

STANDARDS COMMITTEE

Minutes of the meeting held on 12 September 2013

PRESENT: **Independent Members**

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

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

Representing Town and Community Councils

Councillor John Roberts

Representing the County Council

Councillor Trefor Lloyd Hughes
Councillor Dafydd Rhys Thomas

IN ATTENDANCE: Head of Function (Legal & Administration)/Monitoring Officer,
Legal Services Manager (RJ) (In respect of Item 8),
Customer Care Officer (BJ) (In respect of Items 3, 4, 5, 6 & 7),
Committee Officer (MEH),
Administrative Assistant (SC).

ALSO PRESENT: None

APOLOGIES: Councillor Raymond Evans (Representing Town & Community Councils)

1 DECLARATION OF INTEREST

No declaration of interest received.

2 MINUTES OF MEETING

The minutes of the meeting held on 12 June, 2013 were confirmed.

3 CONDUCT COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

3A Submitted, for information – a report by the Customer Care Officer in the form of an updated matrix for County Councillors.

RESOLVED to note the report for information.

ACTION : An update on any further developments from the Customer Care Officer at the next Standards Committee.

3B Submitted, for information – a report by the Customer Care Officer in the form of an update matrix for Town and Community Councillors.

RESOLVED to note the report for information.

ACTION : An update on any further developments from the Customer Care Officer at the next Standards Committee.

4 ADJUDICATION PANEL DECISIONS

Submitted and noted – the findings of the Adjudication Panel for Wales from 1st April, 2011 to 29th August, 2013.

RESOLVED to note the report.

ACTION : An update or any further developments from the Customer Care Officer at the next Standards Committee.

5 PRE-REGISTRATION OF INTERESTS - UPDATES BY COUNTY COUNCILLORS

Submitted – a report by the Customer Care Officer in relation to the above.

The Customer Care Officer stated that 3 County Councillors are still to update their pre-registration of interests. Numerous requests had been made to request them to complete the pre-registration of interest document.

RESOLVED to note the report.

ACTION :

- **That a letter be sent to the 3 County Councillors, from the Chair of the Standards Committee, requesting them to update their pre-registration of interests within 7 days of the date of the correspondence;**
- **A copy of the correspondence be forwarded to the Group Leader of the Political Groups the elected Members are affiliated to ;**
- **The elected Members be summoned to appear before the Standards Committee if they fail to comply with the request;**
- **An update on any further developments from the Customer Care Officer at the next Standards Committee.**

6 TOWN AND COMMUNITY COUNCILS - CODE OF CONDUCT AND UNDERTAKINGS

Submitted – a report by the Customer Care Officer in relation to the above.

The Customer Care Officer stated that all Town/Community Councils but one have responded in respect of the Code of Conduct and Undertakings.

RESOLVED to note the report.

ACTION :

- **To receive an update by the Customer Care Officer at the next Standards Committee.**

7 TOWN AND COMMUNITY COUNCILS - TRAINING ON THE CODE OF CONDUCT

Submitted – a report by the Customer Care Officer in relation to the above.

The Customer Care Officer stated that 34 out of 40 Town/Community Councils have responded with 64 Councillors attending suitable sessions on the Code of Conduct.

The Chair stated that he and the Vice-Chair together with Mrs. Dilys Shaw intend to attend the Training Sessions. Mr. Wilson stated that they would emphasise the need for Town/Community Councillors to attend training on the Code of Conduct and to cascade that training within their Community Councils.

The Head of Function (Legal & Administration)/Monitoring Officer stated that a letter can be sent to all the Town/Community Councillors personally rather than through the Clerk of the Town/Community Councils.

RESOLVED to note the report.

ACTION : Following the Training Session to be held at the end of this month, a letter is sent to each individual Town/Community Councillor, from those which do not send representation, expressing the importance of attending training on the Code of Conduct.

8 PLANNING PROCEDURE RULES

Submitted – a report by the Deputy Monitoring Officer/Senior Solicitor (Planning) for recommendation to the Executive/Council.

The Deputy Monitoring Officer/Senior Solicitor (Planning) stated that the recommended changes to the Constitution are as follows :-

Planning Procedure Rules (the Rules) :

Change 1 (paragraph 3.5.3.15.5) – That, in future, departure applications made by Councillors, relevant Officers or their close family or friends may, rather than being referred to the Planning Committee (the Committee) as at present, be refused by Planning Officers under delegation and then be subject to a full report to the next Committee meeting. Where Officers want to approve such a departure application then it could only be approved by the Committee;

Change 2 (section 4.6) – The Rules be amended to reflect the legal position and to take account of Section 25 of the Localism Act 2011. That Members of the Committee are allowed to express an opinion on the merits of an application even before it comes to the Committee for a decision provided the opinion they express is a predisposition and not a predetermination. This would include allowing Members of the Committee who are also Members of a Town/Community Councils to participate in a planning matter at meetings of their Town/Community Council.

RESOLVED to accept the report and recommendations contained therein.

ACTION : That the report of the Deputy Monitoring Officer/Senior Solicitor (Planning) be submitted to the Executive/Council in due course.

9 INDEPENDENT REMUNERATION PANEL CONSULTATION

Submitted – report by the Head of Function (Legal & Administration)/Monitoring Officer in relation to the above.

The Head of Function (Legal & Administration)/Monitoring Officer stated that the Independent Remuneration Panel for Wales publish an Annual Report. This year they have been visiting Local Authorities together with Town/Community Councils to obtain views regarding IRP reports and what allowance is permitted. In the context of Co-opted Members of Local Authorities the IRP have now issued a Draft Supplementary Report, on payments, by way of consultation. Correspondence was received dated 1st August, 2013 from IRP which listed the 4 matters which require the views of Local Authorities before they produce a final Supplementary Report.

- (1) *Reasonable time for pre-meeting preparation is eligible to be included in claims made by co-opted members in the extent of which can be determined by the appropriate Officer in advance of the meeting;*

The Head of Function (Legal & Administration)/Monitoring Officer stated that Co-opted Members will now be eligible to claim for pre-meeting preparation, such preparation to be determined by an appropriate Officer (Monitoring Officer) in advance of the meeting. A reasonable time estimate will need to be calculated before papers are sent out to Co-opted Members in respect of preparation/reading of the documentation.

Members of the Committee agreed that the Chair and Vice-Chair should meet with the Monitoring Officer to decide the reasonable time required to prepare for a meeting as documentation for some meetings can be extensive particularly Hearings can take longer to prepare for discussion.

RESOLVED to agree in principle to (1) noted above and that further negotiations take place centrally in respect of agreeing standard preparation time for meetings.

- *(2) Travelling time to and from the place of the meeting can be included in the claims for payments made by Co-opted Members (up to the maximum of the daily rate);*
- *(3) The appropriate Officer within the authority can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed;*
- *(4) Meetings eligible for the payment of fee include other Committees and Working Groups (including Task and Finish Groups) or any other formal meeting to which Co-opted Members are requested to attend. (Pre-meetings with Officers, Training and attendance at Conferences are already eligible for payment).*

RESOLVED to agree to (2), (3) and (4) as noted above.

The Head of Function (Legal & Administration)/Monitoring Officer further referred to the IRP recommendation that Local Authorities should consider a maximum number of occasions when payments may be made to co-opted Members every year. The Officer recommended that a review takes place in February/March.

Members of the Committee agreed that a review should be undertaken by the Monitoring Officer (based on actuals) and to request her to make recommendations in due course to suit the circumstances of this Authority.

RESOLVED to accept the report.

ACTION :

- **That the recommendations of the Standards Committee at (1) to (4) be forwarded to the Chief Executive to respond to the Independent Remuneration Panel.**
- **To request the Monitoring Officer to prepare recommendations for maximum number of days for the attendance at meetings by Co-opted Members in every year.**

10 LOCAL GOVERNMENT (DEMOCRACY) (WALES) ACT 2013

Submitted, for information – a report by the Head of Function (Legal & Administration)/Monitoring Officer in relation to the above.

It was reported that the Standards Committee at its meeting held on 25th July, 2012 agreed on a consultation response to the Welsh Government's White Paper on Promoting Local Democracy. It was noted that the Local Government (Democracy) (Wales) Act 2013 has now received Royal Assent.

The Head of Service (Legal & Administration)/Monitoring Officer highlighted Part 5 of the documentation to the Committee which refers to matters specifically within the remit of the Standards Committee :-

55 Community Council websites
58 Registers of Members' interests
59 Remote attendance at meetings of principal councils
68 Joint Standards Committees
69 Referral of cases relating to conduct

RESOLVED to note the report.

ACTION : None

11 GENERIC DISPENSATION - INDEMNITIES

Submitted – a report by the Monitoring Officer in respect of whether or not to grant a generic dispensation to all County Councillors.

The Monitoring Officer gave an indepth report on the process of dispensation to the Committee and highlighted that the Standards Committee has discretion on whether or not to grant the dispensation sought and to impose any restrictions or limitations as appropriate to the circumstances of the application.

RESOLVED that dispensation be granted by the Standards Committee as follows :-

- **Should the need arise, all current Members of the County Council are hereby granted dispensation to attend before the Indemnities Sub-Committee (or its successor, if any) to present any application they wish the Sub-Committee to consider in accordance with the Policy and Procedure for Indemnities.**
- **This dispensation is granted under Standards Committee (Grant of Dispensation) (Wales) Regulations 2001 2.(d) and 2.(f).**
- **Any Member exercising this right shall be entitled to present their application and answer questions, but any deliberations by the Sub-Committee shall take place in private.**
- **This dispensation shall not prejudice the right of any Member to request that their application be considered on the papers alone, or their right to be represented by a legal advisor.**
- **This dispensation shall, if required, also extend to any consideration by the Standards Committee in accordance with their powers under the Local Authority's (Indemnities for Members and Officers) (Wales) Order 2006 when any Member shall be entitled to put their case in person to the Standards Committee, before the Committee retires to private session to consider the exercise of its statutory powers.**
- **This dispensation shall endure for all those who are Members during the term of this Council for the remaining term of this Council.**

12 EXCLUDE THE PRESS AND PUBLIC

RESOLVED to adopt the following :-

"Under Section 100(A)(4) of the Local Government Act 1972, to exclude the press and public from the meeting for the following item(s) on the grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 12, Part 1 of Schedule 12A of the said Act and the attached Public Interest Tests"

13 OUTCOME OF AN INVESTIGATION BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES IN RELATION TO A COMPLAINT AGAINST A COUNTY COUNCILLOR

Submitted and noted – for information the outcome of investigation by the Public Services Ombudsman for Wales in relation to a complaint against a County Councillor.

ACTION : None

14 OUTCOME OF AN INVESTIGATION BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES IN RELATION TO A COMPLAINT AGAINST A COMMUNITY COUNCILLOR

Submitted and noted – for information the outcome of investigation by the Public Services Ombudsman for Wales in relation to a complaint against a Community Councillor.

ACTION : None

15 MEETING/S BETWEEN CHAIR OF THE STANDARDS COMMITTEE AND GROUP LEADERS

The Chair gave a brief report on meetings had has attended with the Group Leaders.

He stated that arrangements are now in place that as Chair he would be meeting the Group Leaders 4 time a year.

RESOLVED to note the report.

ACTION : None

**MR. MICHAEL WILSON
CHAIR**