

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT BY TEAMS ON THURSDAY, 17 FEBRUARY 2022

PRESENT: Mr S Hays (Chair)

Independent Members: Mrs J Evans, Mrs C Moore and Mr N Steward

County Councillors: A Jenner

1.	APOLOGIES
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Apologies for absence were received from County Councillors S McNicholas and K Roberts-Jones who were on other Council business.

2.	MINUTES
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The Chair was authorised to sign the minutes of the meeting held on 21 January 2022 as a correct record.

3.	DECLARATIONS OF INTEREST
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Mrs J Evans declared a prejudicial interest in Item 4 - Section C – Dispensations as she owned land which could potentially be afforested and would leave the meeting for the item.

4.	REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES
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The Committee received the report of the Head of Legal and Democratic Services (copy filed with signed minutes).

A. General Standards Issues for County Councillors and Co-opted Members

A1. Code of Conduct Training

The Committee noted that the one member whose mandatory Code of Conduct training had been outstanding, had now been completed.

B. Referral of Councillors to the Public Services Ombudsman

B1. County Council Referrals

The current position regarding matters with the Ombudsman is as follows:

02/CC/2020 Ombudsman investigating

01/CC/2021 Ombudsman deciding whether or not to investigate

03/CC/2021 It was noted that since the Agenda had been published, the Ombudsman had advised that no action would be taken following investigation

04/CC/2021 Ombudsman investigating

Mrs J Evans having declared an interest left the meeting for the next item.

C. Dispensations

C1. Applications - County Councillors

The Chair welcomed County Councillor E Vaughan to the meeting. He thanked the Committee for the opportunity to speak about his application for a dispensation. He advised that the latest information from officers showed that 75% of councillors had some link to farming and the agriculture industry. He advised that if a dispensation was not available a lot of knowledge and experience would not be available to other councillors when farming and agriculture industry issues are debated. Councillor Vaughan advised he was applying for a dispensation to allow these councillors to participate in debates but not vote on any issue and stated that Carmarthenshire County Council and other councils were following the same model.

The Committee members noted that it would be important for the Council to hear from those with knowledge and experience of farming and the agriculture industry before the Council made decisions on issues relating to these. The committee supported the application.

In response to comments the Head of Legal and Democratic Services advised that if the dispensation was granted, whenever an issue covered by the dispensation was included on an agenda, councillors would need to state they were using the dispensation when they were asked to declare any interests. In addition, he advised that the reliance by councillors on the dispensation would also be reiterated prior to the item being discussed.

It was moved and duly seconded to approve the dispensation.

RESOLVED	Reason for decision
<p>i. a dispensation be granted to allow Members to speak but not vote and /or make written representations in relation to any matters relating to or likely affect farming and agriculture</p> <p>ii. the dispensation shall continue in force until the first meeting of the Standards Committee, after the next ordinary Council elections in 2022, unless before those elections, the Standards Committee revokes, amends or alters the dispensation.</p>	<p>i. Due to the rural nature of the county, a significant proportion of the Council was affected and unable to take part in a discussion on this matter and Council thereby would lose their expertise</p> <p>ii. that no fewer than half of the members of the Authority or a committee of the Authority by which the business is to be considered has an interest which relates to that business</p> <p>iii. that the nature of the Member's interest is such that the Member's participation in the business</p>

	<p>to which the interest relates would not damage public confidence in the conduct of the relevant Authority's business.</p>
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The Chair thanked County Councillor E Vaughan for attending the meeting.

Mrs J Evans returned to the meeting.

D. Independent Review of the Ethical Standards Framework in Wales and the All Wales Standards Conference held on 9 February 2022.

The Standards Community Sub-Committee members joined the Committee for the discussion of this item.

The Committee and Sub-Committee received the Independent Review of the Ethical Standards Framework in Wales report [Penn Report] and the summary provided by the Head of Legal and Democratic Services.

In response to a question about the number of inquiries on issues, which may not become formal complaints, the Head of Legal and Democratic Services advised that a lot of minor issues are dealt with by officers on an informal basis and the numbers relating to Code of Conduct issues could be collated. In respect of complaints regarding town and community councillors the Head of Legal and Democratic Services advised that Monitoring Officers are not currently involved in the town and community council local resolution protocol meetings. However, the suggestion that the Ombudsman could refer back complaints under the local resolution protocol to Monitoring Officers would have resource implications for all Monitoring Officers. It was noted and hoped that the recommendation to remove the requirement on the Standards Committee to consider the decision of the Adjudication Panel for Wales on an appeal if it is different to the original decision would be implemented, as the current process was considered to be unnecessary and bureaucratic.

The Committee and Sub-Committee members who attended the "virtual" All Wales Standards Conference reported that it was a good conference attended by 125 people and was a good opportunity to network. The following issues were noted:

- The Penn Report was considered to be excellent and should be implemented in full.
- The Welsh framework was fit for purpose and was considered to be better than the English framework.
- The training of town and community councillors on the Code of Conduct should be mandatory. However, it was noted that how this was resourced and provided was an issue.
- The Welsh Government representative did not commit herself to the recommendations and indicated that if legislation was necessary this would not happen until the end of the year at the earliest.
- A Democracy Handbook had been developed by the Welsh Government.
- All councils in Wales had been asked to sign up to a Fairer Campaigning Pledge for the forthcoming local elections. - The Head of Legal and

Democratic Services advised that this had been discussed with the political group leaders. They were being encouraged to sign up to the pledge and all candidates were being encouraged to do so.

- Local resolution within town and community councils was raised as an issue, in respect of how this would be undertaken, the resources required to provide this, the role of monitoring officers and whether this would be based on good practice or legislation.
- Joint training with other councils, an annual Standards conference and a commitment to promote bilingualism were also encouraged.
- Paul Egan, One Voice Wales [OVW] highlighted the misuse of social media by town and community councillors. He advised that most complaints were between clerks and councillors and vice versa. OVW supports local resolution and 15% of town and community councils have serious issues. OVW was promoting a self-evaluation toolkit, supported mandatory training and supported the Penn Report.
- It was regretted that mandatory training was not going to be legislated.
- There was a need to make standards integral to the way the authority works and embed into the culture. There was also a need to look at the role of the Standards Committee outside of its three or four meetings each year. The leadership role of the chair was important and the Committee would like to see the Chief Executive and political group leaders attending its meetings. - In response to this the Head of Legal and Democratic Services indicated that invitations could be made to the Chief Executive and group leaders.

It was noted that the Conference had agreed to write to the Minister advising her that there was agreement to the report and urging that the recommendations are taken forward.

It was moved and duly seconded that the Standards Committee and Community Sub-Committee should write to the Minister to support the recommendations but expressing reservations regarding the mandatory training of town and community councils on the code of conduct, the resources to provide this and the concerns regarding local resolution procedures. The letter would be drafted by the Chair and Vice Chair in consultation with the Monitoring Officer.

Resolved

That a letter would be sent by the Standards Committee and Community Sub-Committee to the Welsh Minister advising her that the Committees agreed with the findings of the Penn report and urged that the recommendations are taken forward but also expressing reservations regarding the mandatory training of town and community councils on the code of conduct, the resources to provide this and the concerns regarding local resolution procedures.

E. Late Payment of Expenses

There were no requests for late payments of expenses.

F. Correspondence – There was none.

G. Meeting dates

The dates of meetings in 2022 were noted:

9 September 0930hrs – appointment of town and community council
representatives on the Community Sub-Committee and induction training
15 September 1400hrs
5 December 1400hrs.

Mr S Hays (Chair)