

STANDARDS COMMITTEE

Minutes of the meeting held on 6 February 2025

PRESENT: **Independent Members**

Mr Trefor Owen (Chair)

Mr T Rhys Davies

Mr Brace Griffiths

Mr John R Jones

Representing the County Council

Councillor Dafydd Rhys Thomas

Representing Town and Community Councils

Councillor Iorwerth Roberts (from 10:55am)

IN ATTENDANCE: Director of Function (Council Business)/Monitoring Officer
Legal Service Manager
Head of Democracy (for Item 4)
Human Resources Training and Development Manager (EP) (for Item 5)
Committee Officer (SC)

APOLOGIES: Mrs Gill Murgatroyd
Councillor Margaret M Roberts
Mrs Margaret Thomas (Town and Community Council)

1. DECLARATION OF INTEREST

None received.

2. TO ELECT A VICE-CHAIR

Mr Brace Griffiths was elected Vice-Chair from amongst the Standards Committee's independent members until 14 February 2028; (the date when the previous Vice-Chair's term of office would have expired), or until Mr Griffiths' term of office comes to an end, whichever is soonest.

3. MINUTES OF THE MEETING

The draft minutes of the Standards Committee meeting held on 18 June 2024 were confirmed as correct.

The Chair reported that the Committee has received an updated action log of matters arising from the minutes. He stated that the recommendations from the minutes are being actioned or have been implemented.

The draft minutes of the extraordinary meeting of the Standards Committee held on 16 September 2024 were confirmed as correct.

4. DEMOCRATIC SERVICES UPDATE

Submitted – an update report by the Head of Democracy on the work undertaken within Democratic Services that is relevant to this Committee, and the Improvement Plan that was shared with the Committee in September 2024. The Plan deals with some democratic issues raised following the review of the Members' Registers of Interests.

The Head of Democracy reported that 15 of the 20 actions in the Plan have been implemented. Of the 5 remaining, 2 are ongoing and 2 cannot be resolved at present. An additional action has been added to those presented by the Standards Committee, where significant progress has been made.

The two unresolved matters relate to Modern.Gov software; the system does not provide a Welsh language interface to input Registers of Interests' information, nor does it provide the option for members to complete declarations of interests during online meetings. Regarding the first issue, members can complete the Register in English or Welsh and have been offered support from the democratic service to translate text, and secondly, staff are on hand to provide electronic copies of forms for members, as required.

The following points were also noted from the report: -

- The Protocol for Hybrid Meetings will be reviewed and updated as necessary.
- An officer from North Wales Police will attend a meeting with members this month to advise them on personal safety.
- 26 members annual reports were received for 2023/24. The updated template for 2024/25 will be shared with members soon, to be completed by the end of May 2025.
- Members have been reminded to register declarations of interest within 28 days. Guidance was also shared on the process of updating the registers online.
- Group Leaders receive quarterly updates on member training.

RESOLVED to note the content of the report.

Action: None

5. MEMBER DEVELOPMENT

Submitted - a report by the Human Resources Training and Development Manager (HRTDM) on training and development provision that has been offered to elected members over the last financial year.

The HRTDM reported that from April 2023 to date, 39 training sessions have been offered to members, 24 less than the previous year.

She referred to the Training Plan for 2024/25 outlined in Appendix 1 to the report, and stated that greater emphasis has been placed on mandatory training recently, resulting in an increase in the number of training sessions attended. It was noted that 34 out of 35 members attended Health and Safety training. Increases have also been recorded for Equality, Diversity & Inclusion and Data Protection training. During the next period, attention will focus on Cyber Security, Safeguarding and Well-being.

The HRTM reported that enquiries of WLGA and LGA confirm that they do not have bilingual training provision in relation to coaching for Group Leaders. However, arrangements are in place for Nia Gwynn Meacher to complete DiSC Profile de-briefs with each of the Group Leaders, to be followed by a series of coaching sessions led by Gwen Greaves, formerly of Glaslyn Training. Both activities will be available bilingually, with dates to be agreed.

It was noted that virtual training sessions and recorded training have been offered to members as well as classroom sessions. Health and Safety videos have also been shared with members, which have proved very successful.

RESOLVED to note the content of the report.

Action: None

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

Submitted for information – a report by the Head of Function (Council Business)/ Monitoring Officer on quarterly complaints received by the PSOW in relation to (a) County Councillors, and (b) Town and Community Councillors for Quarters 1-3, 2024/25.

The Monitoring Officer reported that three complaints against Town and Community Councillors had been referred to the PSOW; two have been rejected, the third matter is ongoing and has been under investigation for over a year.

It was noted that four complaints had been submitted to the PSOW against County Councillors for the period. The Ombudsman rejected the first and second complaint and reminded the second complainant of the individual's obligation to declare an interest under the Code of Conduct. The third matter has been under investigation since February 2024 and is ongoing. The investigation into the fourth matter has concluded following an investigation lasting 18 months, where the Ombudsman has referred the matter to the Standards Committee.

The Standards Committee expressed concern that the PSOW complaints process was lengthy. The Chair referred to a meeting of the Standards Committee Chairs Forum which he attended recently, where the Ombudsman had stated that her aim was to complete investigations within 12 months but was finding the timescale difficult to achieve due to a lack of resources.

RESOLVED: -

- To note the content of Enclosures 1-6 in the report.
- That the Chair of the Standards Committee writes to the Ombudsman to express the Committee's concerns regarding the timescale for investigations into complaints to be concluded, and
- That the Chair and the Monitoring Officer agree on the timeframe of when to write to the Ombudsman.

Action: See Resolution above

7. DECISIONS BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW)

Submitted - a report by the Director of Function (Council Business)/Monitoring Officer summarising the PSOW's published findings of Code of Conduct complaints in Wales from June to December 2024.

The Monitoring Officer raised the following points from the 11 case summaries that had been referred to the PSOW: -

- Llanedi Community Council – this case demonstrated that behaviour and language are significant factors when deciding whether the Code of Conduct has been breached. Emphasis was placed on realising the effect you can have on others.
- Porthcawl Town Council/Bridgend County Borough Council – the two cases highlighted the importance of declaring a personal or prejudicial interest. Although no steps were taken in these decisions, the message delivered is that Councillors need to be careful with the disclosure of interests to avoid complaints and putting themselves in stressful situations.
- Flintshire County Council – no evidence which highlighted any appearance of favouritism, prejudice or undue influence was presented on breaching the Code in this case. Two risk factors were identified, the first being a risk to the member being subject to a complaint, which, depending on evidence could be serious. The other risk being if the member has been involved in a decision where prejudicial bias was present, the decision itself could be challenged and overturned, leading to significant costs to the authority.
- Newport City Council – members should avoid using the title 'Councillor' if they are going to complain about somebody in their personal life.
- Saundersfoot Community Council/Pembroke County Council – this case highlighted that a decision to withdraw a complaint lies with the Ombudsman and not the Complainant, if there is sufficient evidence or the complaint is in the public's interest. The message here is that when making a complaint to the PSOW under the Code, the Complainant should not treat the matter lightly as the case could be followed through.
- Llantilio Pertholey Community Council – Town and Community Councils were reminded of the Local Resolution Protocol. It was considered that the investigation into the case could have been resolved without the Ombudsman's intervention.

Discussion focused on the best options to share information with members on the case summaries and lessons learned from this report.

RESOLVED: -

- To note the content of the case summaries presented in the report.
- To discuss with Group Leaders how the Standards Committee should share information, prior to circulating a letter with links to members.
- To discuss the Standards Committee's proposal to present the lessons learnt from the PSOW's decisions in members' briefing sessions with the Chief Executive.

Action: See Resolution above

8. ADJUDICATION PANEL FOR WALES (APW) DECISIONS

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer summarising cases published by the Adjudication Panel for Wales (APW) since the Standards Committee's last meeting on 18 June 2024 and 31 December 2024.

The Monitoring Officer gave a summary of the following cases published by the APW: -

The first case involved a decision to disqualify the elected member for 12 months for a breach of the Code of Conduct by bringing the Council into disrepute. The case related to harassment of a sexual nature, where the Councillor had sent messages to an individual in his personal capacity. The Councillor had demonstrated remorse for his actions but lacked true insight into the impact of his behaviour. The Police also investigated the case, and the Councillor was given a conditional caution for 3 months, which was not published. The Case Tribunal had decided that in a small community everybody was aware of the decision and therefore it was not necessary for the matter to have been published.

The second case involved an individual who was disqualified for 3 years. The Ombudsman investigated a total of 9 incidents of predatory behaviour, which had taken place over a long period of time. Intervention by the Monitoring Officer and Social Services had taken place before the Police investigated the case. The Councillor's concerning behaviour did not stop, and he took his behaviour lightly, which was not well received by the Tribunal. An Interim Tribunal was set up (due to the nature of the behaviour), as it was felt that there was a risk to the public in this case, and the individual was disqualified for 6 months while the investigation was ongoing. The Councillor resigned from both his Councillor roles, prior to the matter concluding – but, on this occasion, it did not affect the outcome.

RESOLVED: -

- To note the content of the case summaries presented in the report.
- To add these matters to the previous item's actions as regards informing members of lessons to be learned to get a full picture of events.

Action: See Resolution above

(Councillor Iorwerth Roberts joined the meeting at 10:55am)

9. 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.

10. UPDATE FROM THE NATIONAL STANDARDS COMMITTEE FORUM FOR WALES

Submitted – an update report by the Director of Function (Council Business)/Monitoring Officer on the Forum's last two meetings, which were attended by the Chair of the Standards Committee's on 24 June 2024 and 27 January 2025.

The Legal Service Manager reported that the Standards Committee has received a copy of the Chair's notes following both Forum meetings. The Chair welcomed any comments by the Standards Committee members on the main points raised in his notes from the meetings.

The Chair stated that he will be attending the next Forum meeting on 23 June 2025 and will report back to the next meeting of the Standards Committee.

RESOLVED to note the content of the report.

Action: None

11. REVIEW BY THE STANDARDS COMMITTEE OF THE REGISTERS OF INTERESTS OF ELECTED MEMBERS OF THE COUNTY COUNCIL

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer on the above. At its meeting on 18 June 2024, the Standards Committee agreed that a further report be present to the Committee's next meeting.

The Legal Services Manager referred to the general report, which included the main issues that arose from the review process, which the Committee discussed at its last meeting. The Chair of the Standards Committee presented the report to Group Leaders in July last year, and it was shared with members in August 2024.

With reference to technical and corporate issues, the Standards Committee wrote to the Chief Executive in May 2024 detailing the corporate issues identified by the independent members whilst undertaking the review. The Chief Executive has provided an update on the work programme that had been developed to respond to the matters raised, highlighting the good progress that had been achieved. An update on the work programme has been provided by the Head of Democracy in his report in Item 4 on today's agenda and confirms the two ICT issues that remain. It was noted that these issues were also raised by the Standards Committee during its last review.

The Committee endorsed the need to have the necessary ICT software for members to fulfil their duties effectively and encouraged every effort to be made to resolve the matters identified.

RESOLVED: -

- **To note the content of the report and its enclosures.**
- **That the Standards Committee support developments to upgrade the Mod.Gov software for the benefit of members.**
- **To contact ICT to request an update on investing in future Mod.Gov software for the next meeting of the Standards Committee.**

Action: See Resolution above

12. PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) INDEPENDENT REVIEW

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer following an independent review by the PSOW to ascertain whether its decision making processes are fit for purpose.

The Legal Services Manager reported that in March last year the Ombudsman had received a substantiated complaint about an inappropriate post on social media published by a member of the PSOW's staff. As a result of this matter, concerns were expressed as to whether the PSOW's decision making was fair and free from political bias.

On that basis, the Ombudsman commissioned an independent review, led by Dr Melissa McCullough, to establish whether the complaints procedures followed by the Ombudsman's Code Team for investigating complaints were robust.

The general findings from the review were published in September 2024 and concluded that the Ombudsman's investigative processes are sound. All decisions are systematic, well documented, based on facts, evidence and free from political bias.

The PSOW noted that the 7 recommendations made in the report were accepted, and the 6 lessons learned would be used to move forward.

RESOLVED to note the content of the review.

Action: None

13. PSOW CONSULTATION REGARDING RECOMMENDATION NUMBER 2 OF THE INDEPENDENT REVIEW

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer on a consultation paper published in relation to recommendation 2 of the PSOW's independent review (discussed at Item 12).

The Legal Services Manager reported that the recommendation leads on from the PSOW's Consultation in the previous item. It refers to the PSOW's current practice of not notifying an Accused Member of a complaint against them until it has been assessed.

It was noted that currently Accused Members are only aware of any complaints made against them when an initial assessment has been concluded by the Ombudsman. Dr McCullough concluded in her report that to be fair and transparent, the Ombudsman should revert to the previous arrangement of informing the Accused Member earlier, at the time a complaint is presented to the Ombudsman. The Standards Committee agreed with Dr McCullough's proposal.

Correspondence in relation to the Ombudsman's consultation was sent to elected and co-opted members of the Council and the Clerks of Town and Community Councils for their comment. The Standards Committee had received two responses and discussed these as part of an informal meeting. The Standards Committee Chair attended a meeting of Group Leaders to present the Standards Committee's view and obtain their opinion. A letter detailing all the views ascertained was sent by the Standards Committee Chair before the deadline of 31 January 2025.

The Monitoring Officer will inform the Standard Committee of the PSOW's decision following consultation when it is published.

RESOLVED: -

- **That the Standards Committee notes the content of the report.**
- **That the Chair of the Standards Committee's correspondence is shared with the Standards Committee.**
- **That the Monitoring Officer advises the Standards Committee of the outcome of the PSOW's consultation once it is published.**
- **That the Chair of the Standards Committee informs elected and co-opted members of the County Council and Town and Community Council members of the PSOW's decision on its arrangements regarding notifying an Accused Member of a complaint against them.**

Action: See Resolution above

14. LOCAL RESOLUTION PROTOCOLS (LRPs) ADOPTED BY AUTHORITIES IN WALES

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer detailing the work undertaken by the PSOW in relation to different Local Resolution Protocols that have been adopted by authorities in Wales.

The Monitoring Officer reported that every local authority is expected to adopt a Protocol to deal with low level and trivial complaints which do not breach the Code. She stated that the County Council has its own Protocol, which has been updated three times since its adoption.

The PSOW has collected the current LRPs from the Welsh Authorities and received legal opinion on principles included in the Protocols. A mapping process has been undertaken by the Monitoring Officer to compare the current County Council's LRP with the principles obtained in the legal opinion.

As a result, the Standards Committee was advised to consider amending the Council's LRP, included in Enclosure 1, in accordance with the two recommendations noted in Enclosure 2.

RESOLVED that: -

- **The Standards Committee notes the principles in paragraph 2 of the report.**
- **The Standards Committee shares the Ombudsman's principles with Group Leaders to assist them in their duties to promote and maintain high standards of conduct and assist members in both their understanding of (i) the LRP; and (ii) the other processes available to members in the event concerns arise relating to members' standards of conduct.**
- **The recommended amendments to the LRP set out in Enclosure 2 are referred by the Monitoring Officer to the Group Leaders for their review and consideration, alongside a recommendation from the Standards Committee that the amendments are accepted.**
- **The Standards Committee requests an update from the Monitoring Officer at the next Standards Committee meeting on matters relating to:**
 - **Whether the recommended amendments to the LRP have been agreed by the Group Leaders;**
 - **Whether the form of the LRP, following discussions with the Group Leaders, has been updated; and**
 - **Whether any further consequential amendments to Council procedures or documentation are required to be considered by the Standards Committee to reflect any agreed changes to the LRP and the legal opinion obtained by the PSOW as reported on.**

Action: See Resolution above

15. STANDARDS COMMITTEE HEARINGS PROCESS

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer on work that has been undertaken to adapt the hearing process for referrals from the PSOW for alleged breaches of the Code of Conduct breaches.

The Legal Services Manager reported that in Summer 2024 there were three complaints under investigation by the Ombudsman. On that basis, these could be referred back to the Standards Committee for determination. External training on conducting hearings was undertaken in September 2024. The trainer recommended some changes to the process.

The Legal Service Manager stated that those changes detailed in the report have been made to the hearing process, and these have received a positive response from the Committee when shared on 29 November 2024 and will need to be confirmed formally.

RESOLVED that:

- **The Standards Committee agrees with the adoption of the process included in Enclosure 1 as a procedure to determine complaints about members misconduct.**

- Arrangements are made for the publication of this revised process, as applicable.

Action: See Resolution above

16. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED to adopt the following: -

“Under Section 100(A)(4) of the Local Government Act 1972, to exclude the press and public from the meeting during discussion on the following item on the grounds that it may involve the disclosure of exempt information as defined in Schedule 12A of the said Act and in the attached Public Interest Test.”

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

Submitted – a report by the Director of Function (Council Business)/Monitoring Officer on conduct complaints to the PSOW, which the Ombudsman has decided not to investigate.

The Monitoring Officer reported that redacted versions of the four decision notices received from the Ombudsman during quarters 1-3 of 2024/25 (presented as data only in Item 6 on today’s agenda) are shared with the Standards Committee. The cases are matters where the Ombudsman has decided not to investigate due to lack of evidence of a breach of the Code of Conduct. The Ombudsman has confirmed that the decision notices are to be shared with the Standards Committee confidentially, so as to assist the Committee with its duty to promote high standards of conduct among members.

RESOLVED that the Standards Committee notes the content of the report and enclosures.

Action: None

The meeting concluded at 12:00pm

**MR TREFOR OWEN
CHAIR**