

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1B, County Hall, Ruthin on Friday 16th July 2010 at 10am.

PRESENT

Mr C B Halliday (Chair), Ms M E Medley, Mr G F Roberts and Mrs P White

ALSO PRESENT

Monitoring Officer (IKH); L Jones (Solicitor) and Scrutiny Support Officer (EC)

APOLOGIES

None were received.

The Monitoring Officer advised those present that since there was no representation from Denbighshire County Council Members, the meeting was inquorate. The Committee decided to proceed with the meeting and refrain from any decision making which County and Community Council Members should be present for.

1 URGENT MATTERS

There were no urgent matters raised.

2 MINUTES

The minutes of the meeting held on the 21st May 2010 (previously circulated) were submitted.

Matters Arising:

Page 3, Resolution (b) – The Monitoring Officer reported that, following the letter of thanks he had sent to the Adjudication Panel for Wales, he had received very appreciative feedback from them.

Page 4, STANDARDS AND ETHICS CONFERENCE – Members discussed the practicability of calling in Town and Community Council Members to be part of the training programme for County Council. The Monitoring Officer would look into the feasibility and advise members accordingly.

RESOLVED that the minutes of the Standards Committee held on the 21st May 2010 be confirmed as a true and correct record.

3 ATTENDANCE AT MEETINGS

The Chair reported that he had attended Prestatyn Town Council on Wednesday 7th July and referred Members to a letter (circulated during the meeting) which described his input into the meeting and the outline he delivered on the “Public Ombudsman in Wales – Members Code of Conduct”.

The Chair went on to say that during discussion on the 'Code of Conduct', debate arose about the use of informal language in meetings particularly the use of first names when addressing Members. He reported that following the meeting, he had received an invitation from Town and County Councillor M. J. Eckersley to return to Prestatyn Town Council at a later date and discuss the Code of Conduct in more detail, to which he had agreed to discuss with the Standards Committee.

The Monitoring Officer was conscious of maintaining neutrality across the board and was aware that there were varying degrees of traditionalism within committees. Mr G.F. Roberts also aired apprehension as to how un-comfortable it may become for the Chair to discuss these matters as a lone representative. Following deliberation, the Monitoring Officer agreed the most appropriate way forward was for him to contact Cardiff Standards Committee for advice and then liaise directly with Councillor Eckersley before committing to the arrangement, as there was an opportunity to discuss other Standards issues and promote Code of Conduct Training possibly at the same time.

Mrs. M E Medley reported that she had attended a St. Asaph Town Council meeting recently and felt that the management of the meeting i.e. professionalism and order - had improved significantly from previous meetings she had attended there. The Chair questioned the possibility of Mrs Medley's prior confirmation of attendance, as a Member of the Standards Committee, having an affect on the Town Council Members' behaviour at that meeting. He felt that this may have compelled Members to be on their "best behaviour". Mrs Medley felt that this was not the case.

RESOLVED that the Standards Committee:

- (a) *notes the updates and feedback from Members who had attended local Town and Council Meetings, and that*
- (b) *The Monitoring Officer would liaise with Councillor M.J. Eckersley and Cardiff Standards Committee in making a decision regarding the Chair's return to Prestatyn Town Council to discuss the Code of Conduct in more detail.*

4 PUBLIC SERVICES OMBUDSMAN FOR WALES' ANNUAL REPORT 2009/10

The Monitoring Officer distributed copies of the "Ombudsman Annual Report 2009/10" with particular reference to the "Code of Conduct". Following some background into the role of the Public Services Ombudsman for Wales, the report detailed the increase in the number of complaints received, the nature of the complaints and the Ombudsman's areas of concern.

During the consideration of the report, the Committee's discussion included the following points:

- The largest amount of complaints were reported to be within "promotion of Equality and Respect".
- The report didn't offer any details regarding the outcomes of the complaints as due to the large volume, the Ombudsman had decided not to carry out investigations

- The general view was that the Ombudsman system was very effective as it was a central point of reference and referral was on an all- Wales basis.
- There would, inevitably, be occasions where “breaching” the Code of Conduct could be arguable – i.e. if there would be merit in taking it further or whether the matter could be effectively resolved locally without referral to the Ombudsman. Each case was unique.
- The Monitoring Officer confirmed that Denbighshire County Council was, in terms of volume and seriousness of complaints, on par with the majority of Authorities in Wales

Mrs Medley questioned whether cases were often referred to the Ombudsman as it was thought to have more “clout” than reporting locally. The Monitoring Officer explained that the general practice was that if a decision / resolution offered locally was not agreed by the complainant, they would then escalate to the Ombudsman – but principally – local advice would be the first port of call.

The Chair sought clarification on the term on page 9 of the Code of Conduct (2nd to last paragraph) “The Principles are not part of the Model Code”. The Monitoring Officer explained that there had been an ongoing debate as to whether the principles should be wholly adopted as there was a risk of reprimand should the very broad Nolan principles not be followed meticulously. He confirmed that this was why the principles, as referred to in this paragraph, were not a strict part of the model code.

Members agreed the comprehensive report was very helpful, however they felt there would be some degree of continual debate surrounding some of the values i.e. “openness and Honesty”

RESOLVED that the Standards Committee receives and notes the Ombudsman’s Annual Report 2009/10

5 PUBLIC SERVICES OMBUDSMAN FOR WALES’ GUIDANCE ON “THE CODE OF CONDUCT FOR MEMBERS OF LOCAL AUTHORITIES IN WALES”

Members had included discussion points from this item in the previous item and were therefore asked by the Chair for any further comments or questions specific to the Code of Conduct (COC) to be raised.

The Monitoring Officer advised that the COC would continue to be reviewed by the Ombudsman and therefore Members comments were always welcome.

Members discussed the possibility of conflicts of interest referred to in the COC, i.e. the possibility of a Members’ personal Involvement in a matter compromising their integrity in decision making. Following deliberation, Members were of the view that it was the Individual’s obligation to disclose a personal interest – should it be deemed necessary under the COC.

5 URGENT ITEMS

Members referred to the absence of County Council Members at the meeting and were surprised and disappointed that Councillors had been unable to tender their apologies.

Next Meeting confirmed: 10.00am Friday 24th September (Conference Room 1, Ty Nant, Prestatyn)

The meeting concluded at 10.55 am

Report to: Standards Committee

Report by: Monitoring Officer

Date: 24 September 2010

Subject: Dispensations

1 DECISION SOUGHT

- 1.1 To consider a request from Rhyl Town Council members to amend the level for dispensation granted to those members who have an interest in the Clwyd Coast Credit Union from £500 as approved by the Standards Committee on 29th May 2009 to £3,000.

2 BACKGROUND

- 2.1 At your Committee's meeting of 29th May 2009 consideration was given to a number of requests for dispensation for Rhyl Town Council members, one of which related to Clwyd Coast Credit Union.
- 2.2 The request was supported by a letter from the Town Clerk who reported that the Credit Union was a highly successful non profit making financial co-operative run for the benefit of its members and the local community and was one of the bodies which made applications to the Town Council for funding under the Council's Annual Grant Scheme.
- 2.3 One third of the Town Councillors and/or their families are members of the co-operative and support the organisation by depositing monies or receiving support from the organisation. This has resulted in Rhyl Town Council members, quite properly, declaring interests when the grant application is being considered. This has led to the Town Council's meetings becoming inquorate and consideration of applications having to be deferred.
- 2.4 It was suggested to your Committee that dispensation could be granted under paragraphs (d) or (e) of paragraph 2 of the Standards Committees (Grant of Dispensations) (Wales) 2001 at Appendix 1 to this report.
- 2.5 At the time of your Committee's previous meeting the Public Service Ombudsman's Guidance on the Code of Conduct had not been published. The Committee was however influenced by the new provision introduced into the 2008 Code of Conduct that provided an automatic dispensation for members appointed to outside bodies where the grant funding awarded did not exceed £500. The Committee felt that this threshold could reasonably be applied to a situation in which members had a personal and prejudicial interest and thus the dispensation was granted.

- 2.6 The Ombudsman has now published his guidance from which it is clear that if the request to the amendment is granted it will need to apply both to those Town Councillors who are members of the Credit Union by virtue of having been appointed by the Town Council and those who are members in a private capacity. Hence the two parts to the recommendation below.
- 2.7 At my request the Rhyl Town Council have given consideration to what would be an appropriate level. It seems to me that the objective is one of balancing out the various interests which include support for organisations providing community benefit, recognising the proper involvement of local members in organisations supporting the community, openness and transparency arising from the recording of interest coupled with a separate regime to provide dispensations and the need to enable Councils to deal with their business in a timely manner.
- 2.8 I set out below supporting information provided by Rhyl Town Council's Town Clerk.-

The Town Council operates a Grant Scheme each year in which applications are invited for any purpose from organisations benefiting Rhyl - no maximum financial limit is stated but the Council allocates a set sum for all the applications received and then awards based on the individual merits of each application. The Grant Scheme is always oversubscribed. On more than one occasion the application from the Credit Union has had to be deferred due to the number of members present declaring prejudicial interests resulting in the meeting becoming in-quorate. The effect of this is that the Council has to preserve a specific sum from the Grant Budget to meet the application. This results in the application from the Union being treated differently to other applications who are competing for a share of the remaining oversubscribed budget.

Since 2001 the following Grants have been awarded to the Credit Union (Grants were awarded previous to 2001 but information not readily at hand - the Council also provided the initial £4000 required to start the Credit Union when it was instigated).

Year	Amount Applied for	Amount Awarded
2001	£1,000	£1,000
2002	Did not apply	-
2003	£500	£500 Following 2 in-quorate meetings
2004	£4,000	£500
2005	£5,000	£5,000
2006	£4,000	£4,000
2007	£5,000	£5,000
2008	£5,000	£5,000
2009	£7,400	£5,000
2010	£5,000	£4,000

In addition to the Grant application the Council frequently has to determine non financial items relating to the Credit Union - for example hosting of visits by dignitaries to the Credit Union, use of Town Council meeting rooms, use of Town Crest on Credit Union stationary etc.

- 2.9 Members may take some further assurance from the fact that any dispensation granted would run only to the next local government elections in May 2012 when it would be open for Rhyl Town Council members to make a fresh request having regard to the circumstances then prevailing.

3 RECOMMENDATION

- (a) That having regard to the above factors members consider whether or not to amend the dispensation for those members of Rhyl Town Council having an investment (either debit or credit) with the Clwyd Coast Credit Union from £500 as resolved on 29th May 2009 to £3000.
- (b) That dispensation be granted for those members of Rhyl Town Council who are solely the Council's appointees to the Clwyd Coast Credit Union having no personal financial interest in the Union to determine grant applications up to a maximum of £3000.

Contact Officer: Ian Hearle, Head of Corporate Governance and Monitoring Officer
e-mail: ian.hearle@denbighshire.gov.uk Tel: 01824 712562

Rheoliadau Pwyllgorau Safonau (Caniatau Gollyngiadau) (Cymru) 2001

Yr amgylchiadau lle gellir caniatáu gollyngiadau

2. Caiff pwyllgor safonau awdurdod perthnasol ganiatáu gollyngiadau o dan adran 81(4) o'r Ddeddf -

(a) os oes gan ddim llai na hanner aelodau'r awdurdod perthnasol neu hanner aelodau un o bwyllgorau'r awdurdod (yn ôl fel y digwydd) y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw;

(b) os oes gan ddim llai na hanner aelodau gweithrediaeth arweinydd a chabinet y mae'r busnes i gael ei ystyried ganddo fuddiant sy'n berthnasol i'r busnes hwnnw a bod naill ai paragraff (ch) neu baragraff (d) hefyd yn gymwys;

(c) yn achos cyngor sir neu gyngor bwrdeistref sirol, os byddai anallu aelod i gymryd rhan yn tarfu ar gydbwysedd gwleidyddol yr awdurdod perthnasol neu'r pwyllgor o'r awdurdod y mae'r busnes i'w ystyried ganddo i'r fath raddau nes y byddai'r canlyniad yn debygol o gael ei effeithio;

(ch) os yw natur buddiant yr aelod yn gyfryw fel na fyddai cyfranogiad yr aelod yn y busnes y mae'r buddiant yn berthnasol iddo yn niweidio hyder y cyhoedd yn y modd y mae busnes yr awdurdod perthnasol yn cael ei gynnal;

(d) os yw'r buddiant yn gyffredin i'r aelod ac i gyfran arwyddocaol o'r cyhoedd;

(dd) os oes cyfiawnhad i'r aelod gymryd rhan yn y busnes y mae'r buddiant yn berthnasol iddo oherwydd rôl neu arbenigedd penodol yr aelod;

(e) os yw'r busnes y mae'r buddiant yn berthnasol iddo i'w ystyried gan bwyllgor trosolygu a chraffu i'r awdurdod perthnasol ac nad yw buddiant yr aelod yn fuddiant ariannol;

(f) os yw'r busnes sydd i'w ystyried yn berthnasol i arian neu eiddo corff gwirfoddol y mae'r aelod yn aelod o'i bwyllgor neu ei fwrdd rheoli heblaw fel cynrychiolydd yr awdurdod perthnasol ac nad oes gan yr aelod unrhyw fuddiant arall yn y busnes hwnnw ar yr amod na fydd unrhyw ollyngiad yn ymestyn i gymryd rhan mewn unrhyw bleidlais mewn perthynas â'r busnes hwnnw; neu

(ff) os yw'n ymddangos i'r pwyllgor ei bod o les i drigolion ardal yr awdurdod perthnasol i'r anallu gael ei godi, ar yr amod bod hysbysiad ysgrifenedig bod y gollyngiad yn cael ei ganiatáu yn cael ei roi i Gynulliad Cenedlaethol Cymru o fewn saith diwrnod a hynny mewn unrhyw fodd y gall ei bennu.

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

Circumstances in which dispensations may be granted

2. The standards committee of a relevant authority may grant dispensations under section 81(4) of the Act where -

(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;

(c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

(d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;

(e) the interest is common to the member and a significant proportion of the general public;

(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

(g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

(h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

Conference Programme

**Standards Conference Wales 2010
'Theory into Practice'**

14th October 2010, Cardiff City Hall

9.15 – 10.00am	Registration & Tea / Coffee
10.00 - 10.15am	Welcoming address Jon House - Chief Executive, Cardiff Council
10.15 - 11.30am	Panel Session - 'A view from here: perspectives on the ethical framework and how it's working in Wales' Speakers will include: <ul style="list-style-type: none"> • Peter Davies - President, Adjudication Panel for Wales • Peter Tyndall - Public Services Ombudsman for Wales • Paul Hoey - Standards for England • Elected Member (<i>to be confirmed</i>) • Standards & Ethics Committee Member (<i>to be confirmed</i>)
11.30 - 12.00pm	Tea / Coffee
12.00 - 1.00pm	Workshops - Session One <ol style="list-style-type: none"> 1. Code of Conduct Guidance 2. Town & Community Council Issues 3. Police Authority Issues 4. Standards & Ethics Committee Hearings
1.00 -2.00pm	Lunch
2.00 – 3.00pm	Workshops - Session Two <ol style="list-style-type: none"> 5. Code of Conduct Guidance 6. So you want to be a Monitoring Officer? 7. Engaging with new social media 8.. Proactive Standards & Ethics Committees
3.00 – 3.30pm	Tea/Coffee
3.30 – 4.00pm	Discussion and Closing Remarks Akmal Hanuk - Chair, Standards & Ethics Committee, Cardiff Council
4.00pm	Close