

STANDARDS COMMITTEE

18 SEPTEMBER 2023

PRESENT: M. Dodd (Chair) (Ph)

Independent Members:

C. Davies (R), D. Evans (Ph), J. James, (Ph), F. Phillips (R);

Community Member:

Councillor P. Rogers (R);

Councillors:

B.W. Jones (R);

Also Present (In Person):

L.R. Jones, Head of Administration and Law;

R. Edgecombe, Legal Services Manager;

E. Evans, Principal Democratic Services Officer;

A. Eynon, Principal Translator;

J. Owen, Democratic Services Officer.

Also Present (Virtually):

M. Runeckles, Members Support Officer.

Chamber, County Hall, Carmarthen, SA31 1JP and remotely: 10:00am - 3:17pm

1. APOLOGIES FOR ABSENCE.

No apologies for absence had been given received.

2. DECLARATIONS OF PERSONAL INTEREST.

C. Davies – Independent Member	10 – Recent Decisions by the Adjudication Panel for Wales	A personal (but not prejudicial) interest declared in this item as one of the cases relates to an individual who is a member of the Local Authority in which Mrs Davies serves as the Chair of the Standards Committee. As the report was just for noting, Mrs Davies remained in the meeting.
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3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE:-

3.1. 12TH JUNE 2023

It was commented that the request to add Gifts and Hospitality onto the Standards Committee Forward Work Plan had not been included into the minutes. As Members were having difficulty recollecting the specific request, it was proposed that the Legal Services Manager include Gifts and Hospitality onto the Committee's Forward Work Plan and action log. This was duly seconded.

The Legal Services Manager made reference to Minute Item 9, Review of Disciplinary Hearing Procedures and highlighted to Committee Members that contrary to the resolution, the revised Disciplinary Hearing Procedures document had been inadvertently omitted from this meeting's agenda. Members were assured that, following agreement by the Chair, the actions log would be amended and that the report would be presented to the Committee at its next meeting in December.

UNANIMOUSLY RESOLVED that:

3.1.1 the minutes of the meeting of the Standards Committee held on 12th June, 2023 be signed as a correct record;

3.1.2 Gifts and Hospitality be included onto the Committee's Forward Work Plan and Action Log

3.2. 6TH JULY 2023

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Standards Committee held on 6th July, 2023 be signed as a correct record.

4. ACTIONS UPDATE

The Committee considered an action log setting out the various completed and ongoing actions that had arisen at previous Committee meetings.

The Legal Services Manager updated the Committee in regard to the two ongoing actions and since publication of this agenda had been completed. It was reported that the outstanding items as raised in minute 3.1 of this meeting, was to present the Disciplinary Hearing Procedures to the next Committee meeting in December and include the report on Gifts and Hospitality to the Committee's Forward Work Plan.

UNANIMOUSLY RESOLVED that the actions update be received and that completed actions be deleted from the log once reported to the Committee.

5. CODE OF CONDUCT TRAINING 2023

The Committee considered a report on the code of conduct training sessions held for Town and Community councillors on the 12th June 2023 and 24th July 2023.

It was reported that both sessions were intended to be hybrid in nature, but due to building works in County Hall the July event was held virtual only. Members were informed that only a small number of persons had arranged to attend the July session in person, however they had attended online instead.

Members noted that only 5 people had attended the training held on 12th June, 2023 in person with 44 online and at the online training session held on 24th July, 2023 was attended by 39 persons.

Overall, the number of attendees was slightly lower than previous years, although a number of Councils indicated that they had already arranged a separate code of conduct training for their members with One Voice Wales and other providers.

Members, having considered the statistics of attendees in person versus online, there was a clear preference in joining online. In acknowledging that hybrid meetings were labour intensive, it was suggested that the Committee, at its meeting in March, consider arranging future sessions of the Code of Conduct training remotely/online only and share a recording to allow individuals to view at a more convenient time should they choose to do so.

It was highlighted that there were challenges in identifying who the individuals who had joined online and that further consideration would be given to this in order to ensure that each attendance was captured correctly.

The Legal Services Manager stated that he would re-send a link to the recording of the training delivered on 12th June 2023 to all Town and Community Councils.

UNANIMOUSLY RESOLVED to note the report and endorse the above suggestions.

6. CODE OF CONDUCT DATA 2022-2023

The Standards Committee at its meeting held on the 7th March 2023, agreed to undertake a further annual exercise collecting code compliance data from Town and Community Councils. Committee Members considered the results of the exercise provided within the report.

Members were informed that in addition to the usual questions regarding declarations of interest and code of conduct training, Councils were also asked additional questions regarding their compliance with legislative requirements relating to the provision of training plans for their members, pursuant to the Local Government and Elections (Wales) Act 2021

It was reported that for the first time, Town and Community Councils had been asked to directly complete an online snap survey rather than provide a written response to the questions. The survey had been sent to all Town and Community Councils early May 2023 with a deadline of the 1st July 2023 for responses. A reminder had been sent in June 2023 with follow up telephone calls to those who had not completed the survey by the end of July.

Members noted that 58 out of 72 Councils had responded at the time of preparing the report. This represented a decrease from 67 compared to the previous year.

Whilst overall the survey suggested that there was still generally good compliance with the code by Town and Community Councillors, Members were disappointed to note that only half of Councils had adopted a training plan as required by the Local Government and Elections (Wales) Act 2021.

Members were keen to engage with Town and Community Councils to remind them of the requirement to adopt a training plan. The Legal Services Manager stated that he would draft a letter on behalf of the Committee.

In noting that this was the first year whereby Town and Community Councils were to adopt a training plan, it was raised that the Councils may not have had adopted a training plan when the survey was completed, as usually it would be included as an item on the agenda at the first meeting back from recess being held in September. In acknowledging that the timing did was not an excuse to not comply with the statutory legislation, it was felt that the Councils would become clearer in time. It was felt that that a letter from the Standards Committee reminding them of their statutory duty would be beneficial together with a follow-up survey to once again gauge the adoption rate.

It was noted that overall, there was a good level of code of conduct compliance across the Town and Community Councils.

In response to queries raised regarding sanctions in the case of non-compliance, the Legal Services Manager stated that as the requirement of a training plan was part of the Local Government and Elections (Wales) Act 2021, non-compliance would be referred to the Ombudsman. Members were informed that the whilst the Standards Committee did not have an enforcement role in terms of the legislation, it was able to advise, persuade and guide Town and Community Councils that they should adhere to the legislation.

In response to a further query, the Legal Services Manager highlighted that 5 out of the 37 training plans adopted had stated that it did not require Councillors to attend code of conduct training. It was explained that whilst the Code of Conduct training was not a mandatory requirement, the guidance in adopting a training plan did strongly suggest that Code of Conduct training should be undertaken. However, the Legal Services Manager informed Members that there was more recent guidance which he offered to reference in the reminder letter to Town and Community Councils. Committee Members agreed.

In order to help increase the training plan adoption rate, it was suggested that it would be beneficial to include a sample training plan for Town and Community Councils to utilise.

In capturing the Committees comments and suggestions, the Legal Services Manager would send a letter to all Town and Community Councils:-

- Reminding Councils of their duty to adopt a training plan in accordance with the Local Government and Elections (Wales) Act 2021 referencing Welsh Government Guidance;
- Informing Councils that this exercise would be repeated next year;
- A sample training plan to be included.

UNANIMOUSLY RESOLVED:-

6.1.1 to note the Code of Conduct Data gathered in respect of Town and Community Councils;

6.1.2 that a reminder letter from the Standards Committee, to include the Committee suggestions raised, be sent to all Town and Community Councils.

7. GROUP LEADERS DUTY: STATUTORY GUIDANCE

Committee Members considered a report which provided information in regard to the Welsh Government's Statutory Guidance which was published in June 2023 in relation to the operation of the Group Leaders duty under the Local Government and Elections (Wales) Act 2021.

Whilst the scope of the guidance went beyond just the Group Leaders duty – the relevant provisions was provided in Part 2 of the guidance, sections 4.0 to 7.0 a full copy of which was appended to the report.

The Legal Services Manager highlighted the key points contained in the guidance.

Members were asked, how they wished to structure and engage with Group Leaders at the start of the 2023/24 year? The general consensus was that the Legal Services Manager on behalf of the Standards Committee:-

- make contact with other Local Authority Monitoring Officer's as they would also be going through the same process to gain an idea of how best to proceed.
- make contact with the Group Leaders to identify a suitable date to meet with the Standards Committee in April 2024;
- share an extract of the Statutory Guidance with Group Leaders.

UNANIMOUSLY RESOLVED to note the terms of the Guidance and that abovementioned approach be carried out.

8. PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT

The Committee considered the Public Service Ombudsman for Wales' Annual Report for 2022/23 incorporating the Statement of Accounts and providing information on both maladministration and Code of Conduct cases dealt with by his office during the period of the report.

The Committee noted that the key points from the report.

UNANIMOUSLY RESOLVED that the report be received.

9. A NEW TRIBUNAL SYSTEM FOR WALES: WHITE PAPER

The Committee considered a report which outlined key information in relation to the new Tribunal System for Wales: White Papers.

Members were informed that on the 19th June, 2023 the Welsh Government published a consultation paper on the proposed reforms to the devolved tribunals in Wales. The report stated that whilst the impact of the proposals goes far beyond the work of the Adjudication Panel for Wales (APW) the proposal expressly brought it within the scope of the reforms. Paragraph 37 sets out the proposed new structure namely.

Members noted the unified tribunal system for Wales which comprised of 2 new generic tribunals:-

- The First-tier Tribunal for Wales;
- The Appeal Tribunal for Wales.

If adopted, this would add an additional layer of appeal compared to the current APW structure.

The White Paper contained 43 consultation questions which was appended to the report at Annex 1, the deadline for responses was the 2nd October 2023.

In considering the questions, a query was raised regarding equality and diversity. It was confirmed that question 28 aimed to encourage diversity in the range of persons appointed. This was accepted and supported.

UNANIMOUSLY RESOLVED to note the consultation proposals and that a response on behalf of the committee be formulated.

10. RECENT DECISIONS BY THE ADJUDICATION PANEL FOR WALES

[Note: Mrs Caryl Davies having earlier declared a personal interest in this item repeated the declaration and remained in the meeting.]

The Committee considered a report recently published by the Adjudication Panel for Wales detailing its findings in four cases referred directly from the Public Services Ombudsman for Wales.

UNANIMOUSLY RESOLVED that the report be received.

11. ANY OTHER ITEMS OF BUSINESS

There were no items of urgent business.

CHAIR

DATE