

STANDARDS COMMITTEE

Minutes of the meeting held on 27TH March 2012

PRESENT:

Independent Members

Mr Michael Wilson(Chair) (Independent Member)
Mr Islwyn Jones (Vice-Chair)(Independent Member)

Ms Denise Harris Edwards;
Mr Leslie Lord;
Mrs Dilys Shaw;

Representing Town and Community Councils

Councillor Raymond Evans (Town/Community Councillor)
Councillor John Roberts (Town/Community Councillor)

Representing the County Council

Councillor Trefor Lloyd Hughes
Councillor Ieuan Williams

IN ATTENDANCE:

Monitoring Officer (Lynn Ball)
Solicitor to the Monitoring Officer (RMJ)
Head of Service (Housing) (SLW)
Senior HR Development Officer
Corporate Web Site Manager (PA)
Committee Services Manager

1. DECLARATION OF INTEREST

There was no declaration of interest by any Member or Officer

2. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED under Section 100(A)(4) of the Local Government Act 1972, to exclude the press and public from meeting during discussion on the following item on the grounds that it may involve the disclosure of exempt information as defined in Schedule 12A of the said Act and in the attached Public Interest Test.

3. TO EXERCISE STATUTORY DISCRETION IN RESPECT OF AN INDEMNITY FOR LEGAL COSTS

Reported by the Monitoring Officer – That the Council operated an Indemnities Policy which enabled its Indemnities Sub-Committee to grant indemnity to Members to cover legal costs which they incurred in defending complaints against them, to the PSOW, arising from alleged

breach/breaches of the Code of Conduct. Such an indemnity was granted to Councillor 'A' in 2011.

In compliance with the underlying statutory framework, the Council's policy permitted a Member to retain the benefit of such an indemnity in cases where, ultimately, no adverse findings were made against the Member. In those cases where a Member received a suspension, or disqualification, from office then they may not benefit from an indemnity and were required to repay any sums already advanced under the terms of the indemnity.

However, there was a third category of cases which fell between exoneration and suspension. In such cases, the Standards Committee, has the discretion to decide whether or not the Member shall be permitted to benefit from the indemnity.

In the present case, Councillor 'A' received a censure, thereby triggering the requirement for the Standards Committee to exercise its discretion on indemnity. Part of the consideration process should involve providing the Member affected with an opportunity to address the Committee and answer any questions. To facilitate this, the Committee had previously granted a generic dispensation to any Member who found themselves in this position. Councillor 'A' had indicated his intention to appear before the Committee to put his case for retaining the benefit of the indemnity. In exercising its discretion, the Committee must provide reasons for its decision.

In considering Councillor 'A's' application, the Committee was requested to take into account legal advice and this was provided at Page 5 of the report.

Councillor 'A' was afforded the opportunity of addressing the Standards Committee and presenting his case for indemnity for legal costs.

After hearing the evidence, and the legal advice provided, the Standards Committee retired to private session to discuss the application. Officers were not in attendance.

Resolved that:-

1. While not condoning the conduct described in the findings made by the Case Tribunal of the Adjudication Panel for Wales (APW) on the 26th August 2011, the Standards Committee, in exercising its discretion under the Council's Indemnities Policy (copy attached), confirms and endorses the original indemnity granted to Councillor Peter S Rogers by the Indemnities Sub-Committee on the 29th June 2011.
2. The indemnity, as confirmed, shall be up to a maximum of £10,000.00 plus VAT, and:
 - i. The Council shall have no liability for any additional sums incurred beyond those authorised by the Indemnities Sub-Committee on the 29th June 2011, there having been no further application made or authorisation granted.
 - ii. No indemnity payment shall be made until the authorised expenditure has been incurred and discharged; and only then if documentary evidence is provided which meets the reasonable requirements of the Corporate Director (Finance) or his/her successor.
3. In support of its decision the Standards Committee had regard to the following factors:-
 - i. The allegations in this case were potentially serious and, had the APW confirmed the PSOW's preliminary findings, then a lengthy suspension, or even disqualification, may have followed. This is reflected by the fact that the PSOW did not refer the hearing to the Standards Committee, with its power to impose a maximum sanction of 6 months suspension. Instead, the PSOW referred the matter to the APW, with the power to suspend for a maximum of 12 months or to disqualify from public office for a maximum of 5 years.

- ii. The allegations made by the NWP, and the findings of the PSOW, included bullying and harassment; seeking to secure or confer a benefit/disadvantage; and seeking to influence the impartiality of officers. However, when tested in a three day evidentiary hearing, none of those allegations was upheld and, instead, the APW found that there had been a single failure to show respect and consideration, resulting in two breaches of the County Council's Code of Conduct. It was decided that the Code of Conduct of the NWPA had not been engaged.
 - iii. Had some, or all, of the allegations outlined above been upheld, then it is likely that reputational damage would also have resulted.
 - iv. The Case Tribunal hearing involved a number of complicated issues, especially the questioning of eight witnesses, including four police officers. Had the Applicant not been adequately represented he would have likely found himself at a disadvantage, leading to an inequality of representation. The PSOW was also represented by Counsel.
 - v. There were clearly marked differences between the allegations as made, the preliminary findings of the PSOW, and the final decision of the APW. Specialist representation by Counsel will have been a determinative factor in the final outcome.
 - vi. It was a factor in the Standards Committee's deliberations that, while accepting that the Applicant may have been too vigorous in pursuing what he perceived to be the justice of his elector's case, he nevertheless acted in good faith, and the conduct which breached the Code occurred in the "heat of the moment" and with an absence of malice.
 - vii. The Applicant had already incurred significant legal fees prior to the lodging of his application for an indemnity. The Applicant will have to bear those fees personally as costs cannot be awarded retrospectively under the terms of the Council's Policy.
 - viii. In addition to the impact on the Applicant, in terms of sanction and reputational damage, the Standards Committee also attributed a little weight to the issue of disenfranchisement connected to suspension, both in relation to the Applicant's ward but also the representation of the Isle of Anglesey County Council, on the NWPA, particularly at a time of fundamental changes and reforms in policing.
4. The Standards Committee wishes to note the following concerns:-
- i. The likely costs incurred, and the time expended, in dealing with this complaint, by the PSOW, the APW, the Complainant, the Respondent and the County Council, must be significantly disproportionate to the outcome. Despite the seriousness of the allegations, given the subjective nature of the evidence, and the single issue underpinning the complaint, this is a matter which might well have benefited from an early intervention by means of local resolution/conciliation, thereby saving time and resources.
 - ii. Members of the NWPA, and the local authorities which they represent, would benefit from greater clarity in the future concerning the NWPA's position/policy on the provision of indemnities.

This is reproduced with the agreement of Councillor P S Rogers.

(Note: The Town and Community Council representatives were not in attendance for this particular item]

4. MINUTES

(a) The Minutes of the meeting held on 14th December 2011 were submitted and confirmed as correct.

(b) The Minutes of the meeting held on 1st February 2012 were submitted and confirmed as correct.

(c) The minutes of the meeting held on the 14th March 2011 were submitted and confirmed as correct.

[The Town and Community Council representatives wished it to be noted that there was no requirement for them to be present at this latter meeting].

5. UP-DATES OF MATTERS WHICH THE COMMITTEE CONSIDERED IN ITS MEETING ON THE 14TH DECEMBER 2011

5.A HOUSING ALLOCATIONS PROCESS

Reported by the Head of Service (Housing) - That the members of this Committee received a report on 14th December, 2011, clarifying the role of elected Members in the Housing Allocations process.

It was reported that the information, together with a summary of their role in the process, would be sent to each elected Member in the form of a letter signed jointly by the Commissioner, Shadow Portfolio Holder for Housing and the Head of Service(Housing) in the near future.

RESOLVED to note the contents of the progress report, to request a further update report to this Committee in 12 months time and, in the meantime for Members of the Committee to receive copies, via the Monitoring Officer, of the information due to be sent to Members of the Council.

5.B CURRENT POSITION ON THE ONLINE PUBLICATION OF STATUTORY REGISTERS

Submitted – A report by the Corporate Web and Information Manager regarding extending online publication of Members' Interests to include declarations of gifts and hospitality along with interests in meetings and to enable the gifts and hospitality forms and standing registers to be up-dated interactively.

At the December meeting of this Committee it was reported that the Register of Gifts and Hospitality and the Register of Interests declared in meetings would be published online via the new Modern. Gov e-democracy system at the end of March. However, a number of resource difficulties had arisen in ICT which had delayed the implementation.

Realistically, the system would not now be operational until June and both registers would be published on line at that time. The H.R Service would work in co-operation with the ICT service to provide training for Members on the new Modern.Gov system to enable them to update their information on the online versions of the registers. In the meantime, both registers would be maintained by the Web team. It was envisaged that training would take place in the Autumn subject to the identification of other Member ICT training needs.

RESOLVED to note the contents of the progress report and to request a further update at the Standards Committee meeting in June 2012.

5.C COMPLAINTS MANAGEMENT PROJECT

Reported by the Monitoring Officer – That the Model Concerns and Complaints Policy Project Mandate was presented to the Heads of Service Management Team in November 2011 and was intended to facilitate the introduction of the new policy. The Management Team accepted the Project Mandate.

However, on 6 March 2012 the County Council decided not to allocate any funding to the project and it is now required to evaluate how to implement the new policy within existing resources. This would mean that the initial aims and scope of the project would be scaled back and a revised PID would be presented to the Heads of Service Management Team in due course.

RESOLVED

●**To note the contents of the report and to express this Committee's disappointment as to the Council's decision not to allocate any funding to the project.**

●**That the Corporate Information Officer be requested to report back to this Committee on the re-designed PID in June 2012.**

6. CONDUCT COMPLAINTS TO THE PSOW

Submitted for information - A report by the Monitoring Officer in the form of an up-dated matrix on conduct complaints to the PSOW regarding Isle of Anglesey County Councillors.

RESOLVED to note the information and to request that details be provided to this Committee in future as regards complaints to the PSOW in respect of Town and Community Councillors as well. Next report due June 2012.

7. SUMMARY OF ADJUDICATION PANEL DECISIONS

Reported by the Customer Care Officer – That this report covered decisions made by the Adjudication Panel between 1st April 2011 and 31st January, 2012 and was intended as a factual summary of the issues that came before the Adjudication Panel. It would not replace the report that was presented to the Committee when a complaint relating to Anglesey County Council had been before the Adjudication Panel.

RESOLVED to note the information on the issues dealt with by the Adjudication Panel for Wales. Next report due June 2012.

8. A. STATUS OF MEMBER DEVELOPMENT PLAN

An update report was provided by the Senior Development Officer on matters arising from the Member Development Plan and the Member Development Group.

RESOLVED to note the information. Next report due June 2012.

B. INTRODUCTION OF PERSONAL DEVELOPMENT REVIEWS FOR MEMBERS

Submitted – A report by the Senior Development Officer regarding Personal Development Reviews for Members.

Reported – That at the December meeting two reports had been provided to this Committee on the progress of the Member Development Plan and the Personal Development Review pilot. Due to the fact that these impacted on each other, this update provided a combined progress report

(a) Member Development Plan

Since the last report which provided an overview of the sessions held over the latter months of 2011, a number of workshops had been delivered and these were detailed within the report. To build on the well established development culture, a draft MDP for 2012-13 was attached to this report. The Plan was based on information collated from Commissioners / Departments and also details gleaned as a result of the completion of Personal Development Reviews by some elected Members. The Plan would be subject to ratification by the Member Development Working Group before it was forwarded to full Council for acceptance.

(b) Personal Development Reviews

Feedback received on the PDR pilot was included within this report and all except one review had been received. The development needs from this review varied from IT skills, personal/behavioural skills to more technical skills and this data had been captured and incorporated into the MDP where possible. The MDP now required ratification and feedback was awaited on the PDR process before moving forward.

RESOLVED to note the contents of the report and that the Senior Development Officer be requested to provide confidential quarterly updates to this Committee on Member attendance at training sessions provided by the Council. Next report on PDRs due June 2012.

9. OUTCOME OF ANNUAL REVIEW OF PUBLIC REGISTERS OF INTERESTS OF MEMBERS AND CO-OPTED MEMBERS AND GIFTS AND HOSPITALITY

Submitted for information a letter of the 9th February 2012 by the former Chairman of the Standards Committee to all Members of the County Council with regard to the outcome of the annual review in this respect.

RESOLVED to note the content of the letter.

10. NORTH WALES STANDARDS COMMITTEES FORUM

Submitted for information the minutes of the meeting of the North Wales Standards Committees' Forum held on 13th February 2012 together with details of the next meeting to be held on 23rd April 2012 .

RESOLVED to note the contents of the minutes and the date of the next meeting.

11. THE CHAIR TO REPORT TO THE COUNCIL ON THE COMMITTEE'S WORK IN THE COUNCIL MEETING IN MAY.

Members of the Committee were requested to consider the contents of the Work Programme and the minutes of the Standards Committee which were available on the Council's website and to submit any observations in writing to the Chairman, Michael Wilson, by Tuesday 10th April 2012.

RESOLVED to note the request.

12. CORPORATE GOVERNANCE THEMES – QUARTER 3 AND QUARTER 4 REPORT

Report by the Solicitor to the Monitoring Officer – That the Commissioners had issued Strategic Priorities which were their priorities for Corporate Governance, three important aspects of which were:-

- standards of conduct and behaviour
- the effectiveness of the Standards Committee'
- relationship between Members and Political Groups

Attached to the report were copies of the three progress reports by the Commissioners to the Welsh Ministers for the third quarter of the financial year together with an updated Quarter 4 report that was tabled at the meeting. The Committee's attention was drawn to the key actions in the left hand column of each of the reports and especially to the risks and risk mitigation commentary in the right hand column.

RESOLVED to note the contents of the report and that on behalf of this Committee, the Monitoring Officer be requested to write to those 3 Members of the Council who had failed to respond to the request to sign job descriptions and person specifications and that they be requested to ensure compliance within 6 weeks of the date of receipt of such letter.

13. REVIEW OF COUNCIL'S PROTOCOL FOR MEMBER / OFFICER RELATIONS

Copies of the current Protocol and proposed new Protocol were provided for the Committee's consideration and discussion, and members of the Committee were requested to submit any written observations in due course, and to agree upon the nature of the consultation with Members of the Council.

RESOLVED that the members of this Committee be requested to forward any written observations they may have thereon to the Monitoring Officer within the next 6 weeks, who would then prepare a report to this Committee in June based on the responses received and with a final draft for consultation with Members.

14. DRAFT WORK PROGRAMME – 2012/2013

Submitted for information – A copy of the current Work Programme for 2012-13.

RESOLVED to accept the contents of the new Work Programme for 2012-13.

The meeting concluded at 7:30pm

**Mr Michael Wilson
Chair**