

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1b, County Hall, Wynnstay Road, Ruthin LL15 1YN on Friday, 9 May 2014 at 10.00 am.

PRESENT

Ms. Margaret Medley, Mr. Ian Trigger (Chair) and Mrs. Paula White together with Councillors Bill Cowie and David Jones

ALSO PRESENT

Monitoring Officer (GW), Deputy Monitoring Officer/Solicitor (LJ) and Committee Administrator (KEJ)

1 APOLOGIES

Councillor Colin Hughes and Reverend Wayne Roberts

2 DECLARATION OF INTERESTS

The Chair, Mr. Ian Trigger declared a personal interest in Agenda Item No. 9 – Code of Conduct – Part 3 Local Government Act 2000. The Chair stated his intention to disclose, under this item, details of a potential complaint arising from correspondence relating to the Council's decision to close Ysgol Llanbedr. He explained that the nature of his interest related to his position as Lay Reader in the Church in Wales, in particular the Deanery of Dyffryn Clwyd.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters were raised.

4 MINUTES OF THE LAST MEETING

The minutes of Standards Committee held on 21 March 2014 were submitted.

Accuracy –

Page 7 – reference to 'W.E. Cowie' be amended to read 'W.L. Cowie' and any references to 'Town and Community Councils' be amended to 'City, Town and Community Councils'.

Page 8, fourth paragraph – reference to 'understand' be amended to 'understanding'

Page 9 – Rhuddlan Town Council, second sentence – the word 'of' be removed to read 'The Mayor at the commencement reminded Members....'

Matters Arising –

Page 9 – Attendance at Meetings – The Monitoring Officer advised that the suggestion to provide City, Town and Community Councils with details of the purpose of Standards Committee Members attending meetings would be taken up with the Community Engagement Manager who was responsible for liaison with those councils. The intention was for either the Monitoring Officer or Deputy Monitoring Officer to attend cluster meetings to give an explanation or provide a briefing note for dissemination.

Page 7 – Annual Report of the Adjudication Panel for Wales – Members had sought clarification regarding the number of cases in the report which had been subject to a High Court appeal. Of the 55 cases which had resulted in sanctions, 12 had been appealed from Standards Committees. In terms of those sections ‘Breaches by type’ relating to “Failed to lead by example (local provision)” and “Failure to have regard for Standards Committee advice” where there would be local variations, opinion would be canvassed from other Monitoring Officers.

RESOLVED that, subject to the above, the minutes of the meeting held on 21 March 2014 be received and approved as a correct record.

5 SOCIAL MEDIA PROTOCOL

The Monitoring Officer (MO) submitted a report (previously circulated) presenting the draft Social Media Protocol for Members and employees of the Council for consideration.

The MO detailed the reasoning behind the production of a single Social Media Policy relevant to different users of social media based on work already undertaken in the Council and taking into account previous guidance issued. The draft Policy had been developed by the Corporate Communications Team with input from officers involved in safeguarding as well as standards issues. It consisted of a General Policy document giving general advice and was supported by appendices giving specific advice for the use of social media in different circumstances and in particular included specific guidance drawn up for elected Members by the Welsh Local Government Association (WLGA).

In view of the excellent guidance produced by the WLGA it was decided to insert the guidance in its entirety as an appendix to the policy document. The MO guided members through the policy document and elaborated upon the areas of the WLGA guidance for councillors in terms of –

- the benefits of social media and how to use it effectively
- etiquette and style of communicating
- support from the Council and general responsibilities
- social media and council meetings
- golden rules when using social media
- possible pitfalls and how to avoid them
- the law and Code of Conduct

Members welcomed the policy as a means of providing advice and guidance when using social media and were eager for the documents to be shared with City, Town and Community Councils. The Committee was also keen that the following points be emphasised to councillors and included in members' training –

- a potential breach of the social media guidance could constitute a breach of the Code of Conduct
- the golden rules when using social media as detailed within the guidance
- the potential negative perception of using social media in council meetings.

Councillor David Jones felt there would be merit in including reference in the policy to the fact that the Adjudication Panel for Wales had received cases involving the use of social media and had imposed sanctions on councillors as a result. He also questioned reference in paragraph 5.4 of the policy to Members' duty to report any breaches of code by other Members. The MO agreed reference could be made to the Adjudication Panel for Wales. He also advised that the Ombudsman had confirmed he would not consider any member in breach if they used the local resolution procedure and he would reword that paragraph accordingly. The Deputy Monitoring Officer highlighted reference within the policy (Appendix C, paragraph 11) to support and action taken by the employer in particular cases as a result of their work. She advocated greater clarity within the document in view of the different levels of support provided to employees and elected Members. The Committee agreed that issue should be addressed within the policy document.

The Committee also discussed the advantages and disadvantages of social media and speculated on its take up by members and the impact of webcasting of future council meetings. Despite some concerns over the pitfalls of social media its value in engaging and communicating with residents online and reaching large numbers of people who would not be engaged through more traditional methods was recognised. The MO advised that the policy would be reported to the Corporate Governance Committee and Cabinet for approval.

RESOLVED that –

- subject to Members' comments and observations above, the draft Social Media Policy be endorsed;*
- the Monitoring Officer be asked to circulate the WLGA guidance for councillors on social media to City, Town and Community Councils drawing particular attention to the points raised by the Committee above and advising of the availability of the Social Media Policy on the Council's website following its approval, and*
- a report back on the amendments to the draft Social Media Policy as a result of members' comments be submitted to the Committee's next meeting.*

6 DECLARATIONS OF INTERESTS

The Monitoring Officer (MO) submitted a report (previously circulated) informing the committee of the requirement for Members to declare their interests in respect of any business before them and the practical compliance with those arrangements.

The report detailed the legislative provisions setting out the Model Code of Conduct with particular reference to paragraph 11 of the Code stating the requirements for Members in declaring interests both orally and in writing as appropriate when attending meetings. The form provided for Members to complete in order that written notification of a disclosed interest may be provided to the authority had been attached to the report. Following a review the MO had found some inconsistencies in the way in which the forms were being completed by Members, in particular –

- failure to indicate whether they were a Member or Co-opted Member of the authority
- failure to indicate whether the interest declared was a personal or a personal and prejudicial interest
- potential confusion regarding the completion of the box entitled Nature of Interest.

Whilst the above issues would likely be recorded within the minutes of the meeting Members noted that the declaration forms could be requested by the Ombudsman as part of any investigation and may also be disclosed for other purposes. It was also accepted that the onset of the electronic publication of a register of members' interests may prompt requests for the information on declaration forms. The Committee considered a number of measures to improve the process and ensure declaration forms were fully completed as appropriate. Consequently it was agreed that (1) a briefing note be circulated to Members drawing attention to the issue and the reasoning behind the need for the declaration form to be completed with sufficient accuracy, and (2) a more rigorous approach be taken to monitoring declaration forms at meetings. The Committee also noted that City, Town and Community Councils recorded Members' declarations of interest differently. In order to provide some consistency across the county it was agreed that those councils be issued with a briefing note and declaration form which could be adapted for their own use as appropriate.

RESOLVED that –

- (a) the report be received and noted;*
- (b) a briefing note be circulated to County Councillors impressing upon them the importance of completing the Disclosure and Registration of Interests form with sufficient accuracy together with the reasons therefore;*
- (c) a more rigorous approach be taken to monitoring Disclosure and Registration of Interest forms at council meetings, and*
- (d) a briefing note be circulated to Clerks of City, Town and Community Councils together with a Disclosure and Registration of Interests form which could be adapted for their own use as appropriate.*

7 ATTENDANCE AT MEETINGS

Members of the Standards Committee reported upon their attendance at meetings as follows –

St. Asaph City Council – Councillor Bill Cowie reported upon his attendance at a meeting of St. Asaph City Council during April which had been well conducted. He advised that the City Council had recently appointed a new member and a further vacancy had arisen which would need to be filled. He added that the recently appointed Clerk ensured that any councillor declaring an interest completed the appropriate declaration form at the meeting.

North Wales Standards Forum – The Chair reported upon his attendance together with Reverend Wayne Roberts at the North Wales Standards Forum held on 29 April 2014 at County Hall, Mold which had been hosted by Flintshire County Council. The meeting had been well conducted and he had been impressed by Flintshire's Monitoring Officer who was very experienced and had a keen approach. The Chair sought Members' views on a number of issues raised at the meeting and discussed the following –

Annual General Meeting – Members noted that other Standards Committees held an AGM and considered the merits of introducing this practice. The Committee supported holding an AGM in order to review their work over the previous twelve months and to consider setting their priorities for the next twelve months. It was noted that other Standards Committees held meetings with Group Leaders and Members' agreed to discuss that issue further at their AGM together with a mechanism for consultation with City, Town and Community Councils. It was also agreed that the next scheduled meeting on 18 July 2014 be combined with an AGM in order to discuss those issues. The issue of devolution of services to City, Town and Community Councils was raised and subsequently implications for the Standards Committee. The Monitoring Officer (MO) advised that the issue would be subject to further scrutiny and greater challenge through the standards process.

Training – The Chair reported upon the different training undertaken across different counties. A proposal had been made at the Standards Forum for a one day training session across the six North Wales authorities delivered by Peter Keith-Lucas focused on how to conduct a hearing. Anglesey Council had agreed to host the event with 23 & 27 June 2014 being the preferred dates. The Committee felt they would find the training beneficial and it was agreed that places be prioritised for Standards Committee Members before being offered to other interested councillors. It was noted that the Chair and Councillor Bill Cowie would be unable to attend on those dates. The MO agreed to contact Committee Members once details had been confirmed. In terms of induction training the consensus view was that training was best delivered after attendance at a number of meetings. Members indicated they were satisfied with the current training provision.

The Chair had been interested to learn there was a judgment pending from a High Court Case involving a Flintshire Councillor and the MO agreed to provide a copy of the judgment when it became available.

RESOLVED that –

- (a) *the verbal reports from members' attending meetings be received and noted;*
- (b) *the practice of introducing an Annual General Meeting be supported and the Standards Committee's next scheduled meeting on 18 July 2014 be combined with an Annual General Meeting in order to discuss pertinent issues as detailed above, and*
- (c) *the proposal for joint Standards Training be supported with Denbighshire's places prioritised for Standards Committee Members before being offered to other interested councillors.*

8 DATE OF NEXT MEETING

Members noted the Standards Committee's next meeting had been scheduled for 10.00 a.m. on Friday 18 July 2014 in Conference Room 1a, County Hall, Ruthin. As previously agreed the scheduled meeting would be combined with the Standards Committee's first Annual General Meeting (AGM). The Chair encouraged Members to submit any ideas for the AGM to the Monitoring Officer or Deputy Monitoring Officer 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.

9 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

The Chair provided details of a potential complaint arising from correspondence relating to a dispute as to whether or not Ysgol Llanbedr should be closed in accordance with the Council's decision. A letter had been addressed to the Chair of the Standards Committee detailing a number of grievances which he had discussed with the Monitoring Officer. A response had been provided explaining that the Standards Committee had no jurisdiction over the matter and directed the correspondent to the Public Services Ombudsman for Wales if they wished to pursue a complaint. The Chair advised that he was not inviting any discussion on the matter merely to make Members aware of it.

The Monitoring Officer submitted a confidential report (previously circulated) providing an overview of complaints against members lodged with the Public Services Ombudsman for Wales since 1 April 2012. He advised that the Ombudsman had decided not to investigate two recent complaints and there were currently no on-going complaints.

RESOLVED that report be received and noted together with the Chair's verbal report of a potential complaint.

The meeting concluded at 11.30 a.m.