

STANDARDS COMMITTEE

Minutes of the meeting held on 13 March 2019

PRESENT: **Independent Members**

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

Ms Denise Harris-Edwards
Mr John R Jones
Mrs Dilys Shaw

Representing the County Council

Councillor Trefor Lloyd Hughes MBE
Councillor Dafydd Rhys Thomas

Representing Town and Community Councils

Councillor Keith Roberts

IN ATTENDANCE: Head of Function (Council Business)/Monitoring Officer
 Head of Democratic Services (for Item 4)
 Solicitor (Corporate Governance) (MY)
 Human Resources Development Manager (for Item 3)
 Committee Officer (SC)

APOLOGIES: Councillor Iorwerth Roberts

1. DECLARATION OF INTEREST

No declaration of interest was received.

2. MINUTES OF MEETING

The draft minutes of the Standards Committee held on 12 September 2018, were confirmed as correct.

Matters arising from the minutes:-

The Solicitor (Corporate Governance) has provided a “matters arising” document to all members of the Standards Committee detailing the actions which have been taken in accordance with the minutes of the meeting held on 12 September 2018.

Discussion focused on the following matters:-

Item 5 - Standards Committee Review of the Members' Registers

- The Chair attended a Group Leaders' meeting in relation to a named Councillor, who had not reviewed his Register of Interests, nor had he contacted the member of the Standards Committee who reviewed his Register of Interests and had asked to discuss the findings. Although the matter was raised, and an email was sent to the Group Leader in question, no communication has been received from him either in relation to this issue.

It was decided by the Committee that they did not want to take any further action at this point but that the situation would be picked up again with the relevant member in the forthcoming review of the registers for 2019.

- The Monitoring Officer reported that ICT have contacted Mod.Gov several times, but has not yet received a response. The recent email from the Digital Services Manager was read out to the Committee. The Committee was of the view that this should be pursued further as the Committee would like a definitive answer.

RESOLVED not to pursue the first matter mentioned above but for officers to further pursue the second.

Action: To continue to try and obtain a response from Mod.Gov on the provision of a narrative.

- In relation to the Standards Committee's proposal for the 2019 review of registers and other documents relating to elected Members, which will be carried out in June/July 2019, it was **RESOLVED to agree that a meeting be convened, following this formal meeting of the Committee, to discuss the Standards Committee's proposals for the 2019 review.**

Item 11 - Methodology Advice Note on the Review of the Registers of Interest of Elected and Co-opted Members

It was noted that the above Advice Note has been amended and circulated to members of the Standards Committee.

Action: That the link to the Methodology Advice Note be sent to all Members of the Council and independent members.

Item 12 - Gifts and Hospitality - Briefing Note to Members

It was reported that the Chair has not yet presented the Briefing Note that complements the Gifts and Hospitality Protocol to Group Leaders.

It was noted that the Protocol has been reviewed, and the Monitoring Officer has recommended delaying its circulation to Members, due to the volume of information currently being forwarded to Members.

Item 13 - Individual Rights as Members - Briefing Note to Members - the recommendation above also applies to this item.

RESOLVED that the Standards Committee accepts the above proposals by the Monitoring Officer.

Action: Circulate Item 12 and 13 above on the basis suggested by the Monitoring Officer.

Item 17 - Town and Community Councils' Adoption of the Local Resolution Protocol

It was noted that the next meeting of the Standards Committee Forum will be held in Flintshire on a date to be confirmed and that the Chair of the Standards Committee will raise this issue at the next Forum.

RESOLVED to note the above.

Action: The Chair of the Standards Committee to raise this issue at the next regional Standards Committee Forum.

3. MEMBER DEVELOPMENT AND TRAINING

Submitted - a progress report by the Human Resources Development Manager on development opportunities offered to elected Members since the previous report was submitted to this Committee on 12 September 2018.

The HR Development Manager reported that 10 additional formal development sessions have been/are being offered to Members between 12 September 2018 and March 2019, covering a range of topic areas, some of which are mandatory. It was noted that the Member Development Scrutiny Sessions had been well attended.

The Human Resources Development Manager reported on the following:-

- During 2019/20 it is intended to develop and market E-Learning further to encourage Members to increase their use of the modules. It was noted that the platform the Council currently uses could be replaced with a more streamlined and easier to access version. In the meantime HR is undertaking work with the WLGA and the Health Board to improve the current system.
- An ICT skills questionnaire was circulated to all Members in January to establish training needs. Feedback has been collated and tailored training sessions will be arranged to meet Members' individual training needs. Concern was expressed that access to certain information via I-pads, particularly E-Learning modules, had not been possible. It was noted that HR staff are working closely with the ICT team on alternative provision to make the process more user friendly.
- Some Members have expressed their wish to undergo further social media training on Twitter and Facebook.

- The need for Members to record their training online immediately following any attendance at training sessions was highlighted. A request to enable Members to record training electronically was made.
- In relation to Personal Development Reviews (PDRs), some feedback had been received from Group Leaders. The Head of Democratic Services will be monitoring progress via Group Leaders' meetings.
- Work is in progress on the Development Programme for 2019/20. Feedback received on Members' development needs from PDRs, guidance from the Senior Leadership Team and Group Leaders will be taken into account for inclusion. The Plan will be submitted for consideration by the Democratic Services Committee in March 2019, thereafter by the Full Council to be held in May 2019.

Concerns were expressed about the lack of attendance by Members at some training sessions, and the need to address this issue. The Head of Democratic Services reported that Group Leaders were regularly reminded of the training opportunities that are available to Members.

Discussion focused on whether Members might face consequences for non-attendance of mandatory training. The Monitoring Officer responded that there are no explicit penalties for non-attendance, but explained that the Standards Committee might publish such compliance data in a report to the Standards Committee, should they wish to do so. The Committee did not favour this option and felt that Group Leaders had a responsibility to ensure Members attend the training that they require to undertake their roles, and especially to attend mandatory training.

The Head of Democratic Services advised of the need to ensure that the four co-opted members of the Corporate Scrutiny Committee and two co-opted members of the Audit and Governance Committee are given the opportunity to attend training sessions. It was noted that a training session has been arranged by the Scrutiny Officers for the Scrutiny co-opted members on 9 April 2019.

Discussion focused on best practice to ensure that independent members receive information on training sessions. It was suggested, and accepted by the Committee, that in addition to the annual report to Council, there should also be a quarterly schedule of training sessions produced for all elected members and forwarded to each Lead Officer for Standards, Scrutiny and Audit and Governance so that they might identify any corporate training that would be relevant to their co-opted members, and then make arrangements for them to attend accordingly. It was considered inadvisable to send the whole list of training opportunities to all co-opted members as it might not be clear to them what training sessions would and would not be appropriate.

RESOLVED:-

- **To note the progress made in terms of Member Development.**
- **The HR Development Manager to forward electronic evaluation of training forms to Members when circulating information on training sessions.**

- **The Chair to raise the issue of the lack of attendance by Members in training sessions in the next Group Leaders' meeting.**
- **The Chair to request that Group Leaders discuss with individual Members their reasons for not attending training sessions and especially those which have been mandated.**
- **To circulate a quarterly list of training courses to the Lead Officers for the Corporate Scrutiny Committee (Scrutiny Manager), the Audit and Governance Committee (Head of Audit and Risk) and the Lead Officer for the Standards Committee (Head of Function (Council Business)/Monitoring Officer) so that they may forward, as appropriate to each co-opted member.**

Action: See Resolution above

4. MEMBER RELATED ISSUES

Submitted - an update by the Head of Democratic Services on the following Member related issues:-

- With reference to Members' Annual Reports for 2017/18, it was noted that 29 Members have now completed and published their reports online.
- The issue of a Member who had not completed his Register of Interests was discussed in the last meeting of the Standards Committee. The Chair wrote to the Member regarding the issue, and it has now been confirmed that the Member in question has responded to the Chair's request.
- A new Local Government Measure is expected at the end of 2019. It was noted that currently it is unclear what the changes will be in terms of expectations or requirements on elected members in relation to performance/publication of information; nor how these will be managed.
- The Annual Reports are scheduled to be published on the Council's website by 30 June 2019.
- It was noted that re-submission of the Council's application for the WLGA's Wales Charter for Member Support and Development has not been actioned during Quarter 3, 2018/19; contrary to a previous commitment. This is because it was decided that the Member Development Strategy for the next 3 years needs to be in place before the submission is made. The Member Development Strategy for the next three years will be presented to the Democratic Services Committee in March 2019 for approval and then submitted to the WLGA, with the application for charter status, by the end of March 2019.
- With reference to DBS checks, all Members have completed the registration process. The checks will be reviewed and updated in accordance with the requirements of the policy.
- Members' Biographies are now available on the Council website and include Committee attendance and training records. However, while the attendance information is automatically updated, Members will need to update their own information on training on an ongoing basis.
- In relation to membership of outside bodies by elected members, links are now available on the Council's website. It was noted that the schedule of

outside bodies will need to be reviewed in consultation with Group Leaders and reported to Council in May 2019. The Partnership & Regeneration Scrutiny Committee will monitor the work of the main partnerships on the Committee's Work Programme.

- It was noted that there is no facility on the Modern.Gov system for co-opted members to publish their declarations of interests online.

RESOLVED:-

- **That once the expectations of the new Local Government Measure are clear, the Head of Democratic Services to include in his next report to the Standards Committee those expectations, and how they will be measured, monitored, reported and supported.**
- **That the Head of Democratic Services circulates a copy of the application for the WLGA's Wales Charter for Member Support and Development to the members of the Standards Committee for information only.**
- **To note other progress as detailed in the report.**

Action: See Resolution above

5. CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Submitted - a report by the Solicitor (Corporate Governance) on the quarterly update of complaints received by the Public Services Ombudsman for Wales in the form of matrices for (a) County Councillors, and (b) Town and Community Councillors.

The Monitoring Officer reported that no complaints had been lodged against Anglesey County Councillors during Quarter 2, 2018/19 (July to September 2018). She stated that one complaint had been made against a Town and Community Councillor for the same period, and the Ombudsman is considering the complaint.

It was noted that no complaints had been lodged against Anglesey County Councillors for Quarter 3, 2018/19 (October to December 2018).

The Monitoring Officer reported that since December, two other complaints have been received against the same Town and Community Council, one from a member of the public, and another from an elected Member. One complaint has been refused, and the other is under consideration.

Councillor Dafydd Rhys Thomas left the meeting at 3.15 pm

Members expressed concern that one complaint had not been resolved within the Ombudsman's target of six months.

RESOLVED:-

- **To note the report and enclosures.**
- **That the Monitoring Officer writes to the Ombudsman expressing the Standards Committee's concern regarding the delay in completing his investigation of this complaint against a Town and Community Councillor as it was lodged in August 2018.**

Action: See Resolution above

6. PUBLIC SERVICES OMBUDSMAN FOR WALES DECISIONS

Submitted - a report by the Solicitor (Corporate Governance) summarising information published by the Public Services Ombudsman for Wales (PSOW)'s quarterly Casebooks of Code of Conduct complaints.

The complaints investigated by the Ombudsman relate to alleged breaches of the Members' Code of Conduct as included in his quarterly Casebooks for July and October 2018.

The Solicitor (Corporate Governance) referred to a complaint made against a member of Saltney Town Council in relation to a breach of the Code of Conduct regarding an exemption (effectively a dispensation built in to the Code). The Councillor had asked for, and was given advice from an officer. However, it was not obvious from the summary whether the Ombudsman thought the officer's advice was correct or not, owing to the insufficient data that was presented as part of the Ombudsman's summary. It was suggested that the Standards Committee contact the Ombudsman to seek clarity as to whether the advice provided was correct.

Reference was made to a complaint by an individual against a Councillor from Ceredigion County Council in relation to a breach of the Code of Conduct. From the information presented in the report, it was unclear whether the complainant was an officer, a member or a third party.

The Chair of the Standards Committee also highlighted, from the minutes of a Standards Committee meeting held in Haverfordwest on 5 September 2018, that a Councillor who had breached the Code, and then retired from the Council was given a public censure for his actions.

RESOLVED:-

- **To note the report and enclosures.**
- **That the Chair of the Standards Committee write to the Ombudsman to seek:**
 - **clarity as to whether advice given to the member of Saltney Town Council was is fact correct.**
 - **confirmation as to whether the complainant in the Ceredigion County Council case was an officer, a member or a third party.**
 - **Subject to the response from the Ombudsman in relation to Saltney Town Council, that the Monitoring Officer seek further information if**

required from the Clerk of Saltney Town Council, on the basis that such information would be redacted and shared confidentially with members of the Standards Committee for information only.

- **Having obtained sufficient information, that the Monitoring Officer discuss the outcome of the Saltney Town Council case with the other regional Monitoring Officers.**

Action: See Resolution above

7. ADJUDICATION PANEL FOR WALES DECISIONS

Submitted - a report by the Head of Function (Council Business)/Monitoring Officer in relation to decisions made and published by the Adjudication Panel for Wales since the last meeting of the Standards Committee on 12 September 2018.

The Solicitor (Corporate Governance) stated that one case was reported, which related to a breach of the Code of Conduct by a former County Councillor of Monmouth County Council, regarding failing to show respect and consideration to others, and sending emails to the Chief Executive of Monmouth County Council containing homophobic statements. The case against the Councillor was reported in relation his role as a Community Councillor, not a County Councillor.

The Ombudsman raised the issue in the Standards Committees Conference, where it was generally felt that the Adjudication Panel's decision to suspend the Councillor for two months was too lenient. Members of the Standards Committee also felt that the suspension was too lenient.

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

Action: None

8. ADJUDICATION PANEL FOR WALES (APW) – SANCTIONS GUIDANCE

Submitted - a report by the Solicitor (Corporate Governance) on the new Sanctions Guidance published by the APW which will come into effect from 1 September 2019.

The Monitoring Officer reported that a copy of the Guidance was circulated to members of the Standards Committee on 4 October 2018. She stated that the Guidance may only be of relevance to the Standards Committee when it is considering a referral from the Ombudsman for breach of the Code of Conduct. It was noted that the Standards Committee has due regard to the Guidance published by the APW when dealing with complaints and imposing sanctions.

The Vice-Chair highlighted that the word 'punishing' is used in the Sanctions Guidance. He felt that the wording should be amended to read 'promoting good conduct' rather than punishing.

RESOLVED:-

- **To note the information contained in the Sanctions Guidance.**
- **That current members of the Standards Committee are not required to engage in training on the Sanctions Guidance (although this may become relevant if this Committee receives a referral from the Ombudsman); but,**
- **Training should be provided to any new members of the Standards Committee after January 2019.**

9. APPLICATIONS FOR DISPENSATION(S)

Submitted - a report by the Solicitor (Corporate Governance) detailing applications for dispensation(s) considered by Dispensation Panels of the Standards Committee since the Standards Committee's last meeting.

The Monitoring Officer reported on the following applications for dispensation(s):-

- 28 January, 2019 - the Council Leader was granted an unlimited dispensation in relation to prejudicial interests in the context of the schools modernisation programme in the Amlwch catchment area and the modernisation project for Post-16 Education in the County.
- 7 March 2019 - a block dispensation was granted to 8 members of Llaneilian Community Council to overreach a number of different prejudicial interests in relation to the modernisation programme of schools in the Amlwch catchment area.
- That the Committee receives written information on other dispensations identified in 3.3 (Llaneilian Community Council) and 3.4 (block dispensation by 5 members of the Executive) identified at the Standards Committee meeting in September, 2019.

It was noted that a hearing had been arranged for 22 March 2019 to consider a block application for dispensation by 5 Members of the Executive who are grandparents to young people on Anglesey who may be affected by any decision on the modernisation project for Post-16 Education.

RESOLVED:-

- **That members of the Standards Committee note the dispensations granted and the grounds and circumstances in which they were granted.**
- **That the draft minutes of the Dispensation Panel held on 28 January 2019, were ratified as correct by members of the Panel only (Michael Wilson, Denise Harris-Edwards and John R Jones).**

- That the Committee receives written information on other dispensations identified in 3.3 (Llaneilian Community Council) and 3.4 (block dispensation by 5 members of the Executive) identified at the Standards Committee meeting in September, 2019.
- That the Standards Committee agreed to an amendment to the Standard Dispensation Application/Permission Form to include express reference as part of the “permission” drop-down list, for a Member who is granted a dispensation to be permitted to participate in all public meetings, outside bodies and other informal meetings etc. It was agreed to include the following wording on the form: *“if relevant, to include full participation in public meetings, meetings of any outside bodies and any other meetings or discussions not specifically identified in the dispensation”*.

10. TOWN AND COMMUNITY COUNCIL – PRECEPT AND TRAINING FOR CLERKS

Submitted - an update report following the Standards Committee meeting on 12 September 2018, where the matter of including a sum for training (Clerks and members) within the precept amount set by each Town and Community Council was discussed.

The Solicitor reported that correspondence was sent on 6 November 2018 to 16 Town and Community Councils who had previously responded positively to an email asking them to include an amount for training when setting the precept. 12 responses were received out of 16 and each Town and Community Council that responded has included an element of training in the precept. It was noted that no further contact has been made with the 24 Town and Community Councils who had not responded to the Standard Committee’s request.

That a letter be circulated by the Standards Committee to all Town and Community Councils and members of the Standards Committee enclosing a matrix detailing responses received, and naming Councils who have not responded, in order to highlight the significance of the Committee’s request.

RESOLVED:-

- To note the information presented in the report with regard to the Town and Community Councils.
- That a letter be circulated by the Standards Committee to all Town and Community Councils and members of the Standards Committee enclosing a matrix detailing responses received, and naming Councils who have not responded, in order to highlight the significance of the Committee’s request.

11. REVIEW OF THE REGISTER OF INTERESTS IN THE TOWN AND COMMUNITY COUNCILS

Submitted - a report by the Solicitor (Corporate Governance) on reviews conducted by the Standards Committee in 5 Town and Community Councils

during December 2018, January and February 2019, to ensure compliance with the Code of Conduct.

Following the review, a personalised letter has been circulated to the Clerk and Chair of each Town and Community Council who participated, giving specific advice.

The Committee discussed the options available in relation to distributing the general report prepared in February 2019 to all the members of the Town and Community Councils detailing the outcome of the exercise.

To confirm that the report prepared in February 2019 be circulated to all Town and Community Councils, with a request for the same to be discussed at Town and Community Council meetings and a copy of the minutes be forwarded to the Standard Committee.

That the Monitoring Officer prepares an update report for the next meeting of the Standards Committee in September 2019, detailing responses received.

That the Standards Committee agreed for the Solicitor (Corporate Governance) to review the Methodology Advice Note presented to this Committee in September 2018 and the Advice Note on Personal and Prejudicial Interests to Town and Community Councils which should be circulated with the Advice Note referred to in bullet point 2 above.

That Town and Community Councils be reminded that information in relation to the Standards Committee's proposals above will be recorded in the minutes of this meeting and published online.

RESOLVED:

- **To note the contents of the report.**
- **To confirm that the report prepared in February 2019 be circulated to all Town and Community Councils, with a request for the same to be discussed at Town and Community Council meetings and a copy of the minutes be forwarded to the Standard Committee.**
- **That the Monitoring Officer prepares an update report for the next meeting of the Standards Committee in September 2019, detailing responses received.**
- **To accept changes to the Briefing Note in the report.**
- **That the Standards Committee agreed for the Solicitor (Corporate Governance) to review the Methodology Advice Note presented to this Committee in September 2018 and the Advice Note on Personal and Prejudicial Interests to Town and Community Councils which should be circulated with the Advice Note referred to in bullet point 2 above.**
- **That Town and Community Councils be reminded that information in relation to the Standards Committee's proposals above will be recorded in the minutes of this meeting and published online.**

The meeting concluded at 4.20 pm

**MR MICHAEL WILSON
CHAIR**