

Standards Committees Forum - Wales

Friday, 30th June 2023 @ 2pm, via Teams

Notes

1. Notes of previous meeting 27 January 2023.

The notes of the previous meeting on 27 January 2023 were agreed.

a. Circulation of the meeting notes

- The Chairs were asked whether the notes of the meetings should be circulated to members of the standards committees.
- If the notes were shared with standards committees, they would be made public.
- The Chairs wanted to share as much as possible with their standards committees and the public.
- Davina Fiore, The Director of Governance and Legal and Monitoring Officer at Cardiff Council, who was advising the Forum, advised that if the minutes were to be made public as part of the Standards Committee agenda at individual Councils, it was important that any issues raised on individual ongoing cases or potential cases to assist with the process/problem solving/best practise were anonymised to ensure that individual members and councils could not be identified. She also advised that, if necessary, it was possible for part of the minutes to be confidential and not be circulated more widely.

AGREED: that the notes may be circulated to Standards Committees, provided no individual complainant or councillor complained of could be identified. This will be kept under review at/after each meeting.

b. Training for Chairs

ACTION: The WLGA to arrange a training session on chairing Standards

2. Chair of the Committee on Standards in Public Life (CSPL) Research

Advisory Board, Professor Mark Philp

- Professor Mark Philp outlined his role as a member of the CSPL and provided an overview of the standards regime in England and the implementation of recommendations from the Local Government Ethical Standards Report (2019).

ACTION: WLGA to provide a link to the CSPL report "[Leading in Practice](#)".

3. Michelle Morris - Public Services Ombudsman for Wales (PSOW) – Update

Michelle Morris updated the Forum on her annual report for 2022/23.

Noted

- A 4% reduction in the number of complaints alleging misconduct by local authority members.
- A decrease in the number of complaints against Town and Community councillors.

- The PSOW investigated 35 cases which, although not a high number, involved a huge amount of work.
- The number of complaints involving equality and respect had increased again. Just over 60% of cases involving a breach of the code were in this category.
- 12 cases had been referred to standards committees and the adjudication panel for Wales, compared to 20 the year before.
- Since the PSOW last spoke to the Forum there had been 6 Standards Committee hearings and 1 decision from the tribunal and a further 3 were scheduled. One of which involved an interim referral.
- Of the 280 complaints made to PSOW only 35 met the public interest test. Feedback was given to standards committees and Monitoring Officers about lower-level issues that didn't require further investigation.

Open forum, comments.

- The interim intervention process needed to be shortened.
- Concern was expressed about the wellbeing of individuals who came before a standards committee given the lengthy time to complete the process.
- The public interest test had three stages i.e., was there sufficient evidence that there had been a breach of the code; if there was evidence to support

it, would it be significant enough to result or likely result in a sanction and was there wider public interest in taking forward the investigation.

ACTION: PSOW to forward case law in respect of the public interest test to the Forum members via the WLGA.

4. Promoting high standards

- The forum discussed the Group Leaders duty to take reasonable steps to promote and maintain high standards of conduct by members of the group and, the duty on the Standards Committee to comment on Group Leaders' compliance with that duty as part of its annual report.
- Experiences had generally been positive and encouraging.
- Leaders had shown a willingness to engage with the process and some authorities were more advanced than others.
- Typically, Standards Committees had already met with the group leaders.
- There appeared to be an anomaly with recent government guidance. It was unclear whether the leaders should meet with the Standards committee or just the chair.

ACTION: WLGA to seek clarification on the statutory guidance and update members.

¹ This has already taken place. Monitoring Officers and Heads of Democratic Services received an email from Welsh Government on Tuesday 4th July at 2.37pm informing them: "We would like to draw your attention to an amendment to the consolidated statutory and non-statutory guidance for principal councils in Wales at part 2, section 6.0, paragraph 6.4. The guidance has been amended to read that the standards committee (as opposed to standards committee chairs) should meet with group leaders at the beginning of each council year to agree a number of issues. The updated guidance has been published; the links remain the same".

5. Supporting Town and Community Councils (T&CCs)

Comments

- It was difficult to identify a successful approach.
- Standards Committees were attending T&CC meetings.
- T&CCs were encouraged, in one area, to adopt a local resolution process.

Take up had been slow.

- Meetings between the Chairs and Clerks could be helpful.
- Sharing anonymous feedback after attending meetings of T&CCs including good practice.
- Support of Monitoring Officers particularly to the Clerks.
- A T&CC compact setting out what support was on offer had been developed in one area.

ACTION Compact to be shared with members of the forum.

6. Resourcing of Standards Committees.

Comments

- The resourcing of Standards Committees was a challenge.
- Welsh Government should provide additional funding when they placed more responsibilities on Standards Committees.
- Additional work inevitably fell on Monitoring Officers as Standards Committees workloads increased.

- Setting a budget for the committee could be difficult because the level of demand could not be anticipated in advance.
- Achieving a consistency in terms of budgets would be difficult.
- Monitoring officers may be able to provide comparative information on how much time they spent on T&CC work and what their budgets were.

ACTION Chair and Davina Fiore to discuss the possibility of raising the issue of budgets with the Monitoring Officer group.

7. Richard Penn Review update

- The closing date for responses to the consultation on the Richard Penn report was 23 June 2023.
- The responses were being analysed and the results would be published during the autumn.
- Depending on what the results were, it may require secondary legislation followed by a 12-week consultation period.
- It must also fit in with the legislative programme which was unlikely during the current Senedd term.

9. Minimum value for gifts and hospitality

- £25 was the minimum value for most councils.
- Monitoring Officers were seeking to introduce it as a consistent amount across Wales.
- It could be difficult to place a value on hospitality e.g., invitations to sporting events.

10. Consideration of agenda items for future meetings

The following items would be considered at the next meeting.

- Local resolution protocols.
- Corporate Joint Committees (CJCs) and Joint Standards Committees

11. Date of next meeting.

To be confirmed, January 2024.