

STANDARDS COMMITTEE

Minutes of the meeting held on 13th September, 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

IN ATTENDANCE: Head of Function (Council Business)/Monitoring Officer
Head of Democratic Services (for Items 6 & 7 only)
Development Manager (Human Resources)(MW) (for
Item 6 & 7 only)
Committee Officer (SC)

APOLOGIES: None

1. DECLARATION OF INTEREST

Councillors Trefor Lloyd Hughes and Dafydd Rhys Thomas declared a prejudicial interest in relation to Item 8 - 'Generic Dispensations/ Indemnities' as Members of the County Council.

2. MINUTES OF THE MEETING

The draft minutes of the Standards Committee held on 8th March, 2017 were confirmed as correct.

Matters arising from the minutes –

Item 3 - Update of Members' Online Registers

- No substantive response has been received from the Council's Welsh Language Officer but the Head of Democratic Services confirmed that there is no financial support available to update the Modern.Gov system's online Register of Interests form, to ensure equal functionality for members in both Welsh and English.
- The Head of Democratic Services said that a request for this requirement will be included in the specification when the contract is renewed.

RESOLVED that the Standards Committee accepts the way forward suggested by the Head of Democratic Services and confirmed that they do not recommend submitting a bid for the estimated 10k required to achieve the required functionality.

Action: Nothing further for the Standards Committee.

Item 3 - Conduct Complaints to the Public Services Ombudsman for Wales

In response to a request for an update every three months on complaints investigated by the Ombudsman, the Monitoring Officer reported that a complaints matrix was circulated to Members on 11th July, 2017, together with the annual update.

Action: Standards Committee confirmed they were happy with the new arrangement and format adopted and await further reports every quarter.

Item 4 - Adjudication Panel for Wales Decisions

The Monitoring Officer reported that a copy of the report was circulated to County Council Members and Clerks of Town/Community Councils on 9th March, 2017.

Action: Completed. Nothing further.

Item 5 - Update on the Ombudsman's Attendance at the North Wales Standards Committee Forum

- The Monitoring Officer confirmed that, following a request from the Standards Committee, training on the Local Resolution Protocol was included on the Forum's agenda on 10th April, 2017.
- The Monitoring Officer of Denbighshire County Council wrote to One Voice Wales on the 9th March 2017 for an update on the consultation on the Local Resolution Protocol.

One Voice Wales responded that the consultation period had ended, and only the Ombudsman had been consulted on the Protocol.

- A copy of responses from the last Forum meeting, when the Ombudsman was present, was circulated to all Members of the County Council on 28th March, 2017.
- It was noted that the next forum meeting will be held in Wrexham in November, 2017. No specific date has been confirmed.

Action: None

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

The Monitoring Officer reported that all three Community Councils who had not, apparently, adopted the amended statutory Code of Conduct have now responded as follows:-

- Rhoscolyn Community Council confirmed on 18th April, 2017 that it had adopted the Code, and forwarded a copy of the minutes as requested;
- Llangristiolus and Bodorgan Community Councils have confirmed that they have adopted the Code, but have not forwarded a copy of the minutes.

Action: Monitoring Officer to write to the Clerks at Llangristiolus and Bodorgan Community Councils reminding them of the outstanding request.

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

The Monitoring Officer confirmed that she wrote to all Town/Community Councils following a review of their registers, highlighting the need to publish the Register of Interests online.

Action: The Monitoring Officer to write to all Town/Community Councils in March 2018 to ascertain which Councils are now complying.

Item - 9 Town/Community Council - Websites

The Monitoring Officer confirmed that she wrote to One Voice Wales on the 9th March, 2017, asking whether or not there is a plan to assist Town/Community Councils in setting up their website. It was noted that no written response has been received to date.

Action: Monitoring Officer to chase up a reply.

Item 11 - Management Structure

The Monitoring Officer reported that the 'Management Structure' has been published online. It was noted that the Members of the Standards Committee have received copies of the document, which was also made available to staff and Members from 24th March, 2017. It was further noted that the Management Structure will be reviewed in 12 months.

Action: Monitoring Officer to review March 2018.

Item 12 - Briefing Note to Town/Community Council Members on the Requirements for Disclosing and Registering Personal Interests

The Monitoring Officer confirmed that all steps listed in relation to the Briefing Note, and amended Code of Conduct, were completed on 22nd March, 2017.

Action: None

3. 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.

It was noted that no complaints had been lodged involving County Councillors or Town/Community Councillors for the period April to June, 2017.

RESOLVED to note the report.

Action: Monitoring Officer to circulate to all County Council Members and Town and Community Council Clerks.

4. PUBLIC SERVICES OMBUDSMAN FOR WALES DECISIONS

Submitted - a report by the Public Services Ombudsman for Wales (PSOW) and summary from the Monitoring Officer of information published in the quarterly Casebook of Code of Conduct Complaints. It was noted that complaints investigated by the Ombudsman related to alleged breaches of the Members' Code of Conduct by Councillors between April, 2016 to April, 2017.

RESOLVED to note the report.

Action: Monitoring Officer to circulate to all County Council Members and Town and Community Council Clerks.

5. 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 8th March, 2017. The two reported cases related to Cardiff City Council and Powys County Council.

The Chair reported that Cardiff City Council received 18 low level complaints involving the Standards Committee. It was noted that Cardiff Council has a Local Resolution Protocol in place to resolve issues and avoid intervention by the Ombudsman.

The Monitoring Officer reported that Isle of Anglesey County Council has adopted a Local Resolution Protocol, which is designed to deal with issues between members in relation to respect and consideration type complaints but no such complaints have ever been lodged.

RESOLVED:-

- **To note the content of the case summaries.**
- **That the Monitoring Officer contacts the Chief Executive/Head of Democratic Services in relation to the 5 minute rule on speeches in Council and the exercise of latitude by the Chair.**
- **That the Monitoring Officer review/amend the Council's Local Resolution Protocol, in light of the Cardiff model, for approval by the next Standards Committee.**

Action: As noted above and the Monitoring Officer to circulate to all County Council Members and Town and Community Council Clerks the APW reports.

6. MEMBER TRAINING AND DEVELOPMENT PLAN

Submitted - a report by the Human Resources Development Manager on post-election induction and training arrangements for members.

The Development Manager reported that since the County Council elections in May, an Induction Programme has been developed to accommodate members' training needs and changing demands of this Authority. The Development Plan was established with input from the Welsh Local Government Association (WLGA) and Local Authorities across Wales, and is a continually evolving document. The Development Plan for 2017/18 was presented to, and adopted by, the full Council on 28th February, 2017.

The Development Manager reported that the initial phase of the Plan focused on the induction of newly elected members into the Authority, and 20 formal development sessions were offered to members between May and the end of August, 2017.

It was noted that some members will require further training in the use of iPads. Arrangements are in place for the ICT team to deliver further iPad training sessions at the end of this month.

It was further noted that all presentations from training sessions are uploaded on MonITor. Members are encouraged to complete evaluation sheets following training session, and provide feedback, so that each member's progress may be recorded. The County Council also works jointly with Gwynedd County Council, and shares information collated to assess and improve training needs.

RESOLVED to note progress on the Member Development Programme.

Action:

- **The Monitoring Officer to establish whether co-opted members of the Standards Committee may access the e-learning modules and, if so, from when.**
- **The Monitoring Officer to establish whether or not there is, or there will be, a module on the Code of Conduct/Ethics.**
- **The Human Resource Development Manager/Head of Democratic Services to prepare information on the level of attendance of individual members on the Induction Training Programme post-election, identifying to whom the sessions were targeted with the Standards Committee Chair to report to the Group Leaders to generate support for ongoing training and development and to identify any gaps/concerns.**
- **Human Resource Development Manager/Head of Democratic Services to arrange, if possible, that one or two members of the Standards Committee to attend the regional induction session for newly elected members in November 2017.**
- **The Human Resource Development Manager to obtain dates in November for training sessions for town and community councillors. The Standards Committee to also receive notification of the dates as at least one of them would like to attend each of the sessions.**

7. MEMBERS' ANNUAL REPORTS

Submitted - a report by the Head of Democratic Services on proposed arrangements for publishing the 2016/17 Annual Reports.

Section 5 of the Local Government (Wales) Measure 2011 places an obligation on the Council to ensure that arrangements are in place for Members to prepare annual reports.

The Head of Democratic Services reported on the timescale for the 21 re-elected members to submit annual reports for 2016/17 and publication on the Council website by 30th September, 2017.

RESOLVED to note the position with regard to publishing Members' Annual Reports for 2016/17.

Action: The Head of Democratic Services to notify the Standards Committee members once the annual reports are published.

8. GENERIC DISPENSATION – INDEMNITIES

Submitted - a report by the Monitoring Officer on the procedure that members should follow when applying to the Standards Committee for a dispensation.

Councillors Trefor Lloyd Hughes and Dafydd Rhys Thomas declared a prejudicial interest in relation to this item, and left the meeting.

Pursuant to the County Council's Code of Conduct, any elected member who has a prejudicial interest is precluded from participating during discussion. However, in some limited and specific circumstances, a member may be able to overreach the restriction of a prejudicial interest by obtaining a dispensation from the Standards Committee.

The Monitoring Officer reported that the Local Authorities (Indemnities for Members and Officers)(Wales) Order 2006 allows the Council to grant indemnities for legal costs to members, particularly in relation to costs incurred in defending themselves against any alleged breach of the Code. The Council has adopted the regulations into policy.

The Council has delegated the decision making powers it has to the Indemnities Sub-Committee, and any member wishing to apply for an indemnity must submit an application in writing to the Sub-Committee, which will then meet to consider the application.

Following discussion, members noted that the Standards Committee has the discretion in deciding the Council's final contribution towards legal costs in some specific circumstances described in the regulations.

RESOLVED:-

- **To grant the generic dispensation as worded in Enclosure B of the report on the grounds described in the application;**
- **The dispensation to remain the force for the remaining Council term.**

Action: None

9. REVIEW OF THE MEMBERS' REGISTER OF INTERESTS – TOWN AND COMMUNITY COUNCILS

Submitted - a report by the Monitoring Officer on the sample reviews conducted by the Standards Committee of the Register of Members' Interests for Town/Community Councils, to ensure compliance with the Code of Conduct. The reviews took place between October, 2016 and February, 2017.

Following the review, a report was circulated to Town/Community Councils detailing the findings, sharing good practice and highlighting matters than needed to be addressed.

The Monitoring Officer stated that a report was sent out to Clerks of Town/Community Councils on 7th April, 2017 requesting that it be included on each Town/Community Council's agenda at their next meeting. A request was also made that a copy of the minutes, confirming that the report had been discussed, be forwarded to the Standards Committee by the end of July, 2017. A personalised letter was then sent to each Council that had been subject to the review, providing tailored advice to that Council.

The Monitoring Officer reported that, of the 40 Town/Community Councils contacted, only 13 have replied to date. She stated that there is no method to enforce Town/Community Councils to comply, as the Ombudsman is not willing to pursue the issue.

RESOLVED:

- **To note the contents of the report in Enclosure 1.**
- **To note the content of the table in Enclosure 2.**
- **That the Monitoring Officer write to the Clerks of Town/Community Councils who have not responded, encouraging them to comply with the Standards Committee's request.**

Action: As noted above.

10. REVIEW OF THE THREE REGISTERS OF COUNTY COUNCILLORS' INTERESTS

Submitted - a report by the Monitoring Officer on this year's Standards Committee review of the three Registers of Interest held by the Council in relation to its members.

The Registers are:-

- The "Standing" Register
- Declarations in Meetings
- Gifts and Hospitality

The Monitoring Officer reported that independent members of the Standards Committee will undertake the review. The members will randomly select the registers of six elected members, and report back to this Committee next March.

It was noted that the Standing Register and Gifts and Hospitality Register are available to members to complete in electronic format, whilst the Declarations in Meetings is available to Members in paper format only.

RESOLVED:-

1. That the independent members of the Standards Committee undertake a review of the three registers of members' interests, with the numbers to be divided equally and the names to be selected randomly;
2. That the independent members of the Standards Committee undertake a review of the registers of interests of the co-opted members of the Scrutiny Committees and the Audit and Governance Committee;
3. That once appointed, the new Town and Community Council members of the Standards Committee undertake a review of the interests of the independent members of the Standards Committee;
4. The process of review in 1 and 2 above shall begin in mid-January, 2018, and shall conclude by the end of February; and that, as soon as possible after the deadline for completion, the independent members of the Standards Committee shall meet informally to discuss the findings of the review;
5. At least one month prior to the start date of the review, the Monitoring Officer shall write to all elected members and co-opted members of the Council to advise them that the review is to take place, to ensure any updates are completed, and to confirm that they may be contacted by members of the Standards Committee to discuss their individual declarations of interest;
6. Following informal discussion by the Standards Committee, a letter shall be circulated to all members confirming the outcome of the review, within a timeframe to be agreed at the informal meeting referred to in paragraph 4 above. Such general advice shall be published on the agenda of the next available Standards Committee thereafter and any general matters shall be raised by the Chair of the Standards Committee at the next available meeting of the Group Leaders following the review.
7. That the Monitoring Officer contacts ICT to ask that instructions on how to complete and amend registers online be circulated to members of the Standards Committee.

Action: As noted above.

11. INDEPENDENT MEMBER OF THE STANDARDS COMMITTEE – CASUAL VACANCY

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

The Monitoring Officer reported that the recruitment of an independent member of the Standards Committee follows a statutory process, which requires establishing a Selection Panel.

The County Council has appointed three County Councillors, one Town/Community Councillor, and one independent member of the public

to the Panel. The Panel is now proceeding with a quorate Panel of four, who will meet on 20th September, 2017.

It was noted that shortlisted candidates will be invited for interview on a date to be agreed. Following the interview process, the Panel will make an appointment, which will be subject to ratification by the full Council on 12th December, 2017.

Members of the Standards Committee expressed concern that the appointment process was lengthy, and questioned whether it would be possible to streamline the process in future. The Monitoring Officer responded that the process had to be followed and explained in detail the difficulties encountered in appointing the Town/Community Council member of the Panel and especially independent member. It is hoped that those individuals will remain in place to select the new Standards Committee in 2019.

RESOLVED:-

- **To update the Committee on the current status and anticipated date for completion of the process.**
- **That the Monitoring Officer raises the issue with other North Wales Monitoring Officers as to whether there is an option to share an independent member of the Selection Panel.**

Action: As noted above.

12. TOWN AND COMMUNITY COUNCIL MEMBERS OF THE STANDARDS COMMITTEE – AUTOMATIC POST ELECTION VACANCIES

Submitted - a report by the Monitoring Officer on the current appointment of new members.

Following the local elections in May, 2017, the term of office of the two Standards Committee Town/Community Council representatives automatically elapsed, requiring the Council to embark on a fresh selection process.

The Monitoring Officer reported that the selection process for Town / Community Council representatives on the Standards Committee has been amended owing to limited interest on the last occasion, and is now being done by postal ballot. A letter was sent out to all Town / Community Councils on 31 May, 2017. The closing date for nominations was the 31st July, 2017, and 7 nominations were received. The nominations were circulated to all Town / Community Council Clerks on 4th August, 2017. It was noted that completed ballot papers should be returned to the County Council by 29th September, 2017. To date, only 3 ballot papers have been returned.

RESOLVED:-

- To note the report.
- That the deadline for receiving completed ballot papers be increased by one month to the end of October. The Monitoring Officer to write to the Clerks of Town/Community Councils informing them of the new deadline.

Action: As noted above.

13. DISPENSATION(S)

Submitted - a report by the Monitoring Officer on the activities of the Dispensation Panels of the Standards Committee.

The Monitoring Officer reported that if a County Councillor/Town/Community Councillor has a prejudicial interest in a matter to be considered by their Authority, the Code of Conduct requires that the interest be declared/registered, and that the member leave the meeting and not participate/influence the decision(s).

If granted, a dispensation will overreach the prejudicial element of the interest, and will enable the member to participate; though possibly to a limited extent.

RESOLVED:-

- To note the dispensation granted, and the grounds and circumstances in which it was granted.
- That the members of the Panel only (Michael Wilson, Dilys Shaw and Denise Harris-Edwards) ratify the draft minutes at Enclosure 2, which they duly did.

Action: None

14. LOCAL RESOLUTION FOR TOWN AND COMMUNITY COUNCILS

Submitted - a report by the Monitoring Officer on the One Voice Wales Local Resolution Protocol, which this Council has adopted. The Protocol has been circulated to all Town and Community Councils on Anglesey, and needs to be adopted by each Council individually.

It was noted that in his annual report, the Ombudsman commented on County Councillor complaints under the Code of Conduct and expressed the view that the Protocol has reduced the number of complaints received. The Ombudsman is still getting a significant number of complaint in relation to Town/Community Councillors, and had asked One Voice Wales to draw up this Protocol to ensure that Town / Community Councils try and resolve their own low level disputes.

RESOLVED:-

- To note the content of the Protocol.
- To instruct the Monitoring Officer to write to the Clerks of the local Town and Community Councils requesting confirmation as to whether or not they have/intend to formally adopt and apply the Protocol.
- The Standards Committee (at the discretion of the Chair of the Standards Committee), offer support to Town and Community Councils in operating the Protocol when the Chair considers it appropriate and upon receipt of any request for advice.
- That the Monitoring Officer asks the Clerks of Town/Community Councils to include the cost of training, especially for clerks, in the precept when working out their budget.

Action: As noted above.

The meeting concluded at 4.45 pm

**MR MICHAEL WILSON
CHAIR**