

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 2, County Hall, Ruthin on Friday, 6th May, 2011 at 10.00 a.m.

PRESENT

Mr C.B. Halliday (Chair), Councillors G.A. Green, D.E. Jones and H.L.I. Jones, Mr G.F. Roberts, Ms M.E. Medley and Mrs P. White.

ALSO PRESENT

Monitoring Officer (JK), Deputy Monitoring Officer and Solicitor: Corporate Governance (LJ) and Administrative Officer (C.I. Williams).

The Chair and Members of the Committee extended a welcome to Councillor D.E. Jones the new Town and Community Council representative member on the Standards Committee. In response to a request from Mr G.F. Roberts, it was agreed that Councillor D.E. Jones telephone number and address details be circulated to Members of the Standards Committee for information purposes.

894 APOLOGIES

895 DECLARATIONS OF INTEREST

RESOLVED – that no Members declared any personal or prejudicial interests in any business identified to be considered at this meeting.

896 URGENT MATTERS

In accordance with the requirements of Section 100B(4) of the Local Government Act 1972, the Chair declared that he intended to include for discussion the following matter requiring urgent attention under Part I:-

Declaration of interests

897 MINUTES

The Minutes of the Standards Committee held on Friday, 11th March, 2011 were submitted.

Matters arising:-

5. Attendance at Meetings – The Deputy Monitoring Officer informed the Committee that details in respect of the provision of training for Chairs and Vice Chairs of Town and Community Councils would be available at the next meeting of the Standards Committee.

5. Attendance at Meetings – In reply to a question from Councillor G.A. Green, Deputy Monitoring Officer confirmed that a review of complaints had been agreed by the Committee and work was currently being undertaken to produce an internal protocol to advise the Standards Committee, at the initial development, of complaints lodged with the Ombudsman. Members of the Committee agreed with a suggestion by Councillor Green that a copy of the draft Protocol be circulated to Members of the Standards Committee for consideration, prior to being presented to the Chief Executives Team and Group Leaders.

In response to a question from Councillor D.E. Jones, the Chair provided an outlined the procedure and protocol for the attendance at Town and Community Council meetings of Standards Committee Members. He explained that Members could inform the Clerk of the respective Council of their intention to attend a meeting, attend unannounced or as a member of the public. Members agreed with a request from Ms M.E. Medley that details of dates be sought, and circulated to Members of the Standards Committee, for future meetings of all Town and Community Councils in Denbighshire.

In reply comments from Councillor H.L.I. Jones in respect of the importance of the timing of the provision of training for the Chairs and Vice Chairs of Town and Community Councils, the Chair confirmed that it had been agreed, and procedures introduced, that training be provided for the Chairs and Vice Chairs of Town and Community Councils.

6. Adjudication Panel for Wales Annual Report – In response to a question from the Chair, the Deputy Monitoring Officer explained that only an eighth of the Appeals arising from decisions made by Standards Committees across Wales had been overturned.

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

898 ATTENDANCE AT MEETINGS

The Deputy Monitoring Officer informed the Committee that there were no written reports relating to the attendance by Members of the Standards Committee at County, Town or Community Council meetings.

***RESOLVED** – that the report be received and the position noted.*

899 OVERVIEW OF COMPLAINTS TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

A copy of a report by the Monitoring Officer, which provided Members with an overview of complaints lodged with the Public Services Ombudsman for Wales over the first quarter of 2011, and to introduce the concept of a 'Self Regulatory Protocol' currently under development, had been circulated with the papers for the meeting.

The Deputy Monitoring Officer provided a summary of the report and provided the Standards Committee with an overview of complaints against County, Town and Community Councillors and informed the Committee of the proposed development of a 'Self Regulatory Protocol' regarding complaints. She explained that the role of the Standards Committee was to promote and maintain high standards of conduct amongst Members and to assist them to keep to the Code of Conduct. The Standards Committee had previously raised some concern over the number of complaints made between Members, which may relate to minor complaints and themselves not sufficiently have been serious enough to be referred to the Ombudsman as breaches of the Code of Conduct.

It was explained that Paragraph 6(1) of the Members' Code of Conduct stated that Members must not make vexatious, malicious or frivolous complaints against other Members, this itself would be a breach of the Code. The Committee had previously expressed concern that the Code may have, on occasions, been used as a political tool and that this was not its' purpose. The Committee also requested to be informed regularly with information on the level and nature of Member-Member complaints.

A Self Regulatory Protocol was currently being developed and when finalised a report enclosing the Protocol would be presented to the Standards Committee for consideration. The purpose of the Protocol being to establish a procedure for those complaints which may not reach the threshold to become a breach, to be dealt with under a local procedure; and that which justified a formal complaint to be referred to the Ombudsman. If adopted, it was intended that the Protocol would sit alongside the Code of Conduct and not replace it. The detail in the Code was still under development and the current proposal would involve a commitment from Group Leaders and one Member, in rotation, from the Standards Committee. The extension of such a Protocol to all Town and Community Councils would also need to be considered at a future meeting of the Standards Committee.

An overview of complaints submitted since the 1st January, 2011 had been included in the report for information purposes. In response to questions from Councillor G.A. Green a summary of the complaints, and an outline of their nature, was provided by the Deputy Monitoring Officer.

During the ensuing discussion it was agreed that Members of the Standards Committee be informed at the initial stage, for information purposes and devoid of any details, of any future complaints lodged.

RESOLVED –that:-

- (a) *the Standards Committee receives and notes the contents of the report.*
- (b) *the Self Regulatory Protocol be reported to the next meeting of the Standards Committee, and*
- (c) *Members of the Standards Committee be informed at the initial stage of any future complaints lodged.*

900 NORTH WALES STANDARDS COMMITTEE MEETING

The Deputy Monitoring Officer referred to the North Wales Standards Committee meeting, held on the 15th April 2011, which had been attended by the Vice Chair of the Standards Committee, the Monitoring Officer and Deputy Monitoring Officer. Members were informed that the next North Wales Standards Committee meeting of Standards Committee Chairs, Vice Chairs and Monitoring Officers would be held on the 10th June, 2011 at 10.00 a.m. at Conwy Business Centre, Llandudno Junction to further scope out a North Wales specific event.

The Monitoring Officer explained that the North Wales Standards Committee had been well attended by representatives from all the North Wales Authorities. It had been an extremely productive meeting with various Authorities providing details pertaining to the operation of their respective Standards Committees. Each of the Authorities had expressed their support for the concept of developing a North Wales meeting, which would consist of workshops and joint training to assist in achieving a consistency of approach amongst all the North Wales Authorities, the introduction of best practise and the promotion of the role of Standards Committees. The opportunity would also be provided for a North Wales Group to make representations to the Ombudsman, and possibly for the Ombudsman to attend a future meeting of the Group, and for the examination of protocols such as the Self Regulation Protocol.

The Vice Chair informed Members of the practice adopted by Conwy County Borough Council Standards Committee, where informal meetings had been held at the initial stage of a complaint in an attempt to address or overcome a problem, Councillor G.A. Green questioned whether this particular practice could prejudice the attendance of a Standards Committee Member at any subsequent Hearing.

In reply to a request from the Vice Chair, it was agreed that the possibility of circulating copies of the County Council Minute Book to Members of the Standards Committee be examined. The Committee also agreed that a Future Work Programme be developed for the Standards Committee and included on future agendas for meetings of the Committee.

Members were informed of the date of the Standards Conference Wales 2011 to be hosted by Powys County Council on the 5th October, 2011. It was explained that an invitation to attend had been extended to all Members of the Standards Committee.

RESOLVED – that:-

- (a) *the Standards Committee receives the report.*
- (b) *the possibility of circulating copies of the County Council Minute Book to Members of the Standards Committee be examined, and*
- (c) *a Future Work Programme be developed for the Standards Committee and this item be included on future agendas for the meeting.*

901 PRESENTATION ON THE ROLE OF THE STANDARDS COMMITTEE AND THE MEMBER'S CODE OF CONDUCT

A copy of the presentation to be received by Members of the Committee was circulated at the meeting.

The Deputy Monitoring Officer referred to the appointment of the new Town and Community Council Member, Councillor D.E. Jones, and with the aid of a PowerPoint presentation provided Members of

the Committee with an overview of the role of the Standards Committee which highlighted and detailed the following areas:-

- Introduction to the Standards Committee.
- Members of the Committee.
- Meetings.
- Role of the Standards Committee.
- Policing the Standards Regime.
- The Role of the Public Services Ombudsman for Wales.
- Public Services Ombudsman for Wales – Options Available.
- Referral by the Public Services Ombudsman for Wales to Monitoring officers.
- Duties of the Standards Committee (Allegation of Breach of Code).
- Duties of the Standards Committee (Dispensations).
- Grounds of Dispensation.
- Role of the Monitoring Officer.

In reply to a question from Councillor G.A. Green, the Monitoring Officer confirmed that she and the Deputy Monitoring Officer were available to provide information and guidance to Members in respect of the Code of Conduct, particular reference being made in respect of issues pertaining to prejudicial Interests. The Deputy Monitoring Officer referred to the Flow Chart which had been circulated to Members of the Committee for information purposes.

Members thanked the Deputy Monitoring Officer for the presentation on the Role of the Standards Committee, and agreed that a presentation in respect of the Members' Code of Conduct be provided at the next meeting of the Standards Committee.

RESOLVED – *that:-*

- (a) *the presentation be received, and*
- (b) *a presentation in respect of the Members' Code of Conduct be provided at the next meeting of the Standards Committee.*

902 DECLARATION OF INTERESTS

A Member of the Standards Committee informed the meeting of a situation which had arisen in respect of their personal circumstances and their role as a County Councillor. Details pertaining to the situation were outlined by the Member for information purposes.

The Chair and Members of the Committee noted the comments made, and having considered the views expressed by the Monitoring Officer and the Deputy Monitoring Officer, the Committee agreed that the respective Member of the Standards Committee had adhered to, and complied with, the requirements of the Code of Conduct, in respect of Prejudicial and Personal Interests.

RESOLVED – *that the position be noted.*

Meeting ended at 11.35 a.m.
