

STANDARDS COMMITTEE

Minutes of the meeting held on 16 September 2015

PRESENT:

Independent Members

Mr Michael Wilson (Chair)
Mrs Denise Harris Edwards
Mr Leslie Lord
Mrs Dilys Shaw

Representing the County Council

Councillor Trefor Lloyd Hughes
Councillor Dafydd Rhys Thomas

Representing Town and Community Councils

Councillor William Raymond Evans
Councillor John Roberts

IN ATTENDANCE:

Head of Function (Council Business)/Monitoring Officer
Legal Services Manager/Deputy Monitoring Officer (RJ)
Committee Officer (SC)

APOLOGIES:

Mr Islwyn Jones

1 DECLARATION OF INTEREST

No declaration of interest was received.

Councillor Dafydd Rhys Thomas asked that it be noted that he is a Member of the Task and Finish Group for the Breakfast Club.

2 MINUTES OF MEETING

- The minutes of the Standards Committee held on 11 March, 2015 were confirmed as correct.
- The minutes of the Dispensation Panel held on 1 April, 2015 were confirmed as correct.

3 REVIEW OF THE PLANNING PROCEDURE RULES - PART 4.6 OF THE CONSTITUTION

Submitted - the report of the Head of Service (Planning and Public Protection) and the Legal Services Manager/Deputy Monitoring Officer in respect of the above.

The Legal Services Manager/Deputy Monitoring Officer reported that the purpose of the report was to review the Planning Procedure Rules to ensure that there is a common standard for dealing with certain types of applications, and that Members and Officers behave appropriately in such circumstances.

The Officer stated that the Rules have existed for many years and are periodically reviewed to ensure that any current issues or perceived problems arising are dealt with. He reported that the Rules were last amended in 2013, as detailed in para 2.1 of the report, and stated that he hoped to raise awareness of any problems or issues that needed to be addressed. He mentioned that following consultation with the Head of Planning and the Lead Officer for the Committee, it was the general view that there were no issues at present. He stated that a recommendation had been put

forward not to make any changes at present due to The Planning (Wales) Act 2015, which proposes to standardise and regulate the procedure and size of Planning Committees. This will be dealt with by secondary legislation, which has not yet been published. It is anticipated that there will be many similarities between the current Planning Procedure Rules and the proposed national procedure/protocol.

RESOLVED:-

- **To note the report and proposed changes envisaged by the Act;**
- **That no amendments be made the Council's Planning Procedure Rules at present;**
- **To endorse training and implementation on the new national procedures/protocols when they are published and come into force.**

4 REVISED GUIDANCE ON THE CODE OF CONDUCT FOR COUNTY COUNCILLORS AND COMMUNITY COUNCILLORS

Submitted - a report by the Monitoring Officer in respect of the revised Guidance on the Code of Conduct.

The Monitoring Officer reported that the Ombudsman is responsible for issuing guidance to assist Members in complying with the Statutory Code of Conduct. The Officer explained that three sets of Guidances have been issued under the current Code, this being the third, which replaces the previous two. She stated that County Councillors and Community Councillors have been issued with separate Guidance notes. She highlighted the need for Members of this Committee to be aware of the Guidance on the Code of Conduct, in case they have to consider a relevant complaint before them.

RESOLVED to note the revised Guidances on the Code of Conduct as published by the Ombudsman.

Action: The Monitoring Officer to write to Community Councils to confirm that the Revised Guidance has been brought to the attention of their Members.

5 THE LOCAL GOVERNMENT (DEMOCRACY) (WALES) ACT 2013 AND THE LOCAL GOVERNMENT (DEMOCRACY) (WALES) ACT 2013 (COMMENCEMENT NUMBER 2) ORDER 2015

Submitted - a report by the Monitoring Officer in relation to the above.

The Monitoring Officer reported on statutory changes made by The Local Government (Democracy)(Wales) Act 2015. She stated that legislation has come into force, with planned changes being activated module by module under secondary legislation. New modules came into force in May. Some are relevant directly, or indirectly, to the work of the Standards Committee.

The Monitoring Officer further reported that there is now a statutory requirement for all Community Councils to have a web presence and publish information on their websites. The Officer stated that this requirement was relevant to the Standards Committee, as complaints have been made regarding issues about transparency in Town and Community Councils, and in particular small and under resourced Community Councils. She reported that there has been a lot of discontent from some members of the public, and new Councillors, regarding some Community Councils not complying with publication requirements in terms of agendas, minutes, accounts etc, and stated that both she and the Auditors have received complaints about failings and relationship issues arising from those frustrations, which have been referred to the Ombudsman.

The Monitoring Officer reported on the 'Register of Members' Interests' which has now been introduced. The County Council has three registers of interests, whilst Town and Community Councils only had one ie "declarations made in meetings". Community Council Members now have to complete "Prior Registration of Interests" forms, with both types available for public inspection.

The Monitoring Officer stated that the 'Register of Members' Interests' was significant to Members of the Standards Committee, in relation to the work they carry out annually in reviewing the Registers of County Councillors interests, with this being a particular focus of their Work Programme. Any new plan to review community council registers is not included for this year (as the new process needs to embed), but it may be reasonable to warn Community Councils that the Standards Committee will be reviewing Registers next year?

The Chair raised the question whether sanctions could be imposed against Town and Community Councils who had not complied with the statutory requirement to have a website.

The Monitoring Officer responded that members of the public could make maladministration complaints to the Ombudsman. The Ombudsman may not take action, but might issue a warning/public rebuke.

RESOLVED:-

- **To note the changes referred to in the report, in particular paragraph 2;**
- **To decide whether compliance issues in relation to this new responsibility should become part of the Standards Committee's Work Programme.**

Action:

- **Head of Council Business/Monitoring Officer to ask the Policy Section for data to establish which Town and Community Councils have a website, and whether those that do not have a web presence are planning to do so;**
- **To report back to the next meeting of the Standards Committee on 10th December, 2015 on the findings of the above;**
- **Thereafter, the Monitoring Officer to write to the Ombudsman regarding questions raised by Members of the Standards Committee relating to the grant funding awarded to each Town and Community Council for creating their own website, and whether any sanctions would be imposed for not utilising the grant correctly or failing to implement the web presence.**

6 FACTSHEETS PUBLISHED BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES - INVESTIGATIONS AND INTERVIEWS - MEMBERS' CODE OF CONDUCT

Submitted - a report by the Monitoring Officer in relation to the above.

The Monitoring Officer reported that two Code of Conduct Factsheets have been produced by the Ombudsman's Office for the benefit of Members. The Factsheets apply to both Town and Community Councillors and County Councillors. The factsheets advise Members on the process for investigations and conducting interviews with the Ombudsman during the course of an investigation. The Ombudsman wants Members to be prepared and knowledgeable about the process.

The Chair reported that it should be pointed out to Members that it is the responsibility of Town and Community Councillors and County Councillors to declare a personal interest, even if the meeting is informal. He stated that if Members do not declare an interest and a complaint is received, a Code of Conduct complaint could follow.

RESOLVED to recommend in due course that communication be sent to all Members highlighting the Ombudsman's advice as attached in ENCLOSURE 3 of the report.

Action: The Monitoring Officer to forward hard copies of the Factsheets and a link to Community Councils.

7 DRAFT LOCAL GUIDANCE ON THE OFFICERS' CODE OF CONDUCT

Submitted - a report by the Monitoring Officer in relation to the above.

The Monitoring Officer reported that the Officers' Code of Conduct is outside the jurisdiction of the Standards Committee. She stated that there is a statutory Code of Conduct in the Constitution, which staff sign up to when they start a contract of employment with the Council. The Code of Conduct is different from the Members' Code, in that the Members' Code has evolved into the dual concepts of personal and prejudicial interests, whereas the Officers' Code does not make that distinction.

The Monitoring Officer suggested that the Council look at drafting Local Guidance on the Code for Managers and Officers to assist their staff. With regard to attending meetings, the situation is generally straightforward, but day to day operational involvement is more tricky eg if a procurement is involved where family member is involved. In such instances, Officers will need to come forward to disclose any connections and manager will need to implement "Chinese Walls".

RESOLVED that the Standards Committee support the Draft Local Guidance on the Officers' Code of Conduct and recommend that it is approved for consultation.

8 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Submitted - a report by the Monitoring Officer in relation to the above.

The Monitoring Officer provided Members with an update on complaints that have been lodged. She stated that there were two reports, one concerning a County Councillor and the second, a Town and Community Councillor.

The Monitoring Officer reported that the first complaint has been before the Adjudication Panel, and is not fully concluded. The other matters that have been under consideration by the Ombudsman have either been rejected, or as in one case, the Ombudsman decided to investigate, but exercised his powers to cease the investigation and sent an Advisory Note to the Member regarding his behaviour. The Officer reported that only one matter remained outstanding, with no new complaints against Members. With regard to Town and Community Councils, all the complaints submitted have been rejected by the Ombudsman.

RESOLVED to note the report.

9 REVIEW OF THE THREE REGISTERS OF MEMBERS' INTERESTS

Submitted - a report by the Monitoring Officer in relation to the above.

The Monitoring Officer reported that Members had asked for an opportunity to discuss the last Review of Registers before embarking on the process of the next review.

The Monitoring Officer stated that Members of the Standards Committee had contacted Members to clarify certain entries in the Registers. In the past this has been a desktop exercise only. Following feedback from the Standards Committee, an advisory was sent out. A similar advisory has been sent out this year.

Members had reported that there were many ICT issues outstanding with discrepancies regarding Welsh and English versions of the Registers.

The Monitoring Officer responded that it would cost approximately £10,000 to remedy that issue, and that the proposal had been jointly rejected by the Chief Executive, the Monitoring Officer and the Online Services Manager. A more "low tech" approach has been taken, with support from Translation, and is working.

RESOLVED to discuss the review process for the 2016 registers and determine what improvements might be made.

Action:

- **The Monitoring Officer to draft a letter to all Members at the end of the year confirming that the Standards Committee will be following the same process next year;**
- **The Standards Committee to advise Members and allow time to update registers if there are any matters outstanding regarding “Register of Gifts and Hospitality ” and “Standing Register”;**
- **To include a review of the Annual Reports and Training.**

10 TRAINING FOR TOWN COUNCILLORS

Submitted - a report by the Monitoring Officer in relation to the above.

The Monitoring Officer reported on the Standards Committee's Work Programme for the current year regarding training for Town Councils. She stated that meetings have been arranged in the following areas:-

Holyhead
Menai Bridge
Beaumaris
Llangefni
Tentative date for Amlwch

The Monitoring Office proposed that one Member of the Standards Committee attend each Town Council meeting. The original view was for Members to attend an ordinary meeting for a one hour session, but this idea was rejected by the Town Councils, who preferred to have a separate training session. A question and answer session would be part of the discussion.

The Monitoring Officer handed each Member a list of meetings with dates and venues to attend Town Council meetings. Each Member voluntarily suggested which meeting they would like to attend.

RESOLVED:

- **That the Standards Committee confirm/amend the content of the slides;**
- **To identify any specific issues to be raised with Town Councils;**
- **To confirm that each independent Member of the Standards Committee will attend training sessions in each Town Council area with the Monitoring Officer.**

11 NORTH WALES STANDARDS COMMITTEE FORUM

Submitted - a report by the Chair of the Standards Committee in relation to the above.

The Chair provided an update on to the North Wales Standards Committee Forum held on the 16th June, 2015. He referred to the positive aspects of the Forum, which included training for Councillors, which has already been implemented by this Committee.

The Chair referred to the future of Regional Standards Committees, which is uncertain at present, and would need to be reconsidered on the outcome of any re-organisation by the Welsh Government.

RESOLVED to note the report.

Action: Members of the Standards Committee to raise any issues they may have for the next meeting of the Regional Standards Committee Forum (no date yet fixed).

12 NATIONAL STANDARDS COMMITTEE CONFERENCE

Submitted - a report by the Monitoring Officer in relation to the above.

The Monitoring Officer reported that Cardiff would be hosting the National Standards Committee Conference for Wales, and the Chair and Vice-Chair of the Standards Committee would be attending together with the Legal Services Manager/Deputy Monitoring Officer. She explained the matter has been brought to the Standards Committee to ask Members which workshops are their priority. She stated that 6 workshops were being held, with a possibility for representatives to attend all 6 if required.

RESOLVED:-

- **Attend all sessions:-**

- (1) **Social Media – Staying out of Trouble**
- (2) **Whistle Blowing – Adapting to deal with new operating models for public services**
- (3) **Community Councils – Governance and Standards**
- (4) **Local Complaints Resolution – Practicalities**
- (5) **Are the Nolan Principles fit for purpose in the current climate and for the next 20 years**
- (6) **Probity in Planning – Update**

- **To send any specific areas or questions for the Chair/Vice-Chair to address during the Conference;**
- **The Chair/Vice-Chair to provide formal report from the Conference to the Standards Committee on 10th December, 2015.**

**MR MICHAEL WILSON
CHAIR**