

Meeting of:	Standards Committee
Date of Meeting:	Thursday, 23 March 2023
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Update re National Standards Committee Forum, All Wales Monitoring Officers Group Meetings and Group Leader and Independent Member Meetings
Purpose of Report:	To provide an update to the Standards Committee following the meeting of the Standards Committee Forum, the All Wales Monitoring Officers Group Meetings and meetings with the Chair of Standards, Monitoring Officer, and Group Leaders and Elected Independent Members on an individual basis with the Chair and Monitoring Officer.
Report Owner:	D. Marles, Monitoring Officer / Head of Legal and Democratic Services
Responsible Officer:	K. Bowen, Principal Democratic and Scrutiny Committee Services Officer
Elected Member and Officer Consultation:	This report does not require consultation to be undertaken
Policy Framework:	This is a matter for decision by the Standards Committee
<p>Executive Summary:</p> <ul style="list-style-type: none"> The report provides an update to the Standards Committee in respect of discussions held at the - National Standards Committee Forum held on 27th January, 2023, meetings of the All Wales Monitoring Officers Group and meetings held with Group Leaders with the Chair of Standards and the Monitoring Officer and individual meetings held with Independent Members, of the Vale of Glamorgan Council, the Chair of Standards and the Monitoring Officer meetings. 	

Recommendation

1. THAT Members consider and note the report.

Reason for Recommendation

1. To provide an update having regard to meetings undertaken in relation to the role of the Standards Committee.

1. Background

1.1 The role and function of the Standards Committee is

- (a) To promote and maintain high standards of conduct by Councillors, Co-Opted Members and church and parent governor representatives of the Council;
- (b) To assist Councillors, Co-Opted Members and church and parent governor representatives of the Council to observe the Members' Code of Conduct;
- (c) To advise the Council on the adoption or revision of the Members' Code of Conduct;
- (d) To monitor the operation of the Members' Code of Conduct;
- (e) To advise, train or arrange to train Councillors, Co-Opted Members and church and parent governor representatives of this Council on matters relating to the Members' Code of Conduct;
- (f) To grant dispensations to Councillors, Co-Opted Members and church and parent governor representatives of this Council from requirements relating to interests set out in the Members' Code of Conduct.
- (g) To deal with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that Officer by the Public Services Ombudsman for Wales; and
- (h) To exercise (a) to (g) above in relation to the Community Councils wholly or mainly in its area and the Members of those Community Councils

2. Key Issues for Consideration

National Standards Committee Forum: Meeting held on 27th January, 2023

- 2.1** The All Wales Standards Committee Forum was attended by the Chair of the Standards Committee and the Monitoring Officer / Head of Legal and Democratic Services on 27th January, 2023. Committee will recall that at its meeting on 26th January, 2023 a copy of the agenda and the Terms of Reference of the National Standards Committee Forum were presented for information. At the meeting in January the Standards Forum considered an update on the Richard

Penn Report on Ethics and Standards Framework which was about sharing best practice and providing a standardised approach where possible.

- 2.2** Discussion at the Forum also included the harmonisation approach considered appropriate throughout the Welsh Local Authorities relating to gifts and hospitality. The harmonisation of Gifts and Hospitality would therefore be subject of a future report to the Standards Committee in June 2023 for its consideration.
- 2.3** For the Committee's information agendas for the Standards Forum are discussed at the All Wales Monitoring Officers Group Meetings prior to Standards Committee Forum meetings taking place it being noted that the next meeting of the Forum was to take place in June 2023.
- 2.4** The meeting in January 2023 was undertaken on a remote and was attended by the majority of Standards Committee Chairs and Monitoring Officers however going forward attendance would be a representative from each region.
- 2.5** Discussion also took place on the implementation of the new duty on Group Leaders and how this would be reported as part of a Standards Committee Annual Report. A number of Local Authorities advised that with regard to the proforma that had been devised to assist Group Leaders in regard to their duty under the Local Government and Elections (Wales) Act 2021. The commentary contained within the document would be dealt with confidentially and under Part II part of any agendas it was reported to having regard to the fact that the majority of those present at the All Wales meeting considered that there was a sensitivity about sharing concerns in relation to complaints and concerns prior to any determinations.
- 2.6** The Public Services Ombudsman for Wales, Michelle Morris, was in attendance as guest speaker and commented that she was keen to see a shift in what was being presented to Standards Committees and in particular having regard to matters being considered as early on in the process as possible. It was accepted by those present that if a complaint was upheld it was a different matter to a complaint being made.
- 2.7** Having regard to the investigative role within the Ombudsman's domain, the Ombudsman advised that during the year over 300 complaints had been raised, 240 had not been taken forward, 62 investigations were currently open and 9 investigations which were due to be reported to Standards Committee for further determination. The Ombudsman also advised that another member of staff had recently been appointed to deal with the number of complaints to be processed and referred to the importance of training, in particular mandatory training and appropriate refresher training during Elected Members' terms of office.

All Wales Monitoring Officers Group Meetings

- 2.8** At the last meeting of the All Wales Monitoring Officers Group meeting a Welsh Government representative was present and advised that a 12 week consultation was shortly to be launched having regard to the Richard Penn Ethical Standards Framework review recommendations. The representative also advised that

officers were very keen to adopt some of the recommendations from the Richard Penn report outside of the legislative process due to the timescales legislation can take to be approved.

- 2.9** The consultation considered the harmonisation across Wales in relation to the threshold for gifts and hospitality with the group agreeing that the threshold of £25 be suggested to be agreed by all Local Authorities in Wales. It being noted that some Local Authorities also recorded declarations of any gifts and hospitality that had been declined however, as this was not being undertaken by the majority of Councils it was considered a matter for determination by each individual Authority as it was not a requirement. As mentioned earlier in this report the harmonisation of Gifts and Hospitality would be subject of a future report to the Standards Committee in June 2023 for its consideration.
- 2.10** Other aspects Welsh Government would be consulting on within the process related to the appropriateness of advertising in local newspapers for Independent Members to be appointed to the Standards Committee, the appropriateness of current legislative requirements relating to the lifetime ban of former Council employees sitting on Standards Committee; and the lifetime ban for former Councillors sitting on Standards Committee.
- 2.11** The review consultation was also seeking views for example on the provision of further powers / sanctions to be available to Standards Committee and the Adjudication Panel for Wales. In particular additional powers in respect of reporting restrictions, anonymity, further sanctions that could be available to assist Standards Committees and the Adjudication Panel for Wales and to summons individuals to give evidence if Standards Committees were dealing with an investigation report by the Ombudsman.

Group Leader Meetings under the Section 62 Duty of the Local Government and Elections (Wales) Act 2021

- 2.12** Committee has been previously advised of the new duty under the Local Government and Elections (Wales) Act 2021 for Group Leaders with meetings having been arranged to discuss the requirements of the provision with Group Leaders, the Chair of Standards Committee and the Monitoring Officer and also on an individual basis with Independent Elected Members of the Vale of Glamorgan Council.
- 2.13** For Committee's information the agenda for the meetings with Group Leaders was as follows :
- Verbal update from the All Wales Standards Committee Forum meeting: 27th January, 2023;
 - An update from All Wales Monitoring Officers meeting: 3rd March, 2023 re Welsh Government consultation on the Richard Penn Review of Ethical Standards Framework;
 - An update from All Wales Monitoring Officers meetings: Arrangements for reporting duties of Group Leaders under Sections 62 and 63 of the Local Government and

Elections (Wales) Act 2021 via Standards Committee Annual Report – amendment to threshold for gifts and hospitality;

- An update re recent meetings held between the Chair of Standards Committee, the Monitoring Officer and Independent Members regarding the role and function of Standards Committee and the duties under Sections 62 and 63 of the Local Government and Elections (Wales) Act 2021;
- An update regarding the Internal Audit Review of Member training, DBS checks and Declarations of Interest undertaken by an officer of the Council’s internal audit department.

2.14 With regard to the update provided relating to the Internal Audit Review, the Group Leaders were informed that an internal audit had been undertaken in 2022 following the Local Government Elections with the Auditor’s Report advising that there was generally a sound system of governance, risk management and control in place. Some issues of non-compliance or scope for improvement were identified, the objective of the audit being to ensure that all Elected Members met the associated qualifying criteria and had fully declared any relevant declarations of interest as per the Council’s Code of Conduct. The scope of the Review therefore included:

- Eligibility – Elected Members meet the Electoral Commission criteria;
- Members’ Code of Conduct – awareness of Code of Conduct, training and understanding;
- Register of Interests – completion and publication;
- DBS – requirements and compliance.

2.15 Group Leaders were further informed that with regard to eligibility for Elected Members, all requirements had been met, all Members had undertaken the Code of Conduct training and had signed Acceptance of Office declarations; Register of Members’ Interests had all been completed and were available on the Council’s website. With regard to Declarations of Interests made at Committee meetings and completion of the DBS forms, some remained outstanding at the time of the Audit with the Auditor recommending that these be completed by 31st January, 2023. Committee is advised that the identified outstanding declarations were received by 31st January 2023 with one remaining DBS form outstanding which was completed on 3rd February, 2023.

Meetings undertaken with Independent Elected Members of the Vale of Glamorgan Council

2.16 The information that had been shared with the Group Leaders as outlined above had also been provided by the Monitoring Officer and Chair of Standards Committee at meetings held on an individual basis with three Independent Elected Members except for any particular matters relating to the individual Political Groups. Matters that were required to be addressed with an Independent Member were also discussed at the meetings with the individual Independent Member.

- 2.17** One Independent Member has yet to meet with the Chair and Monitoring Officer, Councillor I. Perry has been offered a number of dates on separate occasions with confirmation being received for that meeting to take place after the Standards Committee meeting on 23rd March, 2023 just prior to the finalisation of this report.
- 2.18** However, for Committee's information the meetings with the Group Leaders and the Independent Members that have taken place, as outlined above, the Chair and Monitoring Officer advise have been very positive and constructive.
- 2.19** Standards Committee Members are requested to consider the contents of this report.

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

- 3.1** As detailed in paragraph 1.1 of this report.

4. Climate Change and Nature Implications

- 4.1** There are no climate change and nature implications as a direct consequence of this report.

5. Resources and Legal Considerations

Financial

- 5.1** There are no financial implications as a direct consequence of this report.

Employment

- 5.2** There are no employment implications as a direct consequence of this report.

Legal (Including Equalities)

- 5.3** The Council has a duty to establish and maintain a Standards Committee as defined by legislation as set out in the Standards Committees Rules and Regulations 2001 and the Standards Committee (Wales) Amendment Regulations 2006.
- 5.4** Having regard to the requirements of the Local Government and Elections (Wales) Act 2021.

6. Background Papers

None.