

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1A, County Hall, Wynnstay Road, Ruthin on Friday 15 January 2010.

PRESENT

Mr C B Halliday (Chair), Councillor G A Green, Councillor H LI Jones, Ms M E Medley, Mr G F Roberts, Councillor D A Thomas and Mrs P White

ALSO PRESENT

Councillor M LI Davies, Monitoring Officer (IKH), Scrutiny Support Officer (SP) and Committee Administrator (EC)

611 URGENT MATTERS

There were no urgent matters for consideration by the Committee.

612 MINUTES

RESOLVED that the minutes of the Standards Committee meeting held on 13 November 2009 be confirmed as a correct record.

Matters Arising – Item 5 – Code of Conduct

The Monitoring Officer informed the Committee that he had received notification from the Adjudication Panel that the councillor in question had lodged an appeal against the suspension decision of the Standards Committee.

613 ATTENDANCE AT MEETINGS

The Monitoring Officer advised that there was no feedback from meetings to report to the Committee. However, he did have information for the Committee on training sessions held for town and community sessions that had been well-attended.

Members were informed that future sessions were being planned for the following dates, and attendees were requested to contact the Corporate Governance Department:

- Wednesday 20 January at 2 p.m. in Oriel House, St. Asaph
- Wednesday 27 January at 7 p.m. in Theatr Elwy, Ysgol Glan Clwyd
- Wednesday 17 February at 2 p.m. in the ECTARC Centre, Llangollen
- Wednesday 24 February at 7 p.m. in the Sports Pavilion, Corwen

614 STANDARDS CONFERENCE WALES 2009

The Monitoring Officer referred to conference notes (previously circulated) from the Standards Conference Wales 2009, entitled *Wales: An Ethical Country*. He informed the Committee that he had DVD recordings of the conference that Members could view.

The Monitoring Officer reported that the conference, held in Cardiff, had demonstrated that Standards Committees in Wales were generally working well and that the Welsh system of filtering complaints through the Public Services Ombudsman was well-received and resulted in greater consistency than in England.

The conference had highlighted interesting examples of standards committees engaging with, and gaining the respect of, councillors. The Monitoring Officer reported examples of local authorities

where tensions between the elected members generated much more work for their standards committees than in Denbighshire.

Mrs White reported that the conference had been interesting and enlightening.

Councillor Green queried at what point robust but legitimate challenge became over-bearing or bullying behaviour? Mr Roberts highlighted how effective chairing usually prevented disorder and behavioural problems. Mr Halliday reported that he found Denbighshire County Councillors had good working relationships and were generally independent minded. The Monitoring Officer stated that training sessions tended to revolve around personal interests and that training for behavioural issues could prove interesting, with case studies from other local authorities becoming available. In response to a query from Ms Medley he also reported on the training conducted by Denbighshire County Council to develop chairing skills, the role description adopted for the position of chair, and the quarterly meetings of the Scrutiny Chairs and Vice Chairs Group that helped to promote good practice.

The Committee discussed processes for recording reasons behind regulatory decisions such as planning and the requirements of the Code of Conduct thereon. The Monitoring Officer advised that he regarded the current practices for drawing the relevant reasons into the debate and recording them in the minutes to be appropriate, but would consider whether further actions were necessary.

Mr Halliday concluded that the debate had demonstrated that the Standards Committee had a wider role to play than enforcing the Code of Conduct.

The Monitoring Officer summarised the debate and agreed to continue with the provision of training which would include planning decision-taking and behavioural issues.

RESOLVED – *that the Standards Committee notes the above-mentioned issues and actions.*

615 CODE OF CONDUCT – DRAFT GUIDANCE

The Monitoring Officer presented the Public Services Ombudsman for Wales' draft guidance for the Code of Conduct (previously circulated). He advised that the consultation period extended until 12 February 2010 and that the Committee's views could be given as a response to the consultation. He also advised that although the new Code of Conduct was better than the previous version, the consensus of his monitoring officer colleagues was that there was insufficient guidance on interpreting the Code.

Councillor Thomas likened the Code of Conduct to a set of rules that could be unreasonable and over-prescriptive. He advocated a reasonable and common sense approach when considering allegations of misconduct, and favoured a briefer guidance document written in plain language.

For matters of interpretation Mr Halliday referred to the Ombudsman's role in applying common sense and filtering out inappropriate or vexatious complaints.

Councillor Jones queried how, under the Code of Conduct, councillors could effectively support the communities they were elected to represent in instances where community interests could be outweighed by the interests of the authority as a whole? Councillor Davies referred to this and the election of Gwynedd Council members who had been elected with a mandate to oppose school closures.

The Monitoring Officer advised that the Code of Conduct attempted to introduce the 'Nolan' principles for ethical conduct in public service into a workable code. He agreed that the guidance should not be overly complicated or difficult to read. In reference to acting in the interests of a councillor's ward or electoral division the Monitoring Officer acknowledged that there could be difficulties because of personal interests under the Code of Conduct. In these instances a test of 'reasonableness' would be important and gave an example of how a strong view from a community poll or other demonstration of community opinion could be helpful in evaluating reasonable conduct. The Monitoring Officer advised that Members should discuss individual cases with him in order for appropriate advice to be given.

616 DATE OF NEXT MEETING

The date of the next meeting was confirmed as Friday 26 February, 2010 at 10 a.m. in County Hall, Ruthin.
