

EXTRAORDINARY MEETING OF THE STANDARDS COMMITTEE

Minutes of the meeting held on 15 December 2020

PRESENT: **Independent Members**

Mr John R Jones (Chair)
Dr T Rhys Davies (Vice-Chair) (in the Chair for Items
1 & 3)
Mrs Celyn M Edwards
Mrs Gill Murgatroyd
Mrs Sharon Warnes

Representing the County Council

Councillor J Arwel Roberts
Councillor Dafydd R Thomas

Representing Town and Community Councils

Councillor Keith Roberts

IN ATTENDANCE: Director of Function (Council Business)/Monitoring Officer
Solicitor (Corporate Governance) (MY)
Human Resources Training Manager (MW) (for Item 3)
Trainee HR Development Officer (CD) (for Item 3)
Committee Officer (SC)

APOLOGIES: Councillor Iorwerth Roberts (Town and Community Councils)

1. DECLARATION OF INTEREST

No declaration of interest was received.

2. MINUTES OF THE MEETING

The draft minutes of the Standards Committee held on the following dates were confirmed as correct, subject to the following-

- 17 September 2019
- 11 March 2020 (Extraordinary)

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 for approval. It was noted that the Chair had accepted the minutes previously, and Councillor Dafydd Rhys Thomas confirmed that the minutes were a true record of the meeting held on 17 September 2019.

Matters arising from the minutes of 11 March 2020

- Item 2 - The Solicitor (Corporate Governance) confirmed that correspondence has been sent to ICT following a request as to whether Members' attendances in meetings could be amended to "present". It was noted that no response from ICT has been received to date.

RESOLVED that the Solicitor (Corporate Governance) writes to ICT to request that the Standards Committee receives a response.

- Item 3 - It was confirmed that due to Covid-19, the Chair and Vice-Chair have been unable to attend Group Leaders' meetings to discuss Members' Annual Reports and other relevant issues. The Chair reported that they have met with one Group, and corresponded with another. It was noted that once lockdown restrictions are relaxed, the Chair and Vice-Chair will endeavour to meet with Group Leaders.

The Vice-Chair questioned whether the Committee should take a more proactive approach, and request a meeting with Group Leaders via Zoom or Teams, to which the Committee agreed. The Director of Function (Council Business)/Monitoring Officer responded that as Group Leaders often meet through Teams, she would make arrangements for the Chair and Vice-Chair to attend a Group Leaders' virtual meeting.

RESOLVED that the Director of Function (Council Business)/ Monitoring Officer writes to Group Leaders to request that an invitation be extended to the Chair and Vice-Chair of the Standards Committee to attend a Group Leaders' meeting in due course.

- Item 4 - Reference was made to a paragraph on Page 4 of the report stating that "*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*". It was noted that an update has not been provided on recording attendances to date.

RESOLVED that the Solicitor (Corporate Governance) raises the issue with the HR Training Manager, and reports back to the Standards Committee.

- Item 5 - A planned joint Chaining session with Gwynedd and Conwy local authorities was cancelled due to the pandemic. The Chaining training is now available on the Council's E-Learning portal.
- Item 11 - The Monitoring Officer reported that the Standards Committee's Local Resolution Protocol needs to be reviewed and strengthened. She recommended that the Committee reviews the Protocol further, and undertakes mediation training within the context of the Protocol.

RESOLVED:-

- **To review the Standards Committee's Local Resolution Protocol;**
- **That the Standards Committee undertakes mediation training within the context of the Local Resolution Protocol.**

- Item 12 - The Director of Function (Council Business)/Monitoring Officer gave an update on the Local Government and Elections (Wales) Bill. She confirmed that the Bill has been passed by the Welsh Assembly, and will be receiving Royal Assent in early 2021. The Bill will be presented to the County Council in due course to discuss the main points, and will be shared with the Standards Committee.

A member of the Committee requested that an action log be created for officers to update actions points that are outstanding, or have been completed.

RESOLVED to accept the above proposal.

Action: See Resolutions above.

3. MEMBER DEVELOPMENT

Submitted - an update report by the HR Training Manager on the progress of development opportunities offered to elected Members since the report submitted to this Committee on 11 March 2020.

The HR Training Manager reported that the Member Development Plan presented to Committee is for the financial year 2019/20, and has some events outstanding. She stated that information on training sessions has been highlighted and ragged in Appendix 1, to note training that has been achieved, and any training needs identified to carry forward to the 2020/22 Development Plan. It was noted that feedback has been received from Council Services and Welsh Government on formulating a revised Plan for the current period up until the elections in 2022.

Although traditional training delivery methods have been put on hold, some guidance and training has been provided on social media. Members and staff have had to adapt, and use Teams and Zoom as a new way of learning. Extensive training has been delivered on the use of webinars, and members of the Audit Committee have attended webinar sessions with CIPFA. It was noted that E-Learning modules are available, and can be accessed on the Council's Learning Pool platform.

The HR Training Manager reported that the Learning and Development Team are considering developing an elected Members' section on the E-Learning platform, so that information regarding training/events may be readily available. She stated that Group Leaders have requested assistance with ICT training for some elected Members, which is also available.

Concerns were raised that the workload for officers and Members would increase significantly, should more training sessions be added to the Plan. A question was raised whether the training workload would be prioritised or condensed into one year's work? The HR Training Manager responded that Senior Management and Heads of Service have been consulted on priority areas for training and development for inclusion in the Development Plan for 2020/22.

The Training Manager reported that discussions have also taken place with the WLGA's Policy and Improvement Officer in order to establish what resources are available. Feedback suggests that the Council should focus on continuing with briefing sessions in areas involving Planning, Housing, Social Care and Education. Once the Plan has been finalised, it will need to be approved by the SLT and Group Leaders, followed by the Democratic Services Committee and full Council.

With regard to Personal Development Review (PDRs) for the forthcoming year, the focus is likely to be on churning skills and providing further ICT training. Training will be prioritised, and the Plan will be updated following feedback in February 2021.

A member of the Committee referred to Point 3 (Finance) in the Appendix, and highlighted risks at all levels within the Council's services. She stated that although the Audit Committee looks at risk in detail, the Council should have a process for managing its risks at a strategic level, and within Council services. She reiterated that it is important that managing risk is not just seen as a financial matter, but as a process every Member should understand, and incorporate that process into their day to day actions.

The Director of Function (Council Business)/Monitoring Officer suggested that she raises the issue of risk management with the Director of Function (Resources)/Section 151 Officer and Head of Internal Audit, to identify the type of training that is required for the risk area.

RESOLVED:-

- **To note the information presented in the report.**
- **That all training needs emanating from Personal Development Reviews are forwarded to the HR Training Manager by 28 February 2021, in order that the Member Training and Development Plan can be revised and specific training prioritised.**
- **That the Member Training and Development Plan for 2020/2022 be presented for approval to the Democratic Services Committee, prior to submission to the full Council in 2021.**
- **That the Director of Function (Council Business)/Monitoring Officer raises the issue of risk management with the Director of Function (Resources)/Section 151 Officer and Head of Internal Audit.**

Action: See Resolution above.

4. 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/Community Councillors for Quarter 4 of 2019/20, and Quarters 1 and 2 of 2020/21.

The Solicitor (Corporate Governance) reported that no complaints had been lodged against County Councillors by members of the public between:-

- January to March 2020 (Quarter 4)
- April to June 2020 (Quarter 1)
- July to September 2020 (Quarter 2)

It was noted that no complaints had been received against Town/Community Councillors for the same periods.

RESOLVED:-

- **To note the contents of the report and Enclosures 1-6.**
- **That the Solicitor (Corporate Governance) prepares and distributes a newsletter to elected and co-opted Members, and members of Town and Community Councils, attaching a link to the report; and also**
- **That other matters arising in today's meeting be included in the newsletter (as appropriate).**

Action: See Resolution above.

5. DECISIONS BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES

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 October – December 2019 (Issue 23).

The Solicitor (Corporate Governance) reported that two breaches of the Code of Conduct have been reported, both involving Members of Merthyr Tydfil County Borough Council.

The first case involved a Member of Merthyr Tydfil County Borough Council who had breached the Code of Conduct by voting on the setting of the rate of Council Tax at a meeting of the full Council, whilst having Council Tax arrears. The Member had not declared an interest, and had brought the Council into disrepute under the Code.

The second matter referred to a Member of Merthyr Tydfil County Borough Council who had accepted a specific cabinet position, contrary to the Monitoring Officer's advice, and which created a conflict of interest with his employment at the time. The Member had also failed to declare personal and prejudicial interests in relation to the issue. Although the Ombudsman considered that a

breach of the Code had taken place, it was not considered in the public interest to investigate the matter further.

The Standards Committee were reminded, and the same message should be shared with elected and other co-opted Members of this Council, that they should contact the Monitoring Officer for advice on Code of Conduct issues, including declaring personal and prejudicial interests.

The Monitoring Officer reported that the number of complaints submitted to the Ombudsman nationally has increased significantly during the lockdown period. She stated that most of the complaints relate to the use of social media, which the Ombudsman is currently 'sifting' through. It was confirmed that none of the complaints received by the Ombudsman relate to Anglesey.

RESOLVED:-

- **To note the contents of the case summaries.**
- **That this item be included in the newsletter to elected and co-opted Members, and members of Town and Community Councils.**

Action: See Resolution above.

6. ADJUDICATION PANEL FOR WALES DECISIONS

Submitted - a report by the Solicitor (Corporate Governance) regarding recent decisions considered by the Adjudication Panel for Wales (APW), and published since the Committee's last meeting on 11 March 2020.

The Solicitor (Corporate Governance) reported that an appeal was lodged to the APW by a Member of Cardiff County Council, against a decision by Cardiff County Council's Standards Committee to suspend him from office for a period of 4 months for failing to comply with the provisions of the Code of Conduct requiring him:-

- (a) To show respect and consideration for others;
- (b) Not to use bullying behaviour or harass any person; and
- (c) Not to conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.

It was noted that Cardiff County Council's Standards Committee had considered that the breaches of the Code of Conduct were serious enough to merit a suspension.

The Adjudication Panel for Wales, whilst accepting the facts of the case – as they had been found by the Standards Committee, considered the appeal against sentence, and determined that the sanction awarded to the Councillor of four months suspension was justified.

RESOLVED:-

- **To note the content of the case summary.**
- **That this item be included in the newsletter to elected and co-opted Members, and member of Town and Community Councils.**
- **That the Solicitor (Corporate Governance) shares the link to the E-Learning training available to elected and co-opted Members of the Council [as referred in the Learning Points for Members in Enclosure 1 of the report] when distributing the newsletter.**

Action: See Resolution above.

7. ADJUDICATION PANEL FOR WALES – PRESIDENTIAL GUIDANCE

Submitted - a report by the Solicitor (Corporate Governance) on the Adjudication Panel for Wales' Presidential Guidance.

The Director of Function (Council Business)/Monitoring Officer reported that the Ombudsman refers complaints to the APW, if it is considered that a breach of the Code of Conduct is sufficiently serious, such that it may be appropriate to warrant a sanction of over 6 months' suspension. The APW has published new guidelines on the following 3 specific areas:-

- (a) Anonymity
- (b) Disclosure; and
- (c) The role of the Monitoring Officer in APW Proceedings

With reference to the Guidance on "anonymity", it was noted that APW hearings should be held in public. The APW and the Standards Committee have the right to exclude the press and public from a hearing, or part of a hearing and anonymise the minutes or part of the minutes. In each case, the Panel will review what is fair and necessary in the interest of justice. It was noted that the APW are more concerned about third parties and witnesses, rather than elected Members and officers.

In relation to the second Guidance on "disclosure", the Monitoring Officer reported that once a report has been prepared by the Ombudsman's Office, a schedule of unused but available material will also now be appended to the report (in addition to the Report and Evidence on which the Ombudsman has relied upon).

It was noted that the APW can request further information from the Ombudsman, if required. The Member also has the right to request further evidence.

In relation to the third Guidance, the Monitoring Officer suggested that the Standards Committee receive a copy of the Committee's Procedure for Conducting Hearings.

RESOLVED:-

- **To note the contents of the Adjudication Panel for Wales' Presidential Guidance included in Enclosures 1–3 of the report.**
- **That the Director of Function (Council Business)/Monitoring Officer sends a copy of the Procedure for Conducting Hearings to consider breaches of the Code of Conduct to members of the Standards Committee.**
- **That this item be included in the newsletter to elected and co-opted Members, and members of Town and Community Councils.**

Action: See Resolution above.

8. DISPENSATION(S)

Submitted - a report by the Solicitor (Corporate Governance) on the outcome of a dispensation hearing held on 29 July 2020, to consider a block application made by all members of this County Council in relation to the "six month rule".

The Chair reported that the Panel had granted an unlimited dispensation to all the named Councillors who had applied for a dispensation in relation to prejudicial interests relating to the "six month rule".

A correction was noted in the Welsh minutes, which states that the dispensation has been granted to the end of May 2020, when it should have read 2022.

RESOLVED:-

- **That the Standards Committee notes the dispensation granted, and the grounds and circumstances in which it was granted.**
- **That the draft minutes of the Dispensation Panel held on 29 July 2020 were ratified as correct by members of the Panel only (John R Jones, Rhys Davies and Sharon Warnes).**

Action: None

9. STANDARDS COMMITTEE ANNUAL REPORT BY THE CHAIRMAN

Submitted - the Annual Report of the Chair of the Standards Committee for 2019/20, as presented to the County Council at its Annual Meeting on 8 September 2020. The report details the work this Committee has achieved during 2019/20, and includes the work programme for 2020/21.

The Chair reported that he had been very happy to present the report to the Executive, though the majority of the work had been completed during the term of the former Chair of the Standards Committee, Mr Michael Wilson. He stated that the report sent out a positive message on the work of the Standards Committee.

RESOLVED:-

- **To note the information presented in the Standards Committee Annual Report 2019/20 and the Work Programme for 2020/21.**
- **That the Solicitor (Corporate Governance) forwards an English version of the link in the report to members of the Standards Committee.**

Action: See Resolution above.

10. STANDARDS COMMITTEE REVIEW OF THE REGISTER OF INTERESTS HELD BY TOWN AND COMMUNITY COUNCILS

Submitted - a report on a proposed review of the register of interests maintained by Town and Community Councils.

The Solicitor (Corporate Governance) reported that responsibility for deciding which Town and Community Councils are to be reviewed lies with the Standards Committee. It was noted that over recent years, 4 or 5 Town and Community Councils have been reviewed on each occasion.

Discussion focused on the format of the reviews the Standards Committee would adopt. The Committee considered the options available, and agreed to continue with the previous arrangement, and review 10% - 5 Town and Community Councils. It was decided that Councils who have been previously notified that they would not be subject to a review should be exempt. It was also decided that where a Clerk administers more than one Town or Community Council, no more than one of those Councils are to be subject to a review. It was suggested to vary the Town and Community Councils according to size, and include one Town Council; one large and one small Community Council. It was confirmed that two members of the Standards Committee (two independent members, or one independent and one Town and Community representative) would conduct the reviews.

It was suggested that the Standards Committee authorise the Chair, Vice-Chair and Solicitor (Corporate Governance) to decide which Town and Community Councils to review. The Committee agreed to the proposal.

The Committee confirmed that both a formal and less formal approach should be adopted. Individual Clerks will be contacted by telephone in the first instance, to explain the purpose of the review. A letter is then sent to confirm the arrangement and to request copies of the relevant documents for the review. A virtual meeting will then be arranged with each Clerk to discuss the documentation reviewed as part of the process.

Each individual Council is to receive its own summary of findings. The Standards Committee will not publish individual findings but will share a general report on the findings made during the review with all Town and Community Councils, and this will list good practice and include learning points.

RESOLVED:-

- **To note the contents of the report and enclosures.**
- **The Solicitor (Corporate Governance) to notify the Standards Committee of the Town and Community Councils that have been reviewed previously.**
- **To confirm that the Standards Committee authorises the Chair and Vice- Chair, having taken advice from the Solicitor (Corporate Governance) to decide which 5 Town and Community Councils are to be reviewed.**
- **That the Standards Committee contacts the Clerks of each selected Town and Community Council to inform them that they will be subject to a review.**
- **That a timetable for the reviews be agreed with the Clerks of each selected Town and Community Council.**

Action: See Resolution above.

The meeting concluded at 4.15 pm

**MR JOHN R JONES
CHAIR**