

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 3, County Hall, Ruthin on Friday, 20th October, 2006 at 10.00 a.m.

PRESENT

Mr C.B. Halliday (Chair), Councillors R.E. Barton (Observer), P.A. Dobb and R.LI. Williams, Mr G.F. Roberts and Mrs P. White.

ALSO PRESENT

The Monitoring Officer and Administrative officer (C.I. Williams).

APOLOGIES

Councillor P. Glynn, Mr I. Lawson.

1. URGENT MATTERS

No items were raised which in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

2. MINUTES

The Minutes of the Standards Committee held on Friday, 14th July, 2006 were submitted.

Matters arising:-

3. Attendance at Meetings. (a) County Council – Reference was made to Paragraph 18. of Denbighshire County Council Standing Orders, Members' Conduct 18.1 – Standing to Speak. It was explained that, under certain circumstances, dispensations had been granted to respective Members to allow them to remain seated when addressing the meeting.

In response to concerns expressed with regard to the quality of the sound system installed in the Council Chamber, the Monitoring Officer explained that the problem could be examined further at a future date following the utilisation and improvement of the video camera system, he felt that this system would assist in providing clarity of proceedings for both Members of the Council and members of the public attending meetings.

(b) Henllan Community Council - Councillor R.LI. Williams referred to the differing procedures, practises and protocol adopted by Community Councils at their

meetings, particular reference being made to the consideration of matters pertaining to planning applications. The Chair reminded Members that the Monitoring Officer had written to Town and Community Councils offering assistance and training on matters relating to the importance of the need to ensure compliance with the Code of Conduct.

During the ensuing discussion, it was agreed that the Monitoring Officer further examine the need for the provision of assistance and training for Town and Community Councils with regard to the Members Code of Conduct.

RESOLVED – *that, subject to the above, the Minutes be received and approved as a correct record.*

3. ATTENDANCE AT MEETINGS

(a) County Council

The Chair informed Members that he had recently attended a meeting of the County Council but, as previously agreed, had not submitted a report to the Committee as he had no views or comments to make in respect of the proceedings.

RESOLVED – *that the position be noted.*

(b) Lifelong Learning Scrutiny Committee

The Vice Chair, Mr G.F. Roberts, explained that he had attended two meetings of the Lifelong Learning Scrutiny Committee. He informed Members that he had not submitted a report as no issues had arisen which fell within the jurisdiction or remit of the Standards Committee.

RESOLVED – *that the position be noted.*

4. MONITORING THE CODE OF CONDUCT

(a) To note the increase in size of the Standards Committee

The Chair welcomed Councillor R.LI. Williams and Mrs P.M. White to the meeting following their recent appointment to the Standards Committee. The Monitoring Officer confirmed that Mrs White had signed the required form accepting adherence to the Code of Conduct, and explained that Councillor R.LI. Williams had already signed the respective form as a Member of the County Council.

RESOLVED – *that the position be noted.*

(b) Revised Code of Conduct

A copy of a letter from Stephen Phipps, Head of Partnership and Ethics Team, Local Government Policy Division, Welsh Assembly Government to Ceredigion County Council, submitting an apology for being unable to attend the Standards Committee

Conference on the 22nd September, 2006, had been circulated with the papers for the meeting.

The letter provided a brief update on the current position with regard to the review of the Code of Conduct explaining that there had been a very good response to the consultation exercise. However, other Internal Assembly pressures and priorities had meant that a detailed analysis of the responses had not been completed, though initial scrutiny had suggested that there had been widespread support for the broad thrust of proposals put forward by the review group and a flavour of the mixed views received to the consultation exercise had been included in the letter.

The previous intension to work towards the revised code of conduct being in place by the beginning of April, 2007 had been included in the letter. However, it was now being suggested that the timetable would be reviewed in light of competing legislative priorities within the Welsh Assembly Government. One of the options under consideration had been to delay the code's introduction to coincide with the local elections in May, 2008.

Members expressed their concern regarding the proposed delay and the possibility of facing the added pressure of providing two sets of training in a short period of time prior to and following the elections.

A copy of a letter from Mr Trevor Coxon, Chair of the Monitoring Officers Group, to Mr John Palmer, Head of Local Government Policy Division, was circulated to Members at the meeting.

The disappointment of the conference that the Local Government Policy Division had been unable to provide a substitute for Mr Phipps to address the conference and respond to the feelings of the delegates had been included in the letter, together with, the conference's profound disappointment with the announcement that the revised Code of Conduct was unlikely to be introduced before May, 2008.

Members of the Standards Committee fully endorsed the views expressed in Mr Coxon's letter and agreed that the Monitoring Officer write to the Local Government Policy Division expressing the concerns of the Standards Committee in respect of the proposed delay of the introduction of the revised Code of Conduct.

The Monitoring Officer outlined the difficulties being encountered in respect of the provision of training for Town and Community Councillors as a result of the delay in the introduction of the revised Code of Conduct.

RESOLVED –that

- (a) the report be received and the contents noted.*
- (b) the Standards Committee fully endorsed the views expressed in Mr Coxon's letter, and*
- (c) the Monitoring Officer write to the Local Government Policy Division expressing the concerns of the Standards Committee in respect of the proposed delay of the introduction of the revised Code of Conduct.*

(c) All Wales Standards Committee Conference 2006

The Monitoring Officer referred to the All Wales Standards Committee Conference, held on the 22nd September, 2006, and suggested that an informal discussion on the proceedings of the Conference be held by Members of the Standards Committee following the meeting.

RESOLVED –*that an informal discussion on the proceedings of All Wales Standards Conference, held on the 22nd September, 2006, be held by Members of the Standards Committee following the meeting of the Standards Committee.*

5. ANNUAL REPORTS 2005/06 OF THE COMMISSIONER FOR LOCAL ADMINISTRATION IN WALES AND THE ADJUDICATION PANEL FOR WALES

(a) Annual Report of the Commissioner for Local Government Administration in Wales

A copy of a report by the Monitoring Officer, noting the receipt of the Ombudsman's Annual Report for the year 2005/2006, had been circulated with the papers for the meeting.

The Monitoring Officer introduced the report and explained that although the major interest for Members would be section 4 of the Annual Report, which related to the Ombudsman's function as Commissioner for Local Administration in Wales, it would be noted from the introduction on pages 5-7 that an omnibus volume had been created drawing together this function together with those of the Welsh Administration Ombudsman, the Health Services Commissioner for Wales and the Social Housing Ombudsman for Wales. Members were informed that all functions had finally merged under the one hat of Public Services Ombudsman on 1st April 2006.

It was explained that, as previously, the focus for Local Government would be in respect of his two jurisdictions relating to complaints of maladministration which appeared on pages 12-16 and in respect of allegations of breach of the Code of Conduct on pages 29-40. Members were informed that a full copy of the report could be viewed at the Public Services Ombudsman website

The Monitoring Officer informed Members that the Ombudsman had reported that there had been an increase in the number of new allegations received. It was explained that it had been a continuing concern that many of the allegations had been ill founded and consequently, in respect of a high proportion of the allegations, the Ombudsman had decided not to investigate. Members were informed that in Denbighshire the Ombudsman had not referred any cases to the Monitoring Officer for investigation or reporting to the Standards Committee.

The external and independent investigation of complaints against the Council by the Ombudsman supported the Council in achieving its objectives of ensuring legal and

procedural propriety. Accordingly the report would be presented to both the Standards Committee and the Corporate Governance Committee.

In response to concerns raised by Councillor Dobb with regard to the circulation of information relating to the number of complaints reported to the Ombudsman, the Monitoring Officer explained that complaints relating to maladministration were referred to the Corporate Governance Committee for investigation and complaints relating to misconduct could be referred by the Ombudsman to the respective Standards Committee for investigation.

RESOLVED –that the Ombudsman’s Annual Report be received and noted.

(b) Annual Report of the Adjudication Panel for Wales

A copy of a report by the Monitoring Officer, noting the receipt of the Adjudication Panel for Wales for the year 2005/2006, had been circulated with the papers for the meeting.

The Monitoring Officer introduced the report and explained that he would focus on issues and matters relating to misconduct rather than those relating to maladministration.

He referred to the way in which the legislative background had been set out at section 1 of the report and the overview of procedures at section 4. Section 3 of the report detailed those allegations dealt with by case tribunals and those cases that were appeals from local Standards Committees. He explained that it had been significant that in the two appeals heard the appeal tribunals had upheld the determination that there had been breaching of the Code of Conduct.

Members were informed that the Adjudication Panel for Wales provided a mechanism both for dealing with the most serious allegations and for appeals against the findings of local Standards Committees and thus contributed to the overall role of ensuring the highest standards of conduct in local government.

Mr G.F. Roberts referred to page 6 of the Annual Report of the Adjudication Panel for Wales and explained that he was pleased to note that suspensions or partial suspensions for a period of up to six months could be enforced.

RESOLVED –that the Adjudication Panel’s Annual Report be received and noted.

6. FUTURE MEETING OF THE STANDARDS COMMITTEE

The Monitoring Officer explained that there were currently no items of business for consideration at the next meeting of the Standards Committee scheduled for the 24th November, 2006. Members agreed that subject to any items arising prior to the 24th November, 2006, the next meeting of the Standards Committee be held, as previously agreed, on Friday, 12th January, 2007.

RESOLVED –that

- (a) *the meeting of the Standards Committee scheduled for the 24th November, 2006 be cancelled, and*
- (b) *the next meeting of the Standards Committee be held on Friday, 12th January, 2007.*

Meeting ended at 11.10 a.m.

DENBIGHSHIRE COUNTY COUNCIL.
STANDARDS COMMITTEE.

From - Chairman.

To - Monitoring Officer.

Date - Friday 2nd February 2007.

Attendance at Meetings.

On Wednesday last, the 31st January I attended a meeting of SACRE at Prestatyn as I am aware that the code of conduct applies to the co-opted members of this committee per Article 9.2 of the D.C.C Constitution – Role and function of the Standards Committee.

The meeting was very ordered and ran very smoothly but I wondered at times if the guidance on disclosure of interests was clearly understood by the members of the committee. There was one County Councillor present and no doubt he could have given guidance, as no doubt could the clerk to the committee. I am not sure of the role of the Inspector/Adviser RE with regard to this matter. [The chief executive officer was also present so expert advice would have been available on this occasion].

During the meeting it was agreed to invite members of the Muslim faith to attend and observe the work of the committee. There was no mention of the Jewish faith.

I understand that members of the committee, once nominated, receive a booklet on the code of conduct. Nevertheless I seek your views on whether it would be helpful to the co-opted members for you or one of your staff to offer some training/advice.

W. B. Halliday

Chairman.

DENBIGHSHIRE COUNTY COUNCIL.
STANDARDS COMMITTEE.

From - Chairman.
To - Monitoring Officer.

Date - Thursday 15th February 2007.

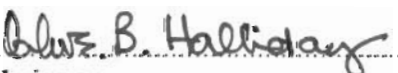
Attendance at Meetings.

On Wednesday the 14th February I attended the Bodfari Community Council monthly meeting. The meeting commenced at 7.30 when seven community councillors were present together with the clerk, Ms Helen Howard.

I was invited to speak on the role of the County Council Standards Committee and I covered the areas we had previously agreed. The area of most concern was the declaring of an interest, especially where planning applications were concerned. I showed the meeting 'The Code to protect you' card produced by the Standards Board for England. I also explained that one of the responsibilities of the County's Standards Committee was that of advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members Code of Conduct as per para 9.2 of the County Council Constitution. The chair of the community council asked where they might obtain the 'Code to protect you' card and I undertook to follow the matter up. On speaking to the Standards Board for England I was advised that they no longer have a supply of the cards as they were awaiting the alterations to the code before producing any more. However the card could be down loaded from the website. I photocopied the card I had, forwarded the copy to the clerk, Ms Howard together the information re downloading card via website and the details.

I advised the meeting that help and assistance was readily available concerning the requirement for councillors to comply with the code of conduct via the county clerk's department whether it be a one-off specific matter or general training.

I was thanked for my attendance and the meeting concluded at 9.25 p.m.


Chairman

DENBIGHSHIRE COUNTY COUNCIL.
STANDARDS COMMITTEE.

From - Chairman.

To - Monitoring Officer.


Date - Friday 16th February 2007.

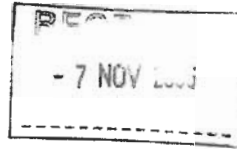
Attendance at Meetings.

On Thursday the 15th February I attended the Llanferres Community Council monthly meeting. The meeting commenced at 7.30 when six community councillors were present together with the clerk, Mrs G.A.Dillon, and county councillor Bob Barton. Three members of the public were also in attendance, who on being invited to raise matters under the agenda item 'Meeting open to the public for ten minutes', did so.

Half way through the business, I was invited to speak on the role of the County Council Standards Committee and I covered the areas we had previously agreed. As with my visit the previous evening to Bodfari, the area of members declaring an interest caused some confusion and I advised members that they would have to be guided by their clerk, but drew the chairman's attention to the card 'A Code to protect you' issued by the Standards board for England. As I knew they could be down loaded via the internet I gave the clerk the details and the meeting implied they would now obtain the card.

I was thanked for my attendance and I left the meeting at 8.35 p.m. when there were other agenda items still remaining to be discussed.


.....
Chairman.



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Mr Steve Thomas
Director
Welsh Local Government
Association
Local Government House
Drake Walk
CARDIFF
CF10 4LG

Eich cyf * Your ref
Ein cyf * Our ref A-LGM-21-02-008

3 November 2006

Dear Steve,

REVIEW OF CODE OF CONDUCT

Further to my e-mail of 5 October, I understand that you spoke with John Palmer about the above in the margins of the recent monthly bilateral with the Minister.

John has asked me to let you have more information on the timetable for taking forward this work. As explained in my e-mail, feedback received from monitoring officers, and also now from the Standards Committees' Conference in September, is that they strongly prefer that the revised code is introduced in 2007, rather than delaying until after the local elections in May 2008.

We therefore intend to advise the Minister that the revised code should be progressed at the earliest opportunity. In practice, this means that we will aim to instruct Assembly lawyers early in 2007. We also intend to reconvene the Code of Conduct Review Group to consider the terms of the revised code **before submitting the required statutory instrument** to the Minister for approval following the Assembly elections next May.

The outline timetable to achieve that is as follows:

Pre-Christmas	Final policy steer from Minister
January – February	Instruct and work with Assembly lawyers on revised draft statutory instrument and code of conduct
February – March	Consult reconvened Code of Conduct Review Group on terms of draft revised code
March – April	Finalise statutory instrument



Parc Cathays • Cathays Park
Caerdydd • Cardiff
CF10 3NQ

Ffôn • Tel 029 2082 6414
Ffacs • Fax 029 2082 5346
stephen.phipps@wales.gsi.gov.uk
GTN: 1208 6414

May	Submit statutory instrument to Minister for approval
June-July or Late September / October	Approval of statutory instrument by National Assembly (if required)
Early autumn or end 2007	Code comes into force

The procedure for processing the statutory instrument, and thus timing, is unclear at the moment, pending production of the (new) Assembly's standing orders. However, the above outline timetable will be refined as things become clearer.

The coming into force date would be subject to discussion with you and monitoring officers. However, I imagine that a period of time will be needed between the statutory instrument being made by the Minister (or the National Assembly as appropriate) and the code coming into effect to enable authorities to train members in readiness.

Please let me know if you have any observations on the above.

Yours sincerely
Stephen

STEPHEN PHIPPS
Partnership and Ethics Team
Local Government Policy Division