

# Draft Minutes



## Standards Committee

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Date: 10<sup>th</sup> March 2022

Time: 5:30pm

Venue: Microsoft Teams Meeting

Present: A. Mitchell (Chair), K. Watkins (Vice Chair) J. Davies, P. Worthington, R. Morgan, G. Nurton, Councillors P Hourahine, D Wilcox and K. Watkins, Gareth Price (Head of Law and Regulation), L Rowlands (Democratic Services Manager), Anne Jenkins (Governance Team Leader), Samantha Schanzer (Governance Support Officer)

Apologies: None

Non-attendance: Cllr D Fouweather

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### 1. Apologies for Absence

None.

### 2. Declarations of Interest

Councillor Hourahine informed committee that some of the topics discussed may be applicable if he was re-elected.

### 3. Minutes of the Previous Meeting: 6<sup>th</sup> January 2022

Dr Richard Morgan asked that the spelling mistake within item 7 paragraph 3 be corrected from "WGLA" to "WLGA".

Subject to this correction, the minutes of the meeting held on the 6<sup>th</sup> of January 2022 were **accepted as a true and accurate record**.

### 4. Matters Arising

The Chair asked whether there were any updates regarding the complaints. The Head of Law and Standards informed committee that an update and new complaints would be made under item 6.

## **5. Chairs Announcements**

None.

## **6. Complaints**

The Head of Law and Standards informed committee that 3 new complaints had been raised to the Ombudsman, two concerning Community Councils and one concerning a City Councillor. The Head of Law and Standards noted that there was one allegation of disrespectful behaviour, one complaint reported by a Clerk on behalf of the council about a community councillor who had been convicted of a criminal offense and they felt that under the Code of Conduct the conviction brought the office and the council into disrepute.

The Head of Law and Standards noted that the complaint regarding the City Councillor had 3 aspects; firstly, a breach of confidence as the complainant's email addresses had been included in a circular email to many constituents and the complainant felt that they did not consent to this. The Ombudsman concluded that, while technically this was a breach, in applying the 2 stage test it was not a serious enough breach or in the public interest to investigate it. The Head of Law and Standards informed committee that the second aspect the complainant had raised was an issue with the tone of emails sent from the Councillor and that there was a failure to show respect. The Ombudsman felt that it wasn't rude or disrespectful and thus didn't uphold this complaint. The Head of Law and Standards informed committee that the third aspect was the way in which the Councillor was dealing with ward complaints and the Ombudsman concluded and reaffirmed the way in which duties are fulfilled by a Councillor was a matter between a constituent and their vote, and thus the Ombudsman would not be investigating this further.

The Head of Law and Standards informed committee that there were now 5 outstanding complaints to be investigated by the Ombudsman, all of which involved Community Councils.

## **7. All Wales Standards Conference Feedback**

The Head of Law and Standards noted that the Conference was very well attended, a worthwhile exercise and felt it was useful to learn from the experiences of other committees and Chairs of standards committees.

The Head of Law and Standards informed committee that Richard Penn had attended and explained some of the recommendations and conclusions resulting from his report as well as the Ombudsman Nick Bennet who reflected on the enforcement of the regulatory framework.

The Head of Law and Standards explained that during the Conference, he felt there was a lack of appetite from Welsh Government to legislate following the

Richard Penn report pre the election period, which he felt was a missed opportunity.

The Head of Law and Standards noted that there had been an impromptu motion/recommendation that the Conference attendees felt that the report's recommendations should be implemented as soon as possible.

The Head of Law and Standards noted that there were mixed feelings regarding other matters arising from the report, including work being referred back locally to investigate and hold hearings with the Ombudsman still dealing with more serious complaints though this was due a longer-term review by Welsh Government.

The Head of Law and Standards explained that there was a consensus that the system works well in Wales and there was an endorsement of Richard Penn's report.

Mrs Gill Nurton agreed that the Conference was well attended and was a good forum for discussion and networking between authorities. Mrs Nurton noted that the chair of Gwynedd Standards Committee's presentation was interesting and agreed that there was a need to update parts of the Code of Conduct. Mrs Nurton informed committee that Paul Egan from One Voice Wales had attended and spoken regarding what training is offered to Community Councils, in addition to Lisa James from Welsh Government.

Mrs Nurton noted that the Council had signed up to support a Fair Election pledge for candidates and their canvassing during the Pre-Election Period and informed committee that there was a statement on Newport City Council website explaining expectations of candidates.

Dr Richard Morgan noted frustration Welsh Government not implementing the Richard Penn report recommendations pre the elections, but felt that it was an informative Conference.

The Head of Law and Standards informed committee that the Conference was an annual event and while had not happened throughout the Covid-19 lockdown, would likely remain remote.

## **8. Draft Statutory Guidance – Standards of Conduct**

The Head of Law and Standards informed committee that this was a substantive piece of draft guidance. The Head of Law and Standards noted that Local Government Elections Wales Act had changed the responsibility of the Standards Committee and political group leaders. The Head of Law and Standards informed committee that Welsh Ministers had issued guidance on how these 4 duties were exercised and were currently inviting comments on this draft guidance by the 16<sup>th</sup> of May 2022.

The Head of Law and Standards informed committee that following the change, group leaders have a duty to promote and maintain ethical standards within their groups. The Head of Law and Standards added that they also have a duty to cooperate with Standards Committee and that the committee have a duty to

monitor how leaders manage these duties. The Head of Law and Standards noted that Committee will also have a duty to present an annual report, but the report they already present satisfies this.

The Head of Law and Standards informed committee that the guidance gives flexibility to leaders on how they discharge their duties and group leaders will not be liable for any misconduct on the part of their individual group members but will be responsible for promoting a positive culture and setting good examples to Members.

The Head of Law and Standards informed committee that a decision then had to be made as to how group leaders work with the committee to fulfil this duty and the suggestion in the report had been a letter to committee on progress and implementation of these duties. The Head of Law and Standards suggested that the Chairpersons of Standards Committee may wish to meet with group leaders to discuss progress and implementation of these duties. The Head of Law and Standards informed committee that an update must be within 6 months of the election and reviewed annually, and there will be an obligation to explain to Council how this duty is being discharged. The Head of Law and Standards added that group leaders must receive training on these duties.

The Head of Law and Standards reiterated that the current annual report should fulfil the requirement set out in the legislation, but the timing of the report being presented may need to be reviewed and brought into line with the financial year and work programme. The Head of Law and Standards added a copy should also be sent to the Ombudsman and to each Community Council in Newport.

The Head of Law and Standards noted that the consultation mainly asks whether the guidance is clear and explains sufficiently what these new duties are and how they are to be fulfilled. The Head of Law and Standards noted that it was committee's responsibility to formulate any comments.

The Chair felt that it was important for committee to have input into this consultation. The Chair expressed his gratefulness for the foundations set by the report and looked forward to working with leaders to ensure they're fulfilling their duties. The Chair asked whether committee had any comments.

Mr Watkins noted that a mechanism needed to be put into place for both Standards Committee and group leaders regarding the dates and times of meetings, reports and issues to being able to be raised.

The Head of Law and Standards noted that the duty comes into effect before the statutory guidance. The Head of Law and Standards reiterated that there was a 6-month period to deliver training, but this was an ongoing process. The Head of Law and Standards highlighted that there should be planning at this stage for the how and when of meetings with group leaders be put into the schedule.

The Chair felt that if group leaders will be trained within 6 months of elections, it would not be beneficial to meet with them for an update within that time. The Chair was keen to utilise the hybrid meeting model.

Councillor Wilcox expressed her pleasure in seeing guidance for group leaders, especially for smaller groups who may not be as scrutinised as larger parties. Councillor Wilcox felt that 2 meetings per group leader per year would be sufficient, and that it would be beneficial for leaders to submit their report in advance of their meeting so that the Standards Committee could best understand the information and formulate any questions or comments. Councillor Wilcox added that it may be best to meet group leaders separately and proposed having time slots per meeting for each leader.

Councillor Davies asked whether this was applicable to Community Councillors.

- The Head of Law and Standards informed committee that this legislation was not applicable to Community Councils.

Mrs Nurton added that it may be beneficial to have an introductory meeting between group leaders and the Standards Committee to establish a good working relationship and make smaller groups and independent Members were aware of Standards Committee.

- The Head of Law and Standards noted that independent Members can form a group even if not politically affiliated. The Head of Law and Standards informed committee that training should include all group leader's responsibility and Members should have a basic understand but understood the point that it would be beneficial to have an introductory meeting to explain the requirements. The Head of Law and Standards was wary of creating duties for group leaders that may be onerous and suggested the potential of a meeting to update the Committee of meetings had within their groups. The Head of Law and Standards suggested that this could be set out in the introductory meeting in addition to a process.

Dr Worthington felt that there was a good balance between flexibility and agreed that an introductory meeting would be beneficial. Dr Worthington asked what the process was for concerns within the annual process.

- The Head of Law and Standards explained that the annual report is a summary of work done in the previous 12 months and that an issue of ethical standards would be addressed as it happens. The Head of Law and Standards highlighted that if any concerns and low-level complaints and resolution protocol complaints arose, the group leader could be invited to a committee meeting to discuss what is being done to address this.

Councillor Hourahine asked whether there was protocol for how elected Members would continue to serve on the committee and expressed concern about the potential of politicising the committee.

- The Head of Law and Standards informed committee that duty was totally separate from politics and would not and should not politicise the committee

or process. The Head of Law and Standards explained that this was about promoting high standards of behaviour and was to fill gaps between committee and Members with their respective group leader, who were expected to set that example and have the power to discipline and promote these high standards. The Head of Law and Standards highlighted that this was a different process of scrutiny as was solely about ethical behaviour and the promotion of high ethical standards, and not holding leaders to account for decisions or how their roles are fulfilled.

Councillor Wilcox explained to committee that parties have ethical standards written into their rule books, but smaller parties and independent Members may not have this so felt this was a step forward in holding all Members to ethical account.

Dr Morgan asked how the committee decide that group leaders have met their statutory duty and what sanctions do committee have power to enact.

- The Head of Law and Standards informed committee that when the legislation was enacted, this was the question that was raised. The Head of Law and Standards felt that whilst the flexibility is welcome, it does not provide greater clarity in establishing whether the duty has been breached. The Head of Law and Standards highlighted that this question remains unresolved in this guidance.
- Dr Morgan felt that even having that duty in place may serve to encourage and influence group leaders and Members but felt that enforcement in practice may be difficult.

The Chair proposed that 4 months after elections an introductory meeting would take place with an update at 6 months post-election.

Mr Watkins asked whether 4 months to an introductory meeting would be too long.

The Head of Law and Standards informed committee that they could look at programme of meetings after May and felt that the July meeting for introductions seemed reasonable.

- The Chair agreed with this.

The Chair asked whether committee should establish a process for the first meeting to share with group leaders

- The Head of Law and Standards reminded committee that the first meeting would serve as an introduction and shouldn't be necessarily focus on a process. The Head of Law and Standards noted that committee could agree with group leaders a process that would not be onerous.

The Chair felt that hybrid would be a happy medium for these meetings to take place and that further thought would have to be put to processes and protocols for group leader's reports.

## 9. Member's Exit Survey

The Democratic Services Manager informed committee that feedback had been taken to the Democratic Services Committee with their recommendations to get feedback.

The Democratic Services Manager highlighted that the requirements of the exit survey are to understand Member's experience and identify and opportunities to provide better support. The Democratic Services Manager noted that this was linked with the participation strategy.

The Democratic Services Manager highlighted that the main challenges were that there was a large crossover in areas of questions asked, survey fatigue for Members and response rates.

The Democratic Services Manager informed committee that the Democratic Services Committee were in agreement with these surveys and recommended combining in-house surveys. The Democratic Services Manager informed committee that Democratic Services Committee felt that it may not be useful to ask Members questions regarding their inductions which took place 5 years ago and instead focus on recent training instead. The Democratic Services Manager noted that the candidate survey would be live from 28<sup>th</sup> March 2022 and then a final survey would be constructed in the next Democratic Services Committee.

Mr Watkins highlighted that there were no questions relating to remote attendance and asked whether including this would be appropriate for new Members. Mr Watkins asked whether a question regarding specific training for Members would be beneficial. Mr Watkins finished by adding that response rates were something that could be looked at.

- The Head of Law and Standards informed committee that as hybrid meetings were a legislative requirement and Members would have the choice, there would be no need to ascertain Member's insight on this.

Mrs Nurton agreed that Member fatigue would be an issue and asked whether these surveys would be distributed electronically.

- The Democratic Services Manager confirmed that they would be shared electronically and bilingually for Members to fill out when they could.

The Head of Law and Standards asked committees view on having a single exit survey combining all questions.

- Councillor Wilcox expressed she thought it was an excellent idea.
- The Chair felt that as long as the survey did not become too long, it would be a good idea.
- Mr Watkins agreed that one questionnaire would be sufficient as long as it was not too onerous.
- The committee agreed with combining the surveys.

The Head of Law and Standards asked whether committee were content with the questions suggested by Mrs Nurton.

- Dr Morgan felt that it may be useful that some guidance be added to the questionnaire in the open comment section for Members to include reference back to what section their comment relates to. Dr Morgan also felt that there should be something added regarding format and content of training provided.

The Democratic Services Manager asked whether committee felt it would be useful to ask a similar question after the upcoming elections and based on induction training.

- The Head of Law and Standards informed committee that there would normally be a training questionnaire for Members to fill in after they've completed their training to give feedback.

Dr Worthington added that the questionnaire seemed to be aimed at Members already in post rather than new Members so there should be consideration put into the point of the questionnaires' distribution.

- The Democratic Services Manager informed committee that they would be combining the surveys to go out over the next month.
- The Head of Law and Standards informed committee that this survey was for current Members not re-standing for election and new Members would be given a training questionnaire.
- The Chair and committee were content with this.

## **10. Members Induction Training**

The Democratic Services Manager informed committee that there had been helpful framework developed by the WLGA for Members in Wales.

The Democratic Services Manager informed committee that the principle to provide a tailored training schedule for Members and provide appropriate training to Members at the right time.

The Democratic Services Manager highlighted that they were ensuring that information is available to Members in a number of formats. The Democratic Services Manager highlighted that all Members would receive an electronic induction pack that they could access information throughout their term with updates made when needed.

The Democratic Services Manager informed committee of the key dates, which are the 5<sup>th</sup> May 2022 which would be polling day, and highlighted that the count would be occurring the day after; AGM would be held on the 17<sup>th</sup> May 2022.

The Democratic Services Manager informed committee that while it seemed to be a lot of information for Members, not all training was mandatory or applicable and



individual plans would be created, though modules would be offered as widely as possible.

The Chair asked whether this was just for information purposes.

- The Democratic Services Manager confirmed that it was and that she had felt it was important for Committee to see the ethical standards training within the context of wider training.
- The Democratic Services Manager noted that previously, the Standards Committee Chairperson has attended training to introduce themselves and explain the role of Standards Committee and welcomed the Chair to participate.
- The Chair was happy to have input on that session.
- Mr Watkins offered to support the Chair at this session.

Councillor Wilcox thanked the Chair, the committee, and officers for their support during her time on the Standards Committee.

**11. Date of Next Meeting:**

14<sup>th</sup> April 2022.

**Meeting terminated 7:08pm.**