

STANDARDS COMMITTEE

Minutes of the meeting held on 13 December 2023

PRESENT: **Independent Members**

Mr John R Jones (Chair)
Dr T Rhys Davies (Vice-Chair)
Mrs Gill Murgatroyd
Mr Trefor Owen
Mrs Sharon Warnes

Representing the County Council

Councillor Margaret M Roberts
Councillor Dafydd Rhys Thomas

Representing Town and Community Councils

Councillor Iorwerth Roberts

IN ATTENDANCE:

Head of Function (Council Business)/Monitoring Officer
Head of Democracy (for Item 3)
Legal Services Manager/Deputy Monitoring Officer (for Item 14) (RJ)
Solicitor (Corporate Governance) (MY)
Human Resources Training Manager (EP) (for Item 4)
Human Resources Training Officer (AJ) (for Item 4)
Committee Officer (SC)

APOLOGIES:

Mrs Margaret Thomas (Town & Community Council Representative)

The Chair welcomed all those present to the meeting. He extended a warm welcome to Councillor Margaret M Roberts, Mr Trefor Owen, and Mrs Elen Pritchard to their first meeting of the Standards Committee.

1. DECLARATION OF INTEREST

Mr Iorwerth Roberts declared a personal interest in Item 8 on the agenda, as this item relates to a Dispensation granted to him by the Standards Committee's Dispensation Panel.

2. MINUTES OF THE MEETING

The draft minutes of the Standards Committee held on 14 June 2023 were confirmed as correct.

Matters arising: -

With reference to additional training provision on planning matters for members generally, the HR Training Officer reported that Planning officers have confirmed that they are unable to provide this specific training at present and the Training section is currently in discussion with external providers regarding the matter.

3. DEMOCRATIC SERVICES UPDATE

Submitted – a report by the Head of Democracy on the work that has been undertaken by the Service since the Standards Committee’s last meeting in June.

The following points were raised during discussion: -

- The Protocol for Hybrid Meetings has been in place since October. A review will be undertaken in the New Year to consider whether further changes will be necessary to the Protocol.
- Training modules on member wellbeing have been included in the Member Development Plan, which the Council hopes to develop further. The Council is working with the WLGA on training provision and expects to receive the WLGA’s Member Development Self-Assessment Framework in the New Year, which will be the basis for new discussions.
- 26 Elected Members’ Annual Reports were received out of 35 for the period 2022/23, resulting in a significant improvement on the previous year. The Council will be raising awareness of the process that members should follow to complete and present their annual reports between March and May next year. Discussions have taken place with other local authorities on their experiences regarding members’ annual reports.
- The report template is being modified and simplified for next year - information on members’ training will be uploaded into the new template automatically, rather than members having to carry out this task manually.
- Job descriptions for Group Leaders are currently in place and have been published on the Council website. The Council has compared its own job descriptions with the WLGA templates and has found them to be consistent. Further consultation will be undertaken in due course with Group Leaders to ensure that their job descriptions are fit for purpose.
- The Members’ Registers of Interests have been published on the Council’s website. It was noted that the Committee intends to review a sample of the Members’ Registers of Interests soon.

Discussion focused on whether Group Leaders might benefit from having a simple template to record achievements, developments etc in their Members’ Annual Reviews. The Head of Democracy responded that he would raise the matter with Group Leaders and would be happy to facilitate the process with the agreement of Group Leaders.

RESOLVED: -

- **To note the content of the report.**
- **That the Head of Democracy raises the matter of a template to record information in relation to Members' Annual Reviews with Group Leaders.**

Action: See Resolution above

4. MEMBER DEVELOPMENT

Submitted - a report by the Human Resources Training Officer on training and development provision that has been offered to elected members during the last financial year, as presented to the Democratic Services Committee on 29 November 2023.

The HR Training Officer reported that the Training Plan for 2023/24 in Appendix 1 continues to be shared in categories, i.e. Mandatory Training; General Training; Health and Wellbeing; Training on Request; E-Learning modules that are available on the E-Learning Platform Learning Pool. She stated that from April 2023, 27 training and development sessions have been offered to members to date.

Reference was made to Appendix 2 of the report, which focuses on the number of invitations members accepted to attend training and how many attended the sessions. It was noted that there is greater emphasis on mandatory training, and the report highlights those sessions. To date, every member has completed training on the Code of Conduct; 15 have attended Health and Safety sessions (additional training is scheduled for February 2024); 29 have completed GDPR/Data Protection, 29 have completed Safeguarding and 21 have attended the Climate Change training. The Training Officer reported that Cyber Security will be available to members in due course. It was noted that 1-1 ICT skills sessions have been delivered, which have been supported by 'How to' guidelines.

Whilst the standard of some training was considered very good, members also expressed concern that the quality of some training sessions was not up to the required standard. The HR Training Officer responded that she appreciated the feedback and would act upon the information presented.

Discussion focused on ways to encourage members to attend mandatory training. The Monitoring Officer suggested that the Chair and Vice-Chair, as part of their new statutory duties, request statistical data from Group Leaders on members' attendances at mandatory training, when they next attend a Group Leader's meeting.

RESOLVED: -

- **To note the content of the report.**
- **That the Chair and Vice-Chair request an update from Group Leaders on their members' attendances at mandatory training.**

Action: See Resolution above

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

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer on quarterly complaints received by the PSOW since the last Standards Committee in June in relation to (a) County Councillors, and (b) Town and Community Councillors.

The Solicitor (Corporate Governance) reported that two complaints had been submitted to the PSOW against County Councillors for Quarter 1, 2023/24 by members of the public, which the Ombudsman decided not to investigate further. No complaints had been received against Town and Community Councillors for the period.

It was noted that the Ombudsman had received two complaints against County Councillors during Quarter 2, 2023/24. The first complaint was from an elected member, which the Ombudsman is investigating. The second complaint was from a member of the public, which the Ombudsman decided not to investigate. No complaints had been received against Town and Community Councillors for the period.

RESOLVED: -

- **To note the content of Enclosures 1-4 of the report.**
- **That the Head of Function (Council Business)/Monitoring Officer distributes Enclosures 1-4 to elected and co-opted members of the Council and Clerks of Town and Community Councils through their respective Newsletters.**

Action: See Resolution above

6. DECISIONS BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer summarising the PSOW's published findings of Code of Conduct complaints from June – November 2023.

The Solicitor (Corporate Governance) reported that the Ombudsman had received 13 complaints (Appendix 1 of the report), and discussed cases 1, 2, 3 and 13 in more detail. She stated that Cases 1 and 2 referred to two cases from Mumbles Community Council, involving a Councillor who had been subject to investigation for breaching the Code of Conduct and has since left the role, which limited any sanctions that could be imposed by the Standards Committee.

With reference to Case 3, a Councillor from Colwyn Bay Town Council had breached the Code by sharing an offensive political message on social media. The Ombudsman decided that although the Code had been breached, the complaint did not pass the "two-stage" process, therefore, it was not considered to be in the public interest to investigate the case further. The Councillor was warned to take care when sharing messages on social media in the future.

It was noted that the WLGA has developed a guidance for elected members on the use of social media. The Committee was reminded of the care that needs to be taken when sharing messages online.

Case 13 referred to a complaint against a member of Conwy County Borough Council who was alleged to have participated and voted in a virtual meeting whilst driving. The Ombudsman had stated that although the Councillor had breached the Code, the Police had not treated his behaviour as a criminal case and reported the crime. The Ombudsman decided not to take any further action in this case but stated that the incident would keep on record and would be considered again should the Councillor breach the Code in future. It was noted that this case is relevant to members, particularly in light of the publication of the new Protocol for Hybrid Meetings, discussed by the Head of Democracy under Item 3, as it highlights the behaviour expected of members when attending virtual meetings.

RESOLVED to note the content of the report.

Action: None

7. DECISIONS BY THE ADJUDICATION PANEL FOR WALES

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer summarising matters referred to the Adjudication Panel for Wales (APW) by the Ombudsman and published by the APW since the Standards Committee's last meeting.

The first case involved an interim hearing in relation to allegations of serious breach of the Code of Conduct by an elected member from Ceredigion County Council and Aberystwyth Town Council in relation to five different allegations of sexual harassment. She stated that the APW suspended the Councillor for 6 months.

The Monitoring Officer reported that this was the first time the APW had used its decision-making powers to sanction a Councillor on a temporary basis. She stated that the Panel will present a further decision in due course.

The second case referred to a former elected member who had breached the Code by sending correspondence, some disclosing confidential information excessively to several recipients on a regular basis. The Councillor had ignored advice given to her. The APW disqualified the Councillor for 18 months.

The Monitoring Officer reported that in cases of disqualification, elected members will need to undergo a democratic process to be re-elected. She stated that members who receive temporary sanctions may return to their elected duties once the sanction has ended, if a term of office remains. The Monitoring Officer referred to a previous case law decision, namely "Calver", whereby it was detailed that senior officers of the Council needed to develop a "thick skin" to deal with threats and challenges by the public and elected members. The Monitoring Officer stated that this case demonstrates that, despite this decision, if an individual's behaviour is serious enough and prolonged, the Panel will provide support to senior officers.

The third case concerned a former member of a Town Council and Chair of that Council, who had been dishonest with Audit Wales when they were investigating a procurement issue. The member was disqualified for 15 months. The Monitoring Officer emphasised that there were many aggravating factors in this case, as the Councillor had avoided informing the investigators that he had made errors. The Councillor had not recognised that he was at fault but covered up his mistakes.

The fourth case referred to a former member of a Town Council who had pleaded guilty to a crime under the Sexual Offences Act 2003. The Monitoring Officer emphasised that there were also aggravating factors in this case, resulting in a sanction of 9 months disqualification. Although the Councillor had pleaded guilty in the Court case, he had not apologised for his behaviour in terms of the Code and had not taken the matter seriously enough in the APW's opinion.

It was noted that the Learning Points from these cases will be shared in the Newsletters to elected members and members of Town and Community Councils in due course.

RESOLVED to note the case studies presented in the report.

Action: None

8. APPLICATIONS FOR DISPENSATIONS

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer on the outcome of any applications for dispensation considered by the Standards Committee since the last Standards Committee.

An application for dispensation was submitted by Councillor Iorwerth Roberts of Bryngwran Community Council, which was considered by the Standards Committee's Dispensation Panel on 3 October 2023. The application sought to permit the Councillor, in his capacity as Chair, to participate in discussion regarding an upcoming issue to be discussed by the Community Council.

Councillor Roberts declared a personal interest at the Standards Committee meeting in relation to this item and sought the advice of the Monitoring Officer as to whether he should leave the meeting whilst the item was to be discussed. The Monitoring Officer responded that Councillor Roberts could remain in the meeting, and to declare a personal interest was sufficient, as the matter was being reported for information only and so that the members of the Dispensation Panel could confirm the minutes from the Hearing on 3 October 2023, appearing as Enclosure 1 to the report.

RESOLVED: -

- **That the Committee notes the dispensation granted and the grounds and circumstances in which it was granted, as detailed in the report.**
- **That two of the Dispensation Panel members present at the 3 October 2023 Hearing and also the Standards Committee meeting on 13 December 2023, Mr John R Jones and Dr Rhys Davies, confirmed that the draft minutes of**

the Dispensation Panel in Enclosure 1 of the report were correct.

Action: None

9. LOCAL RESOLUTION PROTOCOL IN THE TOWN AND COMMUNITY COUNCILS

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer on the Local Resolution Protocol (LRP) developed by the Standards Committee as a supplement to the One Voice Wales Protocol for use by the Town and Community Councils (TCCs).

The Monitoring Officer reported that the final version of the LRP has been shared with TCCs via the Standards Committee Newsletter in October. She stated that, TCCs should adopt and utilise the One Voice Wales (OVW) Protocol to resolve conduct issues. It was noted that there are restrictions within the OVW Protocol and in such circumstances (e.g. should the Chair or Clerk be involved in an issue under consideration), TCCs could then request that the Chair of the Standards Committee intervene to resolve conduct issues under the Standards Committee's LRP for TCCs; such involvement would be at the Standards Committee Chair's discretion.

The Standards Committee discussed ways to remind TCCs of this LRP in the future.

RESOLVED: -

- **To note the report.**
- **That the five independent members and two TCC representatives of the Standards Committee attend Mediation Training in January 2024.**

Action: See Resolution above

10. UPDATE ON THE NATIONAL STANDARDS COMMITTEE FORUM FOR WALES

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer on the National Standards Committee Forum that has been set up in Wales.

The Chair reported that he attended the last Forum meeting in June and highlighted the following points from the meeting: -

- The Chair of the Forum, Professor Mark Philip gave a presentation on Leading in Practice in England.
- Discussion focused on the Penn report, Standards Committees' resources, sharing good practice, maintaining high standard of collaboration with Group Leaders, TCCs etc.
- The WLGA will hold a Charing session for members of the Standards Committee.

- Update by the PSOW Michelle Morris on reported cases i.e. 280 complaints had been referred to the Ombudsman, resulting in a 4% reduction. Only 35 complaints had reached the public interest threshold.
- The number of complaints regarding equality and respect have increased – 60% of all complaints received.
- WLGA statutory guidelines – discussion focused on whether the guidelines were clear enough.
- Letter sent to the Forum by the Ynys Môn Standards Committee.

RESOLVED to note the content of the report.

Action: None

11. TOWN AND COMMUNITY COUNCILS' TRAINING PLANS

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer on the Annual Training Plans for Councillors and staff of TCCs.

The Solicitor (Corporate Governance) reported that in its March Newsletter, the Standards Committee requested that all TCCs provide a copy of their individual Training Plans by 31 May 2023. At the Standards Committee's last formal meeting, it was reported that five TCCs had responded to that request, which the Standards Committee members felt was disappointing. At its June 2023 meeting, the Standards Committee agreed that it would send further correspondence to TCCs to ask them for confirmation that they had adopted a Training Plan. A request was sent through their TCC Newsletter in October, followed by a letter in November; a total of 25 responses out of the possible 40 have been received to date.

The Standards Committee was relatively pleased with the number of responses received from TCCs and saw the improvement as a step forward. However, the Committee expressed concern regarding the risks involved with governance issues in relation to TCCs who did not have Training Plans in place.

RESOLVED to note the information detailed regarding the Town and Community Councils in Enclosure 1 of the report.

Action: None

12. SUMMARY OF RESPONSES TO THE WELSH GOVERNMENT'S CONSULTATION ON THE PENN REVIEW

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer on the Welsh Government's responses to the Penn Review.

The Solicitor (Corporate Governance) reported that the Standards Committee, at its June meeting, had considered its response to the Welsh Government's consultation on the findings of the Ethical Standards Framework in Wales Review conducted by Richard Penn. She stated that the Standards Committee had prepared a response to the consultation, which included the observations made by Group Leaders.

Welsh Government has now published a summary of all responses to the consultation, which can be accessed via the link provided in the report.

RESOLVED: -

- **That the Standards Committee note the contents of the Welsh Government’s summary of responses to the consultation on the recommendations of the Independent Review of the Ethical Standards Framework (Richard Penn) report.**
- **That the Director of Function (Council Business)/Monitoring Officer informs the Standards Committee of any further documentation or information received in relation to the Welsh Government’s Consultation on the Penn Review.**

Action: See Resolution above

13. ANNUAL REPORT FOR THE STANDARDS COMMITTEE

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer on the Standards Committee’s Annual Reports for 2022/23 and 2023/24.

The Solicitor (Corporate Governance) reported that it is a statutory requirement for every Standards Committee to produce an Annual Report to present to full Council. She stated that the 2022/23 Annual Report was the first year where the Standards Committee were required to consider an assessment of Group Leaders’ compliance with their new duties under the Local Government and Elections (Wales) Act 2021.

The Solicitor (Corporate Governance) reported that the same process of considering the Group Leaders’ compliance with their duties will need to be followed within the 2023/24 Annual Reports. She stated that the Standards Committee had met in November to discuss the reporting process to be used to feed into this year’s Annual Report. Amendments had been discussed at that informal meeting. The Committee confirmed acceptance of the amendments noted on the Group Leaders’ Reporting Form included in Appendix 1 of the report.

It was noted that the Chair and Vice-Chair will present a copy of the amended draft template to Group Leaders when they attend the next Group Leaders’ meeting in January 2024. The Chair and Vice-Chair will also seek input from Group Leaders on the proposed changes. It was also suggested that the Chair and Vice-Chair discuss any training provision with Group Leaders that may be relevant to them in their roles with the Group Leaders.

RESOLVED to note the content of the report.

14. INDEMNITIES POLICY

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer on the Democratic Services’ review of the Council’s Indemnities Policy.

The Legal Services Manager reported that the Council's Indemnities Policy was presented to the Democratic Services Committee on 29 November 2023. He stated that the Policy dates to 2006, when the Local Authorities (Indemnities for Members and Officers) (Wales) Order became legislation and local authorities were permitted to offer indemnities (and insurance) to members and officers when discharging their duties.

The Legal Services Manager reported that the County Council's insurance policy shares the same role as the Indemnities Policy in most areas, but, in addition, the Policy offers protection to indemnify members in cases where the Code of Conduct has been breached, as the Code is outside the scope of the insurance policy. He stated that the insurance company set the terms and conditions of insurance and decide whether a claim for compensation should be paid or refused.

The Council has an Indemnities Sub-Committee in place to determine applications for indemnity in accordance with the Policy. A request for indemnity would be granted at the discretion of the Sub-Committee. It was noted that no applications for indemnity have been received over the past 10 years.

The Legal Services Manager reported that a national cap of £20,000 exists on claims for indemnity. He stated that when the Democratic Services Committee met in November, members expressed concern that the £20,000 cap on claims has not been raised since 2013. The Committee proposed that the cap be raised in line with inflation when the Policy is next reviewed in 2024. The Manager reiterated that it is a national and not a local cap of £20,000 on claims.

The Monitoring Officer reported that under the Policy, it is possible for a member to be granted an indemnity by the Indemnities Sub-Committee. If a case progresses to the Adjudication Panel or the Standards Committee and the member is subject to a penalty of suspension or more, then the indemnity must be repaid. Where the penalty is less, then repayment will be at the discretion of the Standards Committee.

RESOLVED to note the content of the Indemnities Policy and the role that the Standards Committee may be required to undertake in relation to indemnities that have been granted to member that are subsequently found to be in breach of the Code of Conduct for members.

Action: None

15. REVIEW OF A SAMPLE OF THE ELECTED MEMBERS' REGISTERS OF INTERESTS

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer on a sample of the Elected Members' Registers of Interests.

The Solicitor (Corporate Governance) reported that as part of its work programme for 2023-24 the Standards Committee will be conducting a review of a sample of the Elected Members' Registers of Interests. She stated that to comply with the Code of Conduct, three registers must be kept and updated i.e. the Standing Register; the Register of Gifts and Hospitality; and Declarations of Interest in meetings.

It was noted that the review will be conducted by the Standards Committee's 5 independent members, which will involve each individual member undertaking a desktop exercise. A Methodology Advice Note has been produced as a guideline to assist members in the process of conducting the reviews.

The Standards Committee met informally last month to decide on a sample of 20 out of 35 elected members, based on a political balance ratio. She stated that the Committee supported the idea to review each Group Leaders' Register, with the remainder of the members from that Group being chosen at random. It was noted that this selection process has now been completed, and a list of the 4 members' names has been forwarded via email to each independent member, informing them whose Registers they will be reviewing.

It was noted that the 5 independent members will meet next week to discuss the process and timetable they intend to follow to conduct their reviews. Elected members have previously been informed of the review process as part of the Standards Committee's work programme; further correspondence will be sent prior to the commencement of the Reviews.

Following the Review, a general report will be produced and shared with all members to promote good practice and to recognise any matters that need to be addressed or improved. It was further noted that the Standards Committee will have an opportunity to put forward any recommendations that the independent members wish to make in relation to their findings.

RESOLVED to note the content of the report and enclosures.

Action: None

The meeting concluded at 11.55 am

**MR JOHN R JONES
CHAIR**