

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room, Ty Nant, Prestatyn on Friday, 13 July 2012 at 10.00 am.

PRESENT

C. B. Halliday (Chair), Ms M Medley, Mrs P White and G F Roberts together with Councillors David Jones and Bill Cowie

ALSO PRESENT

Monitoring Officer (GW) and Democratic Services Officer (RH).

1 APOLOGIES

Apologies for absence were received from Councillor Colin Hughes

2 DECLARATION OF INTERESTS

Councillor W.L. Cowie declared a personal and prejudicial interest in business item number 8 of the Agenda.

3 URGENT MATTERS AS AGREED BY THE CHAIR

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 OF THE LAST MEETING

The Minutes of the Standards Committee held on Friday, 9th March, 2012 were submitted and were approved as representing an accurate record of the previous meeting. The Committee then read through the minutes for matters arising.

The Monitoring Officer (MO) informed the Committee that recent training events held for the new Council had been very well attended. Further training was scheduled for September to refresh Members' knowledge, and it was confirmed that Code of Conduct training was to be extended to relevant officers.

Self Regulatory Protocol - The MO reported that the Full Council accepted the recommendations proposed by the Committee at the previous meeting, recorded under resolutions b), c), and d). Town and Community Councils had been notified of the amendments to Denbighshire County Council's Constitution, per resolution e), and had agreed to adopt these changes.

Mr G.F. Roberts asked if the Code of Conduct was sent to new clerks of Community Councils and the MO responded that although this was not presently taking place on an automatic basis, arrangements could be made to ensure that new clerks received a copy of the Code of Conduct. It was noted that Community

Councils have individualised Codes of Conduct, but that these followed a core of principles that applied to all Town and Community Councils, which Councils could then amend to suit their requirements.

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

5 ATTENDANCE AT MEETINGS

Members of the Committee were invited to feedback from recent meetings that they had attended of Town, Community or County Councils..

Mrs M.E. Medley informed the Committee that she had attended a meeting of the Henllan Community Council on 11th May. Mrs Medley reported that she had some difficulty in distinguishing between individuals sitting on the Community Council as elected members and members of the public, and that there was a tendency for a small number of individuals to exert a greater influence on proceedings than other members, but she conveyed that the meeting had been reasonably effective overall. It was also observed that the Clerk of the Henllan Community Council conducted the same role for a number of other Community Councils, which might have an impact on the manner in which the work of these Councils was undertaken, but this was emphasised to be a general observation rather than a Code of Conduct issue.

RESOLVED – *that the position be noted.*

6 NORTH WALES STANDARDS COMMITTEE

The MO gave a verbal update of the issues discussed at a recent meeting of the North Wales Standards Committees Forum (NWSCF) held on 23rd April 2012, and copies of the agenda for the meeting were distributed to members of the Committee.

It was reported that the Public Services Ombudsman for Wales had been in attendance and presented a preview of the Public Services Ombudsman for Wales's Annual Report 2011/12, later discussed in detail under Item 10. The report outlined a new way of working that would provide a framework for the investigation of complaints that, after an initial assessment, were not anticipated to be serious enough to warrant sanction. Under present arrangements, cases in which breaches of the Code of Conduct were not considered to be sufficiently serious to warrant investigation would not be advanced any further, but the report proposed that such cases could now be referred to local monitoring officers or standards committees, who would be able to undertake their own investigations at local level.

The Committee was informed of a discussion which took place regarding a proposal to place a cap on indemnities in order to protect against the spiralling legal costs being incurred from on-going issues. A figure of £10,000 had been suggested as an appropriate level to set the cap but the Welsh Local Government Association (WLGA) had preferred a limit of £20,000. It was confirmed that indemnities are

repayable if a sanction against a member for a breach of the Code of Conduct was upheld.

A presentation was also given by the One Voice Wales Development Officer which set out the services and training available to Town and Community Councils.

Mr G.F. Roberts questioned whether the positive attendance statistics for County Councillor training were to be reported at the next meeting of the NWSCF scheduled for Tuesday 17th July. The MO confirmed that neither he, nor the Deputy Monitoring Officer, would be available to attend the meeting, but that the attendance figures would be sent to the NWSC in advance of the meeting.

RESOLVED – *that the discussions which took place at the last meeting of the North Wales Standards Committee are noted.*

7 MEMBER REMUNERATION

The MO introduced a report detailing the recommendations put forward by the Independent Remuneration Panel for Wales (IRPW), which Denbighshire County Council are required to implement under s.153 Local Government (Wales) Measure 2011. The MO explained the context of the review of remuneration, citing the political pressure to decrease allowances as the main factor in setting a single rate that would apply across Wales to ensure fairness in the payment of county councillors and co-opted members with voting rights.

The IRPW prescribed the compulsory payment of the following 'salaries' for co-opted members:

Co-opted Chair, Standards Committee, £256/Day and £128/Half-Day

Co-opted Member, Standards Committee, £198/Day and £99/Half-Day

A maximum of ten full days a year were payable for each committee to which an individual may be co-opted, and payment for necessary expenses incurred for the care of children/dependants was capped at £403/Month. The current travel and subsistence rates payable to committee members were to be retained. The rates of remuneration had been implemented and payments made for April and May would be adjusted accordingly.

The number of 'Senior Salaries' a local authority could pay to councillors had also been limited in proportion to the relative size of each authority. Denbighshire County Council was able to pay 17 Senior Salaries under this arrangement but it was noted that the Council had opted to pay Senior Salaries in only 15 roles.

The MO added that it was compulsory for Denbighshire County Council to pay these rates, but that it was the choice of individuals whether or not they wished to claim these expenses.

RESOLVED – *that the recommendations of the Independent Remuneration Panel for Wales Report 2012/13 were noted.*

8 ST ASAPH CITY COUNCIL DISPENSATION

Councillor W. L. Cowie had registered a personal and prejudicial interest in this item and, as the other members of the Committee did not have any specific questions relating to the organisation of St Asaph City Council that Councillor Cowie might be in a position to answer, Councillor Cowie left the room so that the discussion of St Asaph City Council's request for special dispensation could be commenced.

The MO explained that town and community councils had been written to in order to establish if any of these bodies would require any form of dispensation. St Asaph City Council notified DCC that a significant number of the City Council's members [14 total] were also members of closely affiliated community groups in the area (principally Afon Elwy Environment Group [6], St Asaph Community Association [7] and St Asaph Community Safety & Tidy Towns Group [8]), and that discussion of issues that related to these groups would necessarily invoke an interest. If members of the City Council were unable to participate in the discussion of issues relating to any of these groups due to holding a prejudicial interest then the lack of eligible members would mean that any meeting would automatically become inquorate.

In an email dated 24th May 2012 Andrew Pirie, Clerk to the City Council, requested that dispensation be granted to members of the City Council, who were also members of any of the named groups, to allow them to vote on issues in which a prejudicial interest had been declared in respect of this membership.

The Standards Committee were tasked with determining whether the granting of this dispensation was justified or if the dispensation would risk undermining public confidence in the City Council's decision making.

Mr Geraint Roberts asked for clarification of the likelihood of inquoracy in meetings which discussed issues relevant to the community groups. The MO confirmed that although it was possible that meetings would be fully quorate to discuss issues related to these groups if the total of the City Council's membership was in attendance, in practice it was very likely that the meeting would become inquorate if members holding a prejudicial interest were unable to take part. Consequently, the City Council would not be able to make decisions on issues relevant to these community groups if the dispensation was not granted.

Councillor David Jones noted that Prestatyn Town Council had been granted a similar dispensation previously, but that this was only applicable for one meeting. The MO stated that the regulations allow for this and that dispensations can be granted for any time period, although in most cases they usually applied until the following election.

RESOLVED – *that the Committee approved the application for dispensation for members of the community groups listed to continue participation in the discussion of issues by St Asaph City Council. This dispensation would apply until the date of the next City Council election.*

9 CHAIR AND VICE-CHAIR OF STANDARDS COMMITTEE

The MO gave an update to the Committee to advise of the measures that needed to be taken to appoint two new independent members of the Standards Committee when the terms of office for the Chair, Mr Clive Halliday, and the Vice-Chair, Mr Geraint Roberts, each conclude in September. Mrs Paula White's term would be ending but the MO confirmed that she was eligible to serve another term. Councillor David Jones's term of office would run in accordance with the town and community council election timeframe, but he was also eligible to serve another term subject to confirmation by the town and community councils.

The two positions would be advertised as soon as possible with a view to confirming recruitment arrangements at County Council on 11th September. It was intended that interviews would be conducted by an Advisory Selection Panel, with appointments to be formally confirmed by County Council at their meeting on 9th October. The MO clarified that the separate roles of Chair and Vice-Chair of the Standards Committee would also need to be appointed to, with an election to take place from within the membership of the Standards Committee rather than the County Council.

Members noted the relatively close time frame for the recruitment of two new independent members but the MO gave assurances that the appointments would be finalised in time.

RESOLVED – *that the Committee approved the arrangements to appoint two new independent members to the Standards Committee.*

10 PUBLIC SERVICES OMBUDSMAN FOR WALES'S ANNUAL REPORT

The MO introduced a report which gave an overview of the findings from the Public Services Ombudsman for Wales's Annual Report for 2011/12, entitled 'Improving Access: Delivering Improvement'. The report had originally been identified as a confidential item but as the Ombudsman's Annual Report was available to the public it was determined that this item could be considered under Part 1, the phase of the meeting open to the public.

The report gave details of a 49% increase in the number of Code of Conduct complaints lodged from the previous year, with 412 separate complaints received. 39% of these complaints related to matters of 'equality and respect' and 25% related to 'objectivity and propriety'. Of these complaints, 270 were closed after initial consideration.

The Ombudsman identified that many of the complaints received concerned town and community councils, with Prestatyn Town Council specifically named as the source of a disproportionately large number of complaints. This was attributable to a small group of councillors and certain members of the public. The Ombudsman had corresponded with the Clerk of Prestatyn Town Council in an attempt to address the culture of triviality and hostility and an agreement for conduct between members had been developed. The election of 10 new members to the town

council was also hoped to have a positive impact in changing the culture on the council.

The MO observed that the Ombudsman's report gave a clear message that improper use of the complaints mechanism was unacceptable and that the Ombudsman's office would take measures to discourage the submission of baseless complaints. The Report also gave further details of the procedural changes and the introduction of a cap on indemnities that had been mentioned in the discussion of Item 6.

A total of nine Code of Conduct complaints had been made against DCC in 2011/12, five of which had not been followed up. It was considered appropriate to enter Part 2 of the meeting in order to discuss these complaints in proper detail.

RESOLVED – *that the members of the Standards Committee note the contents of the Public Services Ombudsman for Wales's Annual Report 2011/12.*

11 CODE OF CONDUCT COMPLAINTS

The MO presented a confidential report which gave details of the nature of the Code of Conduct complaints made against DCC and local town and community councils since 1st April 2012, and offered an update of the progress made in their resolution.

One complaint against a former DCC councillor had been upheld on the grounds of failing to show respect and consideration for others. A censure was imposed by the Adjudication Panel for Wales but disqualification sanctions would not apply as the councillor in question was not re-elected in the May local election. The full decision of the Adjudication Panel had not yet been published on the Adjudication Panel for Wales's website but this would be updated shortly, and the MO said that he would follow up to see if DCC is also required to publish the result of the investigation on the Council's website.

Five further complaints were investigated but not pursued, and one complaint was withdrawn. Investigations were presently ongoing in to four complaints, one relating to DCC and three applying to Prestatyn Town Council, and the MO gave a summary of each of these allegations and the progress of each investigation.

The next meeting of the Standards Committee was scheduled for Friday 7th September, but the MO advised that this date may be moved to 14th September to follow the meeting of the County Council on 11th September. Members of the Committee would be notified if the date of the next meeting was changed. Councillor David Jones asked if it could be arranged for meeting dates and contact details for town and community councils to be circulated, which the MO agreed to follow up.

RESOLVED – *that the Committee notes the progress of complaints recently lodged with the Public Services Ombudsman for Wales that concern DCC and local town and community councils.*