

## Standards Committees Forum - Wales

Friday, 30<sup>th</sup> 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.**

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<sup>1</sup> This has already taken place. Monitoring Officers and Heads of Democratic Services received an email from Welsh Government on Tuesday 4<sup>th</sup> 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.

**Fforwm Pwyllgorau Safonau - Cymru**  
**Dydd Gwener, 30 Mehefin 2023 am 2pm, trwy gyfrwng Teams**

**Nodiadau**

**1. Nodiadau cyfarfod blaenorol a gynhaliwyd ar 27 Ionawr 2023**

Cytunwyd ar nodiadau'r cyfarfod blaenorol a gynhaliwyd ar 27 Ionawr 2023.

a. Dosbarthu nodiadau'r cyfarfod

- Gofynnwyd i'r Cadeiryddion a fyddai nodiadau'r cyfarfodydd yn cael eu dosbarthu i aelodau'r Pwyllgorau Safonau.
- Petai'r nodiadau'n cael eu rhannu gyda Pwyllgorau Safonau, byddent yn rhai cyhoeddus.
- Roedd y Cadeiryddion eisiau rhannu cymaint â phosibl gyda'u Pwyllgorau Safonau a'r cyhoedd.
- Dywedodd Davina Fiore, Cyfarwyddwr Llywodraethu a'r Gyfraith a Swyddog Monitro yng Nghyngor Caerdydd, a oedd yn cynghori'r Fforwm, petai'r cofnodion yn cael eu cyhoeddi yn rhan o agenda Pwyllgor Safonau ym mhob Cyngor unigol, roedd hi'n bwysig bod unrhyw fater oedd yn cael ei godi oedd yn ymwneud ag achosion unigol parhaus neu achosion posibl i gynorthwyo â'r broses/datrys problem/arfer gorau yn rhai di-enw, er mwyn sicrhau nad oedd modd adnabod aelodau unigol a Chynghorau. Dywedodd hefyd, petai angen, y byddai'n bosibl cadw rhan o'r cofnodion yn gyfrinachol a pheidio â chael eu dosbarthu'n eang.



**CYTUNWYD:** Y gellir dosbarthu cofnodion i'r Pwyllgorau Safonau, cyn belled nad oedd modd adnabod unrhyw achwynydd na chynghorydd oedd â chwyn amdanynt. Fe fydd hyn yn cael ei adolygu ym mhob cyfarfod/ar ôl pob cyfarfod.

b. Hyfforddiant i Gadeiryddion

**CAM GWEITHREDU:** CLILC i drefnu sesiwn hyfforddiant am gadeirio Pwyllgor Safonau.

## **2. Cadeirydd y Pwyllgor ar Safonau mewn Bywyd Cyhoeddus, Bwrdd**

### **Ymgynghorol Ymchwil, Yr Athro Mark Philp**

- Fe amlinellodd yr Athro Mark Philp ei rôl fel aelod o Bwyllgor ar Safonau mewn Bywyd Cyhoeddus a rhoddodd drosolwg o'r gyfundrefn safonau yn Lloegr a rhoi'r argymhellion o Adroddiad Safonau Moesegol Llywodraeth Leol (2019) ar waith.

**CAM GWEITHREDU:** CLILC i ddarparu dolen i adroddiad Pwyllgor Safonau mewn Bywyd Cyhoeddus "[Leading in Practice](#)".

## **3. Michelle Morris - Ombwdsman Gwasanaethau Cyhoeddus Cymru (OGCC) -**

### **Y wybodaeth ddiweddaraf**

Rhoddodd Michelle Morris y wybodaeth ddiweddaraf i'r Fforwm am ei hadroddiad blynyddol ar gyfer 2022/23.

Nodwyd

- Gostyngiad o 4% yn y nifer o gwynion yn honni camymddwyn gan aelodau o awdurdodau lleol.
- Gostyngiad yn y nifer o gwynion yn erbyn cynghorwyr Tref a Chymuned.
- Fe ymchwiliodd Ombwdsman Gwasanaethau Cyhoeddus Cymru i 35 achos, er nad oedd hwn yn rhif uchel, roedd yn golygu llawer o waith.
- Roedd y nifer o gwynion oedd yn ymwneud â chydraddoldeb a pharch wedi codi eto. Roedd ychydig dros 60% o'r achosion yn ymwneud â thorri'r cod yn y categori hwn.
- Cafodd 12 achos eu cyfeirio i Bwyllgorau Safonau a Phanel Dyfarnu Cymru, o'i gymharu ag 20 y llynedd.
- Ers i Ombwdsman Gwasanaethau Cyhoeddus Cymru siarad â'r Fforwm ddiwethaf, cynhaliwyd 6 gwrandawriad Pwyllgor Safonau, ac roedd 1 penderfyniad o'r tribiwnlys a 3 phellach wedi'u trefnu. Roedd un ohonynt yn ymwneud ag atgyfeiriad dros dro.
- O'r 280 o gwynion a wnaed i Ombwdsman Gwasanaethau Cyhoeddus Cymru, dim ond 35 oedd yn cyrraedd prawf lles y cyhoedd. Rhoddwyd adborth i Bwyllgorau Safonau a Swyddogion Monitro am faterion lefel is nad oedd angen ymchwiliad pellach.

#### Fforwm agored, sylwadau.

- Roedd angen byrhau'r broses ymyrraeth dros dro.

- Mynegwyd pryder am les unigolion oedd yn mynd gerbron Pwyllgor Safonau o ystyried yr amser hir yr oedd yn ei gymryd i gwblhau'r broses.
- Mae yna dri cham i brawf lles y cyhoedd, h.y. a oes yna ddigon o dystiolaeth bod y cod wedi cael ei dorri; a oes yna dystiolaeth i'w gefnogi, a fyddai'n ddigon sylweddol i arwain at neu'n debygol o arwain at gosb, ac a oedd yna les ehangach i'r cyhoedd wrth symud ymlaen â'r ymchwiliad.

**CAM GWEITHREDU: Ombwdsman Gwasanaethau Cyhoeddus Cymru i anfon cyfraith achosion ymlaen mewn perthynas â phrawf lles y cyhoedd i aelodau'r Fforwm drwy'r CLILC.**

#### **4. Hyrwyddo safonau uchel**

- Trafododd y Fforwm y ddyletswydd ar Arweinwyr Grwpiau i gymryd camau rhesymol i hyrwyddo a chynnal safonau ymddygiad rhagorol gan aelodau'r grŵp, a dyletswydd ar y Pwyllgor Safonau i gyflwyno sylwadau ar gydymffurfiaeth Arweinwyr Grwpiau gyda'r ddyletswydd fel rhan o'r adroddiad blynyddol.
- Ar y cyfan bu profiadau yn gadarnhaol ac yn galonogol.
- Roedd arweinwyr wedi dangos parodrwydd i ymgysylltu gyda'r broses ac roedd rhai awdurdodau wedi symud ymlaen yn bellach nag eraill gyda hyn.
- Yn nodweddiadol, roedd Pwyllgorau Safonau eisoes wedi cyfarfod ag arweinwyr grwpiau.

- Roedd yn ymddangos fod yna anghysondeb gyda chanllaw diweddar y llywodraeth. Roedd hi'n aneglur a ddylai arweinwyr gyfarfod gyda'r Pwyllgor Safonau neu dim ond y Cadeiryddion.

**CAM GWEITHREDU: CLILC i geisio eglurhad ar y canllaw statudol ac yna diweddarau aelodau.**

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## 5. Cefnogi Cynghorau Tref a Chymuned

### Sylwadau

- Roedd hi'n anodd dewis dull llwyddiannus.
- Roedd Pwyllgorau Safonau'n mynychu cyfarfodydd Cynghorau Tref a Chymuned.
- Roedd Cynghorau Tref a Chymuned yn cael eu hannog, mewn un ardal, i fabwysiadu proses datrysiaid lleol. Roedd derbyn hyn wedi bod yn isel.
- Gallai cyfarfodydd rhwng Cadeiryddion a Chlercod fod yn gynorthwyol.
- Rhannu adborth dienw ar ôl mynychu cyfarfodydd Cynghorau Tref a Chymuned, yn cynnwys arfer da.
- Cefnogaeth Swyddogion Monitro yn benodol i'r Clercod.

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<sup>1</sup> Mae hyn eisoes wedi digwydd. Derbyniodd Swyddogion Monitro a Phenaethiaid Gwasanaethau Democrataidd e-bost gan Lywodraeth Cymru ddydd Mawrth 4 Gorffennaf am 2.37pm yn nodi: "Fe hoffem dynnu eich sylw at ddiwygiad i'r canllaw statudol ac anstatudol wedi'u cydgrynhoi ar gyfer y Prif Gynghorau yng Nghymru yn Rhan 2, Adran 6.0, paragraff 6.4. Mae'r canllaw wedi cael ei ddiwygio i ddweud mai'r Pwyllgor Safonau (yn hytrach na Chadeiryddion Pwyllgorau Safonau) ddylai gwrdd ag arweinwyr grwpiau ar ddechrau pob blwyddyn gyngor er mwyn cytuno ar nifer o faterion. Mae'r canllaw sydd wedi'i ddiweddarau wedi cael ei gyhoeddi; nid yw'r dolenni wedi newid."

- Roedd cytundeb Cyngor Tref a Chymuned yn nodi pa gefnogaeth oedd ar gael wedi cael ei ddatblygu mewn un ardal.

## 6. **Adnoddau ar gyfer Pwyllgorau Safonau**

### Sylwadau

- Roedd adnoddau ar gyfer Pwyllgorau Adnoddau yn heriol.
- Dylai Llywodraeth Cymru ddarparu cyllid ychwanegol ar ôl iddynt roi mwy o gyfrifoldebau ar Bwyllgorau Safonau.
- Yn anorfod, roedd yn golygu mwy o waith ychwanegol ar Swyddogion Monitro wrth i lwyth gwaith Pwyllgorau Safonau gynyddu.
- Gallai gosod cyllideb ar gyfer y Pwyllgor fod yn anodd gan nad oedd modd rhagweld lefel y galw ymlaen llaw.
- Byddai cyflawni cysondeb o ran cyllidebau yn anodd.
- Efallai y bydd Swyddogion Monitro yn gallu rhoi gwybodaeth gymharol o ran faint o amser roeddynt yn ei dreulio ar waith Cyngorau Tref a Chymuned a beth oedd eu cyllidebau.

**CAM GWEITHREDU Cadeirydd a Davina Fiore i drafod y posibilrwydd o godi'r mater o gyllidebau gyda'r grŵp Swyddogion Monitro.**

## 7. **Y wybodaeth ddiweddaraf am Adolygiad Richard Penn**

- Y dyddiad cau ar gyfer ymateb i'r ymgynghoriad ar adroddiad Richard Penn oedd 23 Mehefin 2023.

- Roedd yr ymatebion yn cael eu dadansoddi a bydd y canlyniadau'n cael eu cyhoeddi yn ystod yr hydref.
- Yn dibynnu beth oedd y canlyniadau, efallai y byddai angen ail ddeddfwriaeth ac yna cyfnod ymgynghori o 12 wythnos.
- Mae'n rhaid iddo hefyd gyd-fynd â rhaglen ddeddfwriaethol a oedd yn annhebygol yn ystod tymor presennol y Senedd.

**9. Isafswm gwerth ar gyfer rhoddion a lletygarwch**

- £25 oedd yr isafswm gwerth ar gyfer y mwyafrif o Gynghorau.
- Roedd Swyddogion Monitro yn ceisio ei gyflwyno fel swm cyson ar draws Cymru.
- Gallai fod yn anodd rhoi gwerth ar letygarwch e.e. gwahoddiad i ddigwyddiadau chwaraeon.

**10. Ystyried eitemau ar y rhaglen ar gyfer cyfarfodydd yn y dyfodol**

Byddai'r eitemau canlynol yn cael eu hystyried yn y cyfarfod nesaf.

- Protocolau penderfyniadau lleol.
- Cyd-bwyllgorau corfforedig (CJC) a Chyd-bwyllgorau Safonau.

11. **Dyddiad y Cyfarfod nesaf**

I'w gadarnhau, Ionawr 2024.