

STANDARDS COMMITTEE

Minutes of the meeting held on 14 December 2022

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 Town and Community Councils

Councillor Iorwerth Roberts

IN ATTENDANCE: Director of Function (Council Business)/Monitoring Officer
Solicitor (Corporate Governance) (MY)
Human Resources Training Manager (MW)
Committee Officer (SC)

APOLOGIES: Councillor Trefor Lloyd Hughes MBE (County Council Representative)
Councillor Dafydd R Thomas (County Council Representative)
Councillor Margaret Thomas (Town and Community Council Representative)

The Chair welcomed all those present to the meeting. He extended a warm welcome to Councillor Iorwerth Roberts, a returning member of the Standards Committee.

1. DECLARATION OF INTEREST

Mrs Celyn Edwards declared a personal interest in Item 9 on the agenda, in relation to her work outside this Committee.

2. MINUTES OF THE MEETING

The draft minutes of the Standards Committee held on 28 June 2022 were confirmed as correct, subject to the following:-

Matters arising from the minutes of 28 June 2022:-

- The Chair reported that he, together with the Vice-Chair, attended the Town and Community Council Forum meeting in September 2022.
- The Chair confirmed that the Standards Committee's Annual Report was approved by Council on 30 September 2022.

3. MEMBERS' ANNUAL REPORTS

Submitted - a report by the Business Manager for Democratic Services on the process and timetable for publishing Members' Annual Reports.

The Business Manager reported that arrangements are in place to enable members to prepare annual reports on their activities. She stated that, although it is not a statutory requirement, the Standards Committee has asked Group Leaders to encourage their members to submit reports, as it plays a significant part in creating an annual development plan for members.

It was noted, with disappointment by the Standards Committee, that only 4 members out of the 18 who were eligible (returning after the local government elections in May 2022) had submitted annual reports. Those received have been published on the Council's website.

With regard to annual reports for 2022/23, a report template was shared with members on 14 July 2022 to remind them of the need to keep records / collate data for submission of the next annual report. A draft timetable has been presented and this includes a deadline for submitting the 2022/23 reports to the Head of Democracy by 31 May 2023.

Concerns were expressed by Committee members regarding the low uptake in members submitting annual reports. A request was made for the Standards Committee to receive a copy of the Head of Democracy's report, which will be presented to Group Leaders in June 2023, on the number of members in each Group who have not completed annual reports by the deadline. It was also agreed by the Committee that the issue of members' annual reports be included as an agenda item / any other business at the next meeting of the National Standards Committee Forum.

RESOLVED:-

- **To note the content of the report.**
- **That the Business Manager for Democratic Services forward the Committee's request to the new Head of Democracy, for the Standards Committee to receive a copy of his report on members' annual reports to Group Leaders in June 2023.**
- **That the Monitoring Officer requests that the issue of members annual reports be raised in the next National Standards Committee Forum meeting on 27 January 2023, in order to:-**
 - **establish whether the low submission of annual reports by members is a pattern throughout Wales, and**
 - **discuss whether the status of annual reports should be raised to a mandatory requirement.**
- **That the Chair and Vice-Chair discuss, with Group Leaders, ways to further encourage their members to submit annual reports and to establish the reasons for the apparent reticence of some members.**
- **That the Business Manager and HR Training Manager (HRTM) discuss ways to encourage / support members in submitting their annual reports.**

Action: See Resolution above

4. MEMBER DEVELOPMENT

Submitted - a report by the HRTM on training sessions offered to members since May 2022.

The HRTM reported that since May 2022, 47 training days were delivered to members on a range of subjects eg Planning, Licensing, Audit, ICT Skills, Chairing for Scrutiny Chairs and Vice-Chairs. Further training on Health, Safety & Wellbeing has been scheduled for the New Year. It was noted that attendances at training sessions have been varied.

The Standards Committee was unanimously of the view that, as chairing meetings has become more complex owing to the introduction of hybrid meetings, it was agreed to request that Group Leaders make chairing skills training mandatory for Chairs and Vice-Chairs of Committees.

It was noted by the HRTM that training delivery is continually being reviewed in terms of timing of meetings; daytime/late afternoon/early evening, to take into account the work/caring commitments of members.

Concerns were expressed that information relating to members' attendance at training sessions cannot be accessed via the Council website. It was noted that attendances at training sessions are recorded by members in Members' Annual Reports and these are published on the Council's website.

The HRTM reported that HR staff are available to offer support to members to complete and publish their annual reports. She stated that Standards Committee's attendance at training and briefing sessions are not published online, but they are noted and logged by Human Resources.

Concerns were raised by the Committee regarding three of the four aspects of mandatory training outlined in the report. All 35 have completed the cyber security module but only 24 out of 35 have completed equality and diversity and 12 of the 35 have completed data protection. It was also noted that 6 of the 35 elected members have not undertaken training on the Code of Conduct; although it is mandatory under the Code of Conduct adopted by the County Council.

RESOLVED:-

- **To note the content of the report**
- **That the Chair, and Vice-Chair raise the following issues at a future Group Leaders meetings:-**
 - **To propose that Chairing Skills training be made mandatory for Chairs and Vice-Chairs of Committees on appointment (or reappointment), and that training be undertaken every 2 years. This requirement for mandatory training on chairing is to be extended to**

include non-elected independent and co-opted Chairs and Vice-Chairs of Committees too, and

- **To recommend to Group Leaders that they encourage members to update the information available online in relation to their attendance at training and briefing sessions.**
- **That the Chair and Vice-Chair forward a copy of the Newsletter that will be drafted, following this meeting, to Group Leaders.**
- **Having received data from officers, on the members of each group who have failed to complete the mandatory training that the Chair and Vice Chair of the Standards Committee to request that Group Leaders report back with how they intend to resolve this issue.**
- **That the issue of Chairing Skills for Chairs and Vice-Chairs of Standards Committees to be raised in the next meeting of the National Standards Committee Forum.**

Action: See Resolution above

5. CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Submitted - a report by the Solicitor (Corporate Governance) in the form of an updated matrix of quarterly complaints received by the Public Services Ombudsman for Wales (PSOW) in respect of (a) County Councillors, and (b) Town/Community Councillors.

The Solicitor (Corporate Governance) reported that the PSOW received one complaint against a County Councillor from a member of the public between April - June 2022 (Q1), which was not investigated. No complaint was received against a County Councillor between July - September 2022 (Q2).

It was noted that two complaints were presented to the PSOW against Town/Community Councillors during Quarter 1, 2022. The Ombudsman decided not to continue with the investigation in the first case and decided not to investigate the second complaint. No complaint was received against a Town/Community Councillor for Quarter 2.

In response to a question on trends arising, the Monitoring Officer responded that the number of complaints are currently so few that it is not possible to identify any particular trends. When a pattern of similar complaints does emerge, the Monitoring Officer will report it to the Chair of the Standards Committee and suitable interventions will be discussed.

RESOLVED:-

- **To note the contents of Enclosures 1-4.**
- **That the Monitoring Officer distributes Enclosures 1-4 to the Town and Community Councils and to the elected and co-opted members via their respective Newsletters.**

Action: See Resolution above

6. DECISIONS BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Submitted - a report by the Solicitor (Corporate Governance) summarising the Public Services Ombudsman for Wales (PSOW)'s findings in relation to Code of Conduct cases between 1 June and 30 November 2022, which are now published on the Ombudsman's website.

The Solicitor (Corporate Governance) detailed that 13 cases had been reported on during this period. The following themes were noted:-

The two stage test continues to be used, where the Ombudsman firstly considers whether there is evidence of the Code of Conduct being breached and, if so, whether it would be in the public interest for the Ombudsman to conduct an investigation.

There were several cases where the subject of the complaint had ceased being a councillor between the date when the breach occurred and the Ombudsman's investigation. It is important to note that former councillors are still subject to the Ombudsman's jurisdiction, even when they cease to hold office, provided the breach occurred while they were still councillors. The only distinction will be the impact on the public interest test and more limited sanctions available (Standards Committees can still censure and a case tribunal of the Adjudication Panel for Wales can still censure or disqualify for up to 5 years).

Cases 3 and 5 were to be discussed in Item 7 on the agenda, as cases where the Ombudsman had referred them to the Adjudication Panel for Wales.

Cases 4 and 13 - these were matters that had been referred to the relevant Standards Committee but the Committees were limited in the sanctions they could impose (censure) as the councillors were no longer serving councillors.

Case 6 - even though only one member of the community council was subject to the Ombudsman's investigation, and deemed to have breached the Code of Conduct, the Ombudsman recommended that all members of the Community Council undertake training on the Code of Conduct.

RESOLVED:-

- **To note the report and enclosures.**
- **That all town and community councillors are encouraged to undertake Code of Conduct Training.**
- **That certain themes arising within the report be included in the respective Newsletters that are to be shared with IOACC's members and the members of the town and community councils.**

Action: See Resolution above

7. DECISIONS BY THE ADJUDICATION PANEL FOR WALES

Submitted - a report by the Solicitor (Corporate Governance) summarising the key issues and learning points presented in the decisions published by the Adjudication Panel for Wales (since the Standards Committee's last meeting on 28 June 2022).

A correction was noted in relation to case 3 on page 55 of the Welsh version of the report; the reference to paragraph 5(c) should read paragraph 4(c).

Case 1 – An allegation that a Councillor had misled the Town Council as to his eligibility to become a town councillor, as he was subject to a criminal conviction, which automatically disqualified him from standing for office. The Adjudication Panel for Wales disqualified the individual for a period of 2 years. This case shows that the Adjudication Panel for Wales considers that the Code of Conduct is relevant, even to those not deemed eligible to be elected in the first place.

Case 2 – An allegation that a Councillor had breached the Code of Conduct for Members, as she had committed a criminal offence whilst holding the office of councillor. The Adjudication Panel for Wales disqualified the individual for a period of 1 year. In addition to the sanction for the individual Councillor, the Adjudication Panel for Wales also made two recommendations: the first, that all members of the Community Council attend training on the Code of Conduct within three months; and secondly, that the Community Council considers making it a requirement for the Council's Clerk to attend such training too.

Case 3 – This case included the consideration of 3 separate complaints in relation to the same Councillor, with a common theme being the Councillor's inappropriate use / comments on social media. The APW disqualified the individual for a period of 3 years.

RESOLVED:-

- **To note the content of the case summaries.**
- **To include information from the case summaries and the learning points in particular in the respective Newsletters that are to be shared with IOACC's Members and the members of the town and community councils.**

Action: See Resolution Above

8. APPLICATIONS FOR DISPENSATIONS

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

9. THE STANDARDS COMMITTEE'S MONITORING OF A SAMPLE OF COUNCIL/ COMMITTEE MEETINGS

Submitted - a report by the Head of Function (Council Business)/Monitoring Officer incorporating details of a pilot review undertaken by four independent members of the Standards Committee. It was noted that two members attended each meeting of the County Council, Planning and Orders Committee and both Scrutiny Committees, on a rota, so as to observe members' conduct in each of their formal meetings.

The Monitoring Officer reported that an evaluation sheet had been developed to record observations made when attending meetings (Enclosure 2 of the report). Following each of these meetings, the Standards Committee members who had been observing, would provide feedback to the relevant Chair. A letter detailing general feedback and findings was shared with Group Leaders following the review process; in addition to Code of Conduct matters, this letter also included general observations made by the Standards Committee members in relation to processes/constitutional issues / matters relating to hybrid meetings.

The following corrections were noted in relation to the Meetings Schedule at page 45, Enclosure 1 of the report:-

County Council meeting on 6/12/22 - It was agreed prior to the meeting that the independent members were not expected to attend this meeting.

Corporate Scrutiny Committee on 19/10/22 - It was noted that the Chair, Vice-Chair and Mrs Gill Murgatroyd, (independent member of the Standards Committee), attend the meeting.

RESOLVED:-

- **To accept the Chief Executive's recommendation that the Democratic Services Committee considers the general matters identified during the observation exercise, which fall outside the remit of the Standards Committee.**
- **It was agreed the Standards Committee would continue to review th Corporate Scrutiny Committee.**
- **It was agreed to revisit the pilot and evaluation sheet in 6 months.**
- **That the Standards Committee provides feedback from this exercise to the elected members.**
- **That the Council Leader's request for the Standards Committee members to observe the Executive be discussed in the Standards Committee's next informal meeting.**

Action: See Resolution above

10. LOCAL RESOLUTION PROTOCOL

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer on the Standards Committee's Local Resolution Protocol (LRP) following

changes brought into force by the Local Government and Elections (Wales) Act 2021, in relation to the new statutory duty on Group Leaders with regard to the conduct of their members.

The Monitoring Officer reported that it is not a statutory requirement for local authorities to adopt a LRP, although Welsh Government and the Ombudsman expect Councils to do so.

It was noted that the Chair and Vice-Chair presented a revised version of the LRP to Group Leaders at their meeting on 29 September 2022.

The LRP was presented to Members at a Briefing Session on 1 December 2022.

The Monitoring Officer referred to the new draft version of the LRP in Enclosure 1, which has been simplified, and takes into account the enhanced role expected by Group Leaders in relation to the conduct of their group members. She gave an overview of how the new LRP will work, and explained the principles involved in the process.

It was noted that Group Leaders supported the principles of the revised LRP which reflects the legislation as it now stands. The Standards Committee was requested to approve and adopt the final version of the LRP.

RESOLVED:-

- **To note the agreement of Group Leaders to the LRP in Enclosure 1.**
- **To approve and adopt the LRP as per the draft in Enclosure 1.**
- **To encourage the use of the LRP in Enclosure 1 by members in relevant circumstances; and**
- **To review the process adopted and the document itself in 12 months' time.**

Action: See Resolution above

11. COMMUNITY COUNCIL MEMBERS OF THE STANDARDS COMMITTEE

Submitted - a report by the Head of Function (Council Business)/Monitoring Officer on the appointment of two Community Council members to the Standards Committee, following the local government elections in May 2022.

The Monitoring Officer reported that a process has been undertaken whereby requests were made to clerks of town and community councils to nominate up to two councillors for the role of town and community council representatives on the Standards Committee.

On 6 October 2022, a postal ballot was conducted in each of the town and community councils, and a request was made for ballot papers to be returned by 19 November 2022. On 23 November, two successful candidates were identified, and the process was verified by the Chair of the Standards Committee.

A report was presented to the County Council at its meeting on 6 December 2022 requesting the full Council's decision to appoint the successful candidates. The County Council approved the recommendations in the report, and appointed the following community councillors to the Standards Committee until the next local government election or until they stop being community councillors, whichever is sooner:-

- Councillor Margaret Ann Thomas of Llangefni Town Council, and
- Councillor Iorwerth Roberts of Bryngwran Community Council.

RESOLVED:-

- **To note the content of the report; and**
- **To note the appointment of Councillor Margaret Ann Thomas and Councillor Iorwerth Roberts as town and community council representatives on the Standards Committee by the County Council meeting on 6 December 2022.**

Action: See Resolution above

12. CODE OF CONDUCT TRAINING FOR THE TOWN AND COMMUNITY COUNCILS

Submitted - a report by the Solicitor (Corporate Governance) on the three Code of Conduct Training sessions offered to the town and community councils following the May 2022 election.

The Solicitor (Corporate Governance) reported that the Standards Committee is responsible for maintaining high standards of conduct by councillors. It was noted that training on the Code of Conduct, for town and community councillors, is not mandatory, but it is an expectation of the Ombudsman, the APW and the Standards Committee. Each town and community council must adopt a Code of Conduct and each councillor, on election, must undertake to act in accordance with their Council's Code of Conduct.

Training on the Code was arranged for town and community councillors, on behalf of the Standards Committee. It was noted that, of the 90 spaces available for training, only 37 attended. It was further noted that no members or clerks from 29 of the 40 town and community councils attended the training sessions.

Reference was made to page 89 section 6 paragraph 3 on the Welsh version of the report. A correction was made in relation to the words "ffactor lliniaru" - '*failure to have attended training on the Code would be considered as an aggravating factor*', the Welsh version should read "ffactor gwaethybol" (aggravating) and not "lliniaru" (*mitigating*) factor in Welsh.

Discussion focused on ways to encourage town and community councils to provide feedback from training sessions and to prepare a training programme for their members/clerks; which is now a statutory requirement.

RESOLVED:-

- That the Standards Committee consider the content of the report and the information in Enclosure 1, in terms of the number of members who have attended training sessions, and also the pattern in terms of the number of town and community council members who have not undertaken training.
- That the Standards Committee refers to poor attendance rates at training sessions, and promotes training in town and community councils, in the Newsletter to Town and Community Councils.
- That the Chair and Vice-Chair raise the issue of attendances at training sessions in the Town and Community Council Forum.

Action: See Resolution above

13. TERMS OF REFERENCE FOR THE NATIONAL STANDARDS COMMITTEE FORUM

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer, following recommendations made in the Penn Review of the Ethical Arrangements in Wales to set up a National Standards Committee Forum, covering all of Wales, in place of the current North Wales Standards Committee Forum.

The Forum's Terms of Reference has been included in Enclosure 1 of the report..

The Monitoring Officer reported that the Forum meeting which had been scheduled on 8 December 2022 had been postponed until 27 January at 2.00pm.

RESOLVED:-

- To note the contents of the report, and the Terms of Reference included in Enclosure 1.
- That the Chair of the Standards Committee attends the National Standards Committee Forum meeting on 27 January 2023.
- That the Monitoring Officer circulates the minutes of the National Standards Committee Forum to the Standards Committee members upon receipt.

Action: See Resolution above

The meeting concluded at 4.05 pm

**MR JOHN R JONES
CHAIR**