



To: Chair and Members of Standards
Committee

Date: 3 January 2013

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Dear Member of the Committee,

You are invited to attend a meeting of the **STANDARDS COMMITTEE** to be held at **10.00 am** on **FRIDAY, 11 JANUARY 2013** in **CONFERENCE ROOM, TY NANT, PRESTATYN.**

Yours sincerely

G. Williams
Head of Legal and Democratic Services

AGENDA

PART 1: THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items 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 (Pages 5 - 10)

To receive the minutes of the Standards Committee meeting held on 30th November 2012 (copy enclosed).

5 ATTENDANCE AT MEETINGS

To note the attendance by members of the Standards Committee at County, Town and Community Council and to receive their reports.

6 CODE OF CONDUCT TRAINING (Pages 11 - 16)

To receive a report (copy enclosed) by the Deputy Monitoring Officer on the delivery of training on the Code of Conduct in 2012.

7 NORTH WALES STANDARDS COMMITTEES FORUM

To receive a verbal report from the Deputy Monitoring Officer giving an update from the recent meeting of the North Wales Standards Committees Forum held on 7th January 2013.

8 DATE OF NEXT MEETING

The next meeting of the Standards Committee is scheduled for 10am on Friday 22nd February 2013, to take place in Conference Room 1a, County Hall, Ruthin.

PART 2: CONFIDENTIAL ITEMS

It is recommended in accordance with Section 100A(4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that exempt information (as defined in paragraphs 12 and 13) of Part 4 of Schedule 12A of the Act would be disclosed.

9 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000 (Pages 17 - 18)

To consider a confidential report by the Monitoring Officer (copy enclosed) providing an overview of complaints against members lodged with the Public Services Ombudsman for Wales.

MEMBERSHIP

Independent Members:

Rev Wayne Roberts, Mr Ian Trigger (Chair), Ms Margaret Medley and Mrs Paula

White

Town/Community Council Member
Councillor David E Jones

County Councillors
Councillor Bill Cowie
Councillor Colin Hughes

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STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1a, County Hall, Ruthin on Friday, 30 November 2012 at 10.00 am.

PRESENT

Ms. Margaret Medley, Mr. Wayne Roberts, Mr. Ian Trigger and Mrs. Paula White together with Councillors Bill Cowie and Colin Hughes and David Jones

ALSO PRESENT

Monitoring Officer and Head of Legal and Democratic Services (RGW), Deputy Monitoring Officer and Solicitor: Corporate Governance (LJ) and Committee Administrator (KEJ)

WELCOME

The Monitoring Officer welcomed everyone to the meeting and extended a particular welcome to Mr. Ian Trigger and Mr. Wayne Roberts who were attending their first meeting of the Standards Committee. He also apologised that it had been necessary to change meeting rooms at short notice due to the co-ordination of the Flood Response Team in Conference Room 1a.

1 APPOINTMENT OF CHAIR OF THE STANDARDS COMMITTEE

In accordance with the relevant regulations expressions of interest had been sought from independent members for the position of Chair of the Standards Committee. Expressions of interest had been received from Mr. Wayne Roberts and Mr. Ian Trigger and their CVs had been previously circulated to committee members. There being no further expressions of interest the matter was put to the vote and it was –

***RESOLVED** that Mr. Ian Trigger be appointed Chair of the Standards Committee.*

The Chair thanked members for their support and said he looked forward to working with them.

2 APPOINTMENT OF VICE CHAIR OF THE STANDARDS COMMITTEE

The Chair sought nominations of independent members for the appointment of Vice Chair of the Standards Committee. The Monitoring Officer advised that an expression of interest had been received from Mr. Wayne Roberts. Ms. Margaret Medley also expressed an interest in the appointment and upon being put to the vote it was –

***RESOLVED** that Mr. Wayne Roberts be appointed Vice Chair of the Standards Committee.*

The Chair congratulated the Vice Chair on his appointment who replied that he was looking forward to supporting the Chair in his role.

3 APOLOGIES

Councillor Bill Cowie submitted his apologies in advance as he would need to leave the meeting for a short period.

4 DECLARATION OF INTERESTS

Councillor Colin Hughes sought clarification as to whether he should declare an interest in any of the agenda items because he was also a Town Councillor. The Monitoring Officer advised that there were no matters on the agenda which required a declaration of interest in that capacity.

No declarations of personal or prejudicial interest were raised.

5 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters were raised.

PRESENTATION

At this juncture the Monitoring Officer (MO) took the opportunity to welcome to the meeting the former Chair of the Standards Committee, Mr. Clive Halliday whose term of office had recently ended. On behalf of officers and committee members, the MO formally thanked Mr. Halliday for his distinguished service as Chair and for his support, generosity and courtesy. Mr. Halliday was held in the highest regard by both past and current members and the MO presented him with a gift in recognition of his valuable service. Mr. Halliday thanked everyone for their kindness and made special mention to the support he had received from both the present and former Monitoring Officer. He also extended his best wishes to the Standards Committee for the future. The Chair expressed everyone's deep gratitude for all the work undertaken by Mr. Halliday during his service on the committee.

The Deputy Monitoring Officer advised that the former Vice Chair, Mr. Geraint Francis Roberts had also retired but had been unable to attend the meeting. Officers and members paid tribute to the valuable service and contribution made by Mr. Roberts and wished to convey their deep appreciation to him. The MO confirmed that those sentiments would be passed to Mr. Roberts together with a card and gift as a token of their appreciation.

6 MINUTES OF THE LAST MEETING

The minutes of Standards Committee held on 14 September 2012 were submitted.

Page No. 6 – Item No. 5 Attendance at Meetings – As a point of clarification Councillor David Jones asked that the word 'positive' be inserted before 'effectiveness of the chair' in order to reflect the excellent chairing of the meeting.

Page No. 7 – Item No. 7 Code of Conduct Training Events – Councillor David Jones advised that he had not agreed to attend the training sessions on 8 & 22 October and asked for that reference to be removed. He confirmed his attendance at three other training sessions but advised that he would now be unlikely to attend the fourth session on 5 December. For the benefit of new members the Monitoring Officer explained that a representative of the Standards Committee had been asked to attend each training event to demonstrate their support for the training programme. It would also prove a useful update for members. Mr. Wayne Roberts indicated his willingness to attend sessions on 5 & 12 December and the Chair offered to attend the session on 20 December.

RESOLVED that –

- (a) *subject to the above, the minutes of the meeting held on 14 September 2012 be received and approved as a correct record, and*
- (b) *changes to members' attendance at the Code of Conduct training events as detailed above be agreed and noted.*

7 ATTENDANCE AT MEETINGS

There were no reports of attendance at meetings of the County, Town and Community Councils from members of the Standards Committee.

It had been previously agreed that a timetable of meetings of the town and community councils would be made available to the committee. Not all members had received that information and the Monitoring Officer confirmed he would rectify the situation.

8 PUBLIC SERVICES OMBUDSMAN FOR WALES REVISED GUIDANCE ON THE CODE OF CONDUCT FOR ELECTED MEMBERS

The Monitoring Officer (MO) submitted a report (previously circulated) advising members of the publication of the Public Services Ombudsman for Wales revised guidance for elected members in respect of the Code of Conduct. Links to the full revised guidance had been made available to the committee prior to the meeting.

Further to the Ombudsman's guidance for members published in April 2010, revised guidance had now been issued in two separate documents for (1) Members of County and County Borough Councils, Fire and Rescue Authorities and National Park Authorities, and (2) Members of Community Councils. The rationale behind providing separate guidance for Community Councillors was to provide greater clarity and examples which specifically applied to them. The MO summarised the content of the revised guidance which included reference to –

- the new procedure for dealing with complaints whereby the Ombudsman would refer matters that he considered not investigating to Monitoring Officers and Standards Committees for local investigation
- local resolution procedures (such as the Self Regulatory Protocol adopted by Denbighshire County Council) which would apply to principal councils in the first

instance but could be made available to community councillors in due course, and

- changes to the substance of the guidance relating to treating others with respect and consideration – the threshold beyond which the Ombudsman would investigate complaints arising from political debates must take into account the fact that members needed to have a ‘thicker skin’ in dealing with politically motivated comments.

In terms of the changes to the investigation of politically motivated complaints the MO advised that the revised guidance had taken into account a recent High Court case which overturned an Adjudication Panel decision on the basis that a member’s freedom of expression attracted enhanced protection when his comments were political in nature. The MO elaborated upon the details of the case and advised that Monitoring Officers across Wales were concerned about the approach taken by the Ombudsman as they believed the tone of the guidance to be almost permissive which had not been the intention. Those concerns had been raised with the Ombudsman who had agreed to reconsider the wording of that particular section in the guidance.

The Chair thanked the MO for his clear description of the High Court case and subsequent implications of the revised guidance for members. Councillor David Jones felt that despite the clear explanation it was still a complex issue to interpret. The Chair queried whether the revised guidance would result in extra work for the committee. The MO replied that the Ombudsman was unlikely to investigate complaints made at county level between members which may instead be dealt with via the Self Regulatory Protocol which would have implications for the committee. Ms. Margaret Medley thought that an increase in cases investigated locally might help to improve councillors’ behaviour.

RESOLVED that the contents of the Ombudsman’s revised guidance be noted.

9 NORTH WALES STANDARDS COMMITTEE

The Monitoring Officer (MO) explained that the North Wales Standards Committee provided a forum for the Monitoring Officers, Chairs and Vice Chairs of the six North Wales local authorities to discuss matters of common interest.

The main topics discussed at the last meeting of the forum held on 4 October focused on –

- the Ombudsman’s revised guidance on the Code of Conduct for Elected Members, including the High Court case which overturned the Adjudication Panel’s decision (discussed under the previous agenda item), and
- the collective hosting by the North Wales authorities of the All Wales Standards Conference 2013 (to be discussed under the next agenda item).

RESOLVED that the verbal report by the Monitoring Officer on issues discussed at the last meeting of the North Wales Standards Committee be noted.

10 STANDARDS CONFERENCE 2013

The Monitoring Officer (MO) verbally reported upon the Standards Conference 2013 to be held on 19 April 2013 in the Venue Cymru, Llandudno which would provide an opportunity to bring the Standards community together to receive training and discuss views of common interest. It was proposed to have a strap line of 'Balancing Rights and Responsibilities' and to coordinate a programme to include –

- a key note address by the Ombudsman on his activities and common themes (likely to include discussions on his revised guidance)
- a series of breakout workshops on the following topics –
 - How to promote Standards proactively
 - Local dispute resolution procedures
 - Town and Community Council relationships
 - Mediation
 - Conducting hearings and sanctions
 - Dispensations
 - Register of Interests
 - Single Purpose Authorities
- One Voice Wales and the Adjudication Panel for Wales would each be asked to facilitate a session
- a plenary session at which local Standards Committees might be asked to contribute

Further details of the All Wales Standards Conference would be made available nearer the time. Subject to any restriction on numbers, all committee members were welcome to attend. The committee considered the Standards Conference to be an exciting opportunity to learn and share views and ideas which would prove extremely beneficial to members in carrying out their duties. Consequently it was –

RESOLVED that the verbal report by the Monitoring Officer on topics to be discussed at the Standards Conference 2013 be noted.

11 ANNUAL REPORT OF THE ADJUDICATION PANEL FOR WALES 2011/2012

The Monitoring Officer (MO) submitted a report (previously circulated) advising members of the issue of the Annual Report of the Adjudication Panel for Wales 2011/12. The report provided an overview of the work of the Adjudication Panel and contained summaries of the cases and appeals that the Panel had dealt with over the last year. A link to the full report had been made available to the committee prior to the meeting.

The MO explained the role of the Adjudication Panel and statutory functions to consider –

- reports from the Ombudsman on the most serious allegations of breaches of the Members' Code of Conduct, and
- appeals from members against Standards Committee decisions following a referral by the Ombudsman.

The low number of referrals during 2011/12 had led to a time limited reappointment of experienced members to provide experience and stability. The committee was also advised of the type and number of cases considered by the Panel since its inception in 2002 together with its findings and outcomes. A summary of the sanctions imposed by case and appeal tribunals during October 2002 to March 2012 had been attached to the main report.

The Chair thanked the MO for his summary of the Adjudication Panel's annual report and it was –

RESOLVED that report by the Monitoring Officer on the Annual Report of the Adjudication Panel for Wales 2011/12 be received and noted.

12 DATE OF NEXT MEETING

Members noted the Standards Committee's next meeting had been scheduled for 10.00 a.m. on Friday 11 January 2013 in the Conference Room, Ty Nant, Nant Hall Road, Prestatyn. Mrs. Paula White advised that she would be unable to attend that meeting and submitted her apologies in advance.

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 of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act.

13 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

A confidential report by the Monitoring Officer (MO) was submitted (previously circulated) providing an overview of complaints against members lodged with the Public Services Ombudsman for Wales since 1 April 2012.

The MO advised that the report was a standing agenda item in order to keep the committee abreast of ongoing complaints and those recently completed. The majority of completed cases had not been pursued by the Ombudsman and one complaint had been withdrawn. One complaint had been upheld and members were provided with the details of that case which had been directly referred to the Adjudication Panel. In terms of the ongoing complaints, the MO advised that the Ombudsman had since decided not to investigate two of those complaints and he provided an update on the remaining two ongoing cases, clarifying issues in response to members' questions thereon. After consideration it was –

RESOLVED that report be received and noted.

Prior to the close of the meeting the Chair took the opportunity to thank members for their attendance and also thanked the Monitoring Officer for his clear and helpful reports and address.

The meeting concluded at 11.05 a.m.

Agenda Item 6

Agenda Item no:

REPORT TO: Standards Committee
REPORT BY: Deputy Monitoring Officer
DATE: 11th January 2013
SUBJECT: Code of Conduct Training 2012

1. PURPOSE OF REPORT

To provide Members with an overview of the Code of Conduct training delivered by the Monitoring Officer and Deputy Monitoring Officer following the May 2012 elections.

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.

2.2 The Standards Committee has placed much emphasis on the provision of a comprehensive, accessible programme of training on the Code of Conduct and Members have supported the 2012 schedule which has been rolled out by the Monitoring Officer at a number of venues, in the day and the evening, across the County.

2.3 This report provides a review of the attendance levels at County and at Town & Community level. Members should note that a significant number of our County Councillors are also Town and Community Members and will have been captured during the County Council training. Additionally, some Members have attended both County and the Community training the Monitoring Officer has offered. Following the amendments to the County Councillor's Code of Conduct, making attendance at code training during a term of office mandatory at least once, this has resulted in 45 out of 47 County Councillors attending a training session equating to almost a 96% attendance rate. Anecdotal discussions by Monitoring Officers in Wales on Code training, suggests this is an excellent success rate.

2.4 This review has been helpful to assist the Monitoring Officer in assessing which County Councillors remain untrained, (by Denbighshire County Council), in addition to look at attendance rates across the board with respect to the Town and Community Councils generally.

2.5 Members should also be aware, that One Voice Wales have also delivered a programme of training across Wales for Town and Community Councils and their attendance rates are not included within this report, neither is any training that may have been delivered 'in-house' by the Town and Community Clerks.

2.6 With regard to a comparator of attendance rates in respect of the Town and Community sessions, following the elections in 2008 attendance figures were slightly higher with a total of 80 attendees. For this municipal year the total is 71.

2.7 The review has also been helpful in assessing the gaps in training in respect of co-opted members of education scrutiny committees on the code of conduct.

2.8 The table of attendance rates is attached as Appendix 1.

3 RECOMMENDATION

3.1 That Members note the progress that has been made.

3.2 That Members support one further session to be delivered in 2013 to County Council members (co-opted and those not captured) to include a strong message to be sent to those who have not attended at County Council level to take up the offer of conduct training this year, whether by the County Council or elsewhere.

3.3 That Members instruct the Monitoring Officer to write to One Voice Wales in order to ascertain the level of attendance they have achieved in order to inform the Standards Committee which town and community councils may need further assistance.

3.4 That Members consider any other approach with regard to targeting the town and community members, taking into consideration the delivery of training in person by officers is resource intensive.

Appendix 1 CODE OF CONDUCT TRAINING

REVIEW OF SESSIONS DELIVERED POST ELECTIONS 2012

1) Attendance by Denbighshire County Council Members

Total number of Elected Members = 47

Total number of Elected Members trained = 45

Total number of Independent Members = 10

Total number of Independent Members trained = 4

Date	Venue	Total in attendance
9 th May 2012	County Hall Ruthin	42
22 nd October 2012 (Refresher session)	County Hall Ruthin	12
Total no of County Councillors not attended Code training delivered by DCC.	n/a	2
Total no of Independent/Co- opted Members not yet attended training delivered by DCC	n/a	6

2) Attendance by Venue at Town and Community Council Sessions (includes Standards Committee Members and Clerks)

Total number of Community Council Members = 349

Total number of seats = 377

[28 Town and Community Council seats remained vacant following the elections for councils to co-opt]

Date	Venue	Total in attendance
26 th September 2012	Llangollen	5
3 rd October 2012	Corwen	2
8 th October 2012	Rhyl	8
22 nd October 2012	Rhyl	5
21 st November 2012	St Asaph	20
5 th December 2012	St Asaph	6

12 th December 2012	Ruthin	15
20 th December 2012	Ruthin	10
Total attendance		71

3) Attendance rates per Town and Community Council (includes Clerks)

T & C Council	Attendance number	Number of Twin Hatted Members
<i>Aberwheeler</i>		
<i>Betws Gwerfil Goch</i>		
Bodelwyddan		1
Bodfari	1	
<i>Bryneglwys</i>		
Cefn Meiriadog	3	1
Clocaenog		1
Corwen	1	
<i>Cyffylliog</i>		
Cynwyd		1
Denbigh	11	3
<i>Derwen</i>		
Dyserth		1
Efenechtyd	1	
<i>Gwyddelwern</i>		
<i>Henllan</i>		
Llanarmon yn Ial	1	1
Llandegla	4	
<i>Llandrillo</i>		
Llandyrnog	5	1
Llanelidan	1	1
<i>Llanbedr Dyffryn Clwyd</i>		
Llanferres	2	
Llangollen	3	
<i>Llangynhafal</i>		
<i>Llanrhaedr yng Nghinmeirch</i>		
Llantysilio		1
<i>Llanynys</i>		
<i>Nantglyn</i>		
Prestatyn	1	7
Rhuddlan		2
Rhyl	6	11
Ruthin	10	
St Asaph	3	2
Trefnant	9	
Tremeirchion Cwm & Waen	3	
TOTAL	65	34

By virtue of paragraph(s) 13, 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

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