

STANDARDS COMMITTEE 9/11/20

Present:-

Elected Members:- Councillors Anne Lloyd Jones and Beth Lawton

Independent Members:- Mr Aled Jones, Mr Hywel Eifion Jones, Miss Margaret E. Jones, Mr David Wareing and Dr Einir Young (Chair)

Community Committee Member:- Mr Richard Parry Hughes

Also in Attendance: Iwan Evans (Monitoring Officer), Sion Huws (Senior Solicitor - Corporate) and Eirian Roberts (Democratic Services Officer).

1. APOLOGIES

Apologies were received from Councillor Dewi Roberts.

2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

3. URGENT ITEMS

No urgent matters were raised.

4. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 27 January, 2020 as a true record.

5. THE STANDARDS COMMITTEE'S ANNUAL REPORT 2019/20

Submitted - the draft of the committee's annual report for 2019/20. The committee's observations and approval of the document were invited.

Members were asked to check their biographies and to contact the Senior Solicitor - Corporate with any amendments / updates.

Councillor Beth Lawton noted the need to delete the reference to her as Chair of the Education and Economy Scrutiny Committee, and to note that she was now Vice-chair of the Care Scrutiny Committee.

It was explained that it was intended to carry on with the committee's work programme in light of the pandemic crisis, by submitting an amended work programme for members in February, when the situation in terms of resources, etc. would be clearer.

It was asked whether a reference should be included in the annual report towards a matter raised in the full Council on more than one occasion regarding the public interest test. In response, it was explained that the training for community councils emphasised the message that councils adopted their own code, and no matter what the situation in terms of investigation, that promoting appropriate behaviour was part of the structure of every body and every meeting. The members agreed there was a need to convey a further message

that conduct was not always something for the Ombudsman to resolve, and that the individual and the body in question had a responsibility, and the Senior Solicitor - Corporate was asked to include a paragraph along these lines in the annual report.

To approve the annual report to be submitted to the full Council on 3 December, subject to adding:-

- **a paragraph noting that every council, and every member of every council, has a role to uphold and promote a high standard of conduct in the public eye and to challenge inappropriate behaviour, with or without the Ombudsman's involvement.**
- **introduction and foreword by the Chair and Monitoring Officer.**

6 UPDATE ON THE PROTOCOL FOR HOLDING VIRTUAL MEETINGS

Submitted - the report of the Monitoring Officer inviting the committee to consider the contents of the Protocol for Virtual Meetings, prepared in response to introducing the Local Authority Regulations (Coronavirus) (Meetings) (Wales) 2020 on 22 April 2020.

During the discussion the following matters were raised:

- Concern was expressed that some community councils were not convening as they should, and it had been given to understand that there were examples of community councils putting their own rules to one side, e.g., by allowing a member, who had declared an interest, to remain at the meeting. It was noted that the protocol should be sent to town and community councils underlining the situation in terms of declaring interest and how to move members to the waiting room etc. In response, it was explained that the protocol was already available to the public, as it was on the agenda for this meeting. It was also explained, that although Zoom made it possible to move people to a waiting room etc., that not all bodies used Zoom. Nevertheless, it was noted that the officers would be happy to provide good practice guidelines for the town and community councils, who met the spirit of the requirements, if not the letter.
- It was suggested that matters where there was an interest could be moved to the end of the agenda as a practical way of solving the problem, as this then meant that any member with an interest would be able to leave the meeting altogether.
- It was noted that there was a need for town and community council members to have the opportunity to practise using the technology and to begin to return to the routine of holding regular meetings. Also, it was possible that clerks might require more than the protocol, and that a step by step guide in the form of screenshots explaining how to set up a meeting, contribute, put people on mute, leave etc. would help with their confidence.
- It was suggested that the nature of the matters that the Standards Committee was required to consider could change if the procedure for holding town and community council meetings virtually were to continue in future. In response, it was explained that the discussion was ongoing in terms of holding on to the best elements of the existing regulations and building them into more permanent regulations in the Local Government Bill. It was also noted that virtual meetings made it easier for people who were working, etc., to participate.
- The Democracy Service was thanked for its work in facilitating members' access to meetings, and the Council was thanked for providing Zoom as a way of continuing to hold bilingual meetings.
- It was asked whether any unforeseen problems had arisen. In response, it was noted that the meetings had gone very well in terms of the procedure in general, and that everyone was working well together. It was not possible to address every

scenario, but rather to respond to whatever came up, as it occurred. Some technical problems had arisen in terms of access to meetings, but the guidelines sought to resolve this, and there had also been some broadband problems. It was further noted, as the regulations did not require people to be visible during meetings, it was not possible to verify who exactly was in attendance at any time, and if their name appeared on the list of *participants* then it was assumed that it was that person who was present. Also, as it was difficult to see who was present, members were asked to say when they were leaving the meeting.

- It was noted that the protocol had worked well, and the members were receiving enough training before attending the formal meetings.
- It was noted that virtual meetings were more tiring than meetings held in meeting rooms, and it was important to take a break during long meetings.

7. ALLEGATIONS AGAINST MEMBERS

Submitted - the report of the Senior Solicitor (Corporate) presenting information about the Ombudsman's decisions on formal complaints against members.

During the discussion the following matters were raised:

- Referring to the complaint in paragraph 2.1 of the report, it was explained that only the Standards Committee or Adjudication Panel could determine whether or not someone was in breach of the code, and the Ombudsman could not do this. In this case, the Ombudsman was of the opinion that the member's observations to the recipient of his letter suggested that he was in breach of paragraph 4(b) of the Code, however he was not of the opinion that it would be commensurate or in the public interest to take any further steps. It was accepted that such a situation could be frustrating for the complainant, and this was a practical example of the discussion held under item 5 above, i.e. that every council, and every member of every council, had a role to uphold and promote a high standard of conduct in the public eye and to challenge inappropriate behaviour, with or without the Ombudsman's involvement.
- Concern was expressed that it appeared that complainants did not always submit the evidence in a full and proper way to the Ombudsman, and it was asked whether the Ombudsman would go back to the complainant to say that the evidence was insufficient. In response, it was noted that it was a matter for the complainant to submit the evidence, but that the Ombudsman was alert to conduct that appeared unacceptable. It was also noted that the concept of evidence sometimes meant careful gathering and recording over a period of time, but usually, the Ombudsman would understand the crux of the complaint.
- It was asked where a situation such as the complaint in paragraph 2.1 left the Standards Committee as there was a suggestion here that the Code had been breached. In response, it was explained, that although the conduct had not been up to standard in this case, no formal steps could be taken, as the Ombudsman had not referred the complaint to the committee's attention. It was also noted that hearing that the Ombudsman would not take any further steps could compel the subject of the complaint to think that they had done nothing wrong, and it was noted that the officers would be happy to offer training on the Code in such situations.
- It was suggested that the length of time it took to investigate complaints could make people feel that they were not being taken seriously, but it was acknowledged that the Ombudsman was under more pressure to respond to complaints in the health field.
- It was noted that the committee received little information about individual complaints. In response, it was explained that this was to ensure that the members

did not discuss the details of a complaint that could end up before the Standards Committee.

The meeting commenced at 10.30 am and concluded at 11.15 am

CHAIRMAN