

STANDARDS COMMITTEE

Minutes of the meeting held on 14 June 2023

PRESENT: **Independent Members**

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

Representing the County Council

Councillor Trefor Lloyd Hughes MBE
Councillor Dafydd Rhys Thomas

Representing Town and Community Councils

Councillor Iorwerth Roberts

IN ATTENDANCE: Legal Services Manager & Deputy Monitoring Officer (RJ)
Head of Democracy (DS) (for Item 3)
Solicitor (Corporate Governance) (MY)
Human Resources Training Manager (MW) (for Item 4)
HR Training Officer (AJ) (for Item 4)
Committee Officer (SC)

APOLOGIES: Mrs Margaret Thomas (Town & Community Council Representative)
Director of Function (Council Business)/Monitoring Officer

The Chair welcomed all those present to the meeting. He extended his best wishes to the HR Training Manager on her retirement and thanked her for her excellent work over the years with the Standards Committee.

The Chair, on behalf of the Standards Committee, also offered his condolences to Mrs Sharon Warnes at this difficult time, on the loss of her husband. A minute's silence was observed as a mark of respect.

1. DECLARATION OF INTEREST

No declaration of interest was received.

2. MINUTES OF THE MEETING

The draft minutes of the Standards Committee held on 14 December 2022 were confirmed as correct.

3. ELECTED MEMBERS' ANNUAL REPORTS

Submitted – a report by the Head of Democracy in response to concerns raised at the Committee's last meeting regarding the low uptake in members submitting annual reports.

The Head of Democracy reported that arrangements are in place to raise awareness and encourage new members to submit and publish annual reports on their activities. He stated that members have been informed of the process and timetable for presenting annual reports, and Group Leaders have also been briefed on the matter.

It was noted that 24 reports out of 35 (68%) have been received to date for 2022/23, which compares favourably with previous years.

The Head of Democracy reported that an updated version of this report will be presented to a Group Leaders' meeting this month and the Democratic Services Committee on 28 June 2023.

The Head of Democracy reported that he proposes to undertake the following: -

- To further discuss with individual members ways to overcome any barriers that may be present in relation to presenting and publishing annual reports.
- To discuss with other County Councils ways to identify good practice/lessons to improve the uptake in annual reports.
- To develop the template for completing annual reports to ensure that it is user friendly.

RESOLVED to note the content of the report.

Action: None

4. MEMBER DEVELOPMENT

Submitted - a report by the Human Resources Training Manager on the training and development provision that has been offered to elected members during the past financial year.

The HR Training Manager reported that 59 training days were offered to members between May 2022 and March 2023 on a wide range of topics eg Charing and ICT skills, with some sessions aimed at specific Committees e.g. Planning and Orders Committee / Governance and Audit Committee. It was noted that attendances at the training sessions had been varied.

The HR Training Manager reported that arrangements are in place for the 2023/24 Training Plan. She referred to the Member Development Strategy 2022-2027, which highlights the support the Council must facilitate for its members. She stated that each member has been invited to undertake a development interview to discuss one's individual's training needs. It was noted that the Leadership Team and Heads of Service will also be consulted and invited to submit any potential development and training needs. The draft Training Plan will then be presented to the Chair of the Democratic Services Committee and Head of Democracy for approval.

It was noted that in addition to the Training Plan, Elected Member Bulletins have been published and circulated, which summarise the training that is available on Learning Pool. The E-Learning modules now include Health and Wellbeing and generic and specific modules for members' roles. It was further noted that quarterly reports detailing members' attendances at training sessions will be distributed to Group Leaders in future.

The HR Training Manager reported that this year, consideration will be given to convening more hybrid/face to face training sessions. She stated that the timing of training sessions is continually being reviewed to offer flexibility and respond to the needs of individuals who have work/caring commitments.

A member suggested that additional training on planning matters should be provided to members of the Planning and Orders Committee. The HR Training Manager suggested that in the first instance it would be advisable to speak to Planning Officers regarding further training.

RESOLVED: -

- **To note the content of the report.**
- **To present the Members' Training Plan to the Democratic Services Committee on 28 June 2023 for approval.**
- **That the HR Training Manager raises the issue of additional training provision on planning matters for members of the Planning and Orders Committee with the Council's Planning Officers.**

Action: See Resolution above

5. CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW)

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

The Legal Services Manager & Deputy Monitoring reported that no complaint had been submitted to the PSOW against a County Councillor for Quarter 3, 2022/23 (October - December 2022) or Quarter 4, 2022/23 (January - March 2023).

It was also noted that no complaint had been lodged with the PSOW against a Town/Community Councillor for Quarter 3 or Quarter 4, 2022/23.

RESOLVED: -

- **To note the content 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 via their respective Newsletters.**

Action: See Resolution above

6. PUBLISHED FINDINGS BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) FOR ALL COUNCILS IN WALES

Submitted - a report by the Solicitor (Corporate Governance) summarising information on the Public Services Ombudsman for Wales (PSOW) website on Code of Conduct matters between December 2022 and May 2023.

The Legal Services Manager and Deputy Monitoring Officer reported that a comprehensive summary of the 7 cases involving a breach of the Code of Conduct was presented in Enclosure 1 of the report.

The Solicitor (Corporate Governance) reported that the main theme from the report is that the Ombudsman still uses the two-step threshold to determine whether a complaint should be investigated. She stated that two of the cases had been referred to the Adjudication Panel for Wales, and two had been referred to the relevant Standards Committee. Case number 2 is discussed in more detail under agenda item number 7.

It was noted that the Ombudsman's decisions will be included in the next Newsletters to County Councillors and Town and Community Councillors.

RESOLVED: -

- **To note the content of the report.**
- **To include links to the Ombudsman's reported cases and learning points in the Newsletters to County Councillors and Town and Community Councillors.**

Action: See Resolution above

7. ADJUDICATION PANEL FOR WALES DECISIONS

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 (APW), since the Standards' Committee's last meeting in December 2022.

The Legal Services Manager and Deputy Monitoring Officer gave a summary of the following 2 cases that had been referred to the APW: -

Case 1 – Councillor Paul Rogers’ appeal against a decision by Wrexham County Borough Council’s Standards Committee had not been submitted by the required deadline. It was noted that members must be mindful of technical issues when forwarding appeals and adhering to strict time limits which are set for Appeal Tribunals.

Case 2 – Former Councillor Sheila Jenkins’ case is more complex and involves a former councillor who had taken part in an item of business and failed to declare personal and prejudicial interests on two separate occasions. The Case Tribunal considered that the breach of the Code was of a serious nature and imposed a sanction of disqualification for one year.

RESOLVED to note the case studies presented in the report.

Action: None

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. LOCAL RESOLUTION PROTOCOL FOR THE TOWN AND COMMUNITY COUNCILS

Submitted – a report by the Solicitor (Corporate Governance) on introducing a Local Resolution Protocol (LRP) for Town and Community Councils (TCCs).

The Solicitor (Corporate Governance) reported that the Standards Committee has previously discussed whether the Standards Committee wishes to adopt a LRP for TCCs, similar to the Protocol drafted by the Committee and adopted by members of the County Council.

The Solicitor (Corporate Governance) reported that One Voice Wales has published a Protocol for use by TCCs to assist them to resolve low-level issues internally. She stated that the Standards Committee encourages all TCCs to adopt and, where necessary, utilise that Protocol, although not all TCCs have adopted it. It is also not always workable, as it relies heavily on the Chairs and Clerks of the relevant TCC being involved in the process, which is not always possible if they are a party to the dispute.

It was noted that the Standards Committee has previously assisted TCCs with informal resolution processes. It was further noted that participation in such process is voluntary and is conducted at the discretion of the Standards Committee’s Chair.

Discussion focused on whether the Committee should develop its own Protocol to deal with conduct issues, which would complement the One Voice Wales Protocol. Following discussion, the Committee accepted the draft proposal put forward in Enclosure 1, subject to minor amendments i.e. to provide clarity on the circumstances where the One Voice Wales Protocol may be unsuitable, and use less technical language in the document.

Clarity was sought on whether One Voice Wales could adapt its own Protocol and provide training support to TCCs. The Solicitor (Corporate Governance) responded that the LRP published by One Voice Wales details that officers/members of *“Town and Community Councils should receive training so they are able to implement the Protocols”*.

RESOLVED: -

- **That the Solicitor (Corporate Governance) writes to One Voice Wales to enquire whether the organisation offers training on its published Local Resolution Protocol, with a view to share this information with TCCs.**
- **To accept the Standard’s Committee’s Draft Resolution Protocol for Town and Community Councils in Enclosure 1, subject to the minor amendments listed in the report.**
- **That the Standards Committee forwards a copy of its TCC Local Resolution Protocol to the Town and Community Councils via Newsletter and present a copy, through the Chair of the Committee, to a meeting of the Town and Community Councils Forum.**
- **That the Standards Committee holds further discussion on ways to promote the Standards Committee’s Protocol for Town and Community Councils.**

Action: See Resolution above

10. UPDATE FROM THE NATIONAL STANDARDS COMMITTEE FORUM

Submitted – a report by the Solicitor (Corporate Governance), following the National Standards Committee Forum’s first meeting in January this year.

The Legal Service Manager and Deputy Monitoring Officer reported that the Standards Committee will have an opportunity through the Chair to raise any other important issues at the next Forum meeting on 30 June.

The Chair reported that in the last meeting he raised the following questions: -

- How do other Councils prepare and deliver Members’ Annual Reports?
- Do other local authorities provide Chairing Skills Training? Could training be arranged via the Forum?

It was noted that the Forum agreed to look further at Members’ Annual Reports and Chairing Skills Training.

The Chair asked the Standards Committee to consider whether they wished to raise any issues in the Forum's next meeting, so that they could be itemised on the next agenda.

RESOLVED: -

- **To note the content of the report.**
- **That the Chair follows up on the above matters including if Chairing training is mandatory in other authorities, and raises the following additional matters in the next Forum meeting: -**
 - **What sort of role (processes/procedures) do other Standards Committees take when dealing with Town and Community Councils?**
 - **What are the experiences of other Standards Committees of One Voice Wales training?**

Action: See Resolution above

11. DRAFT ANNUAL REPORT FOR THE STANDARDS COMMITTEE 2022/2023

Submitted – a Draft Annual Report by the Solicitor (Corporate Governance) together with the Standards Committee's proposed Work Programme for 2023/24.

The Solicitor (Corporate Governance) reported that members have met informally to discuss the Draft Annual Report and agreed a Work Programme for 2023/24. She stated that the Report is currently incomplete, as the process for Group Leaders providing information relating to their new duties is still ongoing.

RESOLVED: -

- **To agree on the content of the draft report and enclosures subject to including an additional sentence to thank the officers that support the Committee for their work.**
- **That the current Draft Annual Report for 2022/23 (Enclosure 1) be updated in accordance with information obtained after the process of gathering information from Group Leaders has been completed.**
- **That any changes to the Annual Report be made either in an informal meeting or via correspondence with all Committee members, in accordance with the Chair's instructions, having discussed with the Monitoring Officer.**

Action: See Resolution above

12. WELSH GOVERNMENT'S CONSULTATION ON THE PENN REVIEW

Submitted – a report by the Solicitor (Corporate Governance) on the Welsh Government's draft consultation on the Penn Report.

The Solicitor (Corporate Governance) reported that Welsh Government is undergoing a consultation process on the Penn Review. She stated that the

Standards Committee had met informally to discuss the Standards Committee's views in response to specific questions included in the consultation document (Enclosure 1). The Standards Committee had considered the questions and a draft of its response (Enclosure 2) had been prepared. The Standards Committee's draft response was presented by the Committee's Chair at a meeting of the Group Leaders.

The Chair reported that in the Group Leader's meeting, discussion focused on the period before former councillors or former officers could become members of the Standards Committee. He stated that this was an area where there was no clear consensus. Two Group Leaders accepted the Standards Committee's proposal, as follows: -

1. Former councillors should be able to sit as independent member on the Standards Committee of the council to which they were elected two years after the termination of their elected office, and
2. Most former Council employees should be able to sit as independent members on the Standards Committee of the council with which they were employed after 12 months of their employment ending. For individuals who held a politically restricted post, they should wait two years after the termination of their employment.

Another two Group Leaders felt that the grace period for former employees should be 3 years, and former councillors should not be eligible as independent member on a Standards Committee.

It was noted that following the collation of responses in the consultation process, Welsh Government will provide general feedback on the responses received to the consultation. There will be an opportunity for the Standards Committee to consider that overview in due course.

RESOLVED: -

- **That the Standards Committee approves the draft response in Enclosure 2 of the report, subject to the Solicitor (Corporate Governance) and the Chair adapting the wording of the document [as detailed in the third bullet point below].**
- **That the Chair forwards the Standards Committee's response on the draft consultation on behalf of Anglesey County Council to Welsh Government, and**
- **That the Chair includes in the consultation response that there was a difference of opinion in questions 14 and 15 in relation to the timing of former councillors and employees becoming independent members of the Standards Committee.**
- **That the Monitoring Officer informs the Standards Committee of any documentation or information received from the Welsh Government's Consultation on the Penn Review.**

Action: See Resolution above

13. TOWN AND COMMUNITY COUNCILS (TCCs) TRAINING PLANS

Submitted – a report by the Solicitor (Corporate Governance) on the above.

The Solicitor (Corporate Governance) reported that it is now a statutory requirement for every Town and Community Council (TCC) to develop and publish an annual Training Plan for both councillors and officers. The first Training Plan was required to be published within 6 months of the local government election in May 2022.. She stated that the Standards Committee, in its Newsletter to TCCs, requested a copy of each TCCs current Training Plans. It was noted that only 5 of the 40 TCCs had responded.

Concerns were expressed that the responses from TCCs had been disappointing. Discussion focused on ways to remind and assist TCCs of their legal obligation to produce Training Plans and publish them on their websites.

RESOLVED: -

- **To note the information detailed regarding TCCs in Enclosure 1 of the report.**
- **To write to all TCCs to enquire whether they have received a copy of the Standards Committee's Newsletter requesting a copy of their Training Plans.**
- **That an update report be presented to the Standards Committee's next formal meeting on the Training Plans.**

Action: See Resolution above

The Chair thanked Mrs Celyn Edwards for her work with the Standards Committee. He stated that she will be standing down as a member of the Committee soon.

The meeting concluded at 12.10 pm

**MR JOHN R JONES
CHAIR**