was considered too serious for no action to be taken, and the Tribunal considered that a suspension of four months was the most applicable sanction.

As the Ombudsman had referred this case to the Adjudication Panel rather than back to the Standards Committee, it is likely that the Ombudsman would have been disappointed with this outcome, and would have expected a suspension of at least six months.

The second case refers to a Councillor from Flintshire County Council who had breached the Code of Conduct under three headings. The Tribunal considered two of the allegations to be of a serious nature, and felt that a suspension of three months was the most applicable sanction. The Solicitor reported that the complainant had changed her statement during the Tribunal. It was noted that because the Councillor had recognised his failure to abide by the Code, and had shown deep remorse for his misconduct, the Tribunal considered that the sanction was appropriate. Had the complainant's evidence not changed, the suspension may have been for a longer period.

RESOLVED:-

- **To note the content of the case summaries.**
- **That the content of the case summaries be brought to the attention of elected Members and co-opted members of this Council and members of Town/Community Councils.**

Action: See Resolution above.

9 ADJUDICATION PANEL FOR WALES' PRACTICE DIRECTION F_PR

Submitted - a report by the Solicitor (Corporate Governance) on the Adjudication Panel for Wales' Practice Direction in relation to the processes governing the procedures of the APW.

The Monitoring Officer reported that guidance has been sent by the Wales Adjudication Panel for future action. She stated that the Panel is going to speed up the timetable and flexibility for accused persons to respond to the Panel's notice of a case against them. It was noted that the accused person has to respond to that case within 21 days, and no extensions will be granted normally.

RESOLVED:-

- **To note the content of the Practice Direction.**
- **That the content of the Practice Direction in Enclosure 1 be brought to the attention of elected Members and co-opted members of this Council and members of Town/Community Councils.**

Action: See Resolution above.

10 APPLICATIONS FOR DISPENSATIONS F_PR

No dispensations have been received since the last meeting of the Standards Committee on 17 September 2019, and the date of publishing this agenda.

11 LOCAL RESOLUTION PROTOCOL F_PR

Submitted - a report by the Solicitor (Corporate Governance) on the Isle of Anglesey County Council's Local Resolution Protocol approved in March 2018.

The Solicitor (Corporate Governance) reported that the Ombudsman's objective is to encourage local authorities to deal with low level misconduct complaints themselves, and reduce the number of complaints that are referred to the PSOW.

The draft Local Resolution Protocol has been updated in Appendix 2 of the report to reflect reality of how Local Resolution has been conducted recently and expand the scope of situations that are applicable under the Protocol. It was noted that cases have been presented to the Standards Committee in the past that have had wider grounds than the two grounds noted in the current Protocol.

The Solicitor (Corporate Governance) reported that there is a backstop, in that the Chair can use his discretion when reviewing a complaint, and inform the concerned party/parties of the process, if he thinks a case is too serious to be dealt with under the Protocol. The Standards Committee has attempted to move away from 'complaints' to 'concerns', so as to illustrate a conciliatory process of mediation between the parties, with the assistance of a Member of the Standards Committee.

The Monitoring Officer reported that all the Members of the Standards Committee will undergo mediation training within the context of this Council's Local Resolution Protocol in May/June 2020, subject to availability.

The Standards Committee discussed the content of the draft Protocol and presented their observations, which included the following action points:-

- A question was raised in relation to Para 11.8, whether 14 days was sufficient time to notify the Chair/Vice-Chair and instigate a complaint. The Standards Committee agreed that it would be put to the discretion of the Chair/Vice Chair to decide whether to consider a concern raised outside this limit.
- A member of the Standards Committee referred to 's/he' being used in Paras 12 and 13 of the Protocol rather than 'they'. The member requested that persons be referred to as 'they' in future for the purpose of being gender neutral.

RESOLVED:-

- **To accept the Local Resolution Protocol (as per Enclosure 2) and to include the amendments above in the Protocol.**
- **To note that the Standards Committee will undertake mediation training within the context of the Local Resolution Protocol in May/June 2020, subject to availability.**
- **To accept that the time permitted to instigate a complaint includes reference to the discretion of the Chair or Vice-Chair.**
- **That the Chair and Vice-Chair present the draft Local Resolution Protocol to Group Leaders and the County Council in due course.**

Action: See Resolution above.

12 LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL F_PR

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer on the Local Government and Elections (Wales) Bill's proposals published in November 2019, on how Local Government operates and elections are administered.

The Solicitor (Corporate Governance) reported on the main points in the Bill and gave a summary of the three areas of interest that are within the remit of the Standards Committee:-

2.1.1 - There is a duty on Group Leaders to take reasonable steps to promote and maintain high standards of conduct by their Members. The Standards Committee will have a role to ensure that Group Leaders have access to advice and training to support these duties, and monitor Group Leaders' compliance under this provision, as has happened in the past.

2.1.2 - The Chair of the Standards Committee already submits an annual report to Council each May; need to ensure future annual reports include the matters listed in the new legislation too. The Constitutional remit of the Standards Committee will need to be considered in light of this development.

It was noted that feedback was obtained from other North Wales authorities in relation to the content of their Work Programme for the annual reports, and the Ombudsman was contacted for his observations. His response was positive, and his office quoted the following:-

"The only suggestion that we would make would relate to the Town/Community Councils in your area. The Ombudsman considers that it would be particularly helpful if the Standards Committee

were minded to include additional tasks which may assist in promoting high standards of conduct in these Councils. You may wish to consider including a specific action to promote the Code of Conduct training with members of these Councils. Similarly, we are aware of a Standards Committee whose members occasionally attend meetings of the Town/Community Councils in their areas to observe standards of behaviour of the members. Similarly, we are aware of another who engage with the Chairs of such Councils periodically to discuss the Code and standards of behaviour in general.”

2.1.3 - The Bill includes a requirement for Community Councils to develop training plans. The Standards Committee will need to consider this matter (as it has previously done) when reviews of Town/Community Councils are conducted.

The Chair suggested that the Committee reviews the Committee’s Terms of Reference in due course.

RESOLVED to note the report and Appendix A.

Action: None

13 EXCLUSION OF THE PRESS AND PUBLIC F_PR

RESOLVED to adopt the following:-

Under Section 100(A)(2) of the Local Government Act 1972, the press and public are to be excluded from the meeting during discussion on this item on the grounds that it involves the disclosure of confidential information. Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order. The exclusion is not subject to a Public Interest Test.

14 TO CONSIDER THE RESPONSE RECEIVED FROM THE PUBLIC SERVICES OMBUDSMAN FOR WALES IN A LETTER OF THE 3RD OCTOBER, 2019 F_PR

Submitted - a report by the Solicitor (Corporate Governance) on correspondence received from the Public Services Ombudsman for Wales.

The Standards Committee had requested further information in relation to a report that was presented to Committee in September 2019 in the Ombudsman’s Code of Conduct Casebooks.

The then Chair of the Standards Committee wrote to the Ombudsman on 27 September 2019, and a response was received on 3 October 2019.

RESOLVED:-

- To note the contents of Enclosures 1 and 2.
- To note and accept the Ombudsman’s conclusions on the case.

Action: None

15 EXCLUSION OF THE PRESS AND PUBLIC F_PR

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 the discussion on the following item on the grounds that it may involve the disclosure of exempt information as defined in Schedule 12A of the said Act, and in the attached Public Interest Test.

16 REVIEWS FOLLOWING WELSH AUDIT OFFICE (WAO) REPORTS F_PR

Submitted - a report by the Solicitor (Corporate Governance) on the reviews at Community Councils following the publication of Welsh Audit Office (WAO) reports.

The Solicitor (Corporate Governance) reported that although the majority of the contents of the WAO reports are outside the scope of the Standards Committee's responsibility, some governance matters could result in a breach of the Code of Conduct for Members, which is of course part of the Standard's Committee's remit.

It was noted that the initial letters were sent to the Clerks of each community council in May 2019 offering reviews on the same terms as the Standards Committee usually conducts its reviews of the Register of Interests. The Standards Committee conducted reviews in July and October 2019 with personalised letters being sent to each community council reviewed.

RESOLVED:-

- **To note the report and enclosures.**
- **To note the action taken by the Standards Committee following the publication of the WAO public interest reports.**
- **That the Monitoring Officer reports back to the WAO on the Standard's Committee's findings.**

Action: See Resolution above.

**<NAME>
CHAIR**