

STANDARDS COMMITTEE

Minutes of the meeting held on 8 June 2010

PRESENT: Mr J.Cotterell (Chair);

Lay Members

Mr.H.Gray Morris;
Mrs Pamela Moore;
Ms Sue Morris;
Prof.R.Grove White;

Representing the County Council

Councillor John Arwel Roberts;
Councillor Ieuan Williams;

Representing Town/Community Councils

IN ATTENDANCE: Mr Raymond Evans;
Solicitor to the Monitoring Officer (RMJ);

Legal Services Manager/Deputy Monitoring Officer (RJ);
Training and Development Manager (CE);
Housing Services Manager (HR);
Principal Housing Officer (KR);
Committee Officer (JMA);

ALSO PRESENT:

APOLOGY : Ms Sue Morris; Councillor T.Lloyd Hughes;

1. DECLARATION OF INTEREST

There was no declaration of interest by a Member or Officer.

Councillor J.Arwel Roberts said he is currently the Chair of the Planning Committee but was advised it would not be necessary for him to declare an interest under Item 3 of the Agenda.

2. HOUSING ALLOCATION POLICY NOVEMBER 2007

Submitted for consideration - a report by the Acting Corporate Director of Housing and Social Services. The Housing Services Manager said that the report had been submitted, in the first instance, to the Education, Health and Welfare Policy Overview Committee when the Committee resolved to recommend to the Executive that Member involvement in the allocation of Council houses be removed with the proviso that the Local Member be informed of the allocation once it has been made. Following that meeting, advice was received from the Corporate Information Officer indicating that this sharing of information would be contrary to the Data Protection Act 1998 and that to allow the Members to participate in the allocation process would be contrary to that Act. Mrs Pamela Moore endorsed the course of action being taken and Councillor Ieuan Williams believed it to be the right way forward.

RESOLVED:-

- (i) to endorse the proposal to remove Member involvement in the housing allocation process;
- (ii) not to support the Education, Health and Welfare Policy Overview

Committee's recommendation that Members are notified of the persons who have been allocated in their Ward as it is contrary to the principles set out in the Data Protection Act 1998;

(iii) that the report is presented to the Executive for approval and formal adoption as soon as possible;

3. DEALING WITH COUNCILLOR AND OFFICER PLANNING APPLICATIONS

Submitted and considered - a report by the Solicitor to the Monitoring Officer, together with a copy of a report submitted at the Group Leader's meeting on 23rd December 2009 in relation to the above.

The Legal Services Manager said that the report had been based on an initial report by himself together with the Head of Planning Services. That report set out the current practice on Anglesey in relation to Dealing with Councillor and Officer Planning Applications. This matter had been addressed following public concerns and complaints to the Audit Office regarding the procedures. The Legal Services Manager drew Member's attention to the fact that Ynys Môn have the most stringent regime in Wales whereby all such applications are submitted to the Planning Committee for determination. In addition, he, as the Deputy Monitoring Officer and Solicitor to the Planning Department/Committee would review the application files to ensure all due processes had been undertaken.

The Wales Audit Office had not provided details of the number of complaint received nor the nature of those complaints. The issue had not been raised in the Council's "Hawl I Holi" public engagement exercise nor had the Ombudsman received any official complaints regarding this issue over the last 5 years.

Various options for changing the way in which applications are dealt with had been included as part of the report to Committee together with the advantages and disadvantages of each course of action. The Officer believed the question which needed to be considered was whether any change is likely to improve reasonable public perception rather than the less than reasonable opinion of a participant in the process.

The Welsh Audit Office has made recommendations in their report on the Planning Service and the Legal Services Manager has been asked to consider certain of these recommendations in the context of the Planning Matters Procedure Rules. The Legal Services Manager indicated any changes would require a change in the Council's Constitution thus the matter would need to be referred to the Executive in the first instance followed by the County Council.

In response to a question from Mr R.Grove White, the Officer confirmed that the Monitoring Officer believes the current practice is working satisfactorily. He confirmed all files are available to him electronically which enables him to inspect all the documents and confirm he is satisfied with the process by e-mail, or alternatively make any observations he may wish to present via e-mail to the Planning Officers. He confirmed there is no untoward interference from Members or Officers and that he had no concerns in continuing with

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current practice. He did not believe there was any reasonable basis in taking the matter further and confirmed the current system is robust and effective.

Councillor J.Arwel Roberts said that the Ynys Môn Council must be the most vetted Council in Wales and that the Council should be applauded for their self regulation methods. He believed Councillors and Officers deserve the same fairness as members of the public when applying for planning permission.

The Legal Services Manager confirmed that the Planning Committee is an open forum and that the planning files are open for scrutiny. He confirmed to Members that the process included both Members and specific members of Staff including their specified close relatives.

In response to a question from the Chair, the Officer provided an explanation regarding Reserved Matters. Councillor Ieuan Williams said there is no evidence the present system is not working, procedures on Ynys Môn are the tightest in Wales, are applauded by the National Assembly and meet the latest LOA guidelines therefore he did not believe the process could be improved.

RESOLVED to accept the report and agree that there is no requirement to amend the current procedures regarding the processing of planning applications by Councillors and Staff.

4. **REVIEW OF THE STANDARDS COMMITTEE'S WORK PROGRAMME 2010/11**

Submitted and considered - a report by the Solicitor to the Monitoring Officer regarding reviewing the work undertaken and the outstanding work including timetabling.

The Officer presented his report on the Work Programme, the background work for which had commenced in July 2009 and which was approved by the County Council on 4th March 2010.

One aspect of the Work Programme involves the evolution of the Members Development Plan. A Joint Working Group has been established to assess, monitor and revise the Member Development Plan as it evolves.

The Solicitor to the Monitoring Officer also drew Member's attention to the additional column on the Work Programme which indicated which work has been completed and which is in the process of being completed and asked if there was any matter upon which they wanted to comment on regarding timetabling and changes. The Chair thanked all those concerned in formulating and agreeing the Work Programme.

Councillor J.A.Roberts raised a point regarding section 14 of the Programme which said: "*Subject to the outcome of consultation with Members, to make recommendations for more information to be published on the Council's web site (including information about allowances expenses, attendance records and training hours.*" Councillor Roberts said he had no problem regarding the publication of allowances and expenses, however he believed it important that attendance figures are given in percentages. He gave an example whereby one Councillor may be a Member of the Executive and would attend meetings twice weekly whereas a back bencher would only be required to attend two meetings per month. Presenting the figures in totality could therefore give a false impression.

The Solicitor to the Monitoring Officer drew attention to Item 13(ii) of the next informal meeting of the Standards Committee will be discussing this matter. He said a report is being prepared for that meeting and that Councillor Roberts' views would be reflected upon.

RESOLVED to accept the report and work programme and note the contents.

5. **DECLARATIONS OF GIFTS AND HOSPITALITY**

Submitted - the documents regarding the Register, Declaration Forms and Matrix.

The Chair reported that this issue had been discussed at the last informal meeting of the Standards Committee prior to elected Members being Members of the Committee. He said his view was that the value of gifts to be accepted should be nil. Councillors are paid a remuneration and accepting gifts could be seen as setting a precedent. He believed it was possible to raise the profile of the person giving the gift thus giving them an unfair advantage.

Prof. Robin Grove White invited Councillor's views. Councillor J.Arwel Roberts reminded Members that Peter Lucas had indicated he would wish to see the current

limit of
£20.

£20 increased. Councillor Roberts could not see a problem in retaining the sum of

Councillor Ieuan Williams agreed with the Chair that Members should not accept any gifts and must be seen to be whiter than white. He referred to the administration costs involved in keeping records of petty gifts.

The Solicitor to the Monitoring Officer provided examples of staff having received gifts (staff current acceptable limit £10) whereby those gifts had to be returned. He said that Peter Keith-Lucas' papers on "Protocol for Gifts and Hospitality" will be discussed at the next informal meeting.

AGREED that this matter be included on the Agenda of the next informal meeting.

6. **DECLARATION AND REGISTER OF PERSONAL INTEREST FORM**

Submitted for approval - the final draft of the above form. Members welcomed the new version which they believed to be clearer and user friendly. Back to back versions of the form will be printed and available within the next few weeks.

RESOLVED to approve the newly designed Declaration and Register of Personal Interest Form and confirmed its implementation as from 1st July 2010.

7. **MEMBER DEVELOPMENT WORKGROUP**

Submitted for consideration - a report by the Training and Development Manager providing an update on progress in relation to the Member Development Workgroup.

The group has met twice and is scheduled to meet for a third time on 6th July 2010. The membership includes three Elected Members, one of whom is the Chair and Elected Member Champion, a representative of the Standards Committee together with relevant officers including the Council's Monitoring Officer and Head of Legal Services and a support officer from the WLGA.

Both meetings have provided useful input from all participants and have had a very positive outlook of working together to achieve improvement. The Officer added that feedback following the initial training which has taken place was very positive. Issues which will be addressed included the Code of Conduct, the Role of the Modern Member, Scrutiny etc., Full feedback will be given once the programme has been completed. She added that the costs involved have been supported by the WLGA as part of the recovery process, however, from September 2010 the Group will have its own budget but a bid for additional funding will be submitted to support the Group.

In response to a question from Prof. Robin Grove White, the Training and Development Manager confirmed that a representative of the Standards Committee on the Group can report to the remainder of the Members at their informal meetings. Once the role descriptors are in place it will be easier to identify needs and fill in any gaps. A schedule will be produced in due course, in the meantime, Ms Sue Morris will bring the Standards Committee Member's views to the Group. The Group has an ongoing role with the ultimate aim being to achieve Member Charter status.

Councillor Ieuan Williams said he could envisage the Group may be busy following a Local Government Election with the need to provide training for any new Members. The Training and Development Manager said she would hope that the Group would meet less frequently in the long term, however there would be a need to monitor progression, development and review. She said an annual schedule will be produced in due course. The Solicitor to

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of the

Monitoring Officer said the Member Development Work Group now forms part

Council's fabric. The Chair acknowledged the Group to be one of the most important Groups on the County Council.

RESOLVED to accept the report, note the contents and congratulate the Group Members on the progress made to date.

8. TRAINING

Submitted for consideration - feedback on Peter Keith-Lucas' presentation together with its effect on the Standards Committees' next Work Programme.

The Solicitor to the Monitoring Officer said all the points raised at the training session had been noted and included for the Standards Committee's information. The Training and Development Officer noted that not all of the many point raised related directly to training and that some matters could be considered as information sharing sessions. She believed prioritisation to be important and that training should fit in to the demands of the Work Programme and that time and cost elements need to be factored in to those considerations.

Prof. Robin Grove White believed individuals intending to stand as Councillors should learn of their role as a Councillor on the County Council as opposed to being Local Ward Members. The Training and Development Officer believed the Role Descriptors would assist in providing a fair representation of the role involved. Mrs Pamela Moore said it was important prospective Members should be well informed, this would be similar to an individual applying for a post where a job description would be included with the application form. The Solicitor to the Monitoring Officer confirmed that prospective Members should be informed of their financial and legal responsibilities before hand. Councillor J.Arwel Roberts said the Council cannot dictate who stands as a Member or what they should read. In addition, he was aware that Ward Members could be elected on one issue (e.g. anti hunting) and would therefore have shown little interest in any other aspect of the Councillor's responsibilities until he/she had been elected. It was generally felt that having information available before hand would be good practice.

Prof.R.Grove White referred to having a meeting with a Monitoring Officer from another Authority and an annual meeting with the Audit Committee. It was confirmed that the first matter would be added to the paper and that the second was already in the document at 5.1

Councillor J.Arwel Roberts said that most of the issues raised regarding policy and procedures have been discussed at the Members Work Programme Group. The Solicitor to the Monitoring Officer confirmed that this document merely served as an aide memoire in respect of the Work Programme.

Mrs Pamela Moore raised the point that an annual remainder should be sent out regarding the register of Member's Interests and asked whether this had been done this year.

AGREED that a reminder be sent out to Members forthwith and thereafter in May of each year.

9. LETTER FROM HOLYHEAD TOWN COUNCIL

Submitted and considered - a letter from Holyhead Town Council dated 6th May 2010 asking whether a training sessions could be arranged for the Members of the Holyhead Town Council on the Code of Conduct.

The Training and Development Manager reminded Members that the Standards Committee has the responsibility for providing training for Town and Community Councils, however, no specific budget has been provided for that purpose. She added that One Voice Wales has a specific module on the Code of Conduct which would be suitable for Officers to deliver and that this should be ready for use by December 2010. She believed the sensible approach would be to open the training to representatives of all Town and Community Councils. She was of the impression that this training was not an urgent priority and could be scheduled in the period up to December 2010.

The Chair referred to a document produced by the Local Government Ombudsman on the

Code of Conduct and recommended that this would be a good starting point for the Town and Community Councils. The document provided a breakdown of the Code and gave examples which were relevant to particular sections. Mr Raymond Evans said that to his knowledge all Town and Community Councils had received a copy of the document.

He added

that Holyhead Town Council had not subscribed as Members of One Voice Wales, however, the Training and Development Manager said that this would not be an issue.

The Solicitor to the Monitoring Officer said he had received requests from two Clerks of Community Councils asking for guidance on the Code of Conduct and that he had informed them that there is a Web Link to the document.

RESOLVED that the Solicitor to the Monitoring Officer writes to all Clerks of the Community Councils informing them that the Ombudsman's Guidance exists and is available on the Internet. In addition he would inform them that training on the Code of Conduct will be arranged via One Voice Wales' when it becomes available.

10. **ALL WALES STANDARDS COMMITTEE CONFERENCE**

An e-mail received from Kate Berry of Cardiff Council was submitted and noted. Members were asked to consider the matters raised within the letter and present any suggestions they may wish to make at the informal meeting of the Standards Committee on 13th July.

11. **RECOVERY**

Submitted for information - a report by the Interim Managing Director which was submitted to the County Council on 11th May 2010.

The Solicitor to the Monitoring Officer reported on the numerous matters which are being addressed by the Officers and assured Members that a great deal of work is ongoing.

RESOLVED to accept the report and note the contents and the progress made to date.

12. **NEXT FORMAL MEETING**

Members noted that the next formal meeting will be held on 14th September 2010 and thereafter 14th December 2010.

13. **INFORMAL MEETING**

Members noted that the next informal meeting will be held on 13th July 2010 when the following matters will be discussed:-

- (a) Matrix of complaints to the Ombudsman;
- (b) Information published regarding Members;
- (c) Gifts and Hospitality;
- (ch) Dates of informal meetings as from October 2010;
- (d) All Wales Standards Committee Conference;
- (dd) Letter from Carl Sargeant;
- (e) Formal Meeting Agenda;

**MR JEFFREY COTTERELL
CHAIR**