

Standards Committees Chairs Forum - Wales

Monday, 27th January 2025 @ 2pm, via Teams

Notes

1. Chair.

The chair welcomed:

- Pam Lucas, Welsh Government, Local Government Policy Division, Climate Change and Rural Affairs.
- Recently appointed Standards Committee Chairs and Vice Chairs deputising for their Chairs.

2. Notes from the previous meeting – 23rd June 2024.

Notes attached with the agenda and actions confirmed as completed.

3. Pam Lucas (PL) – Welsh Government (WG), Local Government Policy Division, Climate Change and Rural Affairs.

PL, updated the Forum on the following:

- a) Ethical framework review - position update including the work of the Division in relation to:
 - Sharing best practice.
 - Progressing the standard in terms of equalities, which would require changes to primary legislation, and the socio-economic duty.
 - Media training for Members including guidance,
 - Removal of the prohibition of former Local Authority Members to sit on Standards Committees (no change in primary legislation required). The views of the Chairs would be welcomed in relation to the period of grace between serving as a Member of a Local Authority and sitting on a Standards Committee. It may be that there would be a gap of 5 years for former Cabinet Members or those in an executive role and a period of 2 years for other Members. The Division had received responses for a gap ranging from 0 – 10 years. Impartiality and independence were key considerations and need to work carefully through any changes. The Chairs emphasised the importance of maintaining independence and impartiality with any changes to eligibility. These

were key considerations and must be independent to ensure public confidence in the arrangements. A point was made that councillors with a prominent political background should not be made for that reason.

- Potential changes to sanction options such as withholding allowances and access to member services.
- It was difficult to confirm when a report would be submitted to the WG Minister on any changes because the legislative timetable would have to be factored in with policy decisions. The Division would be consulting on the developments within the next 6-8 months.
- In response to a request from PL, several Chairs indicated they would be happy to participate in consultation/feedback sessions organised by her Division. This would include Standards Committee annual reporting arrangements.
- JC – Forum Advisor, encouraged the Chairs to discuss any potential changes with their respective Monitoring Officers as there may be implications regarding local government law around meetings.

Action: PL to take forward with the Chairs, separately to the Forum meetings.

- PL invited the Chairs to attend a conference organised by WG Democracy event on 5 March 2025. The afternoon session included an item on Standards. It was hoped to arrange a similar even in North Wales.

Action – Details of the event including invite to be circulated via CT.

b) **Remuneration to Members**

- Remuneration of Members was currently within the purview of the IRPW, supported by the Division, however that would be transferred to the Democracy and Boundary Commission Cymru (DBCC) as of 1 April 2025. See note 9 for related item.

4. Michelle Morris (MC), Public Services Ombudsman for Wales (PSOW) – Update.

MC updated the Forum on the following.

- a) The Independent Review completed – The outcome of Dr McCullough's independent review concluded that:
 - There was no evidence of political bias with regards to decision making. It was also deemed to be appropriate and fair.

- The PSOW was working through the recommendations and would be publishing an action plan in March 2025, setting out their response.

b) Casework.

- Caseloads for code of conduct complaints were again at a high and sustained level, compared to last year.
- Some had taken a long time to conclude – 12 cases had gone over 12 months last year and this was likely to be the same this year. This was beyond the control of the PSOW.
- Of the ongoing 100 cases, 20 were from Town and Community Councils (T&CC). One T&CC had 13 complaints around 3 Members.
- The PSOW had written to a Chair to express concern about the high number of “tit for tat” complaints. This will be done in future to raise awareness and what action can be taken.
- The previous year had been a busy one for referrals to the Adjudication Panel for Wales (APW) and Standards Committees. The number was higher this year and all except 1 had been dealt with (due in February 2025).
- It would be impossible for the APW to refuse an appeal if the reasons are not clear in the minutes, and it will have no alternative other than to grant the appeal. Important to sign these off when approving the minutes.
- The following responses were given to questions from the Chairs:
 - i. Regarding a question about a political group, in one LA, who were repeatedly discussing the independent inquiry conducted by Dr McCulloch, and had a lack of confidence in the PSOW, The Chair should direct them to the findings of the Independent Review report.
 - ii. In response to what can be done generally to improve standards of behaviour in T&CCs the Chairs were advised to ensure there are training arrangements in place for Members on the Code of Conduct; arrangements in place to support the Clerks who were in a very difficult position and to be aware of the support on offer from One Voice Wales. The Clerk should be recognised by Members as a professional role, and it needs to be done properly.

c) Recommendation 2 of the Independent report of Dr. McCulloch - Practice around notification of a complaint.

- Currently the PSOW does not notify Members at the point when they have been complained about. They are informed only if the complaint satisfies the PSOW 2 stage test and there may be a case

to answer. As only 50% satisfy the 2-stage test and 85% of complaints are unfounded the PSOW did not wish to cause unnecessary anxiety and “tit for tat” complaints which would also result in increased workloads.

- The overwhelming view of the Chairs was that in the interests of natural justice and, notwithstanding the increased administrative burden on the PSOW, Members should be notified early in the process i.e. when the complaint is made to the PSOW.

5. Matters raised by exception by the Chairs.

- a) TO, Isle of Anglesey - Have other Authorities signed up to the SLCC | Civility & Respect Pledge and / or encouraged their Town and Community Councils to do so. In response, JH indicated that in one LA, she was aware that 13 out of 34 had signed up and those who had not were actively encouraged to do so.

6. Recent cases of interest - Adjudication Panel for Wales (APW) and Public Services Ombudsman for Wales (PSOW) in previous 6 months – JC.

- a. In keeping with the Forum’s terms of reference as a learning opportunity the Chairs appreciated the opportunity to discuss several cases of interest and learn from cross sector experiences. This would be a standing item for future meetings.
- b. Chairs commented on the complexity and time commitment required for conduct hearings. The process was, in their experience, excessive and potentially chaotic if both sides were not represented. There appeared to be an assumed level of legal awareness.
- c. Important to participate in training and be aware of the following considerations which had been helpful –
 - i. The in-person training offered by BE – A trusted legally qualified training provider who had previously facilitated an online session to the Forum.
 - ii. The presentation slides of the former President of the APW (circulated with the notes of the previous meeting) were very helpful.
 - iii. There is a need to ensure a good replacement attends if the Monitoring Officer is unable to do so.
 - iv. Referencing recent cases could be helpful.
 - v. Chairs were aware that the complaints process including hearings were stressful experiences and the full process could take a long time to resolve.

7. Feedback from Chair and Panel Advisor - Evidence to the Senedd Local Government and Housing (LG&H) Committee CW & JC.

- a. The Chair and Forum Advisor had given evidence to the Senedd Local Government and Housing (LG&H) Committee on 14 November 2024 on the role and value of Town and Community Councils in Wales. The emphasis on aspects relating to standards, including interactions with Local Authority monitoring officers and standards committees.

8. National Standards Conference – Online, JC.

- a. The Chairs were supportive of an all-Wales conference, to be arranged by a sub-group of the Monitoring Officers Governance Group. Their preference was for this to be in person although they appreciated that would mean potential costs and additional administration arrangements.

9. Remuneration – Payments to Co-opted Members. – CT.

- a) This issue had been discussed previously at meetings when it was noted that payments to co-opted members was a matter for local determination and the Forum must work within its terms of reference as a voluntary learning Forum as opposed to a formal committee.
- b) There remained a sense of frustration in terms of fairness with the Chairs in that the rates had not been increased for some time for co-opted members and as they were applied according to local determination, not national, there were naturally occurring differences across Wales.

Action. The Chair will progress the matter separately with WG.

10. Any Other Business (AOB).

- a) Forum Chair – The Chair confirmed that whilst it had been a privilege to be the Forum Chair since it was first established, it was appropriate to vacate the position in advance of the next scheduled meeting on 26 January 2026. He would have been in the role for 3 years and it would be timely, in the interests of good governance principles, to select a new Chair. He will remain as Chair up until his successor is appointed at the next scheduled meeting on 26 January 2026.

Action: JC and CT to facilitate the arrangements for the appointment of Forum Chair with effect from 26 January 2026.

11. Dates of next meetings.

- Monday 23 June 2025, 2pm – 4pm on Teams.
- Monday 26 January 2026, 2pm – 4pm on Teams.