

STANDARDS COMMITTEE

Minutes of the meeting held on 14 September 2016

PRESENT: **Independent Members**

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

Mrs. Denise Harris Edwards
Mrs. Dilys Shaw

Representing Town and Community Councils

Councillor John Roberts

Representing the County Council

Councillor Dafydd Rhys Thomas

IN ATTENDANCE: Monitoring Officer,
Solicitor (Corporate Governance) (MY),
Digital Services Architect (SWJ) (in respect of Item 3),
Human Resources Development Manager (MW) (in respect of Item
4),
Committee Officer (MEH).

ALSO PRESENT: None

APOLOGIES: Councillor Trefor Lloyd Hughes

1 DECLARATION OF INTEREST

No declaration of interest received.

2 MINUTES OF MEETING

The minutes of the meeting held on 9 March, 2016 were confirmed.

- **Matters arising from the minutes of the Dispensation Panel held on 24 September, 2015**

The Vice-Chair ascertained if training is to be held for Members of the Standards Committee on Dispensations. The Monitoring Officer responded that arrangements will be undertaken to conduct training on Dispensations. She further stated that staff of the Council are afforded training sessions regarding the Decisions the Executive take at their meeting and thereafter referred to the

full Council for ratification. The Monitoring Officer considered that part of that training session would be useful for Members of the Standards Committee.

The Monitoring Officer said that training sessions will be undertaken with new elected members following the County Council May 2017 election on the Council's Constitution. An invitation will also be afforded to members of the Standard Committee to attend.

- **Town and Community Councils – Website**

The Monitoring Officer stated that to date no response had been received from the Public Services Ombudsman for Wales to establish his course of action with regard to Community Councils not complying with the requirement to have a website in place.

3 UPDATE ON MEMBERS' ONLINE REGISTERS

The Digital Services Architect gave an oral update on the work of moving declarations of interest/gifts and hospitality online and highlighted the main matters as follows :-

- **Register of Interests online – members to be able to choose whether to fill the form on the Welsh or English site**

The current process was explained to the Committee and it was noted that the Modern.Gov system has not been developed to operate bilingually. The work undertaken to allow elected and lay members to enter details bilingually was that the member entered his/her details in both English and Welsh into the Register of Interests form through the democracy extranet system. There is no option for the member to enter bilingual details directly into the Welsh Register of Interest form. The Digital Services Team thereafter has to translate the details entered by the members. The Digital Services Architect stated that Modern.Gov submitted a grant request to the Welsh Assembly in 2015 requesting funding to be provided as a partnership to make the system thoroughly bilingual, unfortunately the initiative was not accepted. She noted that the bespoke development would cost in the region of £10k.

- **Gifts and Hospitality online form – amendments to the online Welsh and English forms to pdf format**

The gifts and hospitality data can be inputted bilingually into the system by members utilising the current online form. The requirement to add additional 'fields' to the current form to reflect the attached pdf format will require bespoke development. An additional 'help bubble' can be added to the labelling to provide guidance. It was noted that training would need to be provided to the members to ensure that they fill in the comments box with data that reflects the questions asked within the pdf format. However, it was stated that adding a few extra boxes to the system has a considerable cascading effect on other areas of the system and it was anticipated that the costs would be in the region of £10k.

- **Declaring interests in meetings – enabling members to fill their own interest in meeting online prior to the meeting**

Members fill in declaration of interest forms prior to or during meetings. The present system is that the forms are forwarded to Committee Services who add and translate the declarations to the Modern.Gov system whilst preparing minutes of meetings. The declarations of interest at meetings appear on the Councils website under each individual member. Anticipated costs would be in the region of £7,500 to add extra boxes to the system.

The Digital Services Architect further stated that since all Welsh local authorities who use the Modern.Gov system have the same bilingual and e-democracy requirements, it would be reasonable to raise these issues at the next User Group meeting in November and to suggest that a joint development be funded by interested authorities.

It was RESOLVED to note the report and to receive an update on the progress made with regard to Member's Online Registers.

ACTION : As noted above.

4 DRAFT TRAINING PROGRAMME FOR NEW MEMBERS IN MAY 2017

Submitted – the joint report of the Head of Democratic Services and the Human Resources Development Manager in relation to the draft training programme for new Member in May 2017.

The Human Resources Development Manager reported that the development plan is a 'rolling programme' of sessions with the intention of continuing to positively reinforce supporting members in their roles, improving standards and developing good practices for Members and the newly elected members in May 2017. As far as possible, the programme seeks to accommodate Members training needs. The Development Plan attached to the report for the period April 2016 to March 2017 was prepared in order to highlight the main areas of training opportunities being offered for the current financial year. The Plan has been updated since it has been adopted by the full Council in May 2016 to take account of additional training sessions afforded to Members. The Officer further stated that new elected members in May 2017 will be afforded a questionnaire to ascertain their IT skills to their requirement for training within e-learning, chairing skills.

In addition, a twelve month Induction Programme has been developed by the WLGA in collaboration with all Local Authorities in Wales. The Induction Programme was attached to the report.

RESOLVED to note the report and that the Standards Committee be afforded information on training provided by the Council.

ACTION : As noted above.

5 REVISED GUIDANCE BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES ON THE MEMBERS' CODE OF CONDUCT

Submitted – a report by the Solicitor (Corporate Governance) on the revised guidance published by the Public Services Ombudsman for Wales to members of (a) County and County Borough Councils, Fire and Rescue Authorities, and National Park Authorities, and (b) Community Councils.

The Solicitor (Corporate Governance) highlighted the main amendments(a) to the guidance to members of local authorities to the Committee :-

- Sanctions
- Permission to appeal
- Reporting a Breach
- Personal Interest – Ward and Authority Matters
- Personal and Prejudicial Interests – New Example
- Personal and Prejudicial Interest – Written Representations
- Personal and Prejudicial Interest – Additional Example
- Dispensations
- Register of Interests
- Reporting a Breach
- Personal and Prejudicial Interest – New Example
- Registration of Interests

and

(b) the guidance to Town and Community Council Members, being slightly different to the above, with additional information given in relation to the following :-

- Register of interests
- Reporting a Breach
- Personal and Prejudicial interest – New Example
- Registration of Interests

The Vice-Chair ascertained clarification with regard to the heading 'Dispensations' and especially to the wording 'a person's disability'; especially to the wording within the Welsh version of the revised guidance. The Solicitor (Corporate Governance) responded that clarification from the Public Services Ombudsman for Wales could be raised at the North Wales Standards Committee Forum to be held in October.

The Vice-Chair further raised the expectations of the Public Services Ombudsman for Wales when Town/Community Councillors make complaints about each other and the issue of 'Local Resolution'. The Monitoring Officer responded that if she received a complaint from a Town/Community Councillors she would advise that the matter should be dealt locally in the first instance before the complaint is passed, if appropriate, to the Public Services Ombudsman for Wales. It would depend on the circumstances of the case.

RESOLVED :-

- To note the revised guidance as published by the Ombudsman.
- To instruct the Monitoring Officer to ensure that the new guidance, and the relevant legal changes, as described in paragraph 3 of the report, are brought to the attention of County Council Members.
- To request the Monitoring Officer to ensure that the new guidance, and the relevant legal changes, as described in paragraph 3, are brought to the attention of the Town/Community Council Clerks and that they are asked to confirm in writing that the guidance has been shared with their members.

ACTION : As noted above.

6 BRIEFING NOTE TO MEMBERS ON STATUTORY CHANGES TO THE MEMBER'S CODE OF CONDUCT

Submitted – a report by the Solicitor (Corporate Governance) attaching a proposed briefing note to be distributed to members of the Isle of Anglesey County Council on the statutory changes to the Code of Conduct.

RESOLVED :-

- To note the contents of the Briefing Note;
- To confirm the Briefing Note can be distributed to the Elected Members in the name of the Standards Committee.
- To adapt the Briefing Note to the Isle of Anglesey County Council elected members so a similar document can be distributed to the Clerks of the Town and Community Councils for sharing with their members.

ACTION : As noted above.

7 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 (a) County Councillors, and (b) Town and Community Councils.

RESOLVED to note the report for information.

ACTION : None

8 ADJUDICATION PANEL FOR WALES DECISIONS

Submitted – and noted for information a summary of the most recent Adjudication Panel for Wales' decisions.

RESOLVED to note the report for information.

ACTION : None

9 STANDARDS COMMITTEE FORUM

Submitted – a report by the Solicitor (Corporate Governance) on the arrangements for the next meeting of the North Wales Standards Committee Forum to be held on 17th October, 2016 at Llangefni.

The Solicitor (Corporate Governance) stated that the Public Services Ombudsman for Wales will be in attendance at the Forum and any questions Members of the Standards Committee wish to present must be submitted to the Solicitor (Corporate Governance) presented by the 4th October, 2016.

RESOLVED to note the report.

ACTION : Any questions the Standards Committee wish to present to the Public Services Ombudsman for Wales needs to be submitted to the Solicitor (Corporate Governance) by 4th October, 2016.

10 CONSTITUTION OF THE STANDARDS COMMITTEE

Submitted – a report by the Solicitor (Corporate Governance) on proposed amendments to the Constitution of the Standards Committee.

The Solicitor (Corporate Governance) reported that there is a statutory requirement that Standards Committees must meet at least once every year. At its meeting held on 12 May, 2016 the Standards Committee resolved to reduce the number of ordinary meetings from 4 to 2 per annum. Extraordinary meetings of the Standards Committee will also be called to ensure compliance with any statutory obligations and informal meetings are to continue as business demands. An amendment to the Council's Constitution is not needed, but an amendment to the Standards Committee Constitution is required.

Enclosure 1 attached to the report included amendments to the Standards Committee's Constitution and the Committee was invited to suggest other amendments deemed required. The Solicitor (Corporate Governance) stated that a further amendment needs to be made to the 'Procedure of Local Standards Hearings' – 14. Appeals; consent now needs to be attained from the Adjudication Panel before an appeal can be submitted.

The Vice-Chair raised the heading 'Decision to conduct a local hearing' within the Procedure of Local Standards Hearing (page 152 of the Report) and considered that the wording should read 'there may be evidence of failure by the Member to comply with the Code of Conduct'. He further referred to the heading 'Pre-Hearing Procedure' (e)(page 157 of the report); that needs to be amended to reflect the two-stage process which is conducted. The heading 'Action consequent upon a failure to comply with the Code of Conduct' (dd) (page 159 of the report) also needs to be amended to reflect when any sanction is imposed. The Monitoring Officer responded that this could be included as a question to the Ombudsman during his attendance at the North Wales Standards Committee Forum.

RESOLVED :-

- **To adopt the Constitution of the Standards Committee of the Isle of Anglesey County Council as established in accordance with Part III of the Local Government Act 2000 with the annotated amendments contained within Enclosure 1 attached to the report and the further amendments discussed;**
- **To raise a question in relation to guidance to Standards Committee on sanctions with the Ombudsman during the North Wales Standards Committee Forum to be held on 17 October, 2016;**
- **Thereafter, to publish the amended Constitution of the Standards Committee, together with enclosures, on the County Council's website.**

ACTION : As noted above.

11 ADOPTION OF THE AMENDED STATUTORY CODE OF CONDUCT AND ADVERTISING REQUIREMENTS

Submitted – a report by the Solicitor (Corporate Governance) to advise members on the adoption of the amended Code of Conduct included in the Local Authorities (Model of Code of Conduct) (Wales) (Amendment) Order 2016 and the advertising requirements following adoption. The Order came into force on 1st April, 2016.

The Monitoring Officer reported that all authorities subject to the Code had until 26th July, 2016 to adopt the amended Code of Conduct. It was noted that the full Council at its meeting held on 12 May, 2016 adopted the amended Code of Conduct.

An email was sent on behalf of the Standards Committee to all Town and Community Council Clerks on 25th May, 2016 requesting a copy of the relevant minute from the Council's meetings which confirm adoption of the Code as revised. A matrix showing how each Town and Community Council has responded was attached as Enclosure 3 to the report, albeit a verbal update was provided on those Councils who had responded after the matrix had been produced. To date 5 Community Councils have not responded. The Standards Committee considered that local Elected Members(s) should be requested to raise the requirement of adoption and responding to the request of the Monitoring Officer that the Town and Community Councils have adopted the amended Code of Conduct.

It was stated that once adopted, there is a requirement under Section 51(6) of the Local Government Act 2000, for an advertisement to be published in one or more newspapers circulating in the local area confirming adoption of the Code of Conduct and when and where it is available for inspection.

Members of the Committee ascertained if including an advertisement in the local Community Paper (Papur Bro) was sufficient for Town/Community Council to inform the community that the Code of Conduct had been adopted and where and when it was available for inspection. The Monitoring Officer explained the legislation says 'newspapers circulating in their area' and so responded that she considered that it was appropriate to advertise within the Community Paper as far as it covered the

area in which the town or community council operates. However, it was also mentioned that the advertisement needs to be bilingual and Papur Bro is usually Welsh only so it may be more appropriate to consider the Chronicle or the Mail.

RESOLVED :-

- **To note the contents of the report;**
- **To contact the Clerks of the Town/Community Councils who have not responded to again ask for confirmation that they have adopted the Code of Conduct and to provide a copy of the relevant minute from the Council's meetings which confirm adoption of the Code as revised;**
- **To request the local Elected Member(s) for the area in which the Community Councils who have not responded to confirm that the Code of Conduct has been adopted are located to raise the matter at the Community Council's next meeting and to report back to the Standards Committee.**

ACTION : As noted above.

12 DISCLOSURE OF INTERESTS REQUIREMENTS ON COMMUNITY COUNCILLORS

Submitted – a report by the Solicitor (Corporate Governance) on the current requirements for the disclosure of interests by Community Council Councillors.

The Monitoring Officer stated that the Local Government (Democracy) (Wales) Act 2015 has clarified the position with regard to registration of interests by Town and Community Councillors. In advance of the reviews to be undertaken by the Standards Committee, the Committee needs to be aware of the statutory expectations on Town and Community Councils as these are the standards against which the forthcoming reviews will assess compliance.

It was noted that attached at Enclosure 1 to the report, is an extract from an advice which One Voice Wales has sent to its members dated 10 August, 2015 which states that there is no requirement for Town and Community Councillors to complete a 'standing' register of interests. The Monitoring Officer stated that there seems to be some confusion on this issue with various different advices published with conflicting expectations of Town/Community Councils. However, it was accepted that the advice note by One Voice Wales as Enclosure 1 to the report correctly explains the current position. Additionally, guidance dated 2nd March 2016 from the Local Government Democracy Division of the Welsh Government also confirmed that 'the exemption for community councillors from the requirement to register certain financial and other interests upfront is maintained'.

The registration requirements under the code of conduct for Town and Community Councillors was highlighted as 2 (a) to (i) within the report.

RESOLVED :-

- **To note the requirements in terms of the Register of Interests which Clerks are required to maintain following disclosure by members of their Town/Community Council.**
- **To consider these requirements when conducting the reviews of the Register of Interests of sample of Town and Community Council by the Standards Committee.**

ACTION : As noted above.

13 REVIEW BY THE STANDARDS COMMITTEE OF REGISTERS OF INTERESTS FOR TOWN AND COMMUNITY COUNCILLORS

Submitted – a report by the Solicitor (Corporate Governance) on the review to be conducted by the Standards Committee on the Registers of Interests maintained by Town and Community Council.

The Solicitor (Corporate Governance) reported that correspondence was sent on 27th June, 2016 to Clerks of the 40 Town/Community Councils to query if the records for the period from May 2013 are available on the Town/Community Councils websites or in paper format so that arrangements can be made to review remotely or review the relevant records at the appropriate venue. A matrix showing how each Town and Community Council has responded was attached as Enclosure 1 to the report. Albeit a verbal update was provided on those Councils which had responded after the matrix had been published. To date 5 Community Councils have not responded.

The Solicitor (Corporate Governance) further stated that the Chair of the Standards Committee has identified 6 Town/Community Council to be reviewed which was noted within the report.

Members of the Standards Committee considered that further correspondence should be forwarded to the non-responders to ascertain as to why they have not responded to the request for information regarding records retention and furthermore that the Elected Member(s) of the County Council should be requested to raise the matter at the Community Council's next meeting and report back to the Chair of the Standards Committee.

It was also considered that Amlwch and Holyhead Town Councils should be the first to be reviewed by the Standards Committee. A meeting will thereafter be arranged before discussing the other Councils to be reviewed.

RESOLVED :-

- **To note the contents of the report and the matrix attached at Enclosure 1, subject to the verbal update;**

- That further correspondence should be sent to the Town/Community Councils who have not responded to the request by the Standards Committee to review their records;
- To request the Elected Member(s) who attend meetings of the Town/Community Council who have not responded to the request of the Standards Committee to raise the matter at those meetings and report back to the Chair of the Standards Committee;
- That the Chair and Mrs. Dilys Shaw (Lay Member) shall review the records of Holyhead Town Council and the Vice-Chair and Mrs. Denise Harris Edwards (Lay Member) shall review the records of Amlwch Town Council and thereafter report back to the Standards Committee.

ACTION : As noted above.

**MR. MICHAEL WILSON
CHAIR**