

Standards Committees Chairs Forum - Wales

Monday, 29th of January 2024 @ 2pm, via Teams

Notes

1. Chairs Announcements

- a) Welcome new Panel Advisor, Justine Cass, Deputy Monitoring Officer and Solicitor, Legal Services, Torfaen County Borough Council.

2. Notes from the previous meeting – 30th of June 2023.

- Notes shared with Standards Committees would be in the public domain, and must be published as they are received, to ensure that any issues raised on individual ongoing cases or potential cases to assist with the process/problem solving/best practise were anonymised to ensure individual members and councils could not be identified.

3. Michelle Morris, Public Services Ombudsman for Wales – Update

Code of Conduct Cases 2023/24.

- Increase in the number of cases since last year – 18% Increase – 116 Open Cases
- Increase in Closed Cases
 - Pre-Assessment +18%
 - Assessment +2%
 - Investigation +32%

- Challenge of “Aged Cases” (over 12 months)
 - Quarter (15 cases) of investigations at end of December '23
 - Target to halve by end of the financial year.

Referrals & Hearings

- 11 concluded to end of December '23
- 9 pending, 2 Adjudication Panel for Wales (APW) including 1 Appeal.
- Anticipate further referrals before end of the financial year.

Points of Interest – APW granted Interim Suspension (July 2023) – final report will be with Panel next month.

Questions and comments

- The dynamics of the situation – “aged cases” and increase in number of current cases, balancing with an increase in health board cases, challenge in terms of staffing resources. Is that likely to slow down progress?
 - It was a challenge, and the increase of maladministration cases was 5% - a smaller figure but in the context of a much larger case load. It was a challenge to look at the best use of resources. Finance Committee in the Senedd had agreed to recommend an increase in budget for two extra members of staff, which will be hopefully agreed in the draft budget. Must focus on the most serious cases, there is an impact and a judgement call to be made.
- Is there anything more that Standards Committees can do in terms of helping with the PSOW workload?
 - Local resolution is important, particularly if there are patterns emerging locally where perhaps things can be “nipped in the bud” – Group Leaders have a role in this with having conversations about appropriate behaviours.
- If a hearing is conducted and a decision made with a sanction given on a LA councillor, if the complainant doesn't agree – what is the process for the Standards Committee?

- The issue with this case is that the PSOW has not investigated it before going to the Standards Committee. The normal process would be for the PSOW to investigate and refer to the Standards Committee to conduct the hearing. PSOW will confirm the process to the LA with this case.
- The recently circulated PSOW newsletter for Q3 was very useful, particularly the links.
- There was positive feedback from a Local Authority in terms of their engagement with PSOW who had been most helpful and supportive with two recent hearings.
- In a recent case there was a hearing concerning a community councillor, and the outcome was a decision to suspend him. After this, the councillor said he was a community councillor at a neighbouring community council– the decision was to just suspend him for the community councillor that the complaint had been raised. Was this the wrong decision?
 - The circumstances mentioned previously in a different case would have been different, and if the Standards Committee had sought advice from the PSOW team, their advice would be correct.

4. Corporate Joint Committees (CJCs) and Joint Standards Committees – Iwan Gwilym Evans

- See attached presentation.



CJC_Overview-Biling
ual - Fforwm Forum.p

Questions and comments

- Powys and Ceredigion are one CJC – there seems to be a duplication of effort and cost. What are your thoughts on two separate Standards Committees?

- The regulations mean that a Standards Committee must be established going forward, reflects the approach Welsh Government are taking of CJsCs as a developing body who may have more influence.
- Members are allocated to the National Park Authorities, the formation of the CJsCs had the thoughts about the powers that the CJC Standards Committee has. Some of their members are allocated to the Authorities and Standards Committees do not have the same powers of sanction.
 - Will have the same powers as a local authority Standards Committee but will only deal with issues relevant to the member CJC.

ACTION: PowerPoint slides to be circulated to the Chairs. IE, CT

ACTION: Consider how the Forum engages with the emerging CJC Standards protocols and groups before the next meeting. CW, JC, CT.

5. Resourcing of Standards Committees

- Resourcing issues to ensure they are fit for purpose to undertake the work that is required.
- Missed the opportunity to respond to this year's IRPW report but want to look at how we engage going forward. Standards committee co-opted members not consulted as part of IRPW stakeholder engagement. Payments to co-opted members did not seem to be a focus for the IRPW.
- The determination around the interpretation of remuneration is different across Councils as well as different levels of support e.g., provision of IT equipment and an email address. Do we want to map out the differences between councils?
- Do we want to engage with the issue, if we do, do we ask someone from IRPW to come along, mapping to feed into a future report?

Comments

- Fully support the thoughts in terms of engaging with the IRPW. The way forward is to do some mapping to ensure there is an understanding of issues.

- Consistency with the application of remuneration and support was important to ensure it attracted people to the role. Monitoring vacancies might be an indicator the IRPW would consider as part of their work.
- Monitoring officers interested in changes going forward, in terms of hourly rates etc. ensure that there are different scenarios in the mapping exercise.
- Head of Democratic Services (HoDS) in Swansea was consulted by the IRPW – supported the hourly rate. It would be an additional hour – if it went over the 8 hours day rate, it would allow additional payment over the full day rate. Up to the HoDS to say how long the meeting lasts, if the HoDS said 8 hours but the meeting only lasts 30 minutes, the HoDS is still obliged to pay 8 hours to ensure there was no detriment to the members who might otherwise have cleared their diary resulting in lost opportunity costs or additional costs incurred.

ACTION: Issue to be highlighted with Monitoring Officers at their national governance group meeting. JC, CT.

ACTION: Response to the 2024/25 report from IRPW, what the role ought to be in future consultations and discussions. Need to ensure the forum is a part of the discussion for the future All.

ACTION: Issue of the hourly rate – how attendance is regarded and funded – consistency across Wales would be welcomed, need to give this consideration All.

ACTION: The broader question, how does the forum engage going forward? The mechanism rather than the practicalities All.

ACTION: Invite Chair of the IRPW to the next meeting CT.

ACTION: Julia Hughes to share mapping template with the Forum JH.

6. **Local resolution protocols, how do they operate in your area and are they effective?**

- Feedback from council said that local resolution had not been used often, in situations when it had been used it was a mediation type meeting resulting in an apology or a handshake, and both parties moved forward. Some members did not want to go down the local resolution route and had decided to be civil with each other. Within group Leaders interest to involve themselves in this process to fulfil their duties. It works if both parties want to make it work.
- Recommended to 26 town and community councils in VoG and all but one had adopted the protocol. It seemed to be working well.
- A lot depends on local politics in the area, whether the constitution includes a clear process for a local resolution protocol and the dynamics of local relationships. Issues sometimes increased around elections and it's not always easy to progress matters using a local protocol.
- If it's not possible to resolve matters informally and they eventually result in a hearing, that can be a difficult process to manage involving time and expense. The informal resolution option was preferable where possible.
- Some local resolution schemes did not allow for an appeal.

7. Items raised by the Monitoring Officers Group - JC

- a) Group Leaders duty to promote good standards – potential for perceived conflict of interest, assessing their own performance and the performance of their political opponents if they were to join their Standards Committee.
- A scenario referenced where this was put this forward to the MO. Two examples which are very different, on one standards committee – county councillor on the standards committee, became a group leader and said it was now a conflict of interest for him and stood down. Another standards committee which has a group leader on the committee, not considering standing down.
 - Personal view that it is a conflict of interest. The person of interest in another council, does not turn up to meetings, does not send apologies and does not send a sub. A letter has been sent to the group leader by the chair noting this.

ACTION: Ongoing, place on agenda of next meeting.

- b) Progress on adopting the agreed common threshold of £25 for the registration of gifts and hospitality. Not perceived as an issue.
- Two of the committees have agreed £25, constitutional democratic committee decided to stick at £10.
- c) Do authorities have any guidance on the use of social media over and above that published by the WLGA.

ACTION Circulate the link to WLGA guidance CT.

<https://www.wlga.wales/social-media-and-online-abuse>

ACTION WLGA Cyber training details to be made available CT.

- d) Whether authorities encourage their town & community councils to sign the civility and respect pledge. If they do not whether they would consider doing so.
- Flintshire hold joint Standards Committee meetings once a year with Town and Community Councils. They are beneficial and attendance is encouraged and promoted.

8. Training for Standards Committee Chairs

- Email about two training sessions.
- Generic chairing skills session – 12th February 2pm-4pm
- Training around how to conduct hearings – external provider who is able to facilitate the training on behalf of the WLGA. Ideally, we would like to deliver this training before the end of this financial year. Alternatively, we may need to arrange it in April.

9. AOB

- Are members of Standards Committees required to be DBS checked?
 - The Chairs in attendance are not required to have a DBS check for their role.

ACTION Update on the rules for DBS checks to be provided at the next meeting JC.

10. Date of next meeting

- Monday, 24th of June 2024.