

Meeting of:	Standards Committee
Date of Meeting:	Friday, 02 February 2024
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Update on National Standards Committee Chairs Forum
Purpose of Report:	To provide the Committee with an update on progress regarding the establishment of a National Standards Committee Chairs Forum for Independent Standards Committee Members
Report Owner:	Debbie Marles, Monitoring Officer/Head of Legal and Democratic Services
Responsible Officer:	Karen Bowen, Principal Democratic and Scrutiny Services Officer
Elected Member and Officer Consultation:	This report does not require consultation to be undertaken
Policy Framework:	This is a matter for the Standards Committee
Executive Summary:	<ul style="list-style-type: none"> - To apprise Members of the agenda for the meeting of the National Standards Committee Chairs Forum held remotely on 29th January, 2024. - To receive a verbal update from the Chair of the Vale of Glamorgan Council's Standards Committee following attendance at the Forum meeting.

Recommendations

1. That the Agenda for the meeting of the National Standards Committee Chairs Forum be noted.
2. That the verbal update provided by the Chair relating to the discussions held at the forum be noted and considered by the Committee.

Reasons for Recommendations

1. To apprise Committee.
2. To seek the Committee's views in relation to any matters discussed at the National Standards Committee Chairs Forum.

1. Background

- 1.1 In September 2019 Committee were apprised of the Terms of Reference and overview of the work of the North Wales Standards Forum and the feedback received regarding establishing a Standards Forum in South and East Wales.
- 1.2 Lack of resources and capacity were raised as barriers to establishing a similar Forum in South and South East Wales at that time. However, since then discussions have been ongoing for the establishment of a National Forum.
- 1.3 In March 2021 the then Minister for Housing and Local Government announced her intention to commission an independent review of the Ethical Standards Framework for Local Government (ESF) in Wales that was established by the Local Government Act 2000. Mr. Richard Penn, an independent consultant, was subsequently commissioned to undertake the review.
- 1.4 The Standards Committee considered at its meeting on 25th November, 2021 a report on the first phase of Richard Penn's review of the Ethical Standards Framework in Wales. In the first phase review Richard Penn suggested that an all-Wales Forum for Chairs of Standards Committees be established and that the Annual Conference for Independent Chairs and Independent Members of Standards Committees across Wales be re-established.

2. Key Issues for Consideration

- 2.1 The National All Wales Standards Committee Chairs Forum is a body for the sharing of good practice and the co-ordination of activity. The Forum is not a formal decision-making body and does not have delegated powers to act on behalf of the Standards Committees in Wales.
- 2.2 Members will recall that Committee was keen to be part of an all-Wales Forum.
- 2.3 The WLGA to send out the agendas, prepare minutes and prepare basic reports analysing practice across Wales with the agenda for the meetings being prepared

by the Monitoring Officers Group with Members of the Forum being able to suggest items of future business.

- 2.4** The agenda for the meeting held on 29th January, 2024 can be found at Appendix 1 to this report and the minutes of the last meeting of the Forum held on 30th June, 2023 can be found at Appendix 2 to this report.
- 2.5** Having regard to Item 7 on the agenda titled Local Resolution Protocols, the Vale of Glamorgan Council following a recommendation by the Standards Committee implemented a Local Dispute Resolution Procedure in 2014 which was subsequently reviewed in September 2018.
- 2.6** Town and Community Councils in the Vale were also recommended to introduce a similar procedure.
- 2.7** With regard to item 8a on the Forum Agenda, the Vale Council does not currently have any Group Leaders on its Standards Committee.
- 2.8** In referring to progress on adopting the agreed common threshold of £25 for the registration of gifts and hospitality at Item 8b following a recommendation by the Standards Committee, it can be noted that the Vale Council approved this threshold at its meeting on 23rd July, 2023.
- 2.9** In referring to training on social media at Item 8c on the Forum's agenda, social media training was part of the induction programme for Members following the Local Government Elections in May 2022 following it is also referred to in the Councillors Handbook which was distributed to candidates and is available on the Council's website and internal Membernet pages. Membernet being an internal electronic database which provides information to Members of the Vale of Glamorgan Council including Co-opted Members. All training materials for Members are also placed on the Membernet pages for future viewing as required. The Membernet pages also detail all the training materials that are provided to Members for future viewing as required and are also updated as required. The Council's Social media policy is also available on Membernet and the Council's StaffNnet.
- 2.10** As Members will recall at its November meeting the Committee received a report in relation to the Civility in Public Life programme being undertaken by the Local Government Association in England and the Welsh Local Government Association. The Monitoring Officer intends to report to the Committee with any future updates and recommendations in due course.
- 2.11** At the Standards Committee meeting the Chair will no doubt provide Members with an update on the discussions held at the Standards Forum on 29th January, 2024 for Committee's consideration.
- 2.12** Committee is therefore requested to consider and note the contents of this report.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The role of the Standards Committee is to promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives. It is intended that the process adopted within this report will aim to promote that role with the sharing of good practice.

4. Climate Change and Nature Implications

- 4.1** None as a direct result of this report.

5. Resources and Legal Considerations

Financial

- 5.1** Members are able to be remunerated for attendance under the allowance scheme agreed by the Independent Remuneration Panel and the Vale of Glamorgan Council's Constitution. Independent Members are able to claim for a maximum of 15 days per annum as detailed within the Council's Constitution.

Employment

- 5.2** Members will be remunerated for attendance under the allowance scheme agreed by the Independent Remuneration Panel and the Vale of Glamorgan Council's Constitution. Independent Members are able to claim for a maximum of 15 days per annum as detailed within the Council's Constitution.

Legal (Including Equalities)

- 5.3** The role of the Standards Committee is to promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives.

6. Background Papers

National Standards Committee Chairs Forum - Wales

Monday 29th January 2024 @ 2pm, via Teams

Agenda

1. Apologies for absence.
2. Chairs Announcements
 - a. Welcome new Panel Advisor, Justine Cass, Deputy Monitoring Officer and Solicitor, Legal Services, Torfaen County Borough Council.

3. Notes of the previous meeting 30 June 2023.

NOTE 7 Richard Penn Review update.

The responses were being analysed and the results would be published during the autumn.

https://www.gov.wales/sites/default/files/consultations/2023-11/wg48234-summary-reponses_0.pdf

<https://www.gov.wales/written-statement-responses-consultation-review-local-government-ethical-standards-framework>

4. Michelle Morris - Public Services Ombudsman for Wales – Update.
5. Corporate Joint Committees (CJCs) and Joint Standards Committees. Presentation by Iwan Gwilym Evans, Gwynedd.

6. Resourcing of Standards Committees, Action 6 of previous meeting notes.

Specifically,

a. Resourcing of Standards Committees. Chair and Davina Fiore to discuss the possibility of raising the issue of budgets with the Monitoring Officer group.

b. payments to Co-opted Members.

c. <https://www.gov.wales/independent-remuneration-panel-wales-draft-annual-report-2024-2025> This is linked to the discussions at the previous meeting on workloads and item 6b on the agenda.

Chairs may wish to discuss report -

- i. in the context of the changes proposed (e.g. hourly rate) and non-changes (i.e. no increase in rates for independent members).
- ii. The general application of the guidance and are they being applied consistently to Standards Committee members i.e., how the guidelines on remuneration are applied.
- iii. Whether the Chairs have input into future IRPW reports e.g. could a representative from the IRPW be invited to a future meeting.

7. Local resolution protocols, how do they operate in your area and are they effective. Reflections. – All

8. Items raised by the Monitoring Officers Group.

a. Whether, in light of the duty to report on the performance of the Group Leader's duty, authorities allow group leaders to sit on their Standards Committee and, if so, how they manage any perceived conflict of interest between a group leader assessing their own performance and the performance of their political opponents.

b. Progress on adopting the agreed common threshold of £25 for the registration of gifts and hospitality.

c. Do authorities have any guidance on the use of social media over and above that published by the WLGA.

d. Whether authorities encourage their town & community councils to sign the civility and respect pledge - <https://www.slcc.co.uk/news-publications/civility-respect-pledge/> . If they do not whether they would consider doing so

9. Training for Standards Committee Chairs.

10. Any other business.

11. Date of next meeting 24th June 2024.

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.