

STANDARDS COMMITTEE

Minutes of the meeting held on 16 June 2021

PRESENT: **Independent Members**

Mr John R Jones (Chair)
Dr Thomas Rhys Davies (Vice-Chair)
Mrs Sharon Warnes

Representing the County Council

Councillor J Arwel Roberts
Councillor Dafydd Rhys Thomas

Representing Town and Community Councils

Councillor Keith Roberts

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

APOLOGIES: Mrs Celyn Menai Edwards (Independent Member)
Mrs Gill Murgatroyd (Independent Member)
Councillor Iorwerth Roberts (Town and Community Council
Representative)

The Chair welcomed all those present to the meeting. He reported that Mrs Celyn Edwards and Mr Iorwerth Roberts were absent from today's meeting due to illness, and wished them a speedy recovery.

1. DECLARATION OF INTEREST

No declaration of interest was received.

2. MINUTES OF THE MEETING

The draft minutes of the Standards Committee held on 15 December 2020 were confirmed as correct.

An updated action log of matters arising from the minutes has been forwarded to members of the Standards Committee detailing the actions which have taken place in accordance with the minutes of the last meeting.

Reference was made to Item 3 of the minutes on Member Development - a question was raised regarding the outcome of the Monitoring Officer's request for risk management training to be made available to Members. The Monitoring Officer confirmed that she had received a response from the Finance Department on 18 February 2020, which has been shared with the Standards Committee.

An updated action log will be prepared following today's meeting.

3. MEMBER DEVELOPMENT

Submitted - a report by the Human Resources Training Manager on planned development opportunities for elected Members during 2021/22.

The HR Training Manager reported that due to the pandemic, training delivery has been limited over the past year, and Members have received training via E-Learning and briefing sessions.

It was noted that discussions have taken place with the SLT, Heads of Service and Group Leaders on Members' training needs, and a report was presented to the Democratic Services Committee on 16 March 2021. The focus for training for 2021/22 will be as follows:-

- Mandatory training
- I-Pad Training
- Legislative Training
- Briefing sessions

The HR Training Manager reported that it is likely that future training/briefing delivery will continue via MS Teams, Zoom, and the Authority's E-Learning platform, Learning Pool, which is regularly updated. She stated that support with regard to accessing online training/general ICT issues continues to be available to Members via the Training Team. Guidance notes and videos are also available from the Team to assist with access issues.

The HR Training Manager reported that the Welsh Government is considering replacing the NHS platform, which the Council has adopted, with a national E-Learning platform across Wales. If the proposed changes are implemented, training modules on the NHS platform may be transferred to the national Learning Pool, providing greater choice of training modules for elected Members.

Clarity was sought on mandatory training for Members of the Standards Committee. The Monitoring Officer responded that training on the Code of Conduct is mandatory for all Members, and is included in the Code.

A question was raised whether there is training provision in place for Members on the Council's budget? The Monitoring Officer responded that new Members will be offered training on how the Council's finances work as part of their induction. The HR Training Manager reported that Senior Managers of the

Council will provide new Members with an overview of the Council's work and priorities, which will be included in next year's Member Development Programme.

Discussion focused on future training delivery for Town and Community Councillors. The Monitoring Officer responded that One Voice Wales has provided training in the past, and are experts in the field. She stated that following the Council elections in May 2022, training sessions will be offered to members of Town and Community Councils as part of the Standards Committee's statutory duty. It was confirmed that the training provider will be One Voice Wales.

Code of Conduct training for the two newly elected County Council Members (following the by-elections in May 2021) have been arranged. These will be provided by the Monitoring Officer and Solicitor (Corporate Governance) in the next couple of weeks.

In terms of preparing for the new Council, the Head of Democratic Services reported that new Members may be elected, together with five additional Members (as the Council will have five extra seats as of May 2022). He stated that a combination of briefing sessions will be arranged on specific training, led by Senior Officers. The Member Development Programme will focus on providing information and support to Members following the election. It was confirmed that a copy of the draft Programme will be made available to members of the Standards Committee before it is finalised.

RESOLVED to note the Elected Member Development Programme and associated delivery for 2021/22, as detailed in the report, and for a copy to be shared with the Standards Committee.

Action: None

4. 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 the Chair has briefed Group Leaders on arrangements for 2021/22, and highlighted the importance of encouraging Members to complete Annual Reports. Elected Members were requested to submit their reports by 12 May 2021, for publication on the Council's website before the end of June 2021. It was noted that 13 draft Annual Reports have been received to date.

The Head of Democratic Services reported that the WLGA is currently updating Members' role descriptions, which will be adapted locally and circulated to Members following their election. The descriptions are designed to be used with the Member Development (Competency) Framework, which was published in April 2021, and is available on the WLGA's website.

The Monitoring Officer reported that a meeting of Chairs of National Standards Committees and Monitoring Officers will be held this month to review the Code of Conduct. She stated that information is regularly shared between Monitoring Officers on how each Standards Committee has adapted the Code of Conduct locally. It was noted that it may be possible for this Standards Committee to request that Members' Annual Reports become statutory under the Code.

RESOLVED to note the information presented in the report.

Action: None

5. CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer on the quarterly update of complaints submitted to the Ombudsman against (a) County Councillors, and (b) Town/Community Councillors.

The Monitoring Officer reported that no complaints had been submitted to the Ombudsman against County Councillors between October - December 2020 (Quarter 3), and January - March 2021 (Quarter 4).

It was noted that one complaint was presented to the Ombudsman against a Town Councillor during the same six month period. The Ombudsman has considered the complaint, and decided not to investigate further.

RESOLVED:-

- **To note the contents of Enclosures 1-4.**
- **That the Director of Function (Council Business)/Monitoring Officer distributes Enclosures 1-4 to elected and co-opted members of the Council, and members of the Town and Community Councils in the Newsletters.**

Action: See Resolution above

6. DECISIONS BY THE PUBLIC SERVICE OMBUDSMAN FOR WALES

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer summarising the Public Services Ombudsman for Wales (PSOW's) quarterly Casebook of Code of Conduct complaints for January - December 2020.

The Monitoring Officer reported that 13 cases had been referred to the Ombudsman and decided during 2020, as reported in Casebook (Issue number 24), published in April 2021.

The following main learning points for elected Members and Town and Community Councillors were highlighted:-

- Showing remorse and apologising for one's actions can assist members who have breached the Code of Conduct, but may not always be enough for the Ombudsman not to take further action.
- It is the responsibility of each individual Member to undertake training, or to seek advice from the Monitoring Officer in relation to declaring personal/ prejudicial interests.
- Intervention by the Chair of the Standards Committee and Monitoring Officer to resolve disagreements may be considered sufficient for the Ombudsman not to pursue matters further.
- It is possible for elected Members and Town and Community Councillors to self-refer Code of Conduct breaches to the Ombudsman for investigation.

An update in relation to cases 11 and 12 will be shared with Committee members in due course.

RESOLVED to note the report and enclosures.

Action: None

7. ADJUDICATION PANEL FOR WALES DECISIONS

Submitted - a report by the Solicitor (Corporate Governance) in relation to two decisions made and published by the Adjudication Panel for Wales since the previous meeting of the Standards Committee on 15 December 2020.

The Solicitor (Corporate Governance) referred to the first allegation for a breach of the Code of Conduct by a former Community Councillor in Sully and Lavernock Community Council, which related to the Councillor having posted three public messages on Facebook, which included swear words and strong opinions in relation to three high profile UK politicians.

During the Ombudsman's investigation, a further allegation was made against the Councillor, in that he failed to comply with the Ombudsman's request for further information and evidence regarding the case.

The Case Tribunal concluded that although the Councillor had acted in his personal capacity when posting messages on Facebook, it was considered that the content of the messages went beyond political expression and the Member had acted recklessly. He was subjected to a sanction of 15 months disqualification due to the severity of the allegations.

The Solicitor (Corporate Governance) reminded the Committee that it is good practice to follow the WLGA's Guidance to Members on the use of Social Media, which has already been shared with the Standards Committee, and a link is included in the report. She also reminded the Committee of the APW's Sanctions Guidance, used when considering sanctions.

The second case referred to six allegations against a County Councillor from Merthyr Tydfil County Borough Council who had breached the Code of Conduct in relation to a personal and prejudicial interest relating to his interest in a neighbouring property (next door to his home address), and failing to show respect towards the former Chief Executive in a meeting. The Adjudication Panel for Wales suspended the Councillor for seven months.

The Solicitor (Corporate Governance) reminded the Committee that attending training on the Code of Conduct will assist Members to improve their understanding of the provisions of the Code, and will also act as a mitigating factor before the APW.

RESOLVED to note the content of the case summaries.

Action: None

8. APPLICATIONS FOR DISPENSATIONS

No report was presented, but it was noted that no applications for dispensations have been received since the last meeting of the Standards Committee, and the date of publishing this agenda.

9. STANDARDS COMMITTEE'S ANNUAL REPORT BY THE CHAIRMAN

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer on the Standards Committee's Annual Report, which includes details of the Committee's main achievements for 2020/21 and a work programme for 2021/2022.

The Monitoring Officer reported that under the Local Government and Elections (Wales) Act 2021, it will become a statutory requirement for the Standards Committee to present an annual report to Council; this comes into effect in May 2022. However, an annual report is something this Committee already does, and the current report was presented by the Chair to the Council's Annual Meeting on 18 May 2021, and accepted.

The Monitoring Officer proposed that the Standards Committee reviews the structure and format of the annual report in due course, to which the Committee agreed.

With reference to future annual reports, a request was made for the Standards Committee to review a draft version of the report before it is finalised. The Monitoring Officer responded that she would be happy to receive feedback from Members of the Standards Committee, but the report is that of the Chair. The Chair agreed he would be willing to consider the Committee's input on any future reports.

RESOLVED:-

- **To note the information presented in the report.**
- **To review the structure of the Standards Committee's Annual Report prior to preparation of the next Report.**
- **To convene an informal meeting of the Standards Committee to review the draft copy of the Chair of the Standards Committee's Annual Report prior to submission to Council.**

Action: See Resolution above

10. REPORT FOLLOWING A REVIEW OF THE TOWN AND COMMUNITY COUNCILS' REGISTERS OF INTERESTS

Submitted - a report by the Solicitor (Corporate Governance) on the review of Members' Registers of Interests in a sample of the Town and Community Councils, to ensure compliance with the Code of Conduct.

The Solicitor (Corporate Governance) reported that in the Standards Committee meeting on 15 December 2020, it was agreed that the Chair, Vice-Chair and Solicitor (Corporate Governance) would decide which five Town and Community Councils to review. Initial contact was made via telephone calls to the Clerks, followed by letters of explanation to the Clerks and Chairs of the five selected Councils.

It was confirmed that the reviews had taken place between March and May 2021 by two members of the Standards Committee, with the Solicitor (Corporate Governance) also in attendance.

The members who took part in the review process gave positive feedback on their experience. It was also felt that the Clerks of Town and Community Councils were keen to progress and adapt to recent changes due to the pandemic, and are now convening meetings virtually on Zoom. Several Clerks had commented that they would welcome a "peer support group" to share ideas and good practice, and this message was relayed to the Standards Committee.

The Members of the Standards Committee, and the majority of the Clerks and Chairs who participated in the reviews had also expressed the same - felt that the experience had been beneficial. The Chair and the Standards Committee thanked the Solicitor (Corporate Governance) for her professionalism and support during the review process. Thanks were also extended to the Clerks of the Town and Community Councils for their co-operation and excellent contribution throughout the reviews.

It was noted that a personal letter will be sent to each Council who has been subject to a review, identifying the findings made, and providing specific advice to that Council. - Those letters will not be published by the Standards Committee.

A Newsletter on the general findings and common learning points noted during the review process will be circulated to the Clerks of Town and Community Councils (a draft Report is included as Enclosure 1 to this report), with a request that it be shared amongst their members, and included as an agenda item at their next meeting. No Council is named or identified in that general report.

RESOLVED:-

- **To note the contents of the report in Enclosure 1.**
- **To confirm that the general report in Enclosure 1, with amendments made to the section on “Clerk Forum”, be circulated to all Town and Community Councils, under cover of the correspondence included at Enclosure 2, with a request for the report to be discussed at a Town / Community Council meeting, and a copy of the minutes be forwarded to the Standards Committee; and**
- **That a further report be presented to the next meeting of the Standards Committee detailing the responses received from the Councils.**

Action: See Resolution above

11. REVISED CODE OF CONDUCT GUIDANCE FOR MEMBERS OF (A) COUNTY COUNCILS, AND (B) TOWN AND COMMUNITY COUNCILS PUBLISHED BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer on the above.

The Monitoring Officer reported that the Standards Committee met informally on 10 March 2021 to discuss the consultation by the Public Services Ombudsman for Wales (PSOW) in relation to the proposed amendments to the Guidance on the Code of Conduct for (a) elected Members of County Councils and (b) Town and Community Councillors. The Committee formulated a response, which was presented to Group Leaders and accepted on 18 March 2021. A formal letter of response was sent to the PSOW, prior to the deadline of 21 March 2021.

It was noted that the final versions of the Guidance have now been published by the PSOW, and very little has changed in the content of these Guidance on the Code of Conduct for County Councillors and Town and Community Councillors.

The Standards Committee felt that their input on the consultation, and that of the other 22 Standards Committees, was not given due consideration by the Ombudsman’s Office, due to time constraints.

RESOLVED:-

- **To agree that the amended Guidance be brought to the attention of the elected Members and the Town and Community Councillors by way of the Newsletters; and**
- **That the Briefing Note prepared by the Standards Committee on**

personal and prejudicial interest is updated, to include the new PSOW Guidance.

Action: See Resolution above

12. RESPONSES FROM THE TOWN AND COMMUNITY COUNCILS REGARDING THE STANDARDS COMMITTEE'S NEWSLETTER

Submitted - a report by the Solicitor (Corporate Governance) on the responses received from the Town and Community Councils in relation to the Newsletter distributed in March 2021.

The Solicitor (Corporate Governance) reported that the Standards Committee in its meeting on 15 December 2020, agreed to share information following each formal meeting in the future by way of a Newsletter to (a) elected Members and (b) Town and Community Councils.

The first Newsletter was sent to all the Town and Community Councils on 4 March 2021. When sending the Newsletter, a request was made for Clerks to include the Newsletter as an agenda item in their next formal Council meeting (a copy of the letter sent and the request made is included in Enclosure 1 to the report). A copy of their agenda/minutes should then be forwarded to the Council, thereby confirming the Newsletter had been discussed. It was noted that (as per Enclosure 2 of the report) 9 responses from amongst the forty Town and Community Councils had been received to date.

It was suggested that Town and Community Councils who have not responded to the Standards Committee's request be reminded, emphasising that the Committee is eager to offer support. It was agreed to include this information in the next Newsletter, following today's meeting.

The Monitoring Officer suggested, and it was accepted, that after next year's elections, the Standards Committee conducts reviews in a sample of the Town and Community Councils who have not responded to this request for feedback on this year's review. Advanced notice will be given on the review process, and that a failure to respond to the Standards Committee's request is part of the reasoning why such Councils will be / have been selected.

RESOLVED:-

- **To note the information detailed in Enclosure 2 of the report with regard to Town and Community Councils; and**
- **To review a sample of those Town and Community Councils who have not responded to the request after the 2022 Town and Community Council elections.**
- **That the Solicitor (Corporate Governance) arranges that feedback received from the nine Town and Community Councils be available to Members of the Standards Committee.**

Action: See Resolution above

The meeting concluded at 3.30 pm

MR JOHN R JONES
CHAIR