

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1b, County Hall, Ruthin on Friday, 15th July, 2011 at 10.00 a.m.

PRESENT

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

ALSO PRESENT

Monitoring Officer (MO), Deputy Monitoring Officer and Solicitor: Corporate Governance (DMO) and Administrative Officer (AO).

The Chair welcomed Mr N. Acott, Clerk to Prestatyn Town Council to the meeting.

1. APOLOGIES

None received

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

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:-

A Charter between Denbighshire's Town & Community Councils and Denbighshire County Council

A copy of a report by the Sustainable Asset Project Manager, which had been submitted to County Council on the 5th July, 2011, was circulated to Members of the Committee at the meeting.

The MO informed the Committee that due to a lack of time this item had been deferred by County Council, and it had been agreed that the matter would be considered at the next meeting of County Council.

In response to a question from Councillor D.E. Jones regarding the consultation period for the Charter which had been scheduled to end on the 31st August, 2011, the MO explained that as the report had not been considered by County Council on the 5th July, 2011, clarification would be sought from the Sustainable Asset Project

Manager regarding any amendments to the timetable. She confirmed that a notification letter detailing any amendments to the consultation period would be circulated accordingly.

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

4. MINUTES

The Minutes of the Standards Committee held on Friday, 6th May, 2011 were submitted.

Matters arising:-

Overview of complaints to the Public Services Ombudsman for Wales – In response to a question from Councillor G.A. Green regarding the request that information be provided to the Committee, on a regular basis, in respect of the level and nature of Member-Member complaints, the DMO explained that the Committee had, at its meeting in March, 2011, resolved that “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”. Councillor Green emphasised the need for Members of the Standards Committee to be informed on a regular basis, for information purposes, of any complaints received. The MO explained that a general overview could be provided, however, any information provided would need to be in the most general terms. The DMO referred to the procedure adopted for dealing with complaints and highlighted the importance of ensuring that the Committee’s position was not prejudiced or compromised in respect of complaints which could be referred to the Committee for consideration at a future date.

Members agreed that a report be submitted to each meeting of the Standards Committee informing Members of complaints received. Information provided in the report to be at the discretion of the Monitoring Officer.

7. North Wales Standards Committee Meeting – The MO referred to the request that copies of the County Council Minute Book be circulated to Members of the Standards Committee. She confirmed that a letter had been sent to Members of the Committee on the 9th May, 2011 explaining that, as part of the Council’s efficiencies, copies of the Minute Book had been published on the Councils’ website and copies were available for viewing in Public Libraries. Members were informed that copies of agendas would be forwarded electronically where possible, and copies sent by post to those Members who did not have access to a computer.

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

5. CODE OF CONDUCT COMPLAINTS

A copy of a report by the MO, which provided Members with a copy of the correspondence received from the Standards Committee of Powys County Council

directed to the Chair of Denbighshire County Council Standards Committee, had been circulated with the papers for the meeting.

The Committee's attention was invited to the correspondence, attached at Appendix 1 to the report, in which the Standards Committee at Powys County Council had communicated their concerns to their local Assembly Member regarding the non-referral by the Public Services Ombudsman for Wales to the Powys County Council Standards Committee in respect of certain matters which had been found to have been a breach of the Code.

The mechanisms prescribed by the Local Government Act 2000 and National Assembly for Wales Regulations made there under provide the formal route for dealing with allegations of breaches of the Member's Code of Conduct. In the first instance there must be a referral to the Public Services Ombudsman who would consider whether or not there appeared to be a breach of the Code of Conduct. The powers of the Ombudsman were clear in that it would be his decision to make a referral to the respective Standards Committee to issue the sanction or not. The Chair of Powys County Council had sought Denbighshire's views on whether the Committee itself should be the decision maker in respect of the appropriate sanction, on a localised level.

The Monitoring Officer expressed the opinion that the situation had arisen where Powys County Council had felt that the Ombudsman had exercised his discretion and not referred complaints to the Local Authority, when the matters in question should have been referred to the Council's Standards Committee. The MO explained that this had not been the case in Denbighshire, however, she suggested that this matter might be included on the agenda for consideration at the Standards Conference Wales 2011.

The Chair referred to Agenda Item Number 6, 'Self Regulatory Protocol', and the possible link between the issues in question. Mr G.F. Roberts highlighted the importance of affording members of the public the opportunity of submitting complaints directly to the Ombudsman.

Following further discussion, Members of the Committee supported the view expressed by Councillor G.A. Green that the Monitoring Officer formulates a response to the Chair of Powys County Council Standards Committee, expressing the view of the Denbighshire Standards Committee that this matter be referred to the Standards Conference Wales 2011 for consideration and guidance.

RESOLVED –that:-

- (a) *the Standards Committee receives and notes the contents of the report, and*
- (b) *the Monitoring Officer formulates a response to the Chair of Powys County Council Standards Committee, expressing the view that this matter be referred to the Standards Conference Wales 2011 for consideration and guidance.*

6. SELF REGULATORY PROTOCOL

A copy of a report by the Monitoring Officer, which provided Members with the draft 'Self Regulatory Protocol' currently under development, had been circulated with the papers for the meeting.

The DMO 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 serious enough to be referred to the Ombudsman as breaches of the Code of Conduct.

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 on occasion be used as a political tool, and that this was not its' purpose, and it 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 the current draft had been attached as Appendix 1 to the report. The purpose of the Protocol would be 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, the Protocol would sit alongside the Code of Conduct and would not replace the statutory Code. The detail in the Protocol was still under development, but 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 by the Standards Committee at a future meeting of this Committee.

A summary of the Denbighshire County Council, Member's Self Regulatory Protocol was provided for Members of the Committee and details pertaining to the following areas were highlighted:-

- General Principles.
- Working to avoid problems.
- Role of Group Leaders.
- Unaffiliated Members.
- Persistent Breaches.
- Standards Committee.

The action plan which had been included in the report, set out the consultation process prior to adoption. A copy of the draft Protocol would be provided to the Public Services Ombudsman for Wales early in the process, following feedback from Group Leaders, with any response reported to the Standards Committee at its' meeting in September, 2011. The DMO provided details of the consultation process and referred to the Member/Member Complaints Flowchart, particular reference

being made to the Chief Executives Team having highlighted that Group Leaders consider Complaints and Resolutions with the support of the Monitoring Officer.

Councillor G.A. Green questioned the involvement of Group Leaders in dealing with and considering complaints. He explained that each of the Group Leaders had differing characteristics, strengths and views and he also felt that political issues and connotations could possibly arise and possibly influence decisions. The Committee supported the view that the protocol reflect that the one Member, in rotation, be taken from the Independent Standards Committee membership only.

Members of the Committee supported the view expressed by the MO that a copy of the draft "Self Regulatory Protocol" be submitted to the Ombudsman's Office to seek confirmation in respect of the work undertaken with regard to the document to date.

RESOLVED –that the Standards Committee:-

- (a) receives and notes the contents of the draft Self Regulatory Protocol.*
- (b) agrees that a copy of the draft "Self Regulatory Protocol" be submitted to the Ombudsman's Office to seek confirmation in respect of the work undertaken to date, and*
- (c) recommends that the protocol reflects that the one Member, in rotation, be taken from the Independent Standards Committee Membership only.*

7. NORTH WALES STANDARDS COMMITTEE MEETING

The DMO referred to the North Wales Standards Committee meeting held on the 10th June, 2011, at Conwy Business Centre, Llandudno Junction, which she attended with the Chair and Vice Chair of the Standards Committee.

The DMO explained that the North Wales Standards Committee meeting had been very productive and provided a summary of the meeting. She explained that the North Wales Standards Committee had expressed the view that Members of the Standards Committee could deputise for Standards Committees Chair's or Vice Chair's at the meetings if they were unable to attend.

It was explained that the North Wales Standards Committee had expressed their support on the issue of joint training, and the possibility of holding a North Wales training event had been suggested. Members were informed that Monitoring Officers had provided training to Members of their respective Councils, and to Town and Community Councils. However, it had been suggested that an external trainer, with particular expertise in specific areas, be engaged to provide a different interpretation and perspective in respect of the Code of Conduct. It was explained that the cost incurred could be shared between the participating Local Authorities.

Councillor Green expressed his surprise at the lack of uniformity in respect of the application of standards across Local Authorities throughout Wales, with each Authority having a different perspective of the Code of Conduct. The DMO expressed the view inter Authority meetings were productive and highlighted the importance of sharing knowledge and learning from good practice.

The Chair expressed his appreciation for the report, and it was:-

RESOLVED – *that the Standards Committee receives the report.*

EXCLUSION OF PRESS AND PUBLIC

RESOLVED – *that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972.*

PART II

8. ATTENDANCE AT MEETINGS

The MO 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.

Mr G.F. Roberts provided a verbal report, and an in-depth summary, in respect of his visit to Llandegla Community Council. The DMO explained that any discussion in respect of this issue could prejudice the attendance of Standards Committee Members at any subsequent hearing. The Committee agreed that no further discussion take place in respect of this matter.

The Chair informed the Committee that he had attended the following Town and Community Council meetings:-

Prestatyn Town Council – The Chair explained that he had attended the Annual Meeting of Prestatyn Town Council which included the appointment of the Mayor. He explained that he had suggested an agenda item, Declaration of Interests, be included at the commencement of the meeting.

Llangynhafal Community Council – It was explained that the Llangynhafal Community Council meeting had been informal and no members of the public had been present.

Bodelwyddan Community Council – Members of the Committee were informed by the Chair that the Bodelwyddan Community Council meeting had been one the best ordered Town or Community Council meetings he had attended. He explained the meeting, which had been attended by one member of the public, had been very comprehensive and the first item on the agenda had invited Declarations of Interest.

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

Meeting ended at 11.30 a.m.

Report To: Standards Committee

Date of Meeting: 23rd September 2011

Lead Member / Officer: Cllr Hugh Evans (Leader) / Hywyn Williams (Strategic Director Learning and Communities)

Report Author: Sustainable Assets Project Manager

Title: A Charter between Denbighshire's Town & Community Councils and Denbighshire County Council

1. What is the report about?

- 1.1 The Charter between Denbighshire's Town & Community Councils and Denbighshire County Council represents Denbighshire's response to WG's 'Making the Connections' agenda. It is an important way in which DCC and Denbighshire's T&CC's can meet the needs of our local areas in a joined up way.
- 1.2 Through the two phase consultation, our Charter will be a vehicle to engage both DCC and T&CC stakeholders in a positive and collaborative way.
- 1.3 The formal adoption and signing of our Charter in December will celebrate the positive relationship we already have grown together. At the same time symbolising in a practical way the commitment from both DCC and T&CC's to develop this relationship further in order to safeguard and improve resident wellbeing in increasingly challenging and changing times.

2. What is the reason for making this report?

- 2.1 To provide information on the rationale and content of the Charter between Denbighshire's Town & Community Councils and Denbighshire County Council
- 2.2 To collect feedback from the Members of the Standards Committee to feed into the initial consultation phase of the Charter adoption.

3. What are the Recommendations?

- 3.1 For the Standards Committee to contribute to the initial consultation by providing any feedback on Charter content, including suggestions for activity to be undertaken by DCC to show commitment to the different agenda's: Mutual Acknowledgement, Information and Communication, Consultation and Engagement, Partnership and Joint Working, Practical Support & Training and Local Governance and Elections.

4. Report details.

- 3.1 For Council to signal initial support for the adoption of the Charter subject to consultation with all T&CC's.

3.2 For Council to contribute to the initial consultation by providing any feedback on Charter content, including suggestions for activity to be undertaken by DCC to show commitment to the different agenda's: Mutual Acknowledgement, Information and Communication, Consultation and Engagement, Partnership and Joint Working, Practical Support & Training and Local Governance and Elections.

4. Report details.

4.1 The draft Charter found in Appendix A has been developed by the T&CC Devolution and Empowerment Working Group, which is made up of 4 DCC representatives and 4 T&CC representatives. It is based in part on the Model Charter advocated by WG's 'Making the Connections' agenda, but learns from and encompasses the best practice found within other 2 tier government Charters from England and Wales.

4.2 The Charter is concise and transparent, outlining under 6 agenda headlines the commitments DCC and T&CC's will undertake respectively to ensure the benefit of joint working is realised for the wellbeing of our residents¹.

4.3 The Charter ends with a statement of the underlying ethics and standards on which the DCC and Denbighshire T&CC relationship is built. In addition, there is a statement on how the Charter will be reviewed and refreshed, where necessary, each year.

4.4 The final Charter will be printed and bound. Signatures of the Chairs of all local Councils who have commitment to the Charter will be scanned in and placed on the first page. To make explicit the values of aspiration and ambition that run through this Charter, the back page of the document outlines the powers and duties T&CC's can enact.

4.5 In 2007 the Welsh Assembly Government attended the St Asaph Cluster meeting of T&CC to gauge their views on establishing a Charter. There did not appear to be an appetite for a Charter as the 3 T&CC Clusters had been initiated and the dialogue between T&CC's and DCC was considered high.

4.6 It is now felt that there is a role to play for a Charter in Denbighshire and represents an opportunity to extend and develop the good relationship that already exists. Responding to recent public sector reform, financial climate and the increasing challenges governance at the local level does, and will continue to face, requires a renewed relationship between DCC and Denbighshire T&CC's. Our Charter represents the start of this revitalisation.

5. How does the decision contribute to the Corporate Priorities?

5.1 Corporate 2012 Vision of 'Bringing the Council Closer to Communities': The Charter outlines commitments to T&CC's and their communities in terms of Consultation and Engagement and Mutual Acknowledgement. There is a commitment by DCC within the Joint Working and Partnership section to enable, wherever appropriate, service delivery at a Town/Community level; subsequently bringing services closer

¹ These sections are: Mutual Acknowledgement, Information and Communication, Consultation and Engagement, Partnership and Joint Working, Practical Support & Training and Local Governance and Elections.

to residents both physically and metaphorically in their delivery and management. In an ever increasing agenda of collaboration with the result potentially being fewer authorities covering a larger population and area, there is a risk of local government becoming further distanced from the communities they serve. T&CC's will be a key partner in governance in this scenario, not only delivering local services but also in providing local intelligence on common issues/opportunities that the regional government authority must act on. This Charter represents a starting point in developing the partnership between local and county councils, to ensure DCC keeps the community at the forefront in the collaboration agenda and potential for increased regionalisation.

- 5.2 Corporate 2012 Vision of 'High Performing Council': Aforementioned, there is a commitment by DCC within the Joint Working and Partnership section of the Charter to enable, wherever appropriate, service delivery at a Town/Community level. Based on the principle of subsidiarity, where services are best delivered at the scale closest to the user, this should increase performance of council work in the areas devolved/delegated. Additionally, to be able to have the conversation and robust and shared decision making that will be required in 2013 onwards when front line services will be at risk of cut back in DCC, the relationship with T&CC's and with our communities must develop and improve. This Charter represents the start and continuation of that development and the section on Training and Support in particular aims to show DCC commitment in helping T&CC's raise their capacity, capability and aspiration. It is hoped that this will put the County as a whole in a firm position to face the changes to governance at a local level, and at the same time continue to perform highly for our residents.

6. What will it cost and how will it affect other services?

- 6.1 The commitments defined in this draft Charter from DCC should be cost neutral to Services, and instead outline an approach, philosophy and value set to the way we do things as a County Council instead of additional work. As the Charter is reviewed and refreshed each year, this will be in line with the ambition and work plans that the Services will be undertaking.
- 6.2 There is an advocacy requirement for the Charter to ensure it remains an influential and relevant document. This will require staff time. However this role can be absorbed by resource already within the Council in the Partnership and Communities Team, addition to the recently established role of Strategic Director for Learning and Communities.

7. What consultations have been carried out?

- 7.1 The draft Charter has been co produced by the joint DCC and T&CC working group for the T&CC Devolution and Empowerment Project. The draft has been circulated amongst key operational internal stakeholders within DCC with increased interaction with T&CC's.
- 7.2 The initial consultation on the draft Charter was launched in June 2011 asking for comments, improvements and amendments to the Charter content. The document sent out to all DCC Councillors and the Clerks of all 37 T&CC's for circulation and comment. The Charter was presented at the Member Area Groups and T&CC Cluster meetings in July. The Charter was discussed at SLT on 21st July 2011. The

initial consultation period ends on 30th September. See appendix B for a collation of feedback received so far.

- 7.3 Contributions from the initial consultation will be integrated into improving the draft Charter. The second and last phase will be the formal consultation starting at the end of October and explicitly asking for individual T&CC's and DCC to sign up to this final Charter. The Charter will go to Full Council with the recommendation for its adoption on 15th November. Please see appendix C for the Charter consultation timeline.

8. Chief Finance Officer Statement

- 8.1 The Charter represents an important step in demonstrating the Council's commitment to working closer with communities. The proposals contained in the report do not have any obvious significant financial implications.

9. What risks are there and is there anything we can do to reduce them?

- 9.1 Risk Description: T&CC's do not 'buy-in' to the Charter, resulting in many T&CC's not signing up to it.
Risk Mitigation: The Charter has been coproduced (DCC and T&CC's) from its very inception. There will be a comprehensive initial consultation with the Charter content being discussed at all T&CC Clusters in July. All comments and amendments will be used to improve the document and make it relevant to all parties involved. The Charter is in no way prescriptive but through engaging T&CC's throughout the process Charter process it is hoped the majority we want to sign up to it.

10. Power to make the Decision

- 10.1 The Council has the power to adopt a Charter between County Council and T&CC's in Denbighshire under s.2 Local Government Act 2000.

**A Charter between
Denbighshire's Town & Community
Councils
and
Denbighshire County Council**

Names and signatories of the Protocol and date of agreement

DRAFT

The aim of a charter is to define and enhance the existing relationship between Denbighshire's Town and Community Councils and the County Council.

Introduction

Town and Community Councils have an important role to play in the local government system. They are the most local level of government and can influence decisions that affect the local area and help bring life to their communities.

More than ever, it is important that both Denbighshire County Council (DCC) and Town & Community Councils (T&CC) within Denbighshire continue to work closely together in partnership for the benefit of local residents. This document relates equally to Councillors and Council Officers.

This Charter represents a mutual agreement between the two tiers of local government. It sets out how we aim to work together to develop and promote local needs and aspirations for the benefit of local communities, whilst recognising our respective responsibilities as autonomous, democratically elected statutory bodies.

This document is also designed to build on existing good practice and embrace the shared principles of openness, respect and our common priority of putting residents at the centre of service delivery.

Mutual Acknowledgement

We aim to work together as a partnership of equals rather than tiers. Successful partnership working at the community level can only be achieved if the partners – the County Council and the Local Councils – understand and respect each other's roles, and work to complement those roles in serving the community.

DCC recognises that Local Councils:

- Are a vital part of democratic local government, representing communities at the most local level;
- Are an important primary source of information about community aspirations and opinions;
- Are to be respected, treated equally and recognised as diverse in their size and in the resources available to them;
- Are affected by the financial and political decisions of other tiers of government and often have to work within certain constraints when fulfilling their responsibilities.

Local Councils recognise that DCC

- Represents the interests of local communities at the County level;
- Has to take into account community interests wider than the Town and/or

Community;

- Is affected by the financial and political decisions of the Welsh Assembly and central government and often has to work within certain constraints when fulfilling its strategic role and responsibilities.

Information and Communication

Securing good communication and liaison between the County and T&CC is a cornerstone of this Charter and involves communication from the most strategic level right down to liaison on specific local projects.

DCC undertakes to:

- Host at least two Liaison meetings per year with the T&CC to discuss corporate aims and other matters of mutual concern;
- Host at least one Cluster Meeting in three geographic areas per year to discuss issues appropriate to that area;
- To identify an appropriate senior liaison officer to advise T&CC and assist local councils in resolving any difficulties with the County Council;
- Provide written confirmation of receipt of written communication (including e-mails) from a T&CC within 5 working days and aim to reply in full within 10 working days. If a full reply can not be delivered within 10 working days, the County Council will provide a holding reply saying when a full reply will be available and which officer is dealing with the matter;
- Encourage the attendance of County Councillors at T&CC meetings;
- Provide links to T&CC websites on the Denbighshire website;
- Promote the County's Customer Relations Management System (CRM) and ensure it is an effective and efficient vehicle for T&CC to generate enquiries.

Local Councils will endeavour to:

- Be represented at liaison and cluster meetings convened by the County Council and actively suggest agenda items;
- Provide written confirmation of receipt of written communication (including e-mails) from the County Council within 5 working days and aim to reply in full within 10 working days. If a full reply can not be delivered within 10 working days, the Local Council will provide a holding reply saying when a full reply will be available;
- Provide the relevant county councillor(s) with copies of the Agendas, Minutes and papers of its meetings if requested to do so;
- Make efficient and effective use of IT and electronic communication methods available to Local Councils, particularly where this will increase efficiency and improve value for money;
- Make full use of the County's Customer Relations Management System (CRM) to raise issues with the Council;
- Through their Town and Community Council Clerks, ensure their Councillors are kept informed of communications from the County Council.

Consultation and Engagement

Consultation and engagement are key components of open government and can lead to better informed policies and a more engaged public. This charter sets out a genuine commitment amongst all parties to consult on matters of mutual concern with clear, specific and time limited procedures for consultation and engagement.

DCC undertakes to:

- Seek the participation of, and consult with, T&CC on Denbighshire policies that affect T&CC collectively or individually;
- Provide a minimum of eight weeks for consultation on County Council policies other than in cases where the County Council is bound by other statutory requirements e.g. in the case of planning applications;
- Discuss with the Local Council concerned at the earliest appropriate stage, any County Council promoted plan or scheme that affects a town or community specifically and invite Local Councils to attend any relevant public meetings and exhibitions;
- Take Local Council views into account before making decisions;
- Allow appropriate officers to attend Local Council meetings to explain and discuss policies and plans, especially when particularly contentious issues cannot be resolved in any other way;
- Provide consultation documents to all T&CC bilingually and make every effort to provide access to any information necessary to reach an informed view;
- Report back to the Local Council on the outcome of consultations;
- Ensure Services adopt a consistent and proactive approach to engagement and consultation with T&CC.

Local Councils endeavour to:

- Respond positively where possible to invitations to attend consultative committees, working groups and meetings;
- Respond within consultation deadlines set by the County Council unless otherwise agreed with the County Council;
- Work with the County Council to seek mutually acceptable solutions to contentious issues;
- Respect the final democratic decision of the County Council;
- Engage and consult directly with their residents;
- Inform the County Council annually of your calendar of meetings in order that we can make informed decisions when planning our liaison, cluster and public meetings.

Partnership and Joint Working

It is recognised that effective partnerships have the potential to bring benefits to those involved. Any partnerships developed will also carry a corresponding shared responsibility. Local government at both tiers must work together to promote the economic, social and environmental well being of our areas and where possible

assist in delivering key strategies eg the BIG Plan. If doing things differently achieves a better service, we will seriously examine these methods.

The County Council is committed in principle to the opportunity of service enhancement by local councils, whereby a local council makes a financial contribution to enhance the quality or quantity of a particular service, delivered in the local area by the County Council.

The County Council is also committed to devolving services to T&CC where mutually appropriate. Services should be delivered with regard to value for money and added value for local people.

It is fully recognised that for some services, it may not be practicable or desirable to undertake such enhancements or devolution of services.

DCC undertakes to:

- Seek the participation of all T&CC in exploring opportunities for joint working;
- Provide clear financial information and schedules of services to interested T&CC;
- Acknowledge that when financial support is given by a T&CC, decisions are taken to deliver that service in consultation with the T&CC.

Local Councils endeavour to:

- Respond positively to invitations to participate in joint working and, where appropriate, budget accordingly through the Annual Precept;
- Work together to ensure the community voice is heard through endorsement of opportunities for community participation e.g. Participatory Budgeting.

Practical Support & Training

Local Councils rely, to varying degrees, on the professional support that can be provided by others. There are times when the assistance of the County Council can be particularly useful to a Local Council.

DCC undertakes to:

- Provide training events for Local Councils on topics that are relevant to their tier of local government, notably the Code of Conduct and Planning policies;
- Offer Local Councils practical support, access to professional services, specialist knowledge and access to training events held by the County Council at a mutually agreed price where appropriate;
- Familiarise their staff on the role, responsibilities and importance of T&CC;
- Implement and adhere to a specific protocol in relation to planning matters;
- Provide guidance on methods of engagement.

Local Councils endeavour to:

- Participate, where appropriate and relevant, in training courses offered by the County Council;
- Adhere to a specific protocol in relation to planning matters;
- Be proactive in gaining and refreshing skills within a changing environment where the role of T&CC Clerk and Councillors are evolving e.g. in undertaking devolved activities.

Local Governance and Elections

Fair and open elections are the ‘bedrock of local democracy. We will ensure that elections are freely and fairly contested. Both T&CC and the County Council will actively encourage local people to be involved in local democracy through putting themselves forward for election and participation in the electoral process.

The role of the County Councillor as a conduit between the County Council and a Town or Community is critical to an effective relationship. A proactive relationship will be actively encouraged particularly for those County Councillors who are not ‘twin-hatted’ and do not sit on T&CC.

DCC undertakes to:

- Involve T&CC in awareness raising / publicity to encourage nominations for candidacy at local elections;
- Will help publicise forthcoming local elections on behalf of T&CC;
- Will encourage County Councillors to attend T&CC meetings in their ward;
- Actively encourage County Councillors to feed issues from T&CC to the Member Area Groups and other council forums and communicate information to the T&CC.

Local Councils endeavour to:

- Actively invite their local County Councillor(s) to monthly meetings;
- Actively encourage residents to become nominees for local elections and participate in the democratic process.

Ethics and Standards

It is important that all councils adhere to the following guiding principles of fairness:

- Fair treatment for all;
- Elimination of disadvantage;
- Recognition and inclusion of previously excluded groups;
- Conduct of its business where possible with Welsh and English languages treated equal;
- Have due regard for, and promote, environmental concerns and sustainable development;
- Actively review and have regard for their code of conduct.

Monitoring, Review and Complaints

It is important that this document is maintained as an up-to-date statement of the partnership arrangements between the County Council and Denbighshire's T&CC. Any Charter will also need a system in place to deal with complaints so that relations and communications are always strong. Local Councils are encouraged to express their views on the contents and effectiveness of this Charter. Opportunities to discuss the contents of the Charter will be available at the Liaison meetings. Any feedback received will be discussed with Local Councils and amendments and/or additions will be made as necessary following full consultation.

DRAFT

APPENDIX TO CHARTER

Powers and Duties of T&CCs

The list below is an indicative list of powers and activities, applicable to community and town councils. This is to help you appreciate the wide range of activities T&CC's have the legal power to get involved in, as covered by Acts of Parliament. It is a useful reference when you need to know if the Town or Community Council can act. Please note: The information source is 'The Good Councillors Guide for Town & Community Councils' published by WAG and may not be totally comprehensive.

ACTIVITY	POWERS & DUTIES	STATUTORY PROVISION
Allotments	<ul style="list-style-type: none"> ▪ Powers to provide Allotments ▪ Duty to consider providing allotment gardens if demand unsatisfied 	<ul style="list-style-type: none"> ▪ Small holdings & Allotments Act 1908, ss 23
Baths and Washhouses	<ul style="list-style-type: none"> ▪ Power to provide public baths and washhouses 	<ul style="list-style-type: none"> ▪ Power to provide public baths and washhouses
Burial grounds, cemeteries and crematoria	<ul style="list-style-type: none"> ▪ Power, as a burial authority, to acquire, provide and maintain ▪ Power to agree to maintain monuments and memorials ▪ Power to contribute towards expenses of cemeteries 	<ul style="list-style-type: none"> ▪ Open Spaces Act 1906, ss 9 and 10 ▪ Parish and Town Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s.1 ▪ Local Government Act 1972, s.214
Bus Shelters	<ul style="list-style-type: none"> ▪ Power to provide and maintain shelters 	<ul style="list-style-type: none"> ▪ Local Government (Miscellaneous Provisions) Act 1953, s.4 ▪ Parish Councils Act 1957, s.1
Bye Laws	<ul style="list-style-type: none"> ▪ Power to provide bye laws for: <ul style="list-style-type: none"> ○ Pleasure grounds ○ Cycle Parks ○ Baths and Washhouses ○ Open spaces and burial grounds 	<ul style="list-style-type: none"> ▪ Public Health Act 1875, s.164 ▪ Road Traffic Regulation Act 1984, s.57(7) ▪ Public Health Act 1936, s.223 ▪ Open Spaces Act 1906, s.15
Charities	<ul style="list-style-type: none"> ▪ Duties regarding parochial charities 	<ul style="list-style-type: none"> ▪ Charities Act 1993 s. 79
Christmas Lights	<ul style="list-style-type: none"> ▪ Power to provide to attract visitors 	<ul style="list-style-type: none"> ▪ Local Government Act 1972. s.144
Citizens Advice Bureau	<ul style="list-style-type: none"> ▪ Power to support 	<ul style="list-style-type: none"> ▪ Local Government Act 1972, s.142
Clocks	<ul style="list-style-type: none"> ▪ Power to provide public clocks 	<ul style="list-style-type: none"> ▪ Parish Councils Act 1957, s.2
Closed Churchyards	<ul style="list-style-type: none"> ▪ Powers to maintain 	<ul style="list-style-type: none"> ▪ Local Government Act 1972, s.215
Commons and common pastures	<ul style="list-style-type: none"> ▪ Powers in relation to enclosure, regulation and management, and providing common pasture 	<ul style="list-style-type: none"> ▪ Inclosure Act 1845 ▪ Local Government Act 1894, s.8 ▪ Small holdings and Allotments Act 1908, s.34
Community centres	<ul style="list-style-type: none"> ▪ Power to provide and equip community buildings ▪ Power to provide buildings for use of clubs having athletic, social or educational objectives 	<ul style="list-style-type: none"> ▪ Local Government Act 1972, s.133 ▪ Local Government (Miscellaneous Provisions) Act 1976 s.19
Crime prevention	<ul style="list-style-type: none"> ▪ Powers to spend money on various crime prevention measures 	<ul style="list-style-type: none"> ▪ Local Government and Rating Act 1997, s.31
Drainage	<ul style="list-style-type: none"> ▪ Power to deal with ponds and ditches 	<ul style="list-style-type: none"> ▪ Public Health Act 1936, s.260
Entertainment and the arts	<ul style="list-style-type: none"> ▪ Provision of entertainment and support of the arts including festivals and celebrations 	<ul style="list-style-type: none"> ▪ Local Government Act 1972, s.145

Gifts	<ul style="list-style-type: none"> ▪ Power to accept 	<ul style="list-style-type: none"> ▪ Local Government Act 1972, s.139
Highways	<ul style="list-style-type: none"> ▪ Power to repair and maintain public footpaths and bridleways ▪ Power to light roads and public places ▪ Power to provide parking places for vehicles, bicycles and motor-cycles ▪ Power to enter into agreement as to dedication and widening ▪ Power to provide roadside seats and shelters ▪ Power to complain to the highway authority regarding protection of rights of way and roadside wastes ▪ Power to provide traffic signs and other notices ▪ Power to plant trees etc. and to maintain roadside verges 	<ul style="list-style-type: none"> ▪ Highways Act 1980, ss.43, 50 ▪ Parish Councils Act 1957, s.3 ▪ Road Traffic Regulation Act 1984, ss.57 ▪ Highways Act 1980, ss.30 ▪ Parish Councils Act 1957, s.1 ▪ Highways Act 1980, s.130 (6) ▪ Road Traffic Regulation Act 1984, s.72 ▪ Highways Act 1980, s.96
Investments	<ul style="list-style-type: none"> ▪ Power to participate in schemes of collective investment 	<ul style="list-style-type: none"> ▪ Trustee Investments Act 1961
Land	<ul style="list-style-type: none"> ▪ Power to acquire by agreement, to appropriate, to dispose of land ▪ Power to accept gifts of land 	<ul style="list-style-type: none"> ▪ Local Government Act 1972, ss.124, 126, 127 ▪ Local Government Act 1972, s.139
Litter	<ul style="list-style-type: none"> ▪ Provision of receptacles in public places 	<ul style="list-style-type: none"> ▪ Litter Act 1983, ss.5, 6
Newsletters	<ul style="list-style-type: none"> ▪ Power to provide information relating to matters affecting local government 	<ul style="list-style-type: none"> ▪ Local Government Act 1972, s.142
Open spaces	<ul style="list-style-type: none"> ▪ Power to acquire land and maintain 	<ul style="list-style-type: none"> ▪ Open Spaces Act 1906, ss.9 and 10
Public buildings and village hall	<ul style="list-style-type: none"> ▪ Power to provide buildings for offices and for public meetings and assemblies 	<ul style="list-style-type: none"> ▪ Local Government Act 1972, s.133
Public conveniences	<ul style="list-style-type: none"> ▪ Power to provide 	<ul style="list-style-type: none"> ▪ Public Health Act 1936, s.87
Parks, pleasure grounds	<ul style="list-style-type: none"> ▪ Power to acquire land or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them 	<ul style="list-style-type: none"> ▪ Public Health Act 1875, s.164 (Local Government Act 1972, Sched.14 para.27) ▪ Public Health Acts Amendment Act 1890, s.44 ▪ Open Spaces Act 1906, ss.9 and 10
Recreation	<ul style="list-style-type: none"> ▪ Power to provide a wide range of recreational facilities ▪ Provision of boating pools 	<ul style="list-style-type: none"> ▪ Local Government (Miscellaneous Provisions) Act 1976, s.19 ▪ Public Health Act 1961, s.54
Town and Country Planning	<ul style="list-style-type: none"> ▪ Right to request the local planning authority for notification of planning applications 	<ul style="list-style-type: none"> ▪ Town and Country Planning Act 1990, Sched.1, para.8
Traffic Calming	<ul style="list-style-type: none"> ▪ Powers to contribute financially to traffic calming schemes 	<ul style="list-style-type: none"> ▪ Local Government and Rating Act 1997, s.30
Transport	<ul style="list-style-type: none"> ▪ Powers to spend money on community transport schemes 	<ul style="list-style-type: none"> ▪ Local Government and Rating Act 1997, s.26-29
Village signs	<ul style="list-style-type: none"> ▪ Power to use decorative signs to inform visitors 	<ul style="list-style-type: none"> ▪ Local Government Act 1972, s.144
War memorials	<ul style="list-style-type: none"> ▪ Power to maintain, repairs, protect and adapt war memorials 	<ul style="list-style-type: none"> ▪ War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s.133

Initial Consultation Responses – Charter between Denbighshire’s Town & Community Councils and Denbighshire County Council

- Views and comments on the proposition of establishing a Charter
- Views and comments on the content of the draft Charter.
- Ideas for activities to show commitment to any of the 6 different agenda which are already taking place or that your Council would like to see developed.

Date of Response (received)	Received from	Do you agree with the proposal?	Decision based on?	Comments and Ideas
20.07.11	DCC Chairman	Yes	Unknown	<p>“Provide consultation documents to all T&CC bilingually and make every effort to provide access to any information necessary to reach an informed view;” In the Consultation and Engagement Section- perhaps insert a sentence advocating a common sense approach to this</p> <p>E.g. if T&CC request just English or just Welsh then we don’t need to provide documents bilingually. A waste of money! For example St Asaph would prefer all documentation to be sent in just English.</p>
21.07.11	Director Demographics, Wellbeing and Planning	Yes	Bringing Council closer to communities	<p>Need to ensure there are linkages with the 3rd Sector Compact being developed and both are expressing the same commitments where appropriate. How about combining the celebration in January 2012?</p> <p>Demographic change is a big issue and one which T&CC's can contribute to the discussion on. Perhaps add in the communication and engagement section the seeking of T&CC input into discussions on big strategic issues.</p>
21.07.11	Head of Regeneration, Planning and Public Protection	Yes	Bringing Council closer to communities	We need to make sure this Charter once its adopted is publicised. Put it on MMC agenda and in Corporate Induction training.
21.07.11	Head of Customer Care	Yes	Bringing Council closer to communities	<p>“Promote the County’s Customer Relations Management System (CRM) and ensure it is an effective and efficient vehicle for T&CC to generate enquiries.” In the Information and Communication section- need to brief up this section and come at it from an engagement and responsiveness angle.</p> <p>Highlight the work already being undertaken with Highways, improving responsiveness and customer service.</p>
26.07.11	Llanferres Community Councillor	Unknown	n/a	Be careful of the language used in this document and its publication. People may get confused with 'local Council' as I would automatically think of DCC in that respect. Perhaps instead use the word 'community' instead of 'local'
27.07.11	Sustainable Assets Project Manager	Yes	Bringing Council closer to communities	<p>Include bullet in Mutual Recognition section on the importance of Councils duties to various stakeholders to align with Denbighshire’s 3rd Sector Compact.</p> <p><i>“The Third Sector recognises the importance of the Council’s duties to: The people who use its services; The communities in which it works; The general public and funding bodies that support its work; Its members; The regulatory bodies that oversee its activities, and; Its clearly defined structures to enable it to fulfil its obligations on accountability.”</i></p>

Date of Response (received)	Received from	Do you agree with the proposal?	Decision based on?	Comments and Ideas
31.07.11	Member of the public who lives in Prestatyn	No	The perceived possibility of forced devolution of services and the risk of double taxation	<p>With reference to the recently submitted draft charter, I would be grateful if you could respond to questions relating to parts of the draft charter which are of concern.</p> <p>Who were the members of the working group of T&CC and County Council representatives who co-produced this draft charter?</p> <p>Why does the draft charter contain proposals for 'new positive relationships and working practices', which in reality have been in operation since the inception of Denbighshire County Council?</p> <p>All these so called new initiatives, partnerships and consultations should in reality, already be enshrined in Council's Code of Working Practices, and if they are not it is to the shame of the Councils concerned.</p> <p>I would suggest that this draft proposal and all the froth and bubble that it contains is nothing more than an exercise in cloaking the true intention of Denbighshire County Council wishing to devolve many of its non-statutory services to Town and Community Councils.</p> <p>Is this an attempt by Local Government to substantially increase the Council Tax to the ratepayer of Prestatyn, by encouraging the Town Council to take on these county council services, and at the same time for them to increase the town council precept charge to the ratepayer, to fund the provision of these non-statutory county council services.</p> <p>Obviously County Council rate increases can be capped by either the Welsh Assembly Government or Parliament, but I am aware that this cap does not apply to Town and Community Councils.</p> <p>Will you confirm or deny this, by stating that any devolved services which are taken on by Town Councils, will be funded 100% by County Council devolving the funding to operate these services directly to the Town Council?</p> <p>The proposals made in this draft, will cost the ratepayer substantially in extra staff to manage such charter agreements, and will generate a profusion of unnecessary of paperwork.</p> <p>In the real world that the ratepayer lives in and not the rarefied air of our highly paid officers, the public might just suggest that the simplest solution be to simply dissolve all town councils and for county councils to take on all services to the community, covered financially by the town council precepts being paid to the County Council.</p> <p>To me these draft proposals are nothing more that an attempt to increase the town council precepts to cover such devolved services, and for the County Council to retain all or a substantial amount of the rates paid to the County Council to provide these services which when devolved they would no longer be responsible for, giving them extra funding by the back door.</p> <p>I am sure you are aware that under the new Localism Bill currently going through Parliament, the local ratepayer will still be allowed to dissolve a Town Council, and I would suggest that any Town Council attempting to increase their precepts could well face such dissolution.</p> <p>I found the comment on page 6 of the draft, that, Local Councils endeavour to respond positively to invitations in joint working and, where appropriate, budget accordingly through the Annual Precept, most illuminating, and the haste in asking Prestatyn Town Council to sign up to this charter by September 2011, giving them time to adjust and increase their budget for April 2012.</p> <p>Will these proposals go out to full public consultation?</p>

Date of Response (received)	Received from	Do you agree with the proposal?	Decision based on?	Comments and Ideas
01.08.11	Prestatyn Town Council	tbc	n/a	<p>Council has considered the above Charter and made reference to a much earlier agreement between County and Town that regrettably seems to have been forgotten by Denbighshire County Council ('Prestatyn Business Development Plan', 2nd June 1998).</p> <p>There have also been some concerns that charter is linked to devolution and delegation of services which has major implications for Town/Community Councils.</p> <p>Members would invite Cllr H. Evans, Leader to attend a future meeting of Town Council to discuss current proposals. [7th September 2011 at 6.15pm].</p>
08.08.11	Rhuddlan Town Council	Yes	DCC proven responsiveness and engagement with T&CCs	<p>At the last meeting of my Council it was agreed that the Draft Charter enclosed with your letter dated 5th July, 2011 be approved in principle and to await further developments thereon.</p> <p>I am sure the other clerks will agree that only through your strong personal commitment and enthusiasm that the Charter has reached this important and strategic stage in such a relatively short time-scale. Thank you for your continued advices which has been much appreciated.</p>
16.08.11	Strategic Procurement Manager	Yes	Bringing Council closer to communities	<p>T&CC's could have a greater involvement in the procuring and reviewing on contracted services in their town. Have the facility in the procurement system to send a performance questionnaire out to stakeholders to review contractors.</p> <p>Also a T&CC rep could sit on the tender working group, writing the specification for a tender. And also the evaluation panel for deciding upon a contractor.</p>

**TIMETABLE FOR DEVELOPMENT AND CONSULTATION OF CHARTER FOR
PARTNERSHIP**

May	<p>Development of Charter Content</p> <p>Draft developed by DD and HB and sent around working group for comment</p>
June	<p>Initial Consultation Starts</p> <p>Paper to Cabinet, Council and SLT asking for comments and activity to show commitment to the different agenda.</p> <p>Translate Charter and develop covering letter to send out to T&CCs.</p> <p>Send Charter to all T&CCs asking for comments and activity to show commitment to the different agenda.</p>
July Clusters	<p>Presentation of Charter for Initial Consultation</p> <p>Charter presented to Cluster Groups with a brainstorm session to gather comments on Charter content and ideas for activity to show commitment to the different agenda.</p>
September 30th	<p>Initial Consultation Ends</p> <p>Consideration of responses.</p> <p>Decision to change Charter content agreed by working group and lead member.</p> <p>Revised Charter translated.</p>
October 28th	<p>Formal Consultation Starts</p> <p>Final Charter and Covering letter sent to all Town, Community and County Councillors with question will you sign this charter</p> <p>Paper to Cabinet, Council and SLT asking them to sign up to charter.</p> <p>Decision made whether to work with specific local councils to gain consensus or not.</p>
December 16th	<p>Formal Consultation Ends</p> <p>Print and Binding of Charter</p> <p>Charters in hard copy and local councils chair persons invited to sign charter by hand.</p> <p>Leader of DCC sign charters by hand</p>
January 2012	<p>T&CC Liaison Meeting- Launch of Charter for Partnership. Bound & glossy version of the charter signed and presented to every T&CC Chair that has signed up to it and the Leader of DCC.</p> <hr/> <p>Launch of Charter for Partnership on website and in the press.</p> <p>Gareth Watson to lead press work.</p>

REPORT TO: Standards Committee

REPORT BY: Monitoring Officer

DATE: 23rd September 2011

SUBJECT: SELF REGULATORY PROTOCOL

1. PURPOSE OF REPORT

To provide Members with the proposed version of the 'Self Regulatory Protocol' prior to being considered by Group Leaders and thereafter full Council.

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 attached at Appendix 1 which the Standards Committee have had some input into at their last meeting. Following some minor proposed amendments by the Committee, these have now been made to the version attached to this report. 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, and could not replace the statutory Code. The detail in the Protocol has been discussed informally with the Leader and is itemized for discussion at Group Leaders on the 24th October 2011. 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.

2.4A revised action plan sets out the consultation process prior to adoption. A copy of the draft Protocol has also been provided to the Public Services Ombudsman for Wales early in the process and a copy of his response is attached as Appendix 2 which is very positive.

ACTION REQUIRED	BY WHOM	DATE
Consideration of protocol and its procedures and feedback to MO	CET	By 1st July 2011
Report to Group Leaders	Monitoring Officer	24th October 2011
Report to Standards Committee on first draft	Monitoring Officer	15th July 2011
Further report to Standards Committee with final draft	Monitoring Officer	23rd September 2011
Consideration by Informal Council if required, then full Council	Leader/Monitoring Officer	10th January 2011 and 28th February 2012

3 RECOMMENDATION

That Members are requested to consider the Self Regulatory Protocol. Any observations will be fed back to Group Leaders.

MEMBER'S SELF REGULATORY PROTOCOL

General Principles

- To promote high standards of conduct and behaviour as a means of strengthening respect and trust among members. It is NOT intended to replace the Code of Conduct, rather it is intended to sit alongside the Code, enabling behaviour which may not reach the threshold to become a breach to be dealt with; and that which justifies a formal complaint to the Ombudsman.
- The protocol does not replace the Member-Officer Relations Protocol set out in the Council's Constitution.
- Members will make all reasonable attempts to resolve disputes through agreed internal processes subject to their obligations under the Members' Code of Conduct.
- Referral to external regulators will become a last resort subject to Members' obligations under the Code of Conduct.
- Members will avoid personal confrontation in any public forum, especially full Council and through the media
- These commitments will not stifle legitimate political debate or scrutiny
- Group discipline will become the cornerstone of self-regulation with Group Leaders taking responsibility for their own members
- Group Leaders individually and collectively will work to ensure compliance with this protocol
- Members will commit to training and development in support of this protocol

Working to avoid problems

To minimise the number of instances of alleged breaches all Group Leaders have committed to :-

- **A Member Learning and Development Strategy** – to which they will seek to secure the commitment of their group members. All reasonable endeavours will be made to

ensure that the Learning and Development Strategy identifies and responds to the needs of members.

- **Attending relevant Member training events** - in particular those relating to the Code of Conduct or probity courses within the scope of their role.
- **WLGA Charter** – The Council has been awarded the WLGA's Charter for Member Support and Development and supports its objectives. Group Leaders will seek to secure individual member commitment to training and keep this under review.

Role of Group Leaders

A complaint by a member relating to a member of the same group will be referred to the Group Leader. A complaint by a member concerning the activities of a member of a different political group will be discussed with the complainant's own Group Leader, who will then refer the issue to the Group Leader with responsibility for the member against whom the complaint is made.

Upon receiving a complaint, it is the role of Group Leaders to take responsibility for discipline within their groups. Group discipline should seek to be informal, resolved through face to face meetings. Group Leaders will need to retain some records but the process will not be "document heavy". The emphasis should be on training, education, mediation and conciliation.

When appropriate, a sanction such as removal from a committee or an outside body, may be used in extreme cases or after persistent breaches and the matter will be referred to the Public Services Ombudsman for Wales.

Prior to considering any sanction, or training, the relevant Group Leader may consult with a member of the Standards Committee in conjunction with the Monitoring Officer or Deputy Monitoring Officer. The Standards Committee will seek to ensure fairness and consistency in the discipline imposed within each Group.

At the next available Group Leaders' meeting any issue of discipline which has been referred to a Group Leader will be discussed with the Group and with the objective of seeking to ensure that fair and consistent sanctions are applied.

Unaffiliated Members

As far as unaffiliated members are concerned, the Chair of the Council will fulfil the role of Group Leader. Concerns regarding the conduct of an unaffiliated member should be referred to the Chair who will apply the same principles and standards as those of the Group Leaders in terms of training/mediation/conciliation. In the case of persistent breaches the matter shall be referred to the Ombudsman by the Monitoring Officer or in his/her absence the Deputy Monitoring Officer.

Persistent Breaches

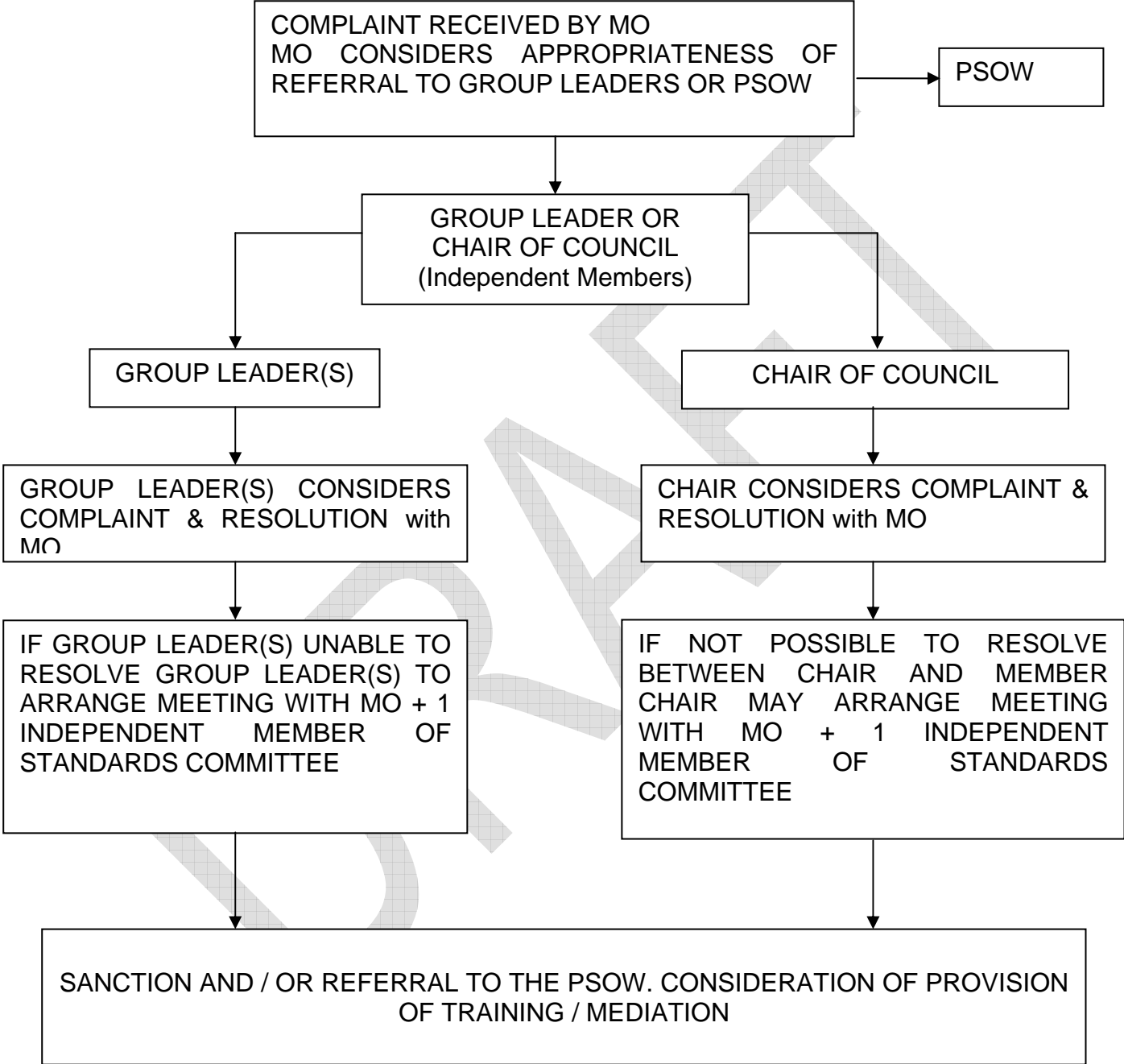
In the case of persistent breaches, or areas where the Group Leaders have concerns that the conduct of an individual member or members is damaging to relations between political groups or to the reputation of the Council, then the Group Leaders will meet with the Chief Executive Officer and the Monitoring Officer to agree a way forward. Consideration will be given to joint references to the Ombudsman, by the Group Leaders, for persistent low level breaches.

Standards Committee

- Owing to any potential issues of conflict, any involvement will include no more than one independent member of the Standards Committee. This will be subject to a rotational basis and in accordance with availability.
- The Standards Committee Members will play a supporting/advisory role to the Group Leaders. This process will be initiated at the request of the Group Leader, in a particular case.
- Such meetings will be private and informal.
- Any documentation, attendance notes, file notes or advisory notes passing between a Group Leader (or as appropriate the Chair of the Council) and the members of the Standards Committee shall remain private and confidential.

This protocol will be reviewed by May 2013.

MEMBER / MEMBER COMPLAINTS FLOWCHART



PERSISTENT BREACHES, GROUP LEADERS WILL MEET WITH CHIEF EXECUTIVE AND MONITORING OFFICER TO AGREE WAY FORWARD. CONSIDERATION WILL BE GIVEN TO JOINT REFERENCES TO THE OMBUDSMAN BY GROUP LEADERS FOR PERSISTENT, LOW LEVEL BREACHES.

Our ref: PT/KS/mm

Ask for: Mrs Marilyn Morgan

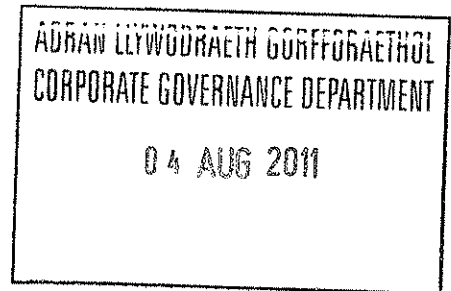
Your ref: JK/JR

☎ 01656 641152

Date: 4 August 2011

✉ Marilyn.morgan@ombudsman-wales.org.uk

Ms Jane Kennedy
Monitoring Officer
Denbighshire County Council
County Hall
Wynnstay Road
Ruthin
Denbighshire
LL15 1YN



Dear Ms Kennedy

Member-Member Self Regulatory Protocol

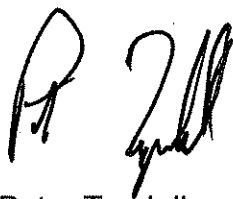
I am grateful for the opportunity to comment on the Self Regulation Protocol for members and very much welcome the fact that the Council's Standards Committee is actively seeking to resolve conduct issues locally. You may already be aware as a member of the ACSeS group that as a result of a similar proposal by The City & County of Swansea, I have sought the views of the Welsh Government and the WLGA on the possibility of enhancing the role of standards committees within the current legislative framework. I am supportive of the proposal that whenever possible issues are resolved locally in the first instance, and only referred to my office if they were not capable of local resolution. The extent to which it is feasible to do so is dependent upon the Welsh Government's view on the future of the Code and whether legislation is proposed in the near future.

As the Council's proposed Protocol is intended to resolve disputes between members I am happy to endorse it. As you know, as the Code is currently drafted, I could not require members to utilise the local protocol before coming to me, but subject to the Welsh Government's position I would strongly encourage them to do so and consider any complaints where members had not sought to resolve issues first in this context, and it would in all likelihood inform my decision as to whether or not to investigate. This is analogous to my approach in cases of maladministration where I often seek to achieve local resolution where this is possible, to avoid the need for a formal investigation.

Where the complaint is a more serious one, for example, if a failure to declare an interest had allegedly tainted a planning decision or where there is an accusation of bullying supported by evidence to that effect, I believe it would be most appropriate for such complaints to be referred to my office. Whilst the draft protocol has highlighted the fact that the protocol is intended to sit alongside the code, it may be helpful to members if this point was emphasised.

I hope this is a helpful reply but please contact me if I can be of any further assistance. I will also update the ACSeS group more generally when the Welsh Government gives a view on the way forward.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P Tyndall', with a stylized flourish at the end.

Peter Tyndall
Ombudsman

NORTH WALES STANDARDS COMMITTEES FORUM

Friday, 10 June 2011 at 10.00 am
Conwy Business Centre

PRESENT:	Howie Roberts (Chair)	Chair - Conwy
	Barry Davies	Monitoring Officer - Flintshire
	Iwan Davies	Monitoring Officer - Conwy
	Gwilym Ellis Evans	Vice-Chairman - Gwynedd
	Jenni Frost (In place of Paul Sturges)	Independent Member - Conwy
	Simon Fysh	Chair - Fire and Rescue Authority
	Clive B. Halliday	Chair - Denbighshire
	Sion Huws	Propriety Officer - Gwynedd
	Lisa Jones	Deputy Monitoring Officer - Denbighshire
	Meirion Jones (In place of Lynn Ball)	Isle of Anglesey
	Sue Morris	Vice-Chairman of Isle - Anglesey
	Geraint F. Roberts	Vice-Chairman - Denbighshire
	Merfyn Roberts	Chair - Flintshire

6. APPOINTMENT OF CHAIRMAN FOR THE MEETING

It was proposed and seconded that Mr Howie Roberts be nominated as Chairman for the meeting.

For continuity it was agreed that Mr Howie Roberts be appointed as Chairman for a 12 months period.

AGREED-

That Mr Howie Roberts be appointed as Chairman of the North Wales Standards Committees Forum for 2011/2012.

7. APOLOGIES

Apologies for absence were received from Lynn Ball (Isle of Anglesey), Jeff Cotterell (Isle of Anglesey), Trevor Coxon (Wrexham), Rob Dawson (Wrexham), Robyn Jones (Isle of Anglesey), Jane Kennedy (Denbighshire), Ceri Nash (Wrexham), Dilys Ann Phillips (Gwynedd), John Pollard (Gwynedd), Kevin Sibbons (Flintshire), Paul Sturges (Conwy) and Gary Williams (Wrexham).

8. MINUTES

The minutes of the meeting of the North Wales Standards Committees Forum held on 15 April 2011 were presented for approval.

With regard to the Whistleblowing Policy (Minute No. 4), it was reported that this was being taken forward by Wrexham and not Flintshire.

In addition, it was noted that Cerrigydrudion should read Cerridigion in Minute No. 4.

AGREED-

That, subject to the above amendments, the minutes of the meeting of the North Wales Standards Committee Forum held on 15 April 2011 be approved as a correct record.

9. **SETTING UP WORKSHOPS**

Although workshops will be undertaken at the Standards Conference – Wales 2011, Members felt that smaller workshops may be effectively run just on a North Wales basis.

It was suggested that workshops focusing on the various issues relating to the Code of Conduct could be held at the beginning of each meeting of the Forum. In addition, breaches of the Code of Conduct, as contained within reports from the Public Services Ombudsman could also be a topic for discussion.

It was further suggested that the workshops held at the Standards Conference could be re-run at a local level.

AGREED-

That Workshops be held at the beginning of each meeting of the North Wales Standards Committee Forum.

10. **ESTABLISHING A CONSISTENCY OF APPROACH**

In relation to information sharing the following comments and solutions were put forward:-

- The Monitoring Officer for Flintshire would investigate the possibility of the North Wales Fire and Rescue Standards Committee receiving the same information as the Monitoring Officers in relation to Standards issues
- All Local Authorities to publish their Standards Committee agendas and minutes on their websites
- In order for the public to be aware of the existence of the North Wales Standards Committees Forum, it was agreed that all Local Authorities would present the minutes of the Forum to their respective Standards Committees for information
- Monitoring Officers had a close working relationship across Wales and met through the Monitoring Officers' Network

AGREED-

(a) That the Monitoring Officer for Flintshire investigates the possibility of the North Wales Fire and Rescue Standards Committee being added to the circulation list for information relevant to Standards Committees.

(b) That all Local Authorities present the minutes of the North Wales Standards Committees Forum to their respective Standards Committees.

11. **IDENTIFYING AREAS OF WORK FOR STANDARDS COMMITTEES**

There were no further comments to add at this time.

12. **TRAINING ISSUES**

In relation to training issues, which were relevant to all Local Authorities, the following comments were put forward:-

- Denbighshire had delivered training to the Town and Community Councils via Code of Conduct Road Shows. A total of 9 sessions had been delivered in various locations across the County Borough, with 2 sessions in each area held in the afternoon and evening. Although over 100 Town and Community Councillors had been trained, it had taken a considerable amount of time and effort to organise and deliver the training
- Standards Members at Denbighshire also attended Town and Community Council meetings and provided feedback to the Standards Committee
- It was important that Standards Committee Members were provided with updated training on a regular basis, and a record should be kept of any training undertaken. This record could be used as evidence if they were ever challenged on their expertise and training undertaken
- Conwy were providing refresher Workshops for their Standards Members and these were included within the Forward Work Programme
- Cardiff City Council had apparently altered their Code of Conduct to ensure that it was compulsory for all County Councillors to attend Code of Conduct Training
- Conwy had ensured that all of their Councillors had been trained. This had, in part, been achieved by informing Group Leaders of the importance of training and naming those Councillors who had not attended any sessions
- Code of Conduct Training was part of the induction process for new Councillors in most Councils. However, ensuring that Councillors who had been elected for many years attended training sessions was problematic in some instances
- Isle of Anglesey had received funding from the WLGA to provide training sessions and even though Peter Keith Lucas had delivered training not all Councillors had attended

AGREED-

That the information be noted.

13. **ESTABLISHING BEST PRACTICE**

In relation to establishing best practice the following comments were made:-

- Denbighshire had produced a booklet on the Code of Conduct, which included a flowchart, and was designed for Councillors to bring to each meeting. It was suggested that this booklet could be circulated to members of the Forum

- Denbighshire circulated the booklet annually together with the Register of Interest Forms

AGREED-

That Denbighshire's Code of Conduct booklet be circulated to all Members of the North Wales Standards Committees Forum.

14. **WORKING WITH THE TOWN AND COMMUNITY COUNCILS**

This item had been discussed as part of Minute 12 – Training Issues.

15. **PROMOTION OF STANDARDS COMMITTEE**

In relation to the promotion of Standards Committees the following comments were made:-

- Conwy had published an article on the Standards Committee in the Conwy Bulletin, which was circulated to all households within the County Borough
- Gwynedd had produced a report on the Standards Committee, which included photographs, and was circulated to all County Councillors as well as to Town and Community Councils
- To ensure that the Ombudsman was aware of the existence of the North Wales Standards Committees Forum, it was agreed that a copy of the minutes be sent to the Ombudsman together with a covering letter

AGREED-

That the minutes of the North Wales Standards Committee Forum be sent to the Ombudsman together with a covering letter.

16. **NATIONAL POLICY RESPONSES AND REPRESENTATIONS**

It was understood that Standards Committees in England were undergoing a radical change. Although there is a prospect of less radical changes in Wales, a consultation on changes was expected in due course. The consultation document could form part of the agenda for future meetings of the Forum.

AGREED-

That any relevant Consultations be placed on future agendas of the North Wales Standards Committees Forum.

17. **MEMBER/MEMBER AND MEMBER/OFFICER PROTOCOLS**

With regard to Member/Member and Member/Officer Protocols the following comments were made:-

- As a result of the developments at the Isle of Anglesey Council protocols had been developed on Member Respect and on Appointment of Committee Chairs.
- Denbighshire would be introducing a Self Regulatory Protocol, especially to deal with informal complaints

- An Adjudication Panel was currently hearing cases involving Flintshire County Councillors
- Decisions from Adjudication Panels could be used as material for 'What We've Learnt' Workshops for future meetings of the Forum

AGREED-

That decisions from Adjudication Panels be used as a basis for Workshops for future meetings of the North Wales Standards Committees Forum.

18. **ANNUAL NORTH WALES STANDARDS CONFERENCE**

With regard to organising a North Wales Standards Conference, it was agreed to wait until the North Wales Standards Committee Forum had been established for 12 months.

In relation to the Standards Conference Wales being held in North Wales, it was noted that the decisions on the venue was made by the Monitoring Officers' Network.

AGREED-

That discussions on the possibility of an Annual North Wales Standards Conference be deferred for 12 months.

19. **DATE OF NEXT MEETING**

The next meeting of the Forum would be held on 22 September 2011 to discuss any issues in relation to the Standards Conference Wales 2011, which would be held on 5 October 2011.

A further meeting would be held in November to discuss any issues arising from the Standards Conference

It was suggested that if there were no issues the meeting on 22 September 2011 could be cancelled.

The Forum was advised that Mr Barry Davies the Monitoring Officer for Flintshire County Council, would be retiring at the end of July 2011 and all those present wished him well for the future.

AGREED-

That the next meeting of the North Wales Standards Committee Forum be held on 22 September 2011 at 10.00 am.

(The meeting ended at 11.30 am)
