

**Minutes of the Standards Committee meeting held on
14 February 2024 via Zoom**

Present

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| Julia Hughes (Chair) | JH | Independent Member |
| Sally Ellis (Deputy Chair) | SE | Independent Member |
| Gareth Pritchard | GP | Independent Member |
| Gill Murgatroyd | GM | Independent Member |
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| Gareth Owens | GO | Monitoring Officer/Clerk |
| Matthew Powell | MP | Deputy Monitoring Officer/Clerk |
| Lisa Allington | LJA | Executive Assistant/Member Liaison |

Apologies

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| Cllr John Brynmor Hughes | JBM | Gwynedd Council |
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Absent

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| Cllr Marion Bateman | MB | Flintshire County Council |
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Meeting opened at 10:08.

1 APOLOGIES

1.1 Apologies were offered and accepted for Cllr John Brynmor Hughes.

2 DECLARATIONS OF INTERESTS

2.1 There were no declarations of interest.

3 NOTICE OF URGENT MATTERS

3.1 The Chair requested that Member attendance at Authority meetings and the Audit Wales FRA Governance review be covered under urgent matters.

4 MINUTES OF THE LAST MEETING

4.1 The minutes of the meeting held on 13 October 2023 were approved as an accurate record.

5 MATTERS ARISING

5.1 It was noted that the National Standards Forum for Chairs of Standards Committees minutes had not yet been circulated to committee members, as referred to in paragraph 5.4 of the minutes, and it was agreed that this action be carried over.

- 5.2 Members were advised in relation to paragraph 6.8, the proposal of aligning the Gifts and Hospitality Policy to include firefighters had been raised with SLT at the last North Wales Fire and Rescue Authority (Authority) meeting in January. It had been decided that, although firefighters were not subject to the code of conduct, the policy should also be applied to them. There was therefore now one policy for all employees, regardless of their role.
- 5.3 It was further confirmed that all recommendations made by the Committee in relation to paragraph 6.8 had been adopted by the Authority. Members were advised that returns were scrutinised once a year by the Head of Finance and Procurement.
- 5.4 With regards to the resolutions made at paragraph 7.6, contact had been made with Wrexham County Council but to date, no response had been received. The Clerk confirmed that he would follow this up.
- 5.5 Members were asked to note that in relation to paragraph 8.7(i), the provision of feedback to a future Authority meeting with regards to observations of Authority meetings by Independent Members, no formal report had been provided to the Authority as yet; however, it was intended that this be taken to the next meeting on 15 April.
- 5.6 It was confirmed that both resolutions under paragraph 10.5 had been actioned.
- 5.7 **RESOLVED to:**
- i) Clerk to circulate the national standards forum minutes to Committee members;
 - ii) Clerk to follow up contact with Wrexham County Council with regards to Member attendance; and
 - iii) Clerk to provide a formal report on observation of Authority meetings by Independent Members at the next Authority meeting on 15 April.
 - iv) Clerk to ensure the approved Gifts and Hospital Policy is posted on the Authority website.

6 FEEDBACK ON ANY LEGISLATION/GUIDANCE MADE BY WELSH GOVERNMENT (WG) ARISING FROM THE CONSULTATION ON THE PENN REVIEW

- 6.1 It was noted that the WG Summary of Responses had been provided to Committee Members via the agenda.

6.2 The Penn report had made a number of recommendations and a National Standards Forum had now been established. WG had consulted and indicated that should any changes be made to the code that require legislation, that would not happen until the next Senedd term in 2026, due to the legislative time constraints within the Senedd.

6.3 **RESOLVED to:**

i) note the content of the update provided.

7 **ROLLING REVIEW OF COUNCILLORS' CODE OF CONDUCT**

7.1 The Clerk presented the paper on the Councillors' Code of Conduct (the Code) which was being provided to Members to ensure that it remain pertinent and up to date, especially in light of recommendations made within the Penn Review.

7.2 Members' attention was drawn to the table on page 10 of the pack which outlined the recommended changes to the Code, along with a narrative on those changes. It was noted that there was a small risk that Members may make changes to the Code which could then be slightly amended by the WG.

7.3 The changes were reviewed in detail. One Member noted that with regards to the declaration of criminal behaviour, waiting for a conviction before expecting the Member to declare may mean that the Member could be serving whilst under investigation for a serious offence for a significant period of time.

7.4 It was noted that the Ombudsman could obtain an interim suspension order should they feel that a Member posed a risk, and the WG recommendations in fact made this easier to action by lowering the threshold. However, the Authority would not be able to apply for this order as they would likely be unaware of the ongoing investigation, unless the offence was of significant gravity for it to be well publicised. It was agreed that the Standards Committee continue to monitor this area.

7.5 One Member asked whether there were safeguarding regulations in place whereby the Authority would be informed of any safeguarding concerns, and the Clerk responded that he would check on this.

7.6 A request was made that the protected characteristics be included within this code.

7.7 Members agreed that the voluntary changes to the Code be made with immediate effect.

7.8 Members requested that any information obtained in this area be fed back during an extraordinary meeting of the Standards Committee, to take place prior to the reporting deadline for the next Authority meeting on 15 April 2024.

7.9 **RESOLVED to:**

- i) Review the wording of the Councillors' Code of Conduct to ensure it remains up to date and pertinent;
- ii) Decide whether to recommend that the Authority voluntarily adopt changes to the Councillors' Code of Conduct which have been recommended by the Penn Review;
- iii) Continue to monitor changes to the Code in respect of declaration of criminal convictions;
- iv) Request that the Clerk check on the safeguarding regulations;
- v) Request that the Clerk investigate what action other Legal Officers across Wales have recommended in relation to reporting around criminal convictions; and
- vi) Arrange an extraordinary meeting of the Standards Committee prior to the reporting deadline for the next full Authority meeting on 15 April.

8 **ROLLING REVIEWS OF THE PROTOCOL ON MEMBER/EMPLOYEE RELATIONS**

8.1 The Deputy Clerk presented the paper in relation to the rolling review of the protocol on Member/Employee relations (the Protocol), which was being reviewed in order to ensure that it remain pertinent and up to date.

8.2 One Member referred to point 2.5 of the protocol and asked if there had ever been an issue with a political group making a decision without going through the proper channels.

8.3 The Deputy Clerk confirmed that nothing had been brought to the attention of the Monitoring Officers. The Clerk further confirmed that the Authority was not governed by political groups and so this had never been an issue.

8.4 A Member asked if the reference to employees should in fact say workers, and also whether the reference to senior officers in paragraph 2.2 should be amended and this was discussed at length.

8.5 The Deputy Clerk confirmed that the Protocol was to be read in conjunction with the Code of Conduct and therefore applied to employees affected by that. However, it would be feasible to amend the term 'senior employees' to 'politically restricted' under paragraph 2.2.

- 8.6 It was agreed that the protocol be amended to expressly include 'worker' as well as 'employee', and that an explanation of the term worker be included to cover a diverse workforce.
- 8.7 For the sake of clarity, it was also agreed to add the word 'personally' at paragraph 2.14 so that the final statement read, "Any Member who approaches the media purporting to speak on behalf of the Authority on any item involving or affecting the Authority, without first approaching or consulting with the Chair and Chief Fire Officer will be personally responsible for such action.
- 8.8 **RESOLVED to:**
- i) review the wording of the Protocol to confirm it remains up to date and pertinent;
 - ii) request that the Deputy Clerk amend the protocol to reflect the fact that it needs to apply to anyone undertaking functions on behalf of the authority whatever the legal status of their "employment"; and
 - iii) Request that the Deputy Clerk make the relevant amendments to paragraphs 2.2 and 2.14 as laid out above.

9 **FEEDBACK FROM THE NATIONAL FORUM FOR STANDARDS COMMITTEE CHAIRS – VERBAL UPDATE FROM THE CHAIR**

- 9.1 The third meeting of the National Forum for Standards Committee Chairs had taken place and a presentation had been delivered by the Public Service Ombudsman for Wales. It had been confirmed that the number of cases received by the Ombudsman had risen and there were currently 116 open. With regards to hearings, 11 had been dealt with by Standards Committees and the APW and nine remained outstanding.
- 9.2 A presentation on corporate joint committees had also been delivered and it was felt that this may be a relevant training area for this Standards Committee in the future.
- 9.3 Resourcing had been discussed and there was the possibility that a survey may be carried out in this area in the future. It was felt that the forum had missed out engaging with the Independent Panel for Wales and this may be rectified in the future.
- 9.4 The civility and respect pledge had also been discussed, although it appeared that no local authority other than Flintshire had taken any action on this to date.
- 9.5 The date of the next meeting had been set for 24 June 2024.

10 **FORWARD WORK PLAN (FWP)**

- 10.1 It was noted that the September 2023 meeting had actually taken place in October 2023.
- 10.2 It was requested that feedback from the National Standards Committee Forum and the Forward Work Plan be added to the FWP for the February/March 2024 meeting.
- 10.3 It was agreed that the October 2024 meeting would need to cover; the Public Services Ombudsman for Wales 'Our Findings' and protocol reviews; feedback on the Audit Wales FRA Governance Review; the APW Annual Report; and the forward work plan, as agreed.
- 10.4 It was noted that training should take place at all meetings.
- 10.5 The Audit Wales review was to be added to the February/March meeting.
- 10.6 It was suggested that standing agenda items be highlighted as such and that the date of the extraordinary meeting of the Standards Committee and agenda items be added to the FWP, including the draft Annual Report, member attendance at Authority meetings and the rolling review of the Councillors Code of Conduct.
- 10.7 **RESOLVED to:**
- i) amend the FWP to reflect standing agenda items and one-off agenda items;
 - ii) amend the FWP to include standing agenda items for 2024/25 meetings;
 - iii) make the amendments detailed above; and
 - iv) include the extraordinary meeting to be diarised prior to the reporting deadline for the Authority meeting on 15 April.

11 **URGENT MATTERS**

- 11.1 The Chair asked that attendance at Authority meetings be reviewed and it was noted that all Members had now achieved at least 50% attendance across their term so far.
- 11.2 The Clerk asked the Committee to note that it should also be looked at whether attendance improves following a warning letter having been issued, and if it had, that this should be taken into account.
- 11.3 The Clerk confirmed that a report would be provided to the Committee in relation to Member attendance at the next meeting.

11.4 The Chair gave feedback on the progress of the Audit Wales project brief on FRA Governance and advised that the draft report would be issued in May 2024, with the final report in June 2024.

11.5 **RESOLVED to:**

- i) provide a written report on Member attendance to the Committee at its next meeting.

Next meeting to be confirmed.

Meeting closed at 12:23