

STANDARDS COMMITTEE

Minutes of the meeting held on 14 September, 2011

PRESENT:	Co-Opted Members Mr J.Cotterell (Chair) (Independent Member) Mrs Pamela Moore (Independent Member) Prof. Robin Grove-White (Independent Member) Raymond Evans (Town/Community Councillor) Representing the County Council Councillor Trefor Lloyd Hughes Councillor Ieuan Williams
IN ATTENDANCE:	Monitoring Officer (Lynn Ball) Committee Officer (ATH) Administration Assistant (SJ)
APOLOGIES:	Ms Sue Morris, Mr Robert Hugh Gray Morris, Councillor J.Arwel Roberts
ALSO PRESENT:	Commissioner Gareth Jones

The Chair welcomed all those present to this meeting of the Standards Committee and he extended a particular welcome to the meeting to Commissioner Gareth Jones.

1 DECLARATION OF INTEREST

No declaration of interest was received.

2 MINUTES

The minutes of the previous meeting of the Standards Committee held on 8 June, 2011 were submitted and confirmed as correct.

Arising thereon –

The Monitoring Officer reported that most of the matters arising from the minutes were covered by a separate item on the agenda in the form of a closure report on the work already completed; however, that item did not make reference to the position with regard to the Council's CRB Policy. She confirmed that the Policy had been implemented and that all members had by now complied with the request to submit an application for an enhanced CRB check meaning that the Council was now complying with its own policy in relation to Members.

3 CONDUCT COMPLAINTS TO THE OMBUDSMAN

A matrix regarding complaints and investigations by the Ombudsman in relation to the Isle of Anglesey County Councillors as updated on 2 September, 2011 was presented for the Committee's information. The Monitoring Officer advised members that should they require legal advice on these matters, then the Committee should formally decide to exclude the press and public from the meeting. Councillor Ieuan Williams made a proposal to that effect and he was seconded by Mrs Pamela Moore. **It was resolved to exclude the press and public from the meeting at this point in accordance with the advice provided by the Monitoring Officer.**

The Monitoring Office outlined the investigative stage which each matter had reached and what input the Standards Committee might be expected to have in connection with the investigations. Members noted the information provided by the Monitoring Officer.

It was resolved to note the matrix of complaints as presented.

4 REPORTING BACK AND PROVIDING INFORMATION ON OUTCOMES OF MATTERS ON THE WORK PROGRAMME AND MINUTES

A report by the Solicitor to the Monitoring Officer providing information and outcomes of matters in the Standards Committee's Work Programme and minutes was presented for the Committee's consideration.

The Monitoring Officer updated members regarding the relevant issues as follows –

4.1 Work Programme for the period 2010/11 attached as Appendix A1 to the report

- With reference to the report/protocol for dealing with applications for planning permission by members or officers, the Board of Commissioners at its meeting on 26 April, 2011 having considered the Review of Planning Procedure Rules, resolved to recommend to the County Council that amendments to the Constitution be made. Subsequently, the County Council at its meeting on 12 May, resolved to refer the matter back to the Commissioners. Following further consideration of the matter, the Board of Commissioners resolved to recommend that the Minister make the decision to approve the changes as a 12 month pilot. In its last work programme, this Committee indicated that it would review the effectiveness of the changes after a trial period. The Committee was asked whether it wished to formulate a resolution that Officers report back on this matter as part of the pilot review in 12 months.

It was resolved that the Officers report back to the Standards Committee regarding the effectiveness of the pilot.

- With reference to the Committee's role as consultee in connection with the consultation issued by the Welsh Government regarding scrutiny/political structures, the piece of work undertaken in this respect has now become the Local Government Measure (2011) which will come into effect in May, 2012. It is suggested that the Committee receives a presentation on the requirements of the new Measure which will demonstrate how the work in which it was engaged as a Standards Committee has fed into the Measure, and also what changes the Measure will entail in terms of the Council's political/democratic structures.

It was resolved that arrangements be made for the Standards Committee to receive a presentation regarding the requirements of the new Local Government Measure (2011).

- With reference to the review of the Council's Housing Allocations Policy and the role of elected members therein, the work has been completed although there remains an element of dissatisfaction amongst some elected members regarding this issue. The Commissioner with Portfolio Responsibility for Social Services has given assurance that she is satisfied with the policy and that she does not wish to see it reviewed. A further explanatory letter setting out the Council's position will be sent to all members with a view to bringing this matter to a close as an issue prior to the election of a new Council May, 2012. The suggestion is that Housing Officers bring a report to the Standards Committee regarding the Council's position on Housing Allocations. In response to a request for clarification of the matter particularly as regards members' continuing discontent regarding this issue, the Monitoring Officer explained the nature of Members' disaffection on the matter of the Housing Allocations Policy. Councillor Trefor Lloyd Hughes elaborated by saying that whilst he did not disagree with the policy as it is, in terms of its doing away with any direct involvement by a Councillor in housing allocations, he found it difficult to accept that the Local Member cannot be informed as to whom a council house has been allocated in his/her electoral area in his/her capacity as Local Member. He suggested that the Housing Service might be asked to make it more clear to the public that under the new policy, councillors do not have a direct input in housing allocations and have a much reduced role generally in that respect. Councillor Ieuan Williams in clarification suggested that what was required is a form of communication with the public perhaps via the Housing Allocation Information Pack, to educate them about the role of the elected member

and in particular that he/she no longer has any input into the allocations process apart from a representational role after being given that right following the completion of the appropriate form by the individual and to ensure that the points are correct. The Monitoring Officer suggested that a form of communication to that effect be drafted and brought back to the Committee for consideration.

It was resolved –

- **That the Standards Committee receives a report by Housing Officers in respect of the Council's position with regard to Housing Allocations.**
- **That officers draft for the Committee's consideration, a statement be issued to the public in clarification of the role of the elected member in relation to Housing Allocations with particular emphasis on the fact that Councillors no longer have any input into the actual allocation process.**
- With reference to the publication of Members' Declaration of Interest forms (Standing Register only) on the Council's website and the promotion of this facility, this piece of work has now been completed. The Committee has also made changes to the Declaration of Interest in Meetings form and the Declaration of Gifts and Hospitality form. The Committee was asked to consider whether it wished to receive a report regarding extending the information in the Registers online and to consider asking the ICT Service to address the issue of whether it is possible to put the forms in relation to Declaration of Interest of Gifts and Hospitality and Declaration of Interest in Meetings online, as well as making the forms interactive to allow them to be completed electronically. Members were in agreement that the possibility of further extending the online publication and interactive management of the Registers and associated forms be pursued with the ICT Service.

It was resolved to request the ICT Service to address the matter of extending the online publication of Members' declaration of Interest forms to include declaration of gifts and hospitality forms along with the declaration of interest in meetings forms and to enable the gifts and hospitality forms along with the Standing Register to be updated interactively.

- With reference to the presentation by the Chair of the Standards Committee of a report to the full Council at its annual meeting in May regarding the work of the Committee during the previous year, the Committee was asked to consider how it wished to proceed in light of the fact that the current Chair's tenure both as chair and member of the Committee would come to an end in December. The suggestion was that Mr Jeff Cotterell as the Committee's current Chair provide the December, 2011 meeting of the full Council with a half year statement on the work of the Committee from June to December, and that following election, the new Chair make a statement to the May, 2012 meeting of the full Council on the work of the Committee during the second half of the year from January to May. Members of the Committee were amenable to this suggestion. Professor Robin Grove White suggested in addition that it might be appropriate given that the Standards Committee in its current membership will cease in December, for the report to reflect the collective experience of the Committee over the past three years. The Chair suggested members provide any comments they might wish to see included in the report via a round robin e-mail so that a consensus might be achieved.

Commissioner Gareth Jones observed that the activities of the Standards Committee is a matter of importance to the Commissioners and forms one of the themes which they are considering. The Commissioners will be reporting back to the Minister at the same time as this Committee's annual report is delivered. The contents of the Standards Committee's Annual Report will be significant in having a bearing on the kind of final report which the Commissioners' will be providing. It is also an opportunity for the Committee to tender its comments on paper thus providing the Minister with an additional dimension regarding the work of the Council and in formulating his conclusions. Therefore, the work of the Standards Committee is important not only to the Commissioners but also to the good name of the Council.

It was resolved that the Standards Committee's Annual Report to the full Council be delivered in two half year statements the one by the current Chair and the other by the new Chair respectively, and that members wishing to input into the report provide their comments via a round robin e-mail so that a consensus can be reached.

4.2 Correspondence dated 1 July, 2011 sent to the Chief Executive of the WLGA in accordance with the request of the County Council asking the WLGA to formulate and recommend a universal Gifts and Hospitality Policy for local authorities in Wales was attached as appendix A2. Since no response had been received from the WLGA hitherto, a follow up letter will be sent to the WLGA. There may be an opportunity to address this issue via the Monitoring Officer Network, and the Standards Committee will be kept informed if there are any tangible developments from that source.

4.3 Minutes of the meeting held on 8 June, 2011

- Correspondence to the Editor of the Holyhead and Anglesey Mail and to all councillors dated 14 and 15 June respectively in relation to press criticism of the use of Treysgawen Hall as a venue for Adjudication Panel hearings was attached as Appendix A3 and A4 respectively. Members of the Standards Committee were informed that a correction to the original article was printed in the following week's edition of the Holyhead and Anglesey Mail.
- Corporate Complaints Procedure - a copy of the Welsh Government's final Model Complaints Policy and Guidance for public services in Wales was circulated for members' information. The Monitoring Officer reported that although the document does not have the status of a compulsory requirement, the policy is strongly recommended as guidance. Commissioner Mick Giannasi is keen for officers to establish a project board to drive through the cultural and structural changes as set out in the policy. A meeting with the Commissioner has been arranged to discuss the Project Mandate and subject to his approval, this will be presented to the Heads of Service Management Team to be signed off with a view to setting up a Project Plan document. The aim is to complete the work by May, 2012. The Plan will look at implementing the substance of the guidance and also issues relating to signposting for members and access to back office functions.

4.4 Other Matters

- With reference to Indemnities, the County Council at its meeting on 9 June, 2011 approved a report in respect of a policy and procedure for dealing with requests for indemnities, and a Sub-Committee has been established for that purpose. Members of the Standards Committee were reminded that in circumstances where a member is given a sanction above a censure, he/she is automatically obliged to repay any indemnity advanced to them. In cases where a member had been censured as a result of a breach of the Code of conduct, or has findings made against him/her but where a sanction is not deemed necessary the Standards Committee has a role to determine whether the sums expended by the Council must be reimbursed to the Council, and if so, to what extent. It was asked by a member whether there is provision for stipulating a timescale for the submission of applications for an indemnity and if not, whether one should be introduced in order to facilitate the process. The Monitoring Officer said that she would take the suggestion back.
- With reference to training for Town and Community Councils, correspondence dated 14 July 2011 sent to all Clerks of Town and Community Councils enclosing a declaration of interest form for County Council Members amended for use by Town and Community Councillors was attached as Appendix A5 to the report. Members of the Standards Committee were asked to consider the merits of the Committee having closer involvement with Town and Community Councils and whether or not they wished to assume an assurance role with regard to Town and Community Councils. It was reported that the practice in this respect does vary greatly throughout Wales, and whilst the Standards Committee does presently have an overarching role with regard to training Town and Community Councils, it has not as yet taken on a more rigorous role in respect of assurance. The suggestion was that the Monitoring Officer be instructed to include an item on the agenda of the North Wales Standards Committees Forum to establish what is the practice in other councils in this respect and what light touch assurance role the Standards Committee might be able to undertake with regard to Town and Community Councils, e.g. random/spot checks of the registers etc.

It was resolved to instruct the Monitoring Officer to place an item on the agenda of the next meeting of the North Wales Standards Committees Forum to ascertain what is the practice in other councils as regards the Standards Committee taking on an assurance role in relation to Town and Community Councils.

5 RECRUITMENT OF THE NEW STANDARDS COMMITTEE

A report by the Solicitor to the Monitoring Officer incorporating a series of recruitment documentation in relation to the appointment of the new Standards Committee was presented for the Committee to consider, and to forward any additional comments/recommendations thereon to the Standards Committee Selection Panel especially from the perspective of the Committee's Independent Members. Members were informed that that Panel had now been chosen and was scheduled to meet initially on 20 September to consider and approve the recruitment documentation, process and timetable for advertising and short listing.

Comments were made regarding the disparity between the age ranges shown on the Equal Opportunities Monitoring form section of the Application form for lay membership of the Selection Panel as at Enclosure 5 and those shown on the Equal Opportunities Monitoring form section of the Application form for lay membership of the Standards Committee as at Enclosure 7c.

In responding to the above point and in highlighting other proposed changes to the documentation, the Monitoring Officer reported as follows –

- That a new up to date Equal Opportunities Monitoring Form as provided by the Human Resources Service will be used to send out to potential applicants.
- The Independent Remuneration Panel is currently consulting on a range of matters which include payment to co-optees, including the Standards Committee. This possibility will be highlighted in the documentation to applicants.
- The inclusion of information regarding the adoption for all co-opted members with voting rights of the Council's CRB Policy.
- Any changes consequential upon decisions made, for example the changes in the Standards Committee's composition.
- The inclusion of a reference to formal meetings, dispensations and referrals from the PSOW.
- To remove references to informal meetings
- The inclusion of more information regarding training
- Further minor amendments in the form of the clarification of dispensation etc.

Members of the Standards Committee recommended the following as additional amendments to the recruitment documentation –

- The need to clarify the distinction between the Standards Committee's public and private sessions and what takes place in each session (Background information for applicants as at Enclosure 7b)
- That the term "spouse" at Page 2 of Enclosure 5 be replaced to reflect the wording in the Code of Conduct.
- That the word "receive" be substituted for "rely" at Page 4 of Enclosure 7c

It was resolved to accept the proposed amendments to the recruitment documentation as reported by the Monitoring Officer and to forward to the Selection Panel the additional recommendation for changes made by this Committee as documented above.

6 ANNUAL REVIEW OF REGISTERS OF INTERESTS OF MEMBERS AND CO-OPTED MEMBERS

The following documentation along with supporting correspondence were circulated to members of the Committee prior to the meeting –

- Copies of forms of Declarations in the Standing Register by Members and Co-Opted Members;
- Copies of forms of Declarations made in meetings by Members and Co-Opted Members, and a copy of the Register;

- Copies of forms of Declarations of Gifts and Hospitality made by Members
- Copy of Members' appointments to Outside Bodies.

The Committee was asked to carry out its annual review of the declarations of interest forms of Members and Co-Opted Members.

The Monitoring Officer, in order to facilitate the task above and to ensure that it is dealt with equitably suggested that consideration of this matter be deferred, and that each of the Committee's Independent Members be allocated a bundle of 8 individual councillor declaration of interest forms (pertaining to the three registers) to be reviewed in light of the supporting documentation and the outcome of previous reviews. The Committee's Independent Members will be informed by letter by the Monitoring Officer which Councillors they would be asked to review. The allocation will be made alphabetically and the Independent Members will be given a deadline by which to complete the task. The Monitoring Officer advised further that those undertaking this task might wish to consider the effectiveness of the new forms of declaration of interest in meetings; any absences of declaration or failure to update etc. Any concerns to be reported to the Monitoring Officer and observations to be forwarded to the Chair. A draft of the Committee's response will be drawn up subsequently. Members concurred with this proposal as a practical way of discharging the task and they requested that the letter from the Monitoring Officer specifies the criteria against which the forms are to be reviewed.

It was resolved to defer consideration of this item pending the examination of the relevant documentation according to the procedure advised by the Monitoring Officer above.

7 DISPENSATIONS PANEL

A report by the Solicitor to the Monitoring Officer incorporating a proposed protocol for dealing with applications for dispensation was presented for the Committee's consideration and approval.

The Protocol proposed that in order to respond swiftly and effectively to applications for dispensations which sometimes need to be made urgently, these applications in future be considered by a Panel of three Members of the Standards Committee to consist of 2 Independent Members and 1 County Councillor. The Chair of the Panel is to be chosen from among the Independent Members in accordance with statutory regulations. When a Dispensation Panel is arranged, the Committee Officer will retain a list of Standards Committee Members who have participated in such panels and will appoint Members on an ad hoc basis, with their consent, but always subject to availability and a fair rotational basis. Members' attention was drawn to the fact that should circumstances arise where all Councillors are conflicted, then the Panel on such occasions will consist of 3 Independent Members to be selected on a rotational basis where possible.

The Monitoring Officer notified the Committee that she intended to make an application for dispensation for all 40 Councillor Members in relation to the Indemnities Sub-Committee. She explained that under the Policy adopted by the Council, Councillors who wish to make an application for indemnity can appear in person before the Sub-Committee; they can instruct a Solicitor/Counsel to present their application on their behalf or they can present their application in writing only. Solicitors' fees are not covered as these are deemed to arise from pre-indemnity work, and so the process can be potentially expensive for Elected Members. It is considered that they should have the right to attend in person and present their case. Under the Code of Conduct, this constitutes a personal and prejudicial interest necessitating an application to the Standards Committee for dispensation to appear before the Sub-Committee. The Monitoring Officer explained that in order to avoid a situation wherein potentially, a series of applications for dispensation is made to the Standards Committee each time an application for indemnity is made she was suggesting with the agreement of the Group Leaders a pragmatic approach whereby she would lodge an application on their instructions for all 40 County Councillors so that every Member is therefore automatically covered. A meeting of the Dispensation Panel would have to be convened in the near future for this purpose.

It was resolved –

- **To adopt the Protocol for establishing panels to deal with dispensation applications as outlined in the report.**

- **To endorse the Monitoring Officer's proposed approach to dealing collectively with potential applications by Members for dispensation in relation to the Indemnities Sub-Committee.**

8 COUNCILLOR PS ROGERS

The report of the Public Services Ombudsman for Wales of 25 October, 2010 in relation to an investigation into an allegation against Councillor P.S.Rogers along with the decision of the Adjudication Panel on 28.8.2011 were presented for the Committee's information as required by the Adjudication Panel in connection with all matters referred to it.

It was resolved to note the documentation as presented.

9 NORTH WALES STANDARDS COMMITTEES FORUM : MINUTES OF THE MEETING HELD ON 10 JUNE 2011 AND AGENDA FOR NEXT MEETING

In the absence of Ms Sue Morris it was resolved to defer consideration of this matter to the next meeting of the Standards Committee.

10 STANDARDS CONFERENCE – LLANDRINDOD WELLS ON 5 OCTOBER 2011

Details of the Standards Conference scheduled for 5 October were presented. The Committee was asked to consider nominating two of its Members to attend the conference on the basis of one County Councillor representative and one Independent Member representative. The Independent Members present indicated that they were already committed on the date of the conference.

It was resolved –

- **To nominate Councillor Trefor Lloyd Hughes to attend the conference as the County Councillor representative.**
- **To ask the Monitoring Officer to liaise with Mr Hugh Gray Morris to ascertain his availability to attend the conference as the Independent Member representative.**

11 ANNUAL REPORT OF THE OMBUDSMAN

A report by the Customer Care Officer summarising those matters relevant to the Isle of Anglesey from the Ombudsman's Annual Report on Performance for 2010/11 was presented for the Committee's consideration. The recommendations of the report were that it be presented to the Strategic Leadership Group and the Corporate Scrutiny Committee, and that as from April, 2011, data on response times by Service be gathered so as to provide this information for quarterly reporting to the Corporate Scrutiny Committee.

The Monitoring Officer reported that in brief, the main findings for the Isle of Anglesey County Council (IOACC) from the Ombudsman's Annual Report are that there has been a reduction both in the number of service complaints received by the Ombudsman's Office against the IOACC during 2010/11 as well as in the number of complaints investigated during 2010/11 compared to 2009/10. However, whilst the Summary Report shows that the IOACC is improving against its own historical performance, Graphs D and E in Appendix 1 to the report illustrate that its performance compares unfavourably with the Welsh average. This data shows that following adjustments for population distribution, the IOACC has more than double the average level of complaints and that the Ombudsman has investigated more than double the average complaints against IOACC in 2009/10 and three times more complaints than the average in 2010/11. In response to a question as to what the higher level of complaints against the IOACC signified, the Monitoring Officer responded by saying that this would seem to indicate that complaints are not being addressed promptly enough at the service point and that the slowness of the system seems to precipitate complaints to the Ombudsman. She referred to the new Complaints Procedure and what it sought to achieve in terms of providing a simpler and more responsive process for managing and addressing complaints where the emphasis is on timeliness and on learning from mistakes made.

It was resolved to accept the report and to note its contents and recommendations.

12 AGENDA ITEMS FOR THE COMMITTEE'S MEETING ON 14 DECEMBER 2011

The Committee's current work programme was presented for Members' information.

The Monitoring Officer highlighted issues for consideration by the Committee at its next quarterly meeting (in addition to those discussed at this meeting) on 14 December as follows –

- Update on matters arising from the Member Development Plan and a report from the Member Development Group
- To report back on the outcome of the review of the Registers of Members' Interest and the Register of Gifts and Hospitality.
- To review the Council's Policy on Gifts and Hospitality and to provide feedback on whether the newly adopted form has been well received. New form attached as B2 to the report.
- To review the Protocol for Member/Officer relations to include the outcome of the pilot for Self-Regulation Protocol.
Corporate Complaints Procedure update
- Update on recruitment to new Standards Committee.

It was resolved to accept the information as presented.

Prior to the close of the meeting, the Monitoring Officer informed members that the Committee's Vice-Chair, Ms Sue Morris was currently suffering a period of ill health following hospital treatment. Members were agreed that the Monitoring Officer should send a letter to Ms Morris along with a token of the Committee's best wishes for a speedy recovery.

**Mr Jeff Cotterell
Chair**