

<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>14<sup>th</sup> March 2018</b>
<b>REPORT TITLE:</b>	<b>Report on North Wales Standards Committee Forum 24<sup>th</sup> November 2017 and Lawyers in Local Government meeting on the 1<sup>st</sup> December 2017</b>
<b>PURPOSE OF THE REPORT:</b>	<b>To update Members</b>
<b>REPORT BY:</b>	<b>Chair of the Standards Committee-Mike Wilson</b>
<b>LINK OFFICER:</b>	<b>Lynn Ball Head of Function( Council Business) Monitoring Officer <a href="mailto:lbxcs@anglesey.gov.uk">lbxcs@anglesey.gov.uk</a> Tel: 01248 752586</b>

## **A NORTH WALES STANDARDS COMMITTEE FORUM**

### **1. BACKGROUND**

- 1.1 The North Wales (now including Powys and Ceredigion) Standards Committee Forum met on the 24<sup>th</sup> November 2017. **Enclosure 1** is a copy of the Agenda and Minutes
- 1.2 The Meeting followed the published Agenda.

### **2. MEETING OF THE FORUM ON 24<sup>TH</sup> NOVEMBER 2017**

#### **2.1 New Members Induction and Training Ethical issues**

There followed a discussion among the group of how each authority approached induction and training of new members, in particular on the Code of Conduct.

Given the importance of the Code of Conduct, attendees discussed whether the training should be mandatory or not.

The Deputy Monitoring officer for Wrexham confirmed there was no statutory requirement for this and in any event what would be the sanction if members did not attend.

In some authorities Code of Conduct training and other training, e.g planning procedures were made compulsory for those members who sat on the relevant committee and that unless they had undertaken the training they were not allowed to carry out committee duties.

Various authorities encouraged all new members and even experienced members to attend training on a regular basis so as to ensure they could meet their responsibilities.

It was suggested that training courses of about 1.5 hours was about the right duration.

There were slides provided in the pack from WLGA on the Code of Conduct. There was also a video available from the PSOW's office but those who had seen it did not find it useful.

Authorities arranged training at convenient times and locations to encourage attendance figures

Similarly, with regard to town and community councils training, the principal council in each area tried to ensure good attendance at sessions and arranged these at varied times and locations with members of the standards committees often attending the training as well. Different language preference were also accommodated.

Other training on such things as social media was now commended as something essential for members to be aware of. Authorities such as Anglesey had run courses on this previously which had been commended by those who had attended and the WLGA also had published guidance on this.

Some authorities also published their members training records on their websites.

## 2.2 **WLGA-5 years to make a difference**

Chair of Anglesey – Mike Wilson- gave feedback on his attendance at the Regional Conference on the 3rd November 2017 in Conwy.

The Conference was mainly aimed at new councillors, but few were in attendance.

He said that the day was informative with representatives from Welsh Government (Mark Drakeford) and the WLGA (Steve Thomas) giving presentations

Useful tips for new councillors on how to avoid getting into awkward situations where a complaint of inappropriate behaviour may be made

## 2.3 **Procedure for dealing with claims against Members**

There was a discussion amongst those in attendance about what their authorities should do if a complaint of sexual misconduct was made by an officer against a member.

Possible things to consider before taking a course of action:

Is it a Police/Regulator or internal matter?

Serious or low level?

Are HR policies to be engaged or not? e.g Grievance, Anti-bullying/ Harassment Policy

Is Member/Officer Protocol applicable or of any assistance?

Duty of care to officer/councillor?

Have we got appropriate processes in place?

What are the steps to take on a legal/ practical level?

Differences between complaint and action that can be taken on a political level regarding an executive member i.e terminating the appointment of an executive member rather than an ordinary elected member

Role of group leaders

Powers of the Standards Committee/ Monitoring Officer

PSOW.-Interim suspension?

**Recommendation** to draft a letter to PSOW for guidance in these circumstances.

Anglesey to draft (attached at Enclosure 2)

Hope to have a response by next Forum meeting

2.4. **AOB**

a) Mediation Training-this was something mentioned previously at the last Forum meeting and the Denbighshire Training Officer was pursuing it. However no information as to where we were with this as Denbighshire's MO was not at the meeting

b) Joint Standards Committee for North Wales Region ?

There were a number of reasons for pursuing this and one of them was difficulty in recruitment of independent members to Standards Committees and Selection Panel.

There is now statutory power to set up joint standards committee if authorities were in agreement to do so.

One of the previous sticking points was the fact that authorities wanted to await decisions from Welsh Government regarding potential re-organisation. Current status is not clear.

It was also suggested that there be a common process for recruitment of independent members as it seemed different authorities may be pursuing different processes within the statutory requirements.

- c) **2018 Standards Conference** 14<sup>th</sup> September 2018 in Ceredigion. Further details to follow when known



Gwasanaeth Tân ac Achub  
Fire and Rescue Services

## FFORWM PWYLLGORAU SAFONAU GOGLEDD CYMRU NORTH WALES STANDARDS COMMITTEES FORUM

**Dydd Gwener, 24 Tachwedd 2017 am 10.00 am  
Friday, 24 November 2017 at 10.00 am**

**Ystafell Gyfarfod 1, Neuadd y Dref, Wrexham  
Meeting Room 1, Guildhall, Wrexham**

**At y Cadeirydd, Is-Gadeirydd a'r Swyddog Monitor y:-  
To the Chair, Vice-Chair and Monitoring Officer of:-**

**Pwyllgor Safonau Ynys Môn / Isle of Anglesey Standards Committee**

**Pwyllgor Safonau Conwy Standards Committee**

**Pwyllgor Safonau Sir Ddinbych / Denbighshire Standards Committee**

**Pwyllgor Safonau Sir y Fflint / Flintshire Standards Committee**

**Pwyllgor Safonau Gwynedd Standards Committee**

**Pwyllgor Safonau Wrexham / Wrexham Standards Committee**

**Pwyllgor Safonau Awdurdod Tân ac Achub / Fire and Rescue Authority Standards Committee**

**Pwyllgor Safonau Parc Cenedlaethol Eryri / Snowdonia National Park Standards Committee**

**Pwyllgor Safonau Ceredigion Standards Committee**

**Pwyllgor Safonau Powys Standards Committee**

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# R H A G L E N / A G E N D A

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Sylwer – Yn unol â darpariaethau Deddf Llywodraeth Leol 1972, gellir gwahardd y Cyhoedd a'r Wasg rhag mynychu'r cyfarfod pan gaiff eitemau eu hystyried lle mae gwybodaeth waharddedig yn debygol o gael ei datgelu.

Note - In accordance with the provisions of the Local Government Act 1972, the Public and Press may be excluded from the meeting during consideration of items where exempt information is likely to be disclosed.

- 1 **Appointment of Chair for the Meeting**
- 2 **Apologies for absence**
- 3 **Minutes of the meeting held on 10 April 2017**  
To approve as a correct record minutes of the previous meeting - enclosed.
- 4 **New Member Induction and Training on Ethical Issues**  
To receive feedback on the training, discuss differing approaches to delivery and best practice and whether training was offered to Community Councils.  
(WLGA training materials attached by way of background information)
- 5 **WLGA - 5 years to Make a Difference**  
Michael Wilson, Chair Isle of Anglesey Standards Committee, to provide feedback on the recent regional event for new councillors with a focus on the Code of Conduct and the pitfalls for a local Councillor.
- 6 **Procedures for dealing with claims against Members**  
Discussion item

# Item 3

## **NORTH WALES STANDARDS COMMITTEES FORUM**

Minutes of a meeting of the North Wales Standards Committees Forum held in Conference Room 1a, County Hall, Ruthin on Monday, 10 April 2017 at 10.00 am.

### **PRESENT**

Denbighshire County Council – Ian Trigger  
Ynys Mon County Council – Mared Yaxley, Mike Wilson and Islwyn Jones  
Conwy County Borough Council – John Robers and Iain Moore  
Wrexham County Borough Council – Michael Pugh and Neil Benson  
Snowdonia National Park Authority – Rachael M. Davies

### **ALSO PRESENT**

Denbighshire County Council, Monitoring Officer – Gary Williams  
Committee Administrator – Sharon Walker

#### **1 APPOINTMENT OF CHAIR FOR THE MEETING**

It had been agreed at the North Wales Standards Committees Forum held on 17 October, 2016 in Llangefni that the Forum would meet twice each year at a different Local Authority in rotation and be chaired and administered by the hosting authority with the Monitoring Officer of the host authority in attendance. Therefore, Ian Trigger, Chair of Denbighshire County Council's Standards Committee was appointed Chair for the meeting.

The Chair welcomed everyone to the meeting.

#### **2 APOLOGIES FOR ABSENCE**

Apologies were received from Sharon Warne, Eirniir Young and Jane Eyton-Jones.

#### **3 MINUTES OF THE MEETING HELD ON 17 OCTOBER 2017**

The minutes of the North Wales Standards Committee Forum held in Llangefni on 17 October, 2017 were presented.

The minutes were proposed by Mike Wilson and seconded by Islwyn Jones.

**RESOLVED** that the minutes of the meeting held on 17 October 2016 be accepted as a true record.

#### **4 EXTENDED MEMBERSHIP OF THE FORUM**

The Chair explained he had been contacted by the Ceredigion Chair of Standards Committee to ascertain whether Ceredigion Standards Committee representatives together with the West Wales Fire & Rescue and Powys Standards Committee would be able to join the membership of the North Wales Standards Forum.

The Monitoring Officer confirmed he had consulted all North Wales Monitoring Officers who had stated there were no issues regarding this request. The only issue would be regarding travel but they would be more than welcome to attend the meetings.

During the discussion, members agreed they were in favour of the three Authorities attending meetings as the meeting rota had been confirmed for the next 2 years.

The Monitoring Officer stated he would liaise with the other North Wales Monitoring Officers and one would be nominated to write with an invitation attaching the meeting rota.

***RESOLVED*** that a nominated Monitoring Officer write to invite the three Authorities to attend the North Wales Standards Committee Forum meetings and a meeting rota to be attached for their information.

## **5 MODEL LOCAL RESOLUTION PROTOCOL FOR CITY, TOWN AND COMMUNITY COUNCILS**

The Monitoring Officer informed the Forum that the Public Services Ombudsman for Wales (PSOW) was to roll out a Local Resolution Protocol for City, Town and Community Councils.

Following consultation with the PSOW, One Voice Wales were drafting the Local Resolution Protocol. The matter had been raised to ascertain the views of the members of the Forum.

The Monitoring Officer confirmed that he would be writing to the City, Town & Community Councils to ascertain their views on the Local Resolution Protocol.

The Chair confirmed, in his opinion, to have a Local Resolution procedure would be useful.

During discussion it was agreed that to gain consistency throughout the councils the Protocol would be extremely useful.

The Forum were of the opinion that One Voice Wales should have consulted with Councils regarding the drafting of the Protocol.

The Monitoring Officer confirmed that Clerks were in favour of the Protocol and the draft would be an exceptional starting point for the final version.

It was suggested that the Monitoring Officer write to One Voice Wales to enquire if consultation had been completed and to express the Forum's disappointment at the fact consultation with Local Authorities and Standards Committees had not taken place. Another point raised was there didn't appear to be any role for Standards Committees, but that should be also be considered. All present were in agreement.



**RESOLVED** that:

- *The Forum were in agreement with a Local Resolution Protocol for City, Town & Community Councils;*
- *The Monitoring Officer to write to One Voice Wales to express the Forum's disappointment at lack of consultation together with no role for Standards Committees.*

## **6 NEW MEMBER INDUCTION AND TRAINING ON ETHICAL ISSUES**

The Monitoring Officer introduced the New Member Induction and Training on Ethical Issues.

The Welsh Local Government Association (WLGA) were looking to produce a set of training material for use across Wales. This had been presented to Denbighshire's Standards Committee who were in favour.

It was suggested that Clerks attend training to enable them to reproduce the training to their Members. An e-learning package was to be drawn up also, to enable the training to be more accessible, which should be available in early May 2017.

The members in attendance clarified the training plans they had in place for Councillors and the Monitoring Officer confirmed there were no time limits for training to take place. For example mandatory Code of Conduct training to take place within a short period of time following the election and a refresher training session to take place in 18 months' time. He also confirmed that if Clerks had any particular issues, he would be available to attend for a mini-training session.

It was confirmed that other Local Authorities, apart from Denbighshire, did not have Code of Conduct training as mandatory within their constitution.

**RESOLVED** that the Forum were in agreement with the New Member Induction and Training on Ethical Issues.

## **7 WEBSITES OF CITY, TOWN AND COMMUNITY COUNCILS**

Mike Wilson of Ynys Mon County Council Standards Committee introduced the item. He stated that each Town & Community Council had been given a grant of £500 to set up their websites. Within Ynys Mon they had 40 Town & Community Councils with varying degrees of website standards. A few not having a website and one didn't utilise a computer.

During discussions it was confirmed that a number of the Town & Community Councils websites contained out of date information.

Members were in agreement the websites should be up to date for transparency and the fact that the external auditors would be checking the adequacy of the websites.

The Monitoring officer suggested members of the Standards Committee attending Town & Community Councils, to encourage the Clerks to contact each other to assist with the websites.

Ynys Mon had sent reports to all Community Councils with a request they respond within 12 months.

***RESOLVED*** that the Forum agreed up to date information be included on the websites and assistance from neighbouring Clerks if required.

## **8 USE OF NEIGHBOURING AUTHORITY STANDARDS COMMITTEES FOR HEARINGS INVOLVING INTERNAL CONFLICTS**

The Monitoring Officer introduced the use of neighbouring Authority Standards Committees for Hearings involving internal conflicts.

During discussion, there was a consensus of opinion that neighbouring Authority Standards Committees should not be utilised. The main reason being that the members of the Standards Committees were independent members apart from the county council members. If the county council members were involved then possible need for it but otherwise the Standards Committee were professionally independent to deal with the issues.

The utilisation of neighbouring Authorities Standards Committees would also be a costly process.

***RESOLVED*** that the Forum agreed only in exceptional circumstances should neighbouring Authority Standards Committees be involved with hearings as the Standards Committee was professionally independent to deal with hearings.

## **9 ANY OTHER BUSINESS**

Mike Wilson of Ynys Mon County Council Standards Committee raised the issue that the Public Services Ombudsman for Wales (PSOW) had recently rejected a complaint but had recommended training for the councillors concerned.

The councillors concerned had attended training in May 2016, and therefore, the Standards Committee were unsure as to what training should be provided.

It was suggested, as all the information was not available, that they contact the PSOW office to ascertain which training was to be offered to the councillors.

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The Monitoring Officer referred to mediation training. Denbighshire's Training Officer was to liaise with others in the area to progress the matter. Training sessions would be for 5 days.

The next meeting will take place in November (date to be confirmed) in Wrexham.

**The meeting concluded at 11.25 a.m.**

## ENCLOSURE 2

Draft Letter to Katrin Shaw - PSOW's Office

Dear Katrin,

This letter is sent to you on behalf of the North Wales Standards Committee Forum (which also now includes Ceredigion and Powys areas)

We had a meeting of the Forum on the 27<sup>th</sup> November in Wrexham and one of the Topics discussed was the issue of what Local Authorities could or should do in the event that a Complaint of a serious nature being made against a Member e.g of Sexual Harassment of an Officer/ member of staff at the Council.-based on the assumption that it is not a Police matter.

The Forum agreed that a letter should be sent by them to the PSOW's office to seek clarification and guidance on a number of matters, these being:-

1. What powers the Ombudsman has to act if a serious complaint such as the above is received?
2. We understand that a suspension can be imposed by the Adjudication Panel for Wales based on an interim report and recommendation from the Ombudsman. What are the anticipated timescales for such action to be taken?
3. What guidance could he provide on practical arrangements for Members accused of such Conduct given their elected status e.g
  - a) we presume that the Council could not prevent Members from representing their electorate
  - b) carrying out their normal Council duties
  - c) as regards the potential conflict which may arise between the Local Authority's duties of care to officers and any to Members in relation to the complaint
  - d) attending Council premises.
  - e) Should the Council be offering some sort of pastoral care for Members e.g Confidential Counselling? as they would for officers under a duty of care?
4. What guidance could the Ombudsman provide on a complaint against an Executive Member rather than an ordinary Member.

Would he be able provide some guidance to be taken by:-

The Leader of the Council  
Monitoring Officer  
Standards Committee  
Group Leaders  
As to their remit to act or otherwise in this situation

After the Forum meeting we understand that there was a subsequent Lawyers in Local Government meeting in Llandrindod Wells on the 1<sup>st</sup> December which was attended by yourself, Monitoring Officers from Local Authorities across Wales and a representative from the WLGA.

One of the topics on the Agenda was the above scenario.

We understand that you agreed to take the matter back and discuss it with the Ombudsman and to possibly prepare some guidance regarding this matter.

If guidance is to be drafted would it be possible for others to comment on the draft before it is finalised?

Also what do you estimate the timescale for preparing this guidance?

We look forward to hearing from you

Yours sincerely etc etc