

STANDARDS COMMITTEE 13/02/23

Present:-

Elected Members:- Councillors Anne Lloyd Jones, Beth Lawton and Dewi Owen.

Independent Members: Mr Aled Jones, Mr Hywel Eifion Jones (Chair) and Mr Dave Wareing.

Community Committee Member: Mr Richard Parry Hughes

Also in Attendance: Iwan Evans (Monitoring Officer), Sion Huws (Propriety and Elections Manager) and Eirian Roberts (Democracy Services Officer).

Since four elected members and three independent members were present at the beginning of the meeting, Councillor Dewi Owen agreed to observe only, in order to ensure a quorum.

1. ELECTION OF CHAIR

RESOLVED to elect Mr Hywel Eifion Jones as chair of this Committee.

2. ELECTION OF VICE-CHAIR

RESOLVED to elect Mr Aled Jones as vice-chair of this Committee.

3. APOLOGIES

An apology was received from Mr Mark Jones.

The Chair asked what the current situation was in terms of the vacant seat on the committee. In response, the Monitoring Officer explained that they had advertised many times for an applicant, and there was an intention to review the situation. He also noted that he appealed to the members to present the names of any individuals that might have an interest in the role.

4. DECLARATION OF PERSONAL INTEREST

The Chair questioned if he should declare an interest on Item 10 as he was a member of the Adjudication Panel for Wales. In response, the Monitoring Officer noted that there was no interest in this case, as it was the annual report before the committee, and since the Panel was another public body in any case.

5. URGENT ITEMS

None to note.

6. MINUTES

The Chair signed the minutes of the previous committee meeting held on 21 November, 2022, as a true record.

7. ACTION PLAN BASED ON THE STANDARDS COMMITTEE'S CONSULTATION WITH A SELECTION OF TOWN AND COMMUNITY COUNCIL CLERKS

Submitted – the report of the Propriety and Elections Manager inviting the committee to approve the action plan to meet the matters raised in the Report of the Chair and the Community Committee Member following their consultation with a selection of clerks regarding the ethical framework.

The Chair thanked the former Chair, and the Community Committee Member for all the work that was happening in the background.

The Community Committee Member was invited to present his observations on the action plan. He noted:-

- That he welcomed the report, and that there was an understanding of the duties of the County Council and the Standards Committee, and that the duty of the committee was to look after, and try and raise the standards of the community councils.
- That he agreed with the recommendations in the report, but wished to add that a letter was being sent to all the town and community councils noting the decision of the committee so the clerks and chairs were aware that it was possible for them to contact the Council's Legal Department for advice on specific matters.
- That the virtual training session in a 'webinar' style would protect us if people claimed that they hadn't had the opportunity to attend training. Bearing this in mind, it was very important that this training was offered.
- That the other matters raised were administrative issues for the County Council to consider and were totally separate to the work of the Standards Committee.

In response to the Community Committee Members observations, the Monitoring Officer noted:-

- That the clerks had previously contacted the Legal Department for advice on specific matters.
- He had passed the report for the attention of the Corporate Services so that there was an awareness of the matters raised regarding how the Council generally responds to enquiries.

During the ensuing discussion, the following matters were raised:-

- It was suggested, once the virtual training session was available on the Council website, that Unllais Cymru could ask every town and community council to include it as an item in their next annual meetings, so everyone could see this. It was also suggested that around 20 minutes of training would be sufficient. In response, the Monitoring Officer noted that the training would be around an hour long, and would portray the main points in terms of the Code of Conduct. He also noted, once the training was on the website, that it would be possible for councils to use it, whether this was before, or during the meeting of the Council when everyone was together.
- It was suggested that there would be no need for the town and community councils to include the training annually and that maybe once following every election would be sufficient, unless new members join the council. In terms of getting the message across to the chairs and clerks, it was suggested that this was included in the letter that would be sent out, at the request of the Community Committee Member, noting the decision of this committee.
- It was noted that the biggest problem was declaring an interest, and that people did not understand that they needed to leave the meeting when discussing the matter they had declared an interest in. In response, the Monitoring Officer noted that the declaring an interest arrangement was complicated as it was trying to prepare for every possibility. Generally, the main matters that they came across when declaring

an interest were comparatively simple, and there was a short leaflet available to guide members through the process step by step. Sometimes it was a matter of equipping the clerk to be more robust. The more ambiguous interests were at a town and community council level, and maybe the challenge in terms of the training was removing the complexity and keep it fairly simple. More complicated matters did not crop up very often in the system, and it was important to get the basics correct, and worry less about the more esoteric ones.

- It was noted that the idea of presenting the training as an item in the council's annual meetings was agreed, but it was suggested that an hour-long presentation was too long, and that messages would be lost. Rather, a 15–20-minute video would be sufficient, with around an hour of more detailed training tailored for clerks. It was also suggested that it would be beneficial to include 3-4 case studies as a way of highlighting the principles behind declaring an interest and to support people to concentrate the mind, but those cases should be very simple ones where the situations are obvious and clear. In response, the Monitoring Officer noted that he fully understood the observation in terms of watching an hour-long video, but that compacting training on the Code of Conduct to an hour, including case studies, was quite a challenge in itself. He explained, that if there is a complaint to the Ombudsman, the member is asked if he/she has received training, and that it would be hard to leave that down to the Clerks, as there was a variety of clerks in terms of experience across the county. It was agreed that there was a need to include the interactive element to keep the training alive and interesting, and it was proposed to look at the format, with the possibility of running a pilot before the committee if time and the work programme of the committee allowed.

RESOLVED

To approve the Action Plan, which includes the three following elements of support that could be offered to community council members and clerks on matters related to the Code of Conduct:-

1. **Advice on specific matters** - Continue to contact the Monitoring Officer or the Deputy Monitoring Officer.
2. **Cyngor Gwynedd Website** - Standards Committee page to include information and guidelines along with links to other useful websites.
3. **Training** - Hold a virtual training session in a 'webinar' style.

8. GIFTS AND HOSPITALITY REGISTER

Submitted – the report of the Monitoring Officer highlighting discussions regarding harmonising the threshold for registering gifts and hospitality between authorities on a national level, and he the committee's observations on the content of the report were invited.

During the discussion, the following matters were raised:-

- It was suggested that it could be timely to re-consider the previous decision to not try and publish the Gifts and Hospitality Register on the Council Website. In response, the Monitoring Officer noted that this could be considered, and whatever the result of the discussions regarding harmonising the threshold nationally, it was believed that this was an opportunity as part of the work programme of this committee to review and update the policy.
- It was suggested that the threshold of £25 for registering gifts continues to be reasonable, and it was noted that councillors were way more likely to receive messages of thanks anyway. The Monitoring Officer agreed with the observation

noting that experience suggests, on the basis of declaring, that not much matters such as this raise anyway. He suggested that it was suitable that they were part of the discussion to see if it would be possible to harmonise the threshold, bringing a recommendation back to this committee, and consult with the Chair as the discussion develops. He explained that it was not a requirement to harmonise between authorities, but if it was possible to do this, it would be in accordance to an extent with the Richard Penn report from the perspective of having a more consistent system across Wales.

RESOLVED to note and accept the contents of the report and await a further report on the results of discussions regarding harmonising the threshold for registering gifts and hospitality between authorities on a national level.

9. STANDARDS COMMITTEE NATIONAL FORUM

The report of the Chair of the Standards Committee was presented on the matters raised in the first meeting of the Standards Committee National Forum on 27 January, 2023.

The Chair noted that he welcomed establishing the new Forum and that it would develop over time to be an important medium to adopt best practice across Wales. He then highlighted some matters raised, namely:-

- That a 12-week consultation would be starting shortly on the recommendations in the Penn report, and the hope was that every standards committee would have the opportunity to consider those and provide feedback.
- In terms of the new responsibility on the political group leaders regarding the behaviour of their members, that Flintshire County Council Monitoring Officer had prepared an example template that the leaders could use to complete the annual report that would feed into the annual report of the Standards Committee, and asked for the opinion of the Monitoring Officer on the template. In response, the Monitoring Officer noted that he supported the idea of a template and was happy to look at the document, but as we were in the first year of this new responsibility, it was possible that there would be a need to divert from any template and build the report from learning from this year's experience.
- It was questioned if it would be possible to adapt the template by June when the Standards Committee receive an update on the implementation of the Protocol Responsibility for Political Group Leaders and the Standards Committee. In response, the Monitoring Officer noted that the implementation of the responsibility would be part of the committee's annual report, and it was proposed to hold discussions with the leaders in the next weeks and months to see how the work was developing. As it would be mandatory for the leaders to report to the Standards Committee, the next task would be to get the form of the report ready for the annual report, and that in a way that supports the protocol and the principles in it, and also allowed to Standards Committee to evaluate the work.

RESOLVED to note the information.

10. ANNUAL REPORT OF THE ADJUDICATION PANEL FOR WALES 2021-22

Submitted – the report of the Monitoring Officer appending a copy of the 2021-22 Annual Report of the Adjudication Panel for Wales for the attention of the Committee.

The Monitoring Officer highlighted some matters in the report:-

- The reference of the President of the Panel in the introduction of the report to the expectation that matters would improve as a result of presenting the new responsibility on political group leaders on standards in public life.
- The extraordinary case on page 33 of the pack (Caerphilly County Borough Council) that highlights that the risk areas for local authorities were much more technical and commercial these days with much more public money being sourced through the councils.
- The case on page 37 of the pack (Wrexham Council) that was an example of a standards committee refusing the decision of the Tribunal on an appeal against their decision, and using their right to adhere to their original decision regarding the case.

RESOLVED to note the report.

11. THE OMBUDSMAN'S ANNUAL REPORT 2021-22

Submitted – the report of the Propriety and Elections Manager appending a copy of the Ombudsman's Annual Report 2021-22.

The Propriety and Elections Manager highlighted some matters in the report:-

- The message on page 79 of the pack that fewer complaints had been received in 2021-22 than in 2020-21, but that the number in 2020-21 had been unusually high, and that the trend was generally on the rise.
- That a higher number of complaints were received about town and community councillors, but that there were much more town and community councillors than county councillors. The level of support available for town and community councillors could also vary, and therefore it cannot be concluded that the behaviour was worse in these councils.
- That around half of the complaints related to promoting equality and respect, with the complaints regarding respect more low-level matters and the equality complaints, where there was an element of differentiation, were more serious matters. Therefore, it was possible that this highlighted where there were problems, and where to focus attention.
- That an increase was seen in the number of referrals from the Ombudsman to the standards committees and the Adjudication Panel for Wales, and it was strongly believed that the way of overturning this trend was by providing Code of Conduct training for councillors.
- That there were quite significant obligations in terms of a local solution, and that the emphasis in terms of what we could do would fall on the training.

RESOLVED to note the report.

12 ALLEGATIONS AGAINST MEMBERS

Submitted – the report of the Propriety and Elections Manager presenting information about the Ombudsman's decisions on formal complaints against members.

RESOLVED to note the information.

13. EXCLUSION OF PRESS AND PUBLIC

RESOLVED to exclude the press and public from the meeting during the discussion on the following item due to the likely disclosure of exempt information as defined in paragraph 18C, Part 4, Appendix 12A, The Local Government Act 1972. This paragraph applied because it concerned the deliberations of the Standards

Committee in reaching a decision on a matter referred to it by the Public Standards Ombudsman for Wales. It was believed that the information should not be disclosed so that the councillor was not prejudiced by any possible publicity of the case before any hearing. Consequently, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The Monitoring Officer noted that he was removing himself from this matter as he had been part of the discussions with the members linked to the case. Therefore, he withdrew from the meeting during the discussion on the item.

14. REPORT BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES ON AN INVESTIGATION INTO COMPLAINTS AGAINST A COUNCILLOR

Submitted – the report of the Propriety and Elections Manager inviting the committee to consider the Ombudsman’s report regarding an investigation into a complaint against a councillor, and reaching a decision in accordance with the requirements of the relevant regulations.

RESOLVED

- 1. To invite the person who is the subject of the investigation to submit observations, either orally or in writing, in relation to the conclusions of the investigation and any allegation that he / she has failed to comply with the relevant authority's code of conduct.**
- 2. To convene a special meeting of the Standards Committee to consider and decide on the matter.**
- 3. To invite the Ombudsman to the hearing to present the report and/or explain any matters in it.**
- 4. That officers, in consultation with the Chairman, would arrange a date (and two in reserve) for conducting the hearing.**

The meeting commenced at 10.30 am and concluded at 12.15 pm

CHAIR