

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1b, County Hall, Ruthin on Friday, 11th March, 2011 at 10.00 a.m.

PRESENT

Councillor G.A. Green, Mr G.F. Roberts, Ms M.E. Medley and Mrs P. White.
Councillors W.L. Cowie and M.LI. Davies attended as Observers.

ALSO PRESENT

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

1. APOLOGIES

Mr C.B. Halliday (Chair), Councillor H.LI. Jones and the Monitoring Officer (JK).

In the absence of the Chair, Mr C.B. Halliday, the Vice Chair, Mr G.F. Roberts took the Chair for the meeting.

The Committee extended their best wishes to the Chair and wished him a prompt recovery.

2. DECLARATIONS OF INTEREST

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

3. 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.

4. MINUTES

The Minutes of the Standards Committee held on Friday, 17th December, 2010 were submitted.

Matters arising:-

5. Attendance at Meetings – The Solicitor: Corporate Governance informed the Committee that a training needs analysis survey was currently being undertaken in

respect of County Council Members. She explained following discussions with the Member Development and Support Manager, it had been agreed that Chairs and Vice Chairs of Town and Community Councils be invited to attend training sessions and a further progress report would be submitted to the next meeting of the Standards Committee.

In reply to a question from Councillor G.A. Green, it was explained that each County Council Member would be interviewed to ascertain their individual training needs and requirements. In response to a request from Members of the Committee, the Solicitor: Corporate Governance agreed that an invitation to attend training sessions be extended to Members of the Standards Committee.

8. Urgent Items. (4) Standards Committee Members Details – The Solicitor: Corporate Governance circulated copies of a list of personal details pertaining to Members of the Standards Committee, as agreed at the previous meeting of the Committee.

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

5. ATTENDANCE AT MEETINGS

The Solicitor: Corporate Governance 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.

Councillor G.A. Green informed the Committee that he had attended Prestatyn Town Council meetings and said that he felt that an excessive number of ongoing complaints had been lodged with the Ombudsman in respect of Members of the Town Council. Councillor Green did not refer to the nature of any of the complaints lodged. However, he expressed concern that the Code of Conduct might be used as a political tool and suggested that representations be made to the Ombudsman's Office highlighting the concerns raised and suggesting that a process be introduced whereby complaints could be filtered, at a local level, prior to being officially lodged with the Ombudsman.

The Chair confirmed that complaints had previously been addressed at a local level and then forwarded to the Ombudsman, however, under the present system complaints were now submitted directly to the Ombudsman. The Solicitor: Corporate Governance informed Members that an item regarding this issue had been included on the agenda of the North Wales Standards Committees for discussion and consideration.

Members of the Committee agreed that, prior to making representations to the Ombudsman, the Monitoring Officer be invited to submit an Annual Report to the Standards Committee, for information purposes, which provided an overview and details relating to the number of complaints lodged with the Ombudsman. The Solicitor: Corporate Governance confirmed that it would be important to ensure that

any information provided did not compromise the position of the Committee in respect of any future hearings or investigations.

RESOLVED – *that:-*

- (a) the report be received and the position be noted, and*
- (b) the Monitoring Officer be invited to submit an Annual Report to the Standards Committee, for information purposes, which provided an overview and details relating the number of complaints lodged with the Ombudsman.*

6. TOWN AND COMMUNITY COUNCIL MEMBER VACANCY

The Solicitor: Corporate Governance informed the Committee that four nominations had been received from Llangollen, Llandegla, Llanferres and Llanynys Town and Community Councils respectively for the vacancy of Town and Community Council Member on the Standards Committee. She informed Members that the four nominations would be submitted in a report to County Council on the 12th April, 2011. Details pertaining to the names of the nominees were provided for Members of the Committee at the meeting.

Following a brief discussion, it was:-

RESOLVED –*that the Standards Committee note the position.*

7. ADJUDICATION PANEL FOR WALES ANNUAL REPORT 2010

Members were informed that a copy of the Adjudication Panel for Wales Annual Report had been circulated to Members of the Standards Committee at its meeting on the 17th December, 2010.

The Solicitor: Corporate Governance responded to questions from Members and provided details of the appointment process for the Panel, and confirmed that a Lay Member had been included in its constitution.

Councillor G.A Green expressed the view that the work undertaken by the Panel had been commendable, and that the report had been fair and equitable.

It was explained by the Solicitor: Corporate Governance that the Panel dealt with the more serious allegations referred directly from the Ombudsman. She confirmed that only an eighth of the Appeals addressed by the Panel had been overturned, which had endorsed the decisions taken by the Standards Committees across Wales.

The Members agreed with the suggestion put forward by the Chair that the Standards Committee expresses the view, at the meeting of the North Wales Standards Committees, that they were pleased with the work undertaken by the Adjudication Panel for Wales.

RESOLVED – *that the Standards Committee:-*

- (a) receives the report and notes its contents, and
(b) expresses its view, at the meeting of the North Wales Standards Committees, that they were pleased with the work of the Adjudication Panel for Wales

8. STANDARDS CONFERENCES 2011

(i) Standards Conference Wales 2011

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.

A number of Members referred to their attendance at previous Standards Conferences and highlighted the value and benefits experienced and the knowledge gained.

RESOLVED – that the report be received.

(ii) Proposed meeting of the North Wales Standards Committees

Members were informed of the proposed meeting, at Conwy County Borough Council on the 15th April 2011 to be attended by Monitoring Officers, Chairs and Vice Chairs of North Wales Standards Committees, to discuss the potential for a North Wales Standards Committee event. The Solicitor: Corporate Governance sought observations in respect of topics which Members would wish to be considered at future meetings of the North Wales Standards Committees conference events. She referred to the wide ranging issues considered at the Work Shops of last year's All Wales Conference, these included issues pertaining to Town and Community Councils, the Police Authority, Proactive Standards and Ethics Committee Hearings, the role of Monitoring Officers, the Code of Conduct Guidance and Engaging the New Social Media.

Councillor G.A. Green felt that the work shop pertaining to the Code of Conduct could have been portrayed more realistically, and emphasised the importance, to all Councils, of the Declaration of Interests and how prejudicial interests could be perceived under various differing circumstances. He made particular reference to the dangers relating to Social Media and the possible risks to all individuals who participate or respond to comments made on social media network sites such as Blogs or Twitter.

During the ensuing discussion, Members of the Committee agreed with a suggestion from the Chair that guidance be sought, at the meeting of the North Wales Standards Committees, regarding the acceptability of the number of complaints raised with the Ombudsman.

RESOLVED – that the Standards Committee request that the following areas be put forward as suggested discussion items at workshops: Social Media, Personal and Prejudicial Interests and Frivolous Complaints.

9. THE MEMBERS CODE OF CONDUCT AND REGISTER OF INTERESTS

Members of the Committee were informed of the correspondence recently distributed to Members of the County Council regarding the Register of Interests and a copy of a pocket guide to the Code of Conduct. The Chair suggested that the North Wales Standards Committees be informed of the distribution of the pocket guide to the Code of Conduct for information purposes.

The Solicitor: Corporate Governance explained that, following a suggestion from the Wales Audit Office, a form had been circulated to Members which would enable them to update their Register of Interests. She confirmed that this was a house keeping exercise undertaken within Democratic Services to update the Register which was a public document. In reply to a question from the Chair, the Solicitor: Corporate Governance agreed to seek advice from the Monitoring Officer, as to whether or not Members of the Standards Committee should be required to complete the form, and provide a response to all Members of the Committee.

Members of the Committee agreed with the view expressed by Councillor G.A. Green that the excellence of the Flow Chart should be recorded, and those involved in its production should be commended. Members also agreed that a copy of the pocket guide to the Code of Conduct, including the flow chart, be circulated to each of the Clerks of the Town and Community Councils for distribution to Members of their respective Committees.

RESOLVED – that the Standards Committee:-

- (a) receives the report, and
- (b) requests that that a copy of the pocket guide to the Code of Conduct, including the flow chart, be circulated to each of the Clerks of the Town and Community Councils.

Meeting ended at 11.05 a.m.

Agenda Item no: 6

REPORT TO: Standards Committee

REPORT BY: Monitoring Officer

DATE: 6th May 2011

SUBJECT:

1. PURPOSE OF REPORT

To provide 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.

2 BACKGROUND

2.1 The role of the Standards Committee is to promote and maintain high standards of conduct amongst Members and to assist them to keep to the Code of Conduct. The Standards Committee has previously raised some concern over the number of complaints made between Members which may relate to minor complaints and themselves not sufficiently serious enough to be referred to the Ombudsman as breaches of the Code of Conduct.

2.2 Paragraph 6(1) of the Members' Code of Conduct states that Members must not make vexatious, malicious or frivolous complaints against other Members, this itself is a breach of the Code. The Committee has previously expressed concern that the Code may on occasion be 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.

2.3 A Self Regulatory Protocol is currently being developed and when finalized a report enclosing the Protocol will be brought to the Standards Committee for consideration. The purpose of the Protocol is 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 justifies a formal complaint to be referred to the Ombudsman. If adopted, the Protocol is intended to sit alongside the Code of Conduct, it would not replace the Code. The detail in the Code is still under development, but the current proposal will 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 will also need to be considered by the Standards Committee at a future meeting of this Committee.

2.4 The following table provides the Standards Committee with an overview of complaints since 1st January 2011:

Authority	Alleged Complaint	PSOW Outcome	Source of Complaint
Prestatyn Town Council	Improper use of Authority resources	Not upheld/pursued	A member of the public
Denbighshire County Council	Personal/prejudicial interest	Not upheld/pursued.	Member – Member
Denbighshire County Council	Non declaration of personal interest	Ongoing	A member of the Public
Denbighshire County Council	Improper use of authority resources	Ongoing	Member – Member
Rhyl Town Council	Breach of Confidentiality	Not upheld/pursued.	Member – Member.

3 RECOMMENDATION

That Members note the contents of this report and the concept of the development of the Self Regulatory Protocol.