

STANDARDS COMMITTEE

Minutes of the meeting held on 11 March 2015

PRESENT: **Independent Members**

Mr. Michael Wilson (Chair)
Mr. Islwyn Jones (Vice-Chair)

Mrs. Denise Harris Edwards
Mr. Leslie Lord
Mrs. Dilys Shaw

Representing the County Council

Councillor Dafydd Rhys Thomas

Representing Town and Community Councils

Councillors William Raymond Evans and John Roberts

IN ATTENDANCE: Head of Function (Council Business)/Monitoring Officer
Solicitor (Corporate Governance) (AW)
Committee Officer (SC)

APOLOGIES: Councillor Trefor Lloyd Hughes

The Chair, on behalf of the Committee expressed his best wishes to Councillor Trefor Lloyd Hughes for a speedy recovery following his recent illness.

1 DECLARATION OF INTEREST

No declaration of interest was received.

2 MINUTES OF THE MEETING

The minutes of the meeting held on 19th December, 2014 were confirmed as correct.

Arising thereon:-

Item 4 -The Vice-Chair referred to the Standards Committee's role at the hearing, and whether or not the Committee should impose a sanction. Prior to agreeing on a decision, the Committee sought representations from Councillor Rogers and Ms Ginwalla.

The Vice-Chair wished that it be noted that the Ombudsman had not recommended a sanction at the hearing.

The Vice-Chair referred to the hearing, and stated that this Committee, after deliberating, only imposed a sanction of one month, as opposed to two months (the sanction the Committee wished to impose) after mitigating circumstances had been taken into account.

The Chair suggested that the minutes be amended to include:-

“Councillor Rogers was suspended as a County Councillor for a period of two months, and this term was reduced to one month, owing to mitigating circumstances.”

3 STANDARDS COMMITTEE FORUM

3A Submitted and confirmed - the minutes of the Standards Committee Forum held on 26th November, 2015.

RESOLVED to note the minutes for information.

3B Submitted - a summary of the meeting from the Solicitor (Corporate Governance).

The Chair referred to the Ombudsman's second visit to Anglesey County Council in August, 2014 to attend a meeting of the North Wales Standards Committee Forum. He was presented with a list of questions from Members. Following this meeting, the Chair met with Council Leaders and discussed the Ombudsman's replies.

The Chair reported that the Ombudsman was moving towards local resolution rather than hearings, where appropriate.

The Solicitor (Corporate Governance) reported on the Ombudsman's attendance at the Forum, and the main responses to his questions were as follows:-

- Less time needed to be spent investigating petty complaints by Councillors against each other;
- The Ombudsman needed to concentrate more on the Health Service as a priority, as he had life or death cases on his hands;
- The Ombudsman's budget was tight, therefore big changes would have to be made in the way the Ombudsman worked. This would be discussed in another paper.

The Solicitor stated that the Forum meeting was a success, and that the Ombudsman proposed to bring in regulations to allow (discretion not mandate) Regional Standards Committees this year.

The Chair asked that the Committee's response to the White Paper be passed to the Forum so that this Committee's views could be discussed.

RESOLVED to note the report.

4 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Submitted – a report by the Solicitor (Corporate Governance) in the form of an updated matrix for County Councillors.

RESOLVED to note the report for information.

Action: Solicitor (Corporate Governance) to report back on date of appeal.

5 TRAINING FOR TOWN AND COMMUNITY COUNCILS ON THE CODE OF CONDUCT

5A Submitted – a report from the Solicitor (Corporate Governance) on the training session held for Clerks of Town and Community Councils on the Code of Conduct.

The Solicitor reported that training sessions for Clerks of Town and Community Councils were held by the Monitoring Officer in October last year, and were very successful. Of the 40 Town and Community Councils, 29 clerks attended. Following the training session, letters were sent out to obtain feedback. In response, all but one, were happy with the training provided.

The Monitoring Officer reported that since attending training sessions, more clerks of Town and Community Councils are maintaining contact with her in connection with the Code of Conduct.

RESOLVED to note the report.

Action: Standards Committee to agree future delivery of training for Members of Town Councils.

6 REVIEW OF REGISTERS

Submitted – a report by the Solicitor (Corporate Governance) on the findings of the review of registers and action plan. She reported on the following :-

The Standing Register -

- Members not declaring school governor status as personal interests;
- Members not clearly detailing land interests in 1.6 of the form;
- Not enough detail about business activities where declared;
- Anomalies regarding membership of outside bodies as recorded by the Council and declared on forms, with some Members not regularly updating their records.

The Register of Declarations of Interest in meetings -

- Members ticking boxes, but no detail on interest being provided;

- Not enough detail on personal and /or prejudicial interests, and confusion about what it means;
- Membership and monitoring attendance of outside bodies at meetings;
- Inconsistencies with publishing declarations on the Council website;

The Register of Gifts and Hospitality –

- Few disclosures being made;
- Value of gifts should be indicated;
- No link on website to gifts and hospitality of co-opted members.

Members of this Committee raised the following ICT issues:-

- Declarations of interest not published on website;
- Inconsistencies with Welsh and English versions of declarations on Council website;
- There is a need to create a link from Standing Register to the Annual Report for each individual Councillor.

The Monitoring Officer suggested that the Legal Section, with the agreement of this Committee, writes to all Members stating that a review has been completed and enclosing the generic findings. The letter would also state that members of the Standards Committee would be contacting each Member to discuss issues on their forms.

RESOLVED to move forward and send the general findings of the review to all Members once clarity over the ICT issues.

Action: That an update report be submitted to the Standards Committee in due course.

7 CONSULTATION ON WHITE PAPER

Submitted – a report by the Solicitor (Corporate Governance) on the White Paper and the review by WAG's Finance Committee on the Ombudsman's powers, for the purpose of seeking the Committee's views prior to responding to the consultations.

The Solicitor (Corporate Governance) reported that The Local Government (Democracy) Wales Act 2013, which is in force, is being implemented in stages. There will be a range of changes coming in shortly, which includes electronic publication of registers of interests; powers to enable the transfer of misconduct reports and member dispensation requests between Standards Committees, and powers for regional Standards Committee collaborations, which will be brought into effect later this year. Also, this year, legislation will be brought forward to modify the model Code of Conduct for Local Authority Members to facilitate the operation of local resolution policies and to clarify the position of Local Members (10.2.(B) of the Code of Conduct) with constituency interests. Local Authorities will be exempt from publishing misconduct reports during ongoing proceedings.

At this stage the Standards Committee was asked to provide a response to the following:

Whether or not there should be a new power for Standards Committees to consider cases where there are serious concerns that elected members are failing to fulfil their duties satisfactorily. This seems to be a new role for performance management rather than Code of Conduct cases. The Welsh Government would provide sanctions which could be imposed. There would need to be safeguards against vexatious complaints.

The Monitoring Officer referred to the White Paper and raised the issue of whether the Standards Committee wish to have a role in performance managing Members and whether there needs to be a trigger for that intervention? She suggested that a complaint would be necessary and a threshold, otherwise the Standards Committee runs the risk of being called politically partial. A written complaint is something to act on, but guidance is required about the expectations on Members.

How should appeals be dealt with? Prior to 2001, all decisions of the Standards Committee could be appealed to the full Council. Is this a possibility for “performance” complaints? Members of the Committee preferred the Adjudication Panel as the better option.

Members raised the following issues:

- Firm guidelines were needed for the Standards Committee;
- Non-attendance at meetings should first be raised with Group Leaders;
- Sanctions - on performance/attendance at meetings;
- Recall of Members should be a sanction in extreme cases;

The Solicitor (Corporate Governance) reported that the Ombudsman wanted to bring in a new power ensuring that diversity was respected by Council Leaders, Group Leaders and Chief Executives within Local Authorities. Monitoring Officers and Standards Committees would have enforcement roles. The Standards Committee had no objection to this in principle.

RESOLVED to note the report.

Action: That the Standards Committee provide a consultation response to the White Paper and Ombudsman’s Report; with wording to be approved by the Chairman.

8 LATEST BRIEFING NOTES

Submitted – a Report by the Solicitor (Corporate Governance) on the latest briefing notes prepared by the Legal Section.

Following the last meeting in September, 2014, two further briefing notes have been drafted:-

1. Local Guidance on the Officers’ Code of Conduct

2. Briefing Note on Dispensations

The Local Guidance on the Officers' Code of Conduct has been prepared to assist officers who are unfamiliar with the Code, and is an extension of the Code of Conduct.

Two new forms have been drafted on Declarations of Interest for officers ie notification of personal interest and notification of personal interest in a meeting. The third form is for gifts and hospitality, which is already in use.

RESOLVED:

- **To amend and approve the draft documents at Appendices 1 & 2 as requested by the Committee.**
- **To authorise publication to Officers and Members.**

9 EXTENDING THE TERM OF THE STANDARDS COMMITTEE

The Monitoring Officer reported that the full Council had approved the Executive recommendation to reappoint the independent Members of the Standards Committee for a further term of 4 years as from 17th December, 2015.

The Chair reported that Councillor Raymond Evans would be finishing his term as a Member of this Committee in December. Un Llais Môn may be approached to fill the 2 seats to be held by Town and Community Councils. All the present Members of the Standards Committee, with the exception of Mr Evans, confirmed that they were happy to continue as Members of the Standards Committee for another term.

The Committee acknowledged the authority given to the Monitoring Officer of the Council to make all consequential amendments to the Council's Constitution, and the Standards Committee's Constitution, to extend all future appointments to an automatic two term for all independent Members of the Standards Committee.

RESOLVED to accept the report.

10 ANY OTHER BUSINESS

No other business reported.

The meeting concluded at 4.40 pm

**MR MICHAEL WILSON
CHAIR**