

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1a, County Hall, Ruthin on Friday, 18 September 2015 at 10.00 am.

PRESENT

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

Councillor M.Ll. Davies attended as an observer.

ALSO PRESENT

Deputy Monitoring Officer and Solicitor (LJ) and Administrative Officer (CIW).

1 ELECTION OF VICE CHAIR TO THE STANDARDS COMMITTEE

It was agreed by the Committee to defer the election of Vice-Chair to the next meeting of the Standards Committee taking place on 4 December 2015.

RESOLVED – *that the election of Vice Chair of the Standards Committee be deferred to the 4th December, 2015.*

2 APOLOGIES

Apologies for absence were received from Mrs Paula White.

3 DECLARATION OF INTERESTS

No Members declared any personal or prejudicial interests in any business identified to be considered at the meeting.

4 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.

5 MINUTES OF THE LAST MEETING

The Minutes of the Standards Committee held on the 22nd May, 2015 were submitted.

The Chair commented on the high standard of minutes produced.

Accuracy:-

5. Forward Work Programme – The date of the next meeting be amended from the “16th September, 2015 to the “18th September, 2015”.

11. Training for Chairs and Vice Chairs of City, Town and Community Councils – The name “Julie” be amended to read “Julia”.

Matters arising:-

5. Forward Work Programme – In reply to a question from the Chair regarding progress with the guidance and framework template for City, Town and Community Councils (CTCC), the DMO explained the information referred to had been included in the PSOW Code of Conduct Casebook and the Committee agreed that this would be sufficient as the production of further guidance would result in a duplication of information. She confirmed that work had been undertaken on the Self Regulatory Protocol; for (CTCC) and an item had been included on the agenda for consideration.

8. PSOW – Revised Code of Conduct Guidance – In response to a question from the Chair regarding the circulation of a briefing paper to improve communication links and key messages with CTCC, the Deputy Monitoring Officer (DMO) referred to the production of an executive summary or a short briefing note on the key issues. The DMO explained that cluster meetings were held with Clerks of CTCC and the matter of improving communication links for the dissemination of information could be discussed, including the enhanced use of Information Technology methods.

The DMO highlighted the merit in circulating to CTCC’s noteworthy information and facts from the PSOW Code of Conduct Casebook. She agreed to liaise with the Communications Team on methods of disseminating information to the CTCC’s, and with the Monitoring Officer regarding the information to be circulated.

It was confirmed by the DMO that the Monitoring Officer had contacted the Ombudsman as agreed to ascertain how complaints were recorded and how long they were saved. It was explained that a paper format of complaints was retained by the PSOW for a period of two years, and an electronic format for ten years. Members were informed that previous complaints would be checked and taken into consideration when determining whether or not to investigate a new complaint.

10. Feedback from Code of Conduct Training for Clerks of the City, Town and Community Councils – The DMO confirmed that due to time constraints the next training session for CTCC Clerks would be held in January, 2016, and would be scheduled as afternoon sessions commencing at approximately 3.00 p.m.

The DMO confirmed that the training session held on the 29th June, 2015 had taken place, and a trainer with greater knowledge of Welsh guidance, legislation and issues would be sought for 2016.

Councillor M.LI. Davies informed the Committee that literature pertaining to chairing skills was available and could be utilised.

Any Other Business:- Independent Member Julia Hughes (JH) made reference to the discussion on the electronic publication of information from CTCCs, and the confirmation by the MO that it was a new requirement which was now compulsory. She highlighted the need for easy access to information and explained that she had undertaken a voluntarily audit of ten Councils in respect of this issue. JH agreed to provide further details of the work undertaken.

Standards Conference Wales 2015:- The DMO referred to the Standards Conference scheduled to be held in Cardiff on the 20th October, 2015 and requested that any Members wishing to attend contact the Personal Assistant to the Head of Legal, HR and Democratic Services before the 29th September, 2015. The Chair confirmed that he intended to attend the Conference.

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

6 FORWARD WORK PROGRAMME

The Deputy Monitoring Officer (DMO) submitted a report (previously circulated) presenting the Forward Work Programme and Review for consideration and adoption.

Independent Member Julia Hughes (JH) provided details of the voluntarily audit undertaken of ten Councils, to be increased, to assess the accessibility of information pertaining to CTCCs. She agreed to provide a verbal report on the work undertaken to the Committee in December, 2015, with a written report being presented to the meeting in March, 2016. It was stressed that it would be important to specify the timescales involved, as information provided in the report would be subject to change following its production.

The DMO agreed to inform the Clerks of the CTCCs, in a letter from the Monitoring Officer, that the audit work was being undertaken, and to provide them with details of the findings, outcomes and feedback resulting from the exercise.

Members considered the Standards Committee Forward Work Programme for the forthcoming six month period and agreed the following additions:-

4th December, 2015:-

- (a) Report on the All Wales Standards Conference 2015.
- (b) Verbal report by Independent Member Julia Hughes, on the accessibility of information from City, Town and Community Councils.

4th March, 2016:-

- (a) Preparation of the Chair of the Standards Committee Annual Report, to be presented to County Council at the meeting following Annual Council.
- (b) Report by Independent Member Julia Hughes, on the accessibility of information from City, Town and Community Councils.

RESOLVED –that, subject to the above inclusions, the Standards Committee agree the Forward Work Programme.

(LJ to Action)

7 VISITS TO CITY, TOWN AND COMMUNITY COUNCILS

A copy of a report by the Monitoring Officer (MO), on visits previously undertaken by Members of the Committee to observe the proceedings of City, Town and Community Council visits, had been circulated with the papers for the meeting.

The report detailed visits previously made by Members of the Committee in order that future visits were planned in a way to avoid any duplication of Councils visited.

Members had previously discussed visits made by them to City, Town and Community Councils. The purpose of the visits being to observe the proceedings of the relevant Council, to make Councils aware of the work of the Standards Committee, to provide advice and identify potential areas for future training.

Members had agreed that it would be of assistance in planning and coordinating visits if they were made aware of the visits previously undertaken to avoid duplicating relatively recent visits, and concentrate on visiting Councils not recently visited. Appendix 1, set out the visits verbally reported to the Committee by Members since February, 2013, together with, where recorded, the date of those visits. Appendix 2 provided a list of the City, Town and Community Councils of Denbighshire sorted by way of cluster groups. Denbighshire organised cluster meetings with representatives of Community Councils to engage with and provide information to them, and these meetings were organised on an area or cluster basis.

During the ensuing discussion it was agreed that Members of the Committee focus on visiting the Councils which had not been visited recently, unless there was a specific issue of concern or a requested from the respective Clerk, and that the following Committee Members agreed to be allocated to the following cluster areas:-

Cluster 1:- Councillor W.L. Cowie and Independent Member Julia Hughes.

Cluster 2:- Chair Mr Ian Trigger and Councillor D. Jones.

Cluster 3:- Independent Member Anne Mellor.

RESOLVED – that the Standards Committee:-

(a) notes the information provided in Appendix 1, and utilises it to plan future visits to City, Town and Community Councils, and

(b) agrees that the Committee Members be allocated the cluster areas as identified above.

8 PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT 2014/15

A copy of a report by the Monitoring Officer (MO), on the 2014/15 Annual Report of the Public Services Ombudsman for Wales (OM), had been circulated previously.

The DMO explained that the OM published an annual report on the activities of the office of the OM in dealing with complaints against public bodies in Wales. The two main roles of his office included the investigation of complaints of maladministration by public bodies, and complaints relating to alleged breaches of the Code of Conduct by Elected Members of Unitary, City, Town and Community Councils. The OM's Annual Report entitled 'Making Complaints Serve Wales' had been included as Appendix 1.

Details of the workloads and statistics of the OM's office, and proposed changes to the legislation governing the powers, had been incorporated in the report. The OM categorised Code of Conduct complaints and an analysis of complaints by category had been provided. The number of cases referred to either a Standards Committee or the Adjudication Panel for Wales had risen slightly in 2013/14, but was still considerably lower than the number of cases referred in 2012/13. The DMO made specific reference to Page 43 of the report, and outlined the percentages relating to the Nature of Code of Conduct Complaints in 2014/15.

In view of the low level of complaints received from Councillors about their colleagues, the OM's office had reviewed its practice and would be taking a firmer line on such matters in future by referring them back to MO's for local resolution.

Annex C to the OM's report contained a breakdown of cases closed in 2014/15 by Local Authority. Of the 132 closed cases relating to unitary Authorities 2 related to Denbighshire County Councillors, both of which were closed after initial consideration without the need for an investigation. This represented a reduction from the 4 complaints closed in the previous year all of which had been withdrawn or closed after initial consideration. A breakdown of the 105 closed cases relating to City, Town or Community Councils, shows, in relation to Denbighshire, that there were three complaints about members of such Councils in Denbighshire. The OM had also reported on the performance of the Ombudsman's office in terms of the time taken to consider Code of Conduct complaints. Details of the two targets set by the OM in respect of timescales was provided in the report.

The OM had announced that the Code of Conduct Casebook introduced on a biannual basis would be produced on a quarterly basis in 2015/16, however, due to the low number of cases available in quarterly editions, a commentary on lessons learnt would be produced on an annual end of year basis only. The OM referred to the revised guidance issued during the year and the new public interest test, both having been previously reported to the Committee.

During the ensuing discussion the Chair highlighted the following issues:-

- He expressed his gratitude and attributed the decrease in the number of complaints recorded, which had been worthy of Standards Committee investigation, to the positive and hard work undertaken by the Monitoring Officer and the Deputy Monitoring Officer in organising training events.

- Expressed concern regarding the PSOW's limited resources and financial constraints, which had resulted in a conscious decision to not investigate low level matters. Reference was made to the stringent Public Interest Test which had been applied, the manner in which minor disputes had been resolved and the application of information ascertained from case study precedents.

Following further discussion, it was:-

RESOLVED – that the Standards Committee receive and note the Public Services Ombudsman for Wales' Annual Report 2014/15.

9 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT FACTSHEETS

A copy of a report by the Monitoring Officer (MO), on two factsheets produced by the Public Services Ombudsman for Wales, had been circulated previously.

The DMO introduced the report which informed the Committee of the production of the factsheets, and sought the endorsement of the dissemination of the factsheets to Elected Members of both the County Council, and CTCCs in Denbighshire.

The PSOW had appointed an investigator as the Code of Conduct Complaint Lead. In addition to the role as an investigator, as Code of Conduct Lead, they would oversee matters referred to the Adjudication Panel for Wales and Standards meetings. The Code of Conduct Complaint Lead would also attend the quarterly meetings of the All Wales Monitoring Officer Group.

As part of the new role, the Code of Conduct Complaint Lead had created two new factsheets, Appendix 1 and 2, written for Members who were subject to a Code of Conduct investigation, which were intended to give some guidance as to the processes followed during an investigation and formal interview.

During the discussion the Committee endorsed the suggestion that the factsheets be sent to all Members of Denbighshire County Council, together, with a covering note. In addition an e-mail be sent to the Clerks of all CTCCs attaching the factsheets and suggesting that they bring them to the attention of all of their Members.

RESOLVED – that the Standards Committee notes the information contained within the factsheets, Appendices 1 and 2 to the report, and endorses the dissemination of the factsheets to Elected Members of both the County Council, and City, Town and Community Councils in Denbighshire.

(LJ to Action)

10 PUBLIC SERVICES OMBUDSMAN WALES - CODE OF CONDUCT CASEBOOK

A copy of a report by the Deputy Monitoring Officer (DMO), on the Code of Conduct Casebook produced by the Public Services Ombudsman for Wales (PSOW), had been circulated previously.

The report informed the Committee of the most recent editions of the Ombudsman's Code of Conduct Casebook which would be produced on a quarterly basis from April 2015. The Casebook contains summaries of all of the cases in respect of which the OM had completed an investigation during the relevant period. The DMO explained that the main change to the PSOW approach had been the introduction of the Public Interest Test

The Casebook had been produced to help Members and others in considering whether circumstances that they may be experiencing amount to a breach of the Code. This being an extension of the publication of real life examples in the PSOW's Guidance on the Code. It also assisted Local Authority Standards Committees by providing access to information about the way other Standards Committees in Wales operated.

It was explained that Appendix 1 to the report contained the Casebook covering the period October, 2014 to March, 2015. Appendix 2 covered the period March, 2015 to June, 2015. Details of the complaints investigated during these periods had been outlined in the report and were summarised by the DMO. The Committee were informed that there had been no referrals to the Adjudication Panel for Wales.

RESOLVED –*that the Standards Committee notes the information contained within the Code of Conduct Casebook.*

11 SELF REGULATORY PROTOCOL FOR CITY, TOWN AND COMMUNITY COUNCILS

A copy of a report by the Monitoring Officer (MO), on the draft protocol similar to the County Council version but adjusted to take into consideration the size, composition and resources of Community Councils, had been circulated with the papers for the meeting.

The Committee had been involved in the development of a Self Regulatory Protocol (SRP) at County Council level. The PSOW had recommended that SRP's at a community level ought to be developed in due course. No specific timescale had been set and the option of adopting was one for each Town, City and Community Council.

The draft protocol had been included as Appendix 1, together with outline principles. It had not been suggested that the protocol should be much more detailed than this as the process was designed to be paper light, with the emphasis on face to face discussions, mediation and compromise of disputes or issues in a conciliatory manner.

It was explained that the Standards Committee may consider that their role should be greater, or less and a steer on this matter had been sought. The input of the MO would be minimal as the issue was one of the resolution of low level disputes which ought to be able to be dealt with locally at a community level, or with the assistance of a peer review approach with support from a neighbouring or other Community Council; a reference to the full Standards Committee shall be a last resort. The

DMO referred to Page 131 of the agenda and provided a summary of Appendix 1 the draft Member's Self Regulatory Protocol.

Councillor W.L. Cowie explained that he was pleased with the report which he felt could assist Clerks and Members of all CTCC's with the induction process. The Chair suggested that the Standards Committee might recommend that an induction process be introduced for any newly appointed Councillors. Independent Member Anne Mellor (AM) suggested that consideration be afforded to newly appointed Councillors visiting other Councils to witness proceedings.

The Chair felt that Standards Committee Members should only become involved in the process as last resort, with a view to not escalating matters. He explained that such involvement could prejudice a Member, and exclude them from adjudicating on the proceedings of a Standards Committee at a later stage in the process.

In response to suggestions made by Members of the Committee, the following amendments to the General Principles of the Member's Self Regulatory Protocol were agreed:-

- Bullet Point 1 be reworded.
- Bullet Point 2, "not for complaints" be amended to read "and is not applicable for complaints".
- Bullet Point 7, the word "will" be removed.

Independent Member Julia Hughes (JH), suggested that clarification be included in the Flowchart that the Code was applicable to City, Town and Community Councils and not just Community Councils. Councillor M.LI. Davies advocated that the word Councils be used when referring to CTCC's, and County Council be used when referring to issues pertaining only to the County Council.

During the ensuing discussion the DMO agreed that, following the inclusion of the suggested amendments, the draft Member's Self Regulatory Protocol be presented to the Clerks Cluster meeting to ascertain their views, prior to being resubmitted to the Standards Committee for consideration.

RESOLVED – *that the Standards Committee:-*

- (a) receives the draft Member's Self Regulatory Protocol.*
- (b) agrees that the above amendments be included, prior to submission of the draft Member's Self Regulatory Protocol to the Clerks Cluster meeting, and*
- (c) requests that that a further report be presented to the Standards Committee.*
(LJ to Action)

12 FEEDBACK FROM NORTH WALES STANDARDS FORUM

In the absence of the Monitoring Officer, the Chair provided a verbal report on the meeting of the North Wales Standards Committees Forum (NWSCF), held on the 16th June, 2015, and the following salient points from the meeting were highlighted:-

- Consideration had been afforded to the Revised Guidance on the Members Code of Conduct which had been issued by the PSOW.
- The Monitoring Officer had provided details of the Member Training Programme in Denbighshire, particular reference having been made to training provided for Members of the Planning Committee, and Clerks of CTCC's.
- Details had been provided of the cluster meetings,
- An outline of training provided for Anglesey Community Councils.
- The Chair had expressed his disappointment that not all Clerks of CTCC had attended the training sessions provided in Denbighshire, as the quality of the training provided had been excellent.
- The benefits to be attained if at least one Member of each Standards Committee attended the training sessions to provide feedback, or Members attended training sessions provided by other Authorities to view alternative working practices.
- Problems having been experienced in North Wales, particularly at Community Council level, of Clerks not utilising the advice provided by Monitoring Officers to address problems when they occurred.
- The Forum had expressed the opinion that it was keen to encourage cross Authority training.
- A request had been made that consideration be afforded to the production of an e-learning package for training purposes. The DMO explained that she was pleased with the suggestion that e-learning module be progressed.
- Reference was made to the different processes in the operation of Standards Committees, especially relating to hearings and applications for dispensations.
- Discussion on the proposed Regional Standards Committees.
- The process adopted by the PSOW for determining the validity of complaints, and the investigation process.
- The PSOW having expressed his support for the Forum for the cross fertilisation of ideas.

RESOLVED –that the Standards Committee receive and note the contents of the Chairman's report on the meeting of the North Wales Standards Committee Forum.

13 ATTENDANCE AT MEETINGS

Members of the Committee were invited to feedback from the CTCC meetings that they had recently attended, and Members took the opportunity to offer a summary of how the respective Councils had operated.

Independent Member Julia Hughes (JH) attended the following meetings and the following points and issues were highlighted:-

Henllan Community Council, 7th July, 2015:-

- The Clerk had questioned the reason a Member of the Standards Committee having attended meetings of the Council on four separate occasions. JH provided an assurance that the meetings attended had been selected randomly, and that there were no specific concerns relating to the Council. She had also explained that the selection process was being reviewed.

- The Chair of the Community Council requested feedback from JH on the proceedings. She confirmed that the meeting had been well organised following a standard agenda format, the Chair had been professional and well assisted by the Clerk.
- Declarations of Interest had not been sought at the commencement of the meeting but, were offered during the proceedings.
- There had been good contributions from Members of the Council, and they had worked collectively to resolve issues.
- Consideration had been afforded to the PSOWs Report.
- A list of the portfolios of Denbighshire Lead Members was circulated at the meeting.
- Confirmation had been provided that the Welsh Government Assembly Member would be visiting the Council in November.
- Concerns had been raised regarding a lack of communication between areas of the County Council and the Community Council on some issues.
- All Members of the Council had been afforded the opportunity to speak.
- A forward work programme was in place, and an information pack had been provided for Members.

Member Code Training:-

- Some Members had been under the impression that the Code only applied to Community Councils.
- None of the Members in attendance had received a copy of the Code from their respective Clerks.
- The training provided had been interactive, positive and engaging.
- More support had been requested to develop the Self Regulatory Protocol Framework to meet the timescales.
- Guidance request in respect of social media activities, and the utilisation of Disclosure of Interest Forms.

Planning Committee, 16th September, 2015:-

- The meeting had been well conducted and Members had been respectful. Introductions had been clear and rules and regulations had been complied with.

Independent Member Anne Mellor (AM) attended a meeting of St Asaph City Council on the 10th June, 2015 and the following points were highlighted:-

- The Agenda had been well structured.
- The new Clerk had been extremely competent and supported the meeting well.
- A report had been presented by the local Police officer.
- The meeting had been conducted in a very professional manner.
- The Clerk had requested the provision of further training provision for Members of the Council.

Am reported on the training provision which she felt had been excellent, with positive feedback having been received from attendees.

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

14 DATE OF NEXT MEETING

Members noted the time, date and venue of the next meeting of the Standards Committee, and it was:-

RESOLVED – that the next meeting of the Standards Committee be held on Friday, 4th December, 2015 in Conference Room 1a, County Hall, Ruthin.

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 Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

PART II

15 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

A copy of a confidential report by the Monitoring Officer (MO), which provided an overview of complaints lodged with the Public Services Ombudsman for Wales, had been circulated with the papers for the meeting.

The Standards Committee had previously requested to be regularly informed of the level of complaints lodged with the Public Services Ombudsman for Wales. The tables included in Appendix 1 provided an overview of complaints lodged since the 1st April, 2015.

The DMO provided a brief summary of the report with particular detail being provided in respect of Case Numbers 258 and 259.

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

Meeting ended at 13.00 p.m.