

STANDARDS COMMITTEE

Minutes of the meeting held on 25 July, 2012

PRESENT: Independent Members

Mr. Michael Wilson (Chair),
Mr. Islwyn Jones (Vice-Chair),
Ms. Denise Harris Edwards,
Mrs. Dilys Shaw.

Representing the County Council

Councillor Trefor Ll. Hughes,
Councillor Ieuan Williams.

IN ATTENDANCE: Head of Function (Legal and Administration)/Monitoring Officer,
Solicitor to the Monitoring Officer (RMJ),
Corporate Web and Information Manager (PA) (In respect of Item 3),
Customer Care Officer (BJ) (In respect of Items 4, 5 and 6) ,
Human Resources Officer (CW) (In respect of Item 7),
Committee Officer (MEH).

APOLOGIES: Mr. Leslie Lord

ALSO PRESENT: None

1 DECLARATION OF INTEREST

No declaration of interest made by a Member or Officer.

2 MINUTES

The minutes of the meeting held on 12th June, 2012 were confirmed.

3 CURRENT POSITION ON THE ONLINE PUBLICATION OF STATUTORY REGISTERS

An update report was received by the Corporate Web and Information Manager regarding extending online publication of Members' Declarations of Interest to include declarations of gifts and hospitality along with interest in meetings and to enable the gifts and hospitality forms and Standing Registers to be up-dated interactively.

Delays in implementing Mod.gov system, owing to staffing, but once in place, training will be given to Members, including the Standards Committee. This will not happen until after May 2013.

RESOLVED to note the report.

ACTION : An update on progress report from the Corporate Web and Information Manager to be received for the next Standards Committee on 31st October, 2012.

4 COMPLAINTS MANAGEMENT PROJECT

Update report received from the Customer Care Officer.

The project has been scaled down owing to refusal of bid for funding. New project mandate has been approved and a project plan is now being drafted which will result in adoption of the broad guidelines only and will not include the wider customer services engagement agenda. This lack of

resourcing is prevalent in other Welsh Councils as well with only 9 out of 22 having adopted the new guidelines, and even then only to a limited degree.

A team of 4 dedicated Customer Care Officers has been established within the Housing Service and it is hoped that the work of that team may be able to enhance the customer care element of this project as originally devised.

RESOLVED to accept the report.

ACTION : An update report to be received from the Customer Care Officer at the next Standards Committee on 31st October, 2012.

5 CONDUCT COMPLAINTS TO THE OMBUDSMAN

5.1 Submitted – for information, an update report by the Customer Care Officer in relation to complaints to and investigations by the PSOW regarding elected Members.

RESOLVED to note the report for information.

ACTION : An update on any further developments from Customer Care Officer at the next Standards Committee on 31st October, 2012, to include an analysis of the PSOW's annual report to include trends relevant to Isle of Anglesey County Council.

5.2 Submitted – for information, an update report by the Customer Care Officer in relation to complaints to and investigations by the PSOW regarding Town and Community Councillors.

RESOLVED to note the report for information.

ACTION : : An update on any further developments from Customer Care Officer at the next Standards Committee on 31st October, 2012.

6 SUMMARY OF ADJUDICATION PANEL DECISIONS

Submitted – a report by the Customer Care Officer in relation the findings of the Adjudication Panel for Wales from 1st April, 2012 to 30th June, 2012.

RESOLVED to note the report.

ACTION : None

7 (A) STATUS OF MEMBER DEVELOPMENT WORKING GROUP

The Human Resources Officer gave an update on matters arising from the Member Development Plan and the Member Development Working Group.

RESOLVED to note the report.

ACTION : An update on any further developments at the next Standards Committee on 31st October, 2012.

(B) INTRODUCTION OF PERSONAL DEVELOPMENT REVIEWS FOR MEMBERS

The Human Resources Officer gave an update report in relation to the above.

It was noted that the Personal Development Review process will now be rolled out to the remaining elected Members and training will be given during September to those Members.

RESOLVED : to note the report.

ACTION : Training be given on the Personal Development Review during September to be delivered by the WLGA and managed by the Council's Human Resources Service. An update on any further developments at the next Standards Committee on 31st October, 2012 to include analysis on benefits derived from the process and sight of the draft training plan for Members for 2012/2014.

8 NORTH WALES STANDARDS COMMITTEES FORUM

- Submitted – and noted, notes of the Monitoring Officer on the Standards Committees Forum meeting with the PSOW on 24th April, 2012.

The Head of Function (Legal and Administration)/Monitoring Officer identified specific issues of significance with particular emphasis on the likelihood that Standards Committees will soon be expected to deal with the less serious member/member disputes at a local level, rather than investigation by the PSOW.

New guidance, for County Councillors and Town and Community Council Members is also anticipated shortly and will, subject to publication, be considered at the next quarterly meeting of the Standards Committee.

RESOLVED to note the report.

ACTION : The 2 sets of Guidance on the Code of Conduct be submitted for consideration at the next quarterly meeting of the Standards Committee on 31st October, 2012.

Any progress on local resolution will be reported to the next quarterly meeting of the Standards Committee on the 31st October, 2012.

- The Monitoring Officer's notes of the Standards Committees Forum meeting held on 17 July, 2012 were also circulated for information.

9 THE CHAIR'S REPORT TO THE COUNCIL ON THE 10TH MAY, 2012

Submitted – the Annual Report by the Chair of the Standards Committee to the County Council outlining the work of the Committee in 2011/12 and presenting its Work Programme for 2012/13.

RESOLVED to note the report.

ACTION : None

10 WHITE PAPER

Submitted – report by the Head of Function (Legal and Administration)/Monitoring Officer in respect of the Welsh Government's White Paper on Promoting Local Democracy.

The Head of Function (Legal and Administration)/Monitoring Officer referred specifically to the sections of the White Paper which relate to the work of the Standards Committee. The Standards Committee after discussion of each issue, decided on the following responses :-

- **Question 29 : Should the Panel be empowered to require local authorities to publish information relating to all remuneration received by individual councillors in connection with the performance of public duties?**

Yes

But it should include expenses and there should be clarity around the definitions of key elements like 'publish', 'remuneration', 'public duties', to ensure consistency and comparability.

- **Question 38 : What are the practical barriers to extending the local resolution process to community and town councils and how might they be overcome?**

Any process/mechanism for local resolution needs to remain within the relevant Town/Community Council as there are significant resource implications if Standards Committees and Monitoring Officers are required to support the process.

- **Question 39 : To what extent is it desirable or necessary to modify the current statutory framework or model code of conduct to facilitate local resolution of complaints?**

- To achieve consistency the first sift, currently required by statute, should remain. However, matters referred to the PSOW, which fail to meet his threshold test, should be referred back for a decision to be taken at local level as to whether or not the matter is suitable for local resolution. As things stand, that decision will be discretionary, falling outside the statutory framework.
- However, there is no statutory requirement for authorities to adopt a local resolution procedure, much less a requirement for consistency in local protocols. We consider

that a model local resolution protocol would be desirable to ensure consistency, transparency and to avoid duplication. At the very least, guidance should be issued setting out the general principles which would need to address key issues, such as :-

- Local resolution protocols should relate only to Member/Member complaints;
 - Having completed the first sift, and failing to reach the PSOW's threshold, a matter referred back for local resolution must be capable of early rejection if spurious, trivial or time wasting. There needs to be clarity about who exercises that discretion, as well as how it is exercised, as the process may attract controversy. Our view is that the decision should be taken by an independent member of the Standards Committee, in consultation with the Monitoring Officer. We appreciate that there are other options.
 - There needs to be clarity around the role of the Standards Committee in any local resolution process.
 - There needs to be clarity around potential outcomes from such a process.
- **Question 40 : Should the ethical framework in Wales be more radically modified (e.g. to introduce local assessment and investigation of all alleged breaches of the code of conduct) and, if so, how?**

No

A first sift at national level is still desirable for fairness and consistency, and to avoid 'tit for tat' complaints.

- **Question 41 : Are the 'call-in' arrangements sufficient, or should cases which fall just short of the Ombudman's current criteria be routinely referred for local investigation and determination?**

No

All cases of Member/Member complaints, which fall short of PSOW's current threshold, should be referred for local resolution but there must be a discretion at a local level about whether or not to pursue local resolution, or reject the complaint; a kind of informal second sift. Please see the response to question 39.

- **Question 42 : Is the voluntary cap on indemnities proved for this purposes appropriate and sufficient?**

No

- **Question 43 : Should the Welsh Government introduce a statutory limit on indemnities through subordinate legislation?**

Yes

We suggest there should be different caps for hearings before Standards Committees, Adjudication Panel for Wales or High Court, with an overall cap of £20k.

- **Question 44 : What are the perceived barriers, if any, to the establishment of regional Standards Committees?**

We favour maintaining local Standards Committees but providing power to 'share' independent members, if and when required, on a sub-regional basis.

RESOLVED to forward the above observations to the Welsh Government in response to the consultation period in relation to the White Paper on Promoting Local Democracy.

ACTION : To instruct the Head of Function (Legal and Administration)/Monitoring Officer to forward the Standards Committee's observations to the Welsh Government after consultation with the Chair.

MR. M. WILSON
CHAIR

Draft