

STANDARDS COMMITTEE

Minutes of the meeting held on 14 March 2018

PRESENT: **Independent Members**

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

Mrs Denise Harris Edwards
Mr John R Jones
Mrs Dilys Shaw

Representing the County Council

Councillor Trefor Lloyd Hughes, MBE
Councillor Dafydd Rhys Thomas

Representing Town and Community Councils

Councillor Iorwerth Roberts
Councillor Keith Roberts

IN ATTENDANCE: Head of Function (Council Business)/Monitoring Officer
Human Resources Development Manager (for Items 7 & 8)
Committee Officer (SC)

APOLOGIES: None

1 DECLARATION OF INTEREST

No declaration of interest was received.

2 MINUTES OF MEETING

The draft minutes of the Standards Committee held on 13 September 2017 were confirmed as correct.

Matters arising from the minutes of 8 March 2017:-

Item 6 - Update on the adoption of the Amended Statutory Code of Conduct

It was noted that the Monitoring Officer had written to Llangristiolus and Bodorgan Community Councils twice, asking them to forward a copy of the minutes confirming that they have adopted the Code of Conduct. Confirmation was received from both community councils that they have adopted the Code, but have not forwarded a copy of the minutes as requested by the Committee.

Action:

- **The Monitoring Officer to write to the Chairs of Llangristiolus and Bodorgan Community Councils to remind them of the Committee's outstanding request.**
- **Elected Members of the County Council who are representatives on both community councils to raise the issue of the relevant minutes at their next meetings.**

Item 8 - Update on Town/Community Councils' Register of Interests

It was noted that the Monitoring Officer had previously written to all town/community councils to ascertain which councils were complying with publishing their Register of Interests online.

Action:

The Monitoring Officer to write to the relevant town/community councils again to ascertain whether any further Councils are now complying by publishing their Registers online.

Item 9 - Town/Community Council – Websites

The Monitoring Officer reported that she has received a response from One Voice Wales, which she shared with the Committee. It was noted that One Voice Wales was not intending to provide further assistance in setting up websites.

Action: None

Matters arising from the minutes of 13 September 2017

Item 11 - Independent Member of the Standards Committee – Casual Vacancy

The Vice-Chair reported that the process of appointing independent members to the Standards Committee, and an independent member to the Selection Panel, had been difficult, and he has raised the issue in the North Wales Standards Committee Forum.

It was suggested that an option to share an independent member of the Selection Panel with Gwynedd and Conwy County Councils be adopted in future if required.

Action: None

3 CONFIRMATION OF THE APPOINTMENT OF NEW MEMBERS TO STANDARDS COMMITTEE - 12 DECEMBER 2017

Submitted - an update on the appointment of two community councillors and one independent member to the Standards Committee. The appointments were ratified by Council at its meeting on 12 December 2017.

RESOLUTION OF COUNCIL NOTED AS FOLLOWS:-

• **To ratify the collective nominations of the community councils by appointing the following community councillors as co-opted members of the Standards Committee with immediate effect:-**

- **Councillor Iorwerth Roberts of Bryngwran Community Council, and**
- **Councillor Keith Roberts of Trearddur Community Council.**

The community councillor appointments will continue until the next local government elections, or until such time as the appointees are no longer community council members, whichever occurs first.

• **To accept the recommendations of the Standards Committee Selection Panel as follows:-**

- **To appoint Mr John Robert Jones as co-opted independent member of the Standards Committee with immediate effect.**

- **The independent member's term of office expires on 11 December 2025.**

- **In the event that a further casual vacancy for an independent member of the Standards Committee arises during the next twelve months, to automatically appoint Ms Sarah Laing Gibbens to this role without need for a further recruitment process, provided always that this candidate remains eligible for the role, and subject to satisfactory references being received prior to the appointment.**

Action: None

4 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Submitted - a report by the Monitoring Officer in the form of an updated matrix for (a) County Councillors, and (b) Town/Community Councils.

The Monitoring Officer reported that one complaint had been received against a County Councillor from a member of the public, which the Ombudsman decided not to investigate. A copy of the redacted complaint against the County Councillor was forwarded to members of the Committee by separate cover on 28 February 2018.

No complaints have been received against a town/community councillor for the relevant period.

RESOLVED to note the report.

Action: None

5 PUBLIC SERVICES OMBUDSMAN FOR WALES DECISIONS

Submitted - a report by the Monitoring Officer summarising information published by the Public Services Ombudsman for Wales' (PSOW) quarterly Casebooks of Code of Conduct complaints. The complaints investigated by the Ombudsman related to alleged breaches of the Members' Code of Conduct by Councillors between July and November, 2017.

RESOLVED to note the report.

Action:

The Monitoring Officer to forward a copy of the Code of Conduct Casebooks to all Members of the County Council and town and community Clerks.

6 ADJUDICATION PANEL FOR WALES DECISIONS

Submitted - a report by the Monitoring Officer in relation to decisions made and published by the Adjudication Panel for Wales since the last meeting of the Standards Committee on 13 September 2017. The two reported cases related to Flintshire County Council and Conwy County Council.

RESOLVED to note the report.

Action:

The Monitoring Officer to forward a copy of the Adjudication Panel for Wales' decisions to all Members of the County Council and town and community Clerks.

7 MEMBER TRAINING AND DEVELOPMENT PLAN

Submitted - an update report by the Human Resources Development Manager on progress of development opportunities offered to Members since the previous report submitted to this Committee at its meeting on 13 September 2017.

The Human Resources Development Manager reported on the current programme, which is an evolving document compiled with input from the Welsh Local Government Association (WLGA), Senior Officers, and Group Leaders to address the needs of this Authority.

It was noted that 11 additional formal training sessions have been held between September 2017 and 31 March 2018 - 5 were for Members of both Scrutiny Committees; 1 for Members of the Audit & Governance Committee; and licensing training was provided for Members of the Planning & Orders Committee. All 30 Members were invited to the remainder of the training sessions. Where applicable, independent members of the Standards Committee were also invited to specific training sessions.

It was noted that Members are requested to complete evaluation sheets and provide feedback following attendance at training sessions to record their progress. Members can then access this information for the purpose of completing their Annual Reports.

Members are also encouraged to use the E-Learning programmes. It was noted that the E-Learning Officer has delivered a number of training sessions for Members to meet their training needs.

With reference to the Members' Personal Development Reviews (PDRs), the Manager reported that the Head of Democratic Services had stated that PDRs should be completed by the end of March 2018.

RESOLVED to note progress within the Member Training and Development Plan for 2017/18.

Action: None

8 MEMBER DEVELOPMENT CHARTER

Submitted - a report by the Head of Democratic Services on the WLGA's Wales Charter for Member Support and Development, which aims to provide a broad framework for local planning, self-assessment, action and review and the sharing of good and innovative practice.

The award was granted in 2014 for a period of 3 years, and it is proposed that the Council now seeks re-assessment. This includes the need to prepare a self-assessment against set criteria prepared by the WLGA with supporting evidence against various headings.

The Human Resources Development Manager reported that evidence has been collated on the above, and the self-assessment is due for completion before the end of April 2018.

RESOLVED to note the report, and that the Council now seeks re-assessment within the WLGA's Wales Charter for Member Support and Development.

Action:

The Head of Democratic Services to send a copy of the final submission to the Chair of the Standards Committee.

9 LOCAL RESOLUTION PROTOCOL

Submitted - a report by the Monitoring Officer following the Public Services Ombudsman for Wales' (PSOW) revision of his test for investigating complaints, and encouraging local authorities in Wales to deal with low level misconduct complaints between Members through an informal Local Resolution Protocol.

At its meeting on 13 September 2017, the Standards Committee had requested this report to identify the Committee's legal powers in connection with the Protocol, and to receive any proposals/amendments to the current arrangements.

The Monitoring Officer reported that the Chair of the Standards Committee had forwarded a copy of the draft (Enclosure 2) to Group Leaders on 1 February 2018, following a presentation he gave at their group meeting on 25 January 2018. Group Leaders were requested to circulate a copy to their Members for comment by the end of February 2018. No responses had been received by the said date.

The Monitoring Officer reported that Group Leaders were supportive of adopting the lower level protocol to encourage Members to resolve local disputes informally with a member of the Standards Committee.

The Monitoring Officer reported that some local authorities in Wales seek to impose sanctions on elected Members who have breached the Code of Conduct. It was noted that without a referral to the Ombudsman, the Standards Committee has no legal powers to impose sanctions on elected Members. It was proposed that the Standards Committee retains the lower level element of mediation only under the new draft Protocol, and that Members of the Standards Committee undergo training for mediation purposes. The Committee agreed to the proposal.

The Monitoring Officer reported that the town and community councils have adopted a Local Resolution Protocol of their own. She stated that she has written to One Voice Wales to ascertain which town and community councils have adopted the Protocol, but has not received a response.

RESOLVED that the Standards Committee adopts the draft Protocol (in Appendix 2) as its Local Resolution Protocol.

Action:

- **The Chair of the Standards Committee to circulate a copy of the further amended Draft Resolution Protocol to Group Leaders.**
- **The Chair of the Standards Committee to present the draft Protocol to full Council at its meeting on 15 May 2018 for adoption.**
- **The Monitoring Officer to arrange mediation training for members of the Standards Committee in relation to the Protocol.**
- **The Monitoring Officer to establish which town councils have adopted the One Voice Wales Protocol.**

10 REPORT ON ANY DISPENSATIONS RECEIVED

The Chair reported that following a meeting of the Dispensation Panel on 14 March 2018, a dispensation was granted to the Llanbadrig Community Council for the duration of the current term.

The Monitoring Officer gave a summary of the facts and the legal basis for granting the dispensation.

RESOLVED to note the dispensation granted, and the grounds and circumstances in which it was granted.

Action:

- **That members of the Panel only, (Michael Wilson, Dilys Shaw and Iorwerth Roberts) ratify the minutes at the next meeting of the Standards Committee).**
- **The Monitoring Officer to circulate a copy of the dispensation to Members of the Standards Committee.**

11 GENERIC DISPENSATION FOR ALL COUNTY COUNCILLORS IN RELATION TO POTENTIAL EDUCATIONAL CHARGES

Submitted - a report by the Monitoring Officer on obtaining approval for a generic dispensation for the term of the Council.

Pursuant to the County Council's Code of Conduct for elected Members, any member who has a personal and prejudicial interest in an item of business is precluded from participation. However, in some circumstances, a member may be able to overreach the impediment created by the interest if they are able to obtain a dispensation from the County Council's Standards Committee.

The Monitoring Officer reported that in 2015, the Council considered whether or not to charge for the cost of care provided in delivering primary school breakfast clubs. The Welsh Government funded the cost of providing food for the children, but the care the children required to receive those breakfasts was not actually funded. The full Council in their budget decision, were to decide whether they should charge for breakfast care. This debate created a prejudicial interest for those members closely connected to children/families to be affected by the decision. So, a request for dispensation was submitted to the Standards Committee, which was granted, and came to an end in May 2017. The Chief Executive and Head of Learning have asked the Standards Committee to extend the dispensation for the remainder of the term of this Council.

RESOLVED that the Standards Committee unanimously agreed to the following:-

- **Should the need arise, all Members of the Isle of Anglesey County Council, to whom the circumstances apply, are granted dispensation to allow them to speak and vote, where they have a close personal associate (family or friends) using the Breakfast Clubs in Primary School, or equivalent/similar/connected/related school service to which exemptions under the Code do not already apply and where the introduction of charging is to be discussed.**
- **The dispensation is granted under Standards Committee (Grant of Dispensation)(Wales) Regulation 2001, as amended, 2(c)(d)(e)(f).**
- **Any member exercising this right shall be entitled to speak and vote on such matters.**
- **The dispensation will extend to any future consideration of this issue (or equivalent/similar/connected/related schools service) for Members whose**

term started May 2017, or later if following a by-election, of the Isle of Anglesey County Council for the remaining term of the Council i.e. until May 2022.

- **Members will still have a personal interest under the Code which they are required to declare at the beginning of the meeting or the outset of the relevant item. Member declaration forms need to confirm that they are relying on a dispensation granted by the Standards Committee on 14 March 2018.**

Action: Copy this minute to the Chief Executive and the Head of Learning.

12 STANDARDS COMMITTEE FORUM

Submitted – a report by the Chair of the Standards Committee on the Standards Committee Forum held on 24 November 2017. The Chair gave a summary of the background and purpose of the Forum to new members of the Committee.

The Chair reported that the Public Services Ombudsman for Wales (PSOW) attended the Forum's last meeting in November, to discuss any matters raised by members of the Standards Committees. Matters discussed included the care and wellbeing of councillors.

It was further noted that the 2018 Standards Conference for Wales will be held on 14 September in Aberystwyth.

RESOLVED:-

- **To note the verbal report.**
- **To note that the next meeting of the Standards Committee Forum will be held in May, on a date and time to be arranged.**

13 STANDARDS COMMITTEE REVIEW OF THE REGISTERS

Submitted - the Annual Review of the following Registers:-

- Standing Register - Pre-Registration of Interests;
- Declarations at meetings;
- Gifts and Hospitality.

The Monitoring Officer reported that the task included reviewing all 30 Members, three registers, as well as registers of co-opted members of the Council Committees. On 14 February 2018, four independent members of the Standards Committee met to pool their findings. The Committee's new independent member was also present at the meeting.

From analysis of the information received, concerns were raised regarding issues involving some councillors. The Committee members have begun writing to each of them individually outlining the issues. Some elected Members have already responded, and the Committee will be asked to review responses after the deadlines have passed.

The Committee discussed the general findings of the independent members, and asked that they be forwarded to Group Leaders and elected Members.

RESOLVED that the Standards Committee recommends that:-

- **The independent members of the Committee write to the relevant individuals.**
- **The Chair of the Standards Committee to write to Group Leaders to confirm the general findings, including presentation to Group Leaders, and that a copy then be forwarded to all Members.**
- **The Chair and Vice-chair to discuss with the Head of Democratic Services the option of expanding information available to the public about elected Members and making the system more user friendly.**
- **That arrangements be made by the Monitoring Officer for Councillors Iorwerth Roberts and Keith Roberts to carry out reviews of the five independent members of the Standards Committee.**
- **The Head of Democratic Services to report back to the SLT in relation to prioritising key Outside Bodies and adopting a more formal feedback mechanism for reporting back to Council.**
- **The Head of Democratic Services to conduct a briefing session for elected Members about various options available in relation to publication of further data to the public about the activities of elected members.**

Action: See Resolution above.

14 TRAINING, DEVELOPMENT AND APPRAISAL OF THE STANDARDS COMMITTEE

Submitted - a report by the Monitoring Officer on training, development and the process of appraising members of the Standards Committee. There is no formal requirement for members of the Standards Committee to participate in PDRs.

The Monitoring Officer reported that following a meeting recently with the Head of Democratic Services, confirmation was received that the paperwork for elected Members to carry out their reviews with their Group Leaders had been distributed, and the Training Needs Plans are to be forwarded to Human Resources.

The Human Resources Development Manager reported that appraisals could also take place for Standards Committee members between now and April 2018 (Councillors Dafydd R Thomas and Trefor L Hughes, would be excluded, as they will already have been appraised). The appraisals process is informal, and will identify any requirements Members may have in relation to their performance and training and development needs.

The Monitoring Officer questioned whether the Committee would like to make any changes to the current forms to identify key areas, and specific requirements for individuals. The Committee responded that that they were happy to continue to use the same documents/process as elected Members, but identified the need for some individuals to receive further training in specific areas.

RESOLVED:-

- That the Standards Committee had considered and concluded that no amendments be made to the content and current format of the development training and appraisal process for Members of the Standards Committee.
- That appraisals for members of the Standards Committee be conducted between now and the end of April 2018, if possible.

Action: See Resolution above.

The meeting concluded at 4.20 pm

**MR MICHAEL WILSON
CHAIR**