

STANDARDS COMMITTEE

Minutes of the meeting held on 8 March 2017

PRESENT: **Independent Members**

Mr Michael Wilson (Chair)
Mr Islwyn Jones (Vice-Chair)
Mrs Denise Harris Edwards
Mrs Dilys Shaw

Representing the County Council

Councillor Trefor Lloyd Hughes, MBE
Councillor Dafydd Rhys Thomas

Representing Town and Community Councils

Councillor John Chorlton
Councillor John Roberts

IN ATTENDANCE: Head of Function (Council Business)/Monitoring Officer
Solicitor (Corporate Governance) (MY)
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 14 September 2016 were confirmed as correct.

Matters arising from the minutes –

Item 2

Town and Community Councils - Websites

The Vice-Chair questioned whether the Public Services Ombudsman for Wales had responded regarding establishing his course of action in relation to Community Councils not complying with the requirement to have a website. The Monitoring Officer reported that she has not received any communication to date from the Ombudsman regarding the matter.

Item 3

Update on Members' Online Registers

The Vice-Chair questioned whether joint funding could be sought with other local authorities in North Wales to update the Modern.Gov system's Register of Interests' online form, which would give Members the option to enter their details bilingually into the Welsh Register.

The Monitoring Officer responded that in the previous meeting of the Standards Committee, the Digital Services Architect reported that she would raise the matter regionally at the Modern.Gov User Group meeting, in the hope of gaining support from other local authorities to fund a bilingual system across North Wales. It was noted that the matter was discussed at the Modern.Gov User Group meeting, but unfortunately no other authorities were interested in the proposal.

The Monitoring Officer reported that she would speak to the Council's Welsh Language Officer regarding the Members' online form of Register of Interest to enquire whether funding could be sought. It was noted that Members can complete the forms bilingually online, but can only respond to questions which appear in English only.

RESOLVED:-

- **That the Monitoring Officer raises the matter with the Council's Welsh Language Officer to ascertain whether any financial support is available.**
- **That the Monitoring Officer writes to the Head of Democratic Services on behalf of the Standard Committee, requesting that software for the use of the Welsh language is included in the package when the Modern.Gov contract is due for renewal.**

ACTION: As noted above.

Item 4

Draft Training Programme for New Members in May 2017

The Chair requested that the Standards Committee be afforded sufficient notice of the dates of training sessions in May to allow time for all Members to attend.

The Monitoring Officer reported that the Training Plan for Elected Members was approved by the full Council on the 28 February 2017, and the current draft is now available on the Council website.

3. 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/Community Councils.

The Solicitor (Corporate Governance) reported that a further complaint has been received today against a Town/Community Councillor, and the Ombudsman is considering if there is merit in investigating the complaint.

Concern was raised by Members regarding the timescale of an ongoing investigation to a complaint made in September 2016 against a Town/Community Councillor. The Monitoring Officer confirmed that progress is being made, but the Ombudsman has no set timetable for dealing with the investigation.

Clarity was sought by Members on the nature of complaints that have been made against County Councillors and Town/Community Councillors, but the Monitoring Officer confirmed that this information is embargoed. Members asked to be kept informed of developments in relation to the complaints referred to in the matrix.

RESOLVED:-

- **To note the report for information.**
- **That the Monitoring Officer updates Members of the Standards Committee every 3 months by way of an updated complaints matrix on progress regarding complaints investigated by the Ombudsman.**
- **That the Monitoring Officer provides Members of the Standards Committee with a yearly analysis of the nature of complaints that are referred to the Ombudsman.**

ACTION: As noted above.

4. ADJUDICATION PANEL FOR WALES DECISIONS

Submitted - a report by the Solicitor (Corporate Governance) comprising a summary of the most recent Adjudication Panel for Wales' decisions made between April 2016 and March 2017.

The Solicitor (Corporate Governance) reported that one other matter has been decided upon by the APW since the agenda was published regarding a Councillor from Cardiff Council. A summary of that decision will be included as an item on the agenda for the next meeting.

The Committee noted that the Adjudication Panel had referred a matter back to the Standards Committee, with a recommendation in terms of sanction, and were concerned that should this method of dealing with complaints become commonplace with tougher sanctions being imposed on appeal, Councillors may not take matters to appeal.

RESOLVED:-

- **To note the report for information.**
- **To send a copy of the report to Elected Members.**
- **To send a copy of the report to the Clerks of the Community Councils requesting they bring it to the attention of their Members.**

ACTION: To include a decision made by the Adjudication Panel for Wales on 2 and 3 March 2017 regarding a Cardiff Council Member in a report for September 2017's meeting.

5. UPDATE ON THE OMBUDSMAN'S ATTENDANCE AT THE NORTH WALES STANDARDS COMMITTEE FORUM

Submitted - a report by the Solicitor (Corporate Governance) on the Ombudsman's visit to Anglesey County Council on 17 October 2016, when he attended a meeting of the North Wales Standards Committee Forum (NWSCF). The Ombudsman gave a presentation and answered questions from Members of the Forum and Members of the Standards Committee.

The Ombudsman raised the following matters during discussion:-

- Local Resolution extended to Town/Community Councils would be welcome.
- The number of County Council complaints had reduced, but the number of Town/Community Council complaints had increased. 3 Community Councils were responsible for a third of all Town/Community Council complaints.
- The two-stage test continues to be utilised, and its aim is to continue to rid any vexatious complaints. However, the Ombudsman's office is receiving more complaints.
- The majority of the Ombudsman's budget is allocated to health investigations, but he was clear that bullying, corruption or abuse of power ie breach of the Code of Conduct for Elected Members would not be tolerated.
- He believes that the North Wales Standards Committee Forum is beneficial for North Wales authorities, and he would be happy to meet with the Forum on a more regular basis should this be deemed useful.

A question had been raised with the Ombudsman at the Forum whether mediation training for Members of the Standards Committee would be offered or arranged in light of the requirement for more to be done by way of local resolution. The Ombudsman responded that training would be beneficial, particularly to support Community Councils, but resources were not available to finance it. The Monitoring Officer stated that she would arrange for the matter to be raised in the next Forum meeting.

The Solicitor (Corporate Governance) reported that One Voice Wales is developing a draft Local Resolution Protocol, to be used by Town/Community Councils. Members showed concern that One Voice Wales was not consulting with various parties before finalising such document, in order to incorporate any feedback into the draft document. It was noted that the Protocol will be shared with Members as soon as a final version is received from One Voice Wales. It

was further noted that the Standards Committee would have liked to have been consulted on the draft first though.

The Monitoring Officer reported that once the Local Resolution Protocol is implemented through One Voice Wales, the Standards Committee could offer support on the use of the Protocol to Town/Community Councils, who have the general power of competence.

RESOLVED:-

- **To note the report.**
- **That a copy of Appendix 2 be distributed to Monitoring Officers within the other North Wales authorities.**
- **That the Solicitor (Corporate Governance) seeks confirmation of the arrangements for the next meeting of the North Wales Standards Committee Forum.**
- **That the Solicitor (Corporate Governance) contacts One Voice Wales for clarity on who will be consulted on the draft Local Resolution Protocol before the document is finalised.**

ACTION: As noted above.

6. UPDATE ON THE ADOPTION OF THE AMENDED STATUTORY CODE OF CONDUCT

Submitted - a report by the Solicitor (Corporate Governance) providing an update to Members on the adoption of the amended Code of Conduct included in the Local Authorities (Model of Code of Conduct) (Wales) (Amendment) Order 2016 by Town/Community Councils.

The Solicitor (Corporate Governance) reported that the 'Adoption of the Amended Code of Conduct' was discussed at the last meeting of the Standards Committee on 14 September, 2016. That written report confirmed 17 Town/Community Councils had not responded to a request for confirmation on the adoption of the Code. At the time, it was confirmed that 12 of the 17 had been in contact since the report was prepared. There therefore remained 5 Town and Community Councils that had not responded.

Reference was made to Appendix 1 of the report, which highlights in red the Town/Community Councils that have responded since the last written report was prepared; there is 1 Community Council that has responded, but has not confirmed the date they adopted the Code. The following 3 Community Councils have still not responded:-

- Bodorgan Community Council
- Llangristiolus Community Council
- Rhoscolyn Community Council

RESOLVED:-

- To note the report.
- To request that the Monitoring Officer writes on behalf of the Chair of the Standards Committee to the 3 Community Councils who have not responded to remind them of the requirement to adopt the amended Code of Conduct, and to ask them to forward a copy of the minutes of the meeting when the adoption takes place to the Monitoring Officer.
- A copy of the above letter should also be sent to the local Elected Members for information.

ACTION: As noted above.

7. UPDATE ON THE PRESENTATION GIVEN TO THE TOWN/COMMUNITY COUNCILS' FORUM

Submitted - a report by the Solicitor (Corporate Governance) on the presentation given by the Chair and Vice-Chair of the Standards Committee at the Town/Community Councils' Forum on 24 November 2016 in relation to 'Matters arising from the Standards Committee'.

The following matters were discussed at the meeting:-

- Adoption of the revised Code of Conduct;
- The Ombudsman's Guidance on the amended Code of Conduct;
- Requirements on Town/Community Councils with regard to the registration of personal interests;
- Review of Registers of Interests;
- The Ombudsman's Presentation at the North Wales Standards Committee Forum;
- Decisions of the Adjudication Panel for Wales.

It was noted that the Forum Clerk has sent a copy of the presentation to all Forum Members following the meeting.

RESOLVED to note the presentation made (as per Appendix 1 to the report) and the update in terms of the actions completed, as included within the report.

Action: None

8. UPDATE ON THE TOWN/COMMUNITY COUNCILS' REGISTER OF INTERESTS

Submitted - a report by the Solicitor (Corporate Governance) providing an update to Members on the responses received by the Town/Community Councils in relation to their Register of Interests.

The report presented to the Standards Committee on 14 September 2016 - 'Standards Committee review of the Register of Interests held by the Town/

Community Councils' noted that some Councils had not responded to a request for confirmation how Town/Community Councils keep their Registers ie paper and/or online.

On 29 September 2016 correspondence was sent to the Clerks of the Councils who had still not responded. Correspondence was also sent to Elected Members of Anglesey County Council representing those areas in which the Town/Community Councils are located. It was noted that the outstanding 5 Town/Community Councils have now replied.

RESOLVED:-

- **To note the report and responses received from Town/Community Councils.**
- **That the Monitoring Officer writes to all Town/Community Councils stating that some Councils are not currently publishing their Register of Interests online, contrary to the statutory requirement.**
- **That the Standards Committee writes to Town/Community Councils in March 2018 for an update to ascertain which Councils have a website.**

ACTION: As noted above.

9. TOWN/COMMUNITY COUNCIL – WEBSITES

Submitted - a report by the Solicitor (Corporate Governance) on the statutory requirement for all Town/Community Councils to have a web presence and publish certain information on their websites. This requirement is relevant to the Standards Committee as complaints have been made regarding transparency in Town/Community Councils, particularly in some Community Councils with insufficient resources.

The report focuses on establishing which Town/Community Councils have a website, and whether Councils that do not, are planning to comply.

Members were concerned that some Town/Community Councils need support in creating a website. It was suggested that a request be made to One Voice Wales to ask if they would raise the matter on their agenda in one of their meetings, and a link to this report on the Council website could be forwarded to them.

RESOLVED:-

- **To note the latest position with regard to the Town/Community Councils' response (Appendix 1 of the report);**
- **To note the contents of the One Voice Wales Guidelines (Appendix 2 of the report).**
- **That the Monitoring Officer writes to One Voice Wales to ask if they plan to provide assistance to Town/Community Councils in setting up**

websites (apart from the Guidance), or are planning to assist them in establishing a coordinated approach?

ACTION: As noted above.

10. OMBUDSMAN'S VIDEO TO ELECTED MEMBERS

Submitted - a report by the Solicitor (Corporate Governance) on which Town/Community Councils have confirmed to have brought the Public Services Ombudsman for Wales' new video to the attention of its Elected Members.

The Solicitor (Corporate Governance) reported that in July 2016, an e-mail was received from the Welsh Local Government Association (WLGA) with a link to the Public Services Ombudsman for Wales' new video on You Tube. A link was forwarded to Elected Members of the County Council on 21 July 2016. A copy of the video was also sent to Town/Community Council Clerks asking that they bring the video to the attention of their Elected Members, and report back to the Council to confirm they date the video was viewed. To date, only 3 Councils have confirmed the dates they viewed the video.

RESOLVED to note the report together with the responses noted in Appendix 1.

Action: None.

11. MANAGEMENT STRUCTURE

Submitted - a report by the Solicitor (Corporate Governance) enclosing a Management Structure document for approval by the Standards Committee.

The Solicitor (Corporate Governance) reported that in its meeting on 14 September 2016, the Standards Committee discussed that some Elected Members were unsure who was responsible for various operational matters within the Council. A Management Structure document (for internal use) has been created containing the name, contact details and main operational responsibilities of each Head of Service and the Senior Leadership Team.

It was noted that the draft document was discussed at the Standards Committee's informal meeting on 8 December 2016. Members of the Standards Committee sought to include the name and contact details of Middle Managers, so that Heads of Service would not be the point of contact for all matters. The Heads of Service concluded though, that this would be contrary to the Constitution's Protocol, which deals with the relationship between Members and Officers, and was therefore rejected by the Heads of Service, but this will be reviewed in a year's time.

RESOLVED:-

- **To note the report.**
- **To confirm that the document in Appendix 1 is approved.**

- To approve the publishing of the 'Contact details and responsibilities of the Isle of Anglesey County Council's Senior Leadership Team and Heads of Service' form on MonITor for staff and Members of the County Council.

ACTION: As noted above.

12. BRIEFING NOTE TO TOWN AND COMMUNITY COUNCIL MEMBERS ON THE REQUIREMENTS FOR DISCLOSING AND REGISTERING PERSONAL INTERESTS

Submitted - a report by the Solicitor (Corporate Governance) attaching a Briefing Note which was distributed to Town/Community Council Clerks on 14 December 2016 on the statutory requirements for Town/Community Councillors to disclose and register personal interests.

The Clerks of Town/Community Councils were asked to bring the Briefing Note to their Members' attention, and forward a copy of the relevant minutes of the meeting when the matter was discussed. Confirmation of the same was requested by 20 February 2017.

In addition to the 10 noted in the table (Appendix 2 of the report), it was noted that a further 4 Community Councils had responded since the report was published, namely Aberffraw, Bryngwran, Llanddyfnan and Penmynydd.

RESOLVED:-

- To note the report and Briefing Note in Appendix 1.
- That the Solicitor (Corporate Governance) writes to the Clerks of the Town/Community Councils requesting them to bring the Briefing Note and amended Code of Conduct to the attention of their Members, when they sign to accept their office following May's elections. Copies of both will be attached to the letter.

ACTION: As noted above.

MR MICHAEL WILSON
CHAIR