

STANDARDS COMMITTEE

Minutes of the meeting held on 15 December 2021

PRESENT: **Independent Members**

Mr John R Jones (Chair)
Dr Thomas Rhys Davies (Vice-Chair)
Mrs Celyn Menai Edwards
Mrs Gill Murgatroyd
Mrs Sharon Warnes

Representing the County Council

Councillor J Arwel Roberts

Representing Town and Community Councils

Councillor Iorwerth Roberts
Councillor Keith Roberts

IN ATTENDANCE: Interim Director of Function (Council Business)/Monitoring Officer
Legal Services Manager and Deputy Monitoring Officer
Committee Officer (SC)

APOLOGIES: Councillor Dafydd Rhys Thomas

1. DECLARATION OF INTEREST

Mrs Celyn Edwards declared a personal interest in Item 5, section 2.3 of the agenda, due to her close association with Members of the County Council and staff in her work.

2. MINUTES OF THE MEETING

The draft minutes of the Standards Committee held on 16 June 2021 were confirmed as correct, subject to the following-

Matters arising from the minutes of 16 June 2021

- It was brought to the Committee's attention that an up to date action log has not been included in today's agenda papers, as had been previously agreed.

RESOLVED that the Legal Services Manager/Deputy Monitoring Officer notes the request in relation to future meetings.

- Item 4 - With reference to Members' Annual Reports, it was confirmed that no changes have been made to the Code of Conduct to permit the Standards Committee to request that Members' Annual Reports become statutory.
- Item 6 - It was noted that the Ombudsman is considering intervention by the Chair and Monitoring Officer to be sufficient to resolve disagreements, and not pursue matters further. The Chair reported that the Standards Committee will have an opportunity to discuss this issue further when considering Mr Richard Penn's report and the outcome of the Welsh Government review. It was noted that intervention would be undertaken before local resolution, to mitigate any issues before they escalate into complaints.
- Item 9 - It was noted that the Chair and the Standards Committee will meet informally to review the Committee's draft Annual Report in future, before it is finalised and presented to the County Council in due course.

Matters arising from the Minutes of the Dispensation Panel held on 12 November 2021

A question was raised as to whether any dispensation had been actioned to date. The Legal Services Manager and Deputy Monitoring Officer confirmed that in the Executive meeting on 13 December 2021, some Members of the Executive declared an interest, and stated that they had been granted a dispensation to discuss an item on the agenda.

RESOLVED:-

- **To note the dispensation granted, and the grounds and circumstances in which it was granted.**
- **That the draft minutes of the Dispensation Panel held on 12 November 2021 were ratified as correct by members of the Panel only (John R Jones, Rhys Davies and Gill Murgatroyd).**

3. MEMBER DEVELOPMENT AND TRAINING

No report was submitted.

The Legal Services Manager and Deputy Monitoring Officer reported that Group Leaders will not be considering further non-mandatory training until the end of the current term of this Council. It was noted that resources are now being channeled towards preparing a comprehensive training programme for the new Council, following the elections in May 2022. A proposal was put forward for topics recommended previously by this Committee to be included in the training programme.

RESOLVED that the Legal Services Manager and Deputy Monitoring Officer forwards the Committee's proposal to the HR Development Team for inclusion in the next Member Development and Training Programme.

Action: None

4. MEMBERS' ANNUAL REPORTS

Submitted - a report by the Head of Democratic Services on Members' Annual Reports for the period 2020/21.

The County Council has a duty to ensure that arrangements are in place for Members to publish annual reports online.

It was highlighted that although it is not mandatory for Members to present annual reports on their activities, Group Leaders encourage Members to undertake the work.

It was noted that 14 Members have presented reports for the period 2020/21, which will be published on the Council website by the end of March 2022.

RESOLVED to note 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 in the form of a quarterly update on complaints received by the Ombudsman in relation to (a) County Councillors, and (b) Town and Community Councils.

It was highlighted that only one complaint was made against a County Councillor, the remainder of the complaints made were against Town and Community Councillors.

Concerns were expressed regarding para 3.1 of the report, requesting that the Standards Committee identifies trends arising. The Standards Committee considered that due to anonymity within the report, it would not be possible to identify any trends or corrective actions at present. The Committee felt that they will need to examine additional information regarding the nature of the complaints before they can respond.

The Chair proposed that the Standards Committee meet informally in the New Year to look at the anonymised complaints in more detail, and establish whether any trends can be identified. It was suggested that the Committee also looks at previous cases, to ascertain the reasons why the Ombudsman considers cases to be worthy of investigation.

The Legal Services Manager and Deputy Monitoring Officer responded that no significant trends were identified in this report that would be a cause for concern, and stated that he would be happy to provide the information requested.

RESOLVED:-

- That the Standards Committee notes the contents of Enclosures 1-4 in the report.
- That the Interim Director of Function (Council Business)/Monitoring Officer distributes Enclosures 1-4 to the Town and Community Councils, elected Members and co-opted Members of the Council in the Newsletters.
- That an informal meeting of the Standards Committee be convened in the New Year to discuss trends arising from the report, and previous minutes of the Standards Committee.

Action: See Resolution above

6. ADJUDICATION PANEL FOR WALES DECISIONS

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer comprising a summary of the decisions published by the Adjudication Panel for Wales (APW)'s since the Standards Committee's last meeting on 16 June 2021.

The Interim Director of Function (Council Business)/Monitoring Officer referred to the learning points from the first tribunal case, and stated that it is the statutory duty of the Monitoring Officer to ensure that interests are recorded correctly, and not the Standards Committee, as noted in the report.

The Legal Services Manager and Deputy Monitoring Officer referred to the learning points in the second tribunal case. He highlighted the difference between bullying and harassment, and stated that to harass somebody, you need a series of events, whereas one incidence could be sufficient for bullying. It was noted that the Ombudsman's guidance notes this difference clearly.

The Legal Services Manager and Deputy Monitoring Officer reported that usually in a harassment case, you would expect the complainant to suffer the incident as it happens. He stated that in this case, the complainant was only made aware that the Councillor had followed a course of conduct and made a complaint against her on behalf of a third party three weeks later. It was noted that you can harass someone ex post facto.

RESOLVED to note the content of the case summaries.

Action: None

7. DISPENSATION(S)

The minutes of the Dispensation Panel were discussed and accepted in Item 2 on this agenda.

Action: None

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

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

On 21 July 2021, the Standards Committee requested that Clerks to all Town and Community Councils respond to the Standards Committee's report, and forward a copy of each agenda/minutes to this Committee confirming they have discussed the Newsletter in their meetings. The Legal Service Manager and Deputy Monitoring Officer reported that only 5 of the 40 Town and Community Councils had responded to the request.

Discussion focused on whether the Standards Committee should take any further action in relation to the Town and Community Councils who had not responded.

It was agreed that the five members of the Standards Committee who previously undertook reviews with the Clerks of the Town and Community Councils, contact the Clerks of those Councils to hold an informal discussion as to how the Standards Committee could support and share good practice with the Town and Community Councils and enhance their relationship in the future.

RESOLVED to:-

- **Note the information presented in the Town and Community Council responses in Enclosure 2, and**
- **That the five Members of the Standards Committee who carried out reviews previously, contact the 5 Town and Community Councils for an informal discussion to ascertain how this Committee can assist the Town and Community Councils in future.**

Action: See Resolution above

9. S62-63 OF THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer on changes to the statutory Ethical Framework, introduced by Part 4 of the Local Government and Elections (Wales) Act 2021.

The Legal Services Manager and Deputy Monitoring Officer gave an update on forthcoming changes in relation to S62-63 of the Act. Group Leaders will be responsible for promoting and maintaining high standards of conduct by members of their groups from May 2022, which will be overseen by the Standards Committee

It was noted that local authorities are awaiting Welsh Government Guidance to be implemented gradually from May 2022 into 2023. The Standards Committee's Terms of Reference will need to be reviewed as a result of the changes.

RESOLVED that the Standards Committee reviews its Terms of Reference and monitoring framework to strengthen the new duty on Group Leaders, following the publication of the Welsh Government Guidance.

Action: See Resolution above

10. ETHICAL STANDARDS FRAMEWORK

Submitted – an update report by the Director of Function (Council Business)/ Monitoring Officer on the review of the Ethical Standards Framework. The Framework was established to promote high standards of ethical conduct by Members when carrying out Council business.

The Legal Services Manager and Deputy Monitoring Office reported that the Standards Committee has considered the Welsh Government's recommendations in para 6 of the report, and sent a formal response to Mr Richard Penn, outlining the Standards Committee's comments in relation to the consultation.

Concerns were expressed regarding the proposed greater use of Local Resolution. The Standards Committee felt that should they be given additional powers to resolve local issues, then the Committee will need more resources to deal with the increased workload. It was noted that increased pressure would be placed on the Clerks of Town and Community Councils, Monitoring Officers and staff.

It was suggested that the Standards Committee pre-empt the impact of the changes on Town and Community Councils by maintaining regular contact with the Clerks from the start, by providing regular updates by way of the Newsletter.

RESOLVED to note the report, in the expectation of being consulted on any proposed changes to the Ethical Standards Framework, as and when these are received from Welsh Government, and the expectation that they shall be in place and operational by 5 May 2022.

Action: None

The meeting concluded at 3.15 pm

**MR JOHN R JONES
CHAIR**