

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1a, County Hall, Wynnstay Road, Ruthin LL15 1YN on Friday, 22 May 2015 at 10.00 am.

PRESENT

Independent Members, Ian Trigger (Chair), Julia Hughes, Anne Mellor, Councillor David E. Jones and County Councillor Bill Cowie

ALSO PRESENT

Monitoring Officer (GW), Deputy Monitoring Officer (LJ), Democratic Services Manager (SP) and Committee Administrator (SLW)

The Chair welcomed Committee Members to the meeting and introduced the two new independent members, Julia Hughes and Anne Mellor.

1 ELECTION OF VICE CHAIR TO STANDARDS COMMITTEE

It was agreed by the Committee Members present to defer the election of Vice-Chair to the next meeting of the Standards Committee taking place on 18 September 2015.

***RESOLVED** that the election of Vice-Chair be deferred to 18 September 2015*

2 APOLOGIES

Apologies for absence were received from Mrs P White and Councillor Barry Mellor

3 DECLARATION OF INTERESTS

No declarations of interest.

4 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters.

5 MINUTES OF THE LAST MEETING

The minutes of the Standards Committee held on 6 March 2015 were submitted (previously circulated).

At this juncture, the Chair requested that the papers be sent out earlier – 7 days prior to the meeting to ensure sufficient time for Members to read through the papers.

Matters arising:

Item 2 – the Deputy Monitoring Officer confirmed a copy of the Declaration of Interest forms had been sent out to all Clerks of the City, Town and Community Councils.

Item 4 – The Code of Conduct Training for the Clerks of the City, Town and Community Councils had taken place. It had been an excellent training session but, unfortunately, had not been well attended.

Item 5 – the North Wales Standards Forum had been re-arranged from 30 May 2015 and would now take place on 16 June 2015 in Ruthin.

Councillor Bill Cowie expressed his thanks to the Deputy Monitoring Officer for distributing the contact numbers for all the Clerks of the City, Town and Community Councils.

The Chair explained to the two new independent members that they would be welcome to visit City, Town and Community Councils when they were free to do so.

RESOLVED that subject to the above, the Minutes of the meeting held on 22 May 2015, be approved as a correct record.

6 FORWARD WORK PROGRAMME

The Deputy Monitoring Officer (DMO) presented the Standards Committee Forward Work Programme for consideration.

The Standards Conference taking place in Cardiff on the 20 October 2015 would be added to the Forward Work Programme. At the Standards Committee meeting being held on 16 September, arrangements would be considered as to who would attend the Conference.

The Monitoring Officer confirmed a report had been drawn up regarding the new Ombudsman's Case Book which highlighted issues. The question of local resolution being moved to City, Town and Community Councils had been raised and the Monitoring Officer clarified that opinion from the Councils would be gauged as to whether they would require assistance to draw up a process. During discussion, it was agreed that City, Town and Community Council Clerks would require guidance and a framework template would be provided. Progress regarding the guidance and framework template to be added to the 16 September 2015 meeting for an update.

Visits of Standards Committee Members to City, Town and Community Council meetings was discussed. It was agreed that the Deputy Monitoring Officer would produce an annual list of all the City Town & Community Councils which had been visited to enable a proactive approach for future visits to alternative Councils. This item would be added to the 16 September 2015 meeting.

The Chair suggested to Members that the visits to City, Town & Community Councils should be carried out by the Independent Members of Standards Committee. The Monitoring Officer confirmed if Clerks sent through a list of their forthcoming meetings then visits could be plotted in an organised manner to ensure non-duplication of visits. The visits were to take place as an educational approach and not to look for fault. This would need to be made clear to the relevant City, Town and Community Councils.

RESOLVED that the Standards Committee agree the Forward Work Programme with the agreed inclusions.

7 CHAIR'S ANNUAL REPORT

The Chair confirmed he had attended Annual Council to present the Standards Committee's Annual Report.

The Deputy Monitoring Officer informed the Committee that the Annual Report had twice been presented to Standards Committee prior to Annual Council. The report gave an overview of the work of the Standards Committee.

RESOLVED that the Chair's Annual Report be received and noted.

8 PUBLIC SERVICES OMBUDSMAN FOR WALES - REVISED CODE OF CONDUCT GUIDANCE

The Monitoring Officer presented the report (previously circulated) to inform the Standards Committee Members of the introduction by the Public Services Ombudsman for Wales of revised guidance for elected Members in respect of the Code of Conduct.

At the Standards Committee meeting held in January 2015, a discussion paper produced by the Ombudsman was presented. The paper was in respect of his intention to introduce a public interest consideration into his two stage test of whether or not to investigate a complaint made against an Elected Member alleging a breach of the Code of Conduct.

The guidance on the Code of Conduct incorporated public interest factors into the two stage test as well as making other changes to the previous guidance.

The Ombudsman had produced two guidance documents, one for elected Members of Unitary Authorities, Fire & Rescue Authorities and National Parks and one for City, Town & Community Councillors.

The public interest factors to be considered by the Ombudsman as part of the two stage test were set out in the guidance.

The Monitoring Officer confirmed that a briefing note would be drawn up and a link to the guidance would be forwarded to County Councillors and City, Town & Community Council Clerks to raise with their respective Councils. The revised Code of Conduct guidance would be covered during training sessions.

General discussion took place and the following issues were raised:

- The Monitoring Officer agreed to contact the Ombudsman to ascertain how complaints were recorded and how long they were saved.
- Independent Member, Julia Hughes, suggested as a number of City, Town and Community Councils produced bulky documentation, perhaps it would be easier for all attendees if a briefing paper were sent out to save the onerous workload of producing numerous documents. The Deputy Monitoring Officer agreed and confirmed she would discuss this with the Monitoring Officer for a way of making communication an easier process.
- The Monitoring Officer suggested at the conclusion of each Standards Committee meeting, any key information could be disseminated.

RESOLVED that the Revised Code of Conduct Guidance be received and noted.

At this juncture (11.20 a.m.) there was a 15 minute break.

Meeting reconvened at 11.35 a.m.

9 DECLARATION OF INTERESTS AND HOSPITALITY

The Democratic Services Manager presented the report (previously circulated) to outline procedures for Members to complete a register of their interests and to declare interests in items of business at meetings they attend. It also covers the recording of hospitality and gifts offered to Members and Officers.

The Council had been developing its processes over the past year and proposed to report annually to the Standards Committee on how well they support levels of compliance in respect of mandatory declarations within Denbighshire.

There was a requirement for Members to consider whether they have personal interests in the business they undertake in their roles as Members of the Council. The Code also dealt with the registration of financial and other interests, and membership and management positions held by Members which should be declared.

Provisions outlined in the Code of Conduct complied with Part 3 of the Local Government Act 2000 with the Council supplying advice and procedures to support Members to fulfil their obligations. Initially, a form to register interests was included in the induction packs for all Members following a Local Government election. The signed register of interests were held in paper form and were available for inspection on request.

Section 58 of the Local Government (Democracy)(Wales) Act 2013 which had come into force this month, required registers of Members' interests to be published electronically for the first time. The Council had been transferring the registers on to the "Your Council" section of the public website which contained information regarding the elected Members. In support of the transfer to the website, all

Councillors were contacted to update or confirm the information was correct as originally supplied in their registers.

Any declarations made at any meeting would also be included on the website.

The Monitoring Officer maintains a register recording the declaration of gifts and hospitality, together with the information relating to the donor and recipient. A description of the gift or hospitality offered, together with its value, the date and the reason for the offer would also be recorded. Gifts, hospitality or other benefits etc., under the value of £25 were not required to be registered with the Monitoring Officer.

Denbighshire's Internal Audit Team undertook a review of the declaration of interest and hospitality processes in August 2014 as part of their work on the Council's Corporate Governance Assurance Framework. It was concluded that reasonably good controls were in place for recording declarations of interest and receipt of gifts and hospitality. However, Internal Audit found that processes could be more robust and efficient in the way the information had been recorded and reviewed which would ensure any omissions or errors made could easily be identified. The review resulted in the new guidance and procedures being introduced from the second half of last year.

***RESOLVED** that the report was reviewed and noted and it was agreed to annually review issues of declarations of interest, gifts and hospitality.*

10 FEEDBACK FROM CODE OF CONDUCT TRAINING FOR CLERKS OF THE CITY, TOWN AND COMMUNITY COUNCILS

The Chair, Ian Trigger, introduced the Feedback from Code of Conduct Training for Clerks of the City, Town and Community Councils which had taken place on 19 May 2015.

The Code of Conduct training had been carried out by the Monitoring Officer and Deputy Monitoring Officer. Unfortunately the attendance numbers of the Clerks were low. The training course had been extremely well prepared and presented. The Chair offered his gratitude to the Monitoring Officer and Deputy Monitoring Officer for their excellent work.

The training had been to raise awareness of the Code of Conduct and improving behaviour. It had been an opportunity for the City, Town and Community Councils to improve their own knowledge.

The Monitoring Officer confirmed he would attend a future Cluster meeting to encourage the attendance of Clerks at future training sessions.

It was reported that the Clerks in attendance appeared to have benefitted from the training without Members being present. They had been able to discuss in open session the problems and issues they faced.

The Monitoring Officer suggested that the next training session which may take place in September, could be held in the north of the county and possibly an evening meeting, but this would need to be confirmed.

RESOLVED that the feedback from the Code of Conduct Training be received and noted.

11 TRAINING FOR CHAIRS AND VICE CHAIRS OF CITY, TOWN AND COMMUNITY COUNCILS

The Deputy Monitoring Officer presented the report (previously circulated), to provide Members with an information report with details of proposed training for Chairs and Vice-Chairs of City, Town and Community Councils.

Standards Committee Members had previously emphasised the benefits of training Chairs and Vice-Chairs, as part of the overall approach to raising the ethical standards amongst elected members. Good Chairing skills would contribute to effective and lawful decision making which would clearly benefit local democracy.

The report provided Members with details of the training that would be delivered by external trainer Kim Bedford.

The proposed training would be a half day event on the 29 June 2015 from 1.30 p.m. All Clerks to City, Town and Community Councils had been contacted in order to confirm attendance.

Due to the cost that would be incurred by the County Council, there would be a charge of £35 per head to cover those costs. It was intended to limit the places to two per Council, namely the current or prospective Chairs and Vice-Chairs. If attendance figures were low, then the training course would be cancelled.

It was confirmed that Councillor Bill Cowie and Independent Members, Julie Hughes and Anne Mellor attend the training session.

RESOLVED that the report be received and noted.

12 ATTENDANCE AT MEETINGS

Members of the Committee were invited to feedback from the County, City, Town and Community Council meetings they had recently attended.

The Chair informed Members he had recently attended Denbighshire Annual Council and it had been good to see cross political support during the meeting and long may it continue.

Councillor David Jones attended the April meeting of Llanbedr DC Community Council. There were two vacancies which were hoped to be taken up by co-option. There was also a new Clerk to the Council. Councillor Jones stated that the meeting had been informal but the structure was excellent and it had been a very informative meeting.

***RESOLVED** that the Standards Committee receive and note the feedback submitted from recent meetings attended by Members of the Committee.*

13 DATE OF NEXT MEETING

Members noted that the next meeting would be held on Friday 18 September, 2015 at 10.00 a.m. in Conference Room 1a, County Hall, Ruthin.

ANY OTHER BUSINESS

Councillor David Jones expressed concern regarding the publication of information from City, Town and Community Councils electronically and the fact that Community Councillors were volunteers. Councillor Jones stated there could be resistance and concern about what would be expected of Community Councillors.

The Deputy Monitoring Officer confirmed it was a new requirement which was now compulsory.

It was agreed to raise the issue at future Cluster meetings and to send out guidance.

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 they involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 Schedule 12A of the Local Government Act 1972*

14 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

The Monitoring Officer presented the Code of Conduct – Part 3 Local Government Act 2000 report (previously circulated) to provide Members with an overview of complaints lodged with the Public Services Ombudsman for Wales.

***RESOLVED** that the Standards Committee receive and note the contents of the report.*

The meeting concluded at 12.30 p.m.