

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1a, County Hall, Ruthin on Friday, 4 March 2016 at 10.00 am.

PRESENT

Independent Members Julia Hughes, Anne Mellor and Ian Trigger (Chair) together with Councillors Barry Mellor and David Jones

ALSO PRESENT

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

1 APOLOGIES

Councillor Bill Cowie and Independent Member Paula White

2 DECLARATION OF INTERESTS

No declarations of personal or prejudicial interest had been raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES OF THE LAST MEETING

The minutes of Standards Committee held on 4 December 2015 were submitted.

Accuracy –

Page 15 – Item 10: Attendance at Meetings – Independent Member Anne Mellor had attended the Special County Council meeting on 7 October 2015, not Julia Hughes.

Page 8 – Item 5: Minutes – Independent Member Julia Hughes advised that it would be more appropriate for her to be referred to within the minutes as a “strong Welsh Learner” as opposed to “Welsh speaking”.

Page 13 – Item 9: Accessibility of Information from City, Town and Community Councils – reference to “Efenected” be amended to “Efenechtyd”.

Matters Arising –

The Monitoring Officer apologised that he had not progressed a number of actions within the minutes as timely as he would have liked. He assured members that

matters were in hand and he would feedback directly to members thereon within the next couple of weeks. **[GW to action]**

The Chair reported upon the retirement of the Chair of the North Wales Standards Forum over twelve months ago and he had been disappointed to note that, since then, no new meetings had been planned. Consequently the Monitoring Officer agreed to contact the administrators with a view to resurrecting the Forum and the Chair suggested an initial meeting in County Hall, Ruthin. **[GW to action]**

Page 14 – Item 9: Accessibility of Information from City, Town and Community Councils – Independent Member Julia Hughes advised that it had subsequently been agreed with officers that she would provide a verbal update at the meeting. She had prepared a report which would be circulated following the meeting but it was not in the Council’s formal report format. **[JH / GW to action]**

RESOLVED that, subject to the above, the minutes of the meeting held on 4 December 2015 be received and approved as a correct record.

5 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

The Standards Committee Forward Work Programme was presented for consideration and members agreed the following additions –

- The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 (No. 2016/84) – June
- The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 (No. 2016/85) – June
- Public Services Ombudsman for Wales: Code of Conduct Casebook – June
- Draft Local Government (Wales) Bill – June/September
- Public Services Ombudsman for Wales Annual Report – September
- Adjudication Panel for Wales Annual Report – September

RESOLVED that, subject to the above inclusions, the Standards Committee’s Forward Work Programme be agreed.

6 CHAIR'S ANNUAL REPORT 2015/16

A report was submitted by the Deputy Monitoring Officer (previously circulated) presenting the Chair’s Annual Report 2015/16 for consideration prior to submission to full Council. The report detailed the committee’s work during 2015/16.

The Chair thanked the Deputy Monitoring Officer for her hard work in preparing the report and during debate the following amendments were agreed –

- reference to “Reverend Wayne Trigger” in paragraph 4.5 be amended to “Reverend Wayne Roberts”
- a summary of the All Wales Standards Conference 2015 be included
- the report item detailing feedback from the All Wales Standards Conference be moved from 18 September to 4 December 2015 in paragraph 4.4

- the report item on the Accessibility of from Town, City and Community Councils be added to the meeting on 18 September 2015 in paragraph 4.4

The Chair referred to the view of the Public Services Ombudsman for Wales that the Nolan Principles may be outdated with insufficient attention given to leadership and the need for more effective training of leaders. The Monitoring Officer reported that the Council was in the process of developing a leadership strategy to be targeted at councillors following the local government elections in May 2017 which could be brought before the committee for consideration. The Ombudsman had also referred to the need to prioritise the scarce resources at his disposal which could have an impact on the work of the Standards Committee. Members noted that the work of the Standards Committee would increase further if ethics and whistleblowing also came within its remit as had happened in other authorities including Cardiff and Wrexham. The Committee agreed that the views of the Ombudsman regarding leadership and prioritisation of resources be incorporated into the Chair's Annual Report in order to give an indication as to what could be expected in the future.

The Deputy Monitoring Officer agreed to prepare an amended draft for approval by the Chair prior to submission to full Council. **[LJ to action]**

***RESOLVED** that, subject to the above, members note the report and recommend its presentation by the Chair to the full Council.*

7 ACCESSIBILITY OF INFORMATION FROM CITY, TOWN AND COMMUNITY COUNCILS

Independent Member Julia Hughes (JH) referred to the voluntary audit she had undertaken to assess the accessibility of information from the websites of all 37 City, Town and Community Councils in Denbighshire from the perspective of members of the public. Areas examined and information sought included –

- the provision of a website and its accessibility
- availability of the minutes of the previous meeting
- details of the date, time and venue of next meeting and access to the agendas
- bilingual provisions
- general notes including links to the Council and Welsh Government websites

Members were reminded that the findings provided a snapshot at the time which could have changed and advised that the websites had been looked at in three tranches – 15 – 17 September 2015 (10 websites); 3 December 2015 (19 websites) and 3 March (8 websites). JH verbally reported upon the findings of the final 8 websites visited which covered – Nantglyn Community Council, Prestatyn Town Council, Rhuddlan Town Council, Rhyl Town Council, Ruthin Town Council, St. Asaph City Council, Trefnant Community Council, and Tremeirchion, Cwm and Waen Community Council. A copy of the report findings would be circulated to members following the meeting. **[JH / GW to action]**

JH then presented an overview report of the work undertaken across the 37 City, Town and Community Councils in Denbighshire and the main findings as follows –

- many websites were in place but really out of date
- many websites were not bilingual
- some websites were under development
- many councils had standard agendas only that never changed
- the Town Council websites generally were more advanced
- some sites were excellent examples for other areas to use if they wanted to
- many sites were not linked or did not have up to date details on the Denbighshire website – www.moderngov.denbighshire.gov.uk
- some sites were linked to www.politicsresources.net/area/uk/wa-councils/wa-council-ac.htm (a Welsh Government site) but many were not
- some councils used Facebook rather than a website
- two councils had no electronic presence
- many had no details of their councillors or how to contact them
- some councils had old websites that came up in searches so you believed there was no up to date information

Consequently JH recommended the following, in her view, as minimum requirements –

- have a website
- easy domain name that came up in searches relatively easily
- link to Denbighshire modern government website www.moderngov.denbighshire.gov.uk
- the link on the Denbighshire County Council website to the City, Town or Community Council website should be the correct one and not to an old site
- link to Welsh Government website www.politicsresources.net/area/uk/wa-councils/wa-council-ac.htm
- any links on www.politicsresources.net/area/uk/wa-councils/wa-council-dl.htm needed to be the correct ones
- bilingual site essential
- name of clerk with picture and contact details including email address and phone number
- names of all councillors with their pictures and contact details including email addresses and phone numbers
- dates of meetings, venues, time
- agendas
- previous minutes
- details of the areas that the council covered with map if possible
- how people could be involved – being a councillor, attending meetings

Optional additional recommendations –

- electronic enquiry form
- history of the area
- events in the area
- links to other local groups' websites

Finally, following the discussions that the Community Engagement Manager was currently having with council clerks, JH suggested there may be value in repeating that research in about twelve months' time to ascertain whether there had been an improvement in the accessibility of information about City, Town and Community Councils via electronic means for members of the public.

The Chair took the opportunity to thank JH for her hard work and excellent report and other members echoed those sentiments and there was support for a further review in twelve months' time. The Monitoring Officer confirmed he would arrange for the report to be circulated with a copy also given to the Community Engagement Manager to enable good practice to be shared. **[GW to action]**

The following points were raised during the ensuing debate –

- as a member of Rhyl Town Council (RTC), Councillor Barry Mellor reported upon the lack of public attending meetings which he believed was partly due to the number of confidential agenda items which required the public to leave giving rise to the view that their attendance was not worthwhile. RTC's website was currently in transition and benefitting from a major upgrade but he felt more should be done generally to encourage young people to become involved
- members discussed how best to involve young people in the process and gauge some interest and the Chair suggested an initial pilot scheme involving a visit to sixth formers from Ysgol Bryn Hyfryd to outline the role, powers and responsibilities of City, Town and Community Councils. The Monitoring Officer reported upon work in the run up to the local government elections in May 2017 involving roadshows for potential candidates and encouraging individuals to get registered and interested in voting. He felt it would be appropriate to consider the Chair's suggestion and level of youth engagement at that time as part of that process. It was noted that the Council hosted primary school visits in the Council Chamber and the Monitoring Officer felt there would be some merit in raising the issue with education colleagues to further progress the matter and potential links with the Welsh Baccaulaureate **[GW to action]**
- Councillor David Jones advised that the report findings echoed his own when attending meetings. He felt much depended on the standards and skills set of the clerks and that the more recent legislation on access to information, including provision of a website, had caused problems for some. He agreed with the report recommendations but noted some would take time and funds to implement, such as bilingual provision. JH suggested that the Community Engagement Manager could provide some generic bilingual terms and standard information to councils which would allow them to concentrate resources on tailored bilingual provision
- the Deputy Monitoring Officer advised that the report would prove very useful when planning training sessions for clerks in order to tackle relevant issues. She referred to the statutory guidance on access to information on Community and Town Councils which outlined the minimum requirements but advised that councils were actively encouraged to provide additional information.

The Committee acknowledged that whilst some of the report recommendations would take time and require additional funds, others involved good practice and did not require additional resources. It was also acknowledged that although the focus

had been on improvement in some areas, the report had revealed many positives and excellent work and good practice being undertaken within communities which could be shared across Denbighshire. Members considered the audit a valuable and worthwhile exercise which had also heightened awareness of councils and agreed to schedule a further in twelve months' time.

RESOLVED that –

- (a) *the reports presented by Independent Member Julia Hughes on the accessibility of information from the final eight City, Town and Community Council websites, and the Overview Report of the Electronic Communications of City, Town and Community Councils be received and noted;*
- (b) *copies of the reports together with the outcome of the discussions in respect of the audit be forwarded to the Community Engagement Manager who would be requested to liaise with the City, Town and Community Councils in respect of matters raised [GW to action], and*
- (c) *a review to ascertain whether there had been an improvement in the electronic accessibility of information on City, Town and Community Councils for members of the public be added to the committee's work programme in twelve months' time.*

8 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK

The Monitoring Officer submitted a report (previously circulated) informing members of the most recent editions of the Ombudsman's Code of Conduct Casebook covering the period July 2015 to September 2015 (Appendix 1 to the report) and October 2015 to December 2015 (Appendix 2 to the report). The Casebook was produced on a quarterly basis and summarised the code of conduct complaints the Ombudsman had finished investigating during the relevant period.

Details of the complaints investigated had been outlined in the report and were summarised by the Monitoring Officer –

July to September 2015 – 6 complaints had been investigated and concluded during this period of which 4 related to interests. Of the 6 investigations conducted, 5 concluded that there was no evidence of a breach of the Code and 1 had been referred to the Adjudication Panel for Wales which had resulted in a three month suspension for the member concerned. It was clear in that case that the member had breached the Code of Conduct by failing to declare a personal and prejudicial interest and had remained in the room whilst matters relating to that interest were discussed and voted upon. No cases had been referred to a Standards Committee.

October to December 2015 – 3 investigations had been conducted and completed during this period. 2 resulted in a finding of no further action being necessary and 1 in a finding of no evidence of breach. This case referred to a member who had over declared a personal interest and highlighted the need for members to declare

accurately, particularly for ongoing issues, which could leave members open to allegations of breaches as in this case. No cases had been referred to the Standards Committee or Adjudication Panel for Wales during this period.

Members noted that some of the case summaries were so succinct that it was difficult to ascertain the circumstances of the complaint and therefore difficult to take any guidance therefrom. The Committee also felt it would be useful to know whether the complaint had been made by a fellow councillor or the public.

RESOLVED that the information contained within the Code of Conduct Casebook be noted.

9 CLERKS TRAINING EVENT - JANUARY 2016

The Deputy Monitoring Officer provided a verbal update on the latest training event held on 11 January 2016 in Russell House, Rhyl at which 3 clerks had attended from Bodelwyddan, Ruthin and Llanferres.

The training had been undertaken at members' request to offer a further opportunity for clerks in the north of the county to attend. Although 5 clerks had booked on the event, 2 had subsequently withdrawn due to family bereavement and illness. However, feedback from those attending had been positive and it was considered a worthwhile event. The training mirrored that undertaken on 19 May 2015 in the south of the county at which 7 clerks had attended together with some members of the Standards Committee. Given that there were 37 City, Town and Community Councils and that 1 clerk administered seven of those councils, it was noted that 10 of the potential 30 clerks had attended the training. Events had been staggered between the north and south of the county and morning and afternoon events. An evening training session was being considered to try and increase attendance.

Members were pleased to note that the two new clerks for Bodelwyddan and Ruthin had attended. The Deputy Monitoring Officer had not been aware of any deputy clerks but agreed to extend the invitation to deputy clerks for future training events. Future training dates had yet to be arranged but would likely be in the autumn. The Monitoring Officer added that invitations could also be sent to the council chairs as well as the clerks to further promote the event and attendance.

The Committee commended the training provided by the Monitoring and Deputy Monitoring Officers and efforts being made to encourage attendance.

RESOLVED that the verbal update on the Clerks Training Event be noted.

At this juncture (11.15 a.m.) the meeting adjourned for a refreshment break.

10 DRAFT LOCAL GOVERNMENT (WALES) BILL

The Monitoring Officer submitted a report (previously circulated) informing members of the provisions of the Draft Local Government (Wales) Bill relating to the committee.

Reference was made to the Welsh Government's consultation exercise on the provisions of the Draft Bill together with the Council's response. There were 8 parts to the Draft Bill which, if enacted, would result in the most substantial local government reforms in Wales since the Local Government Act 2000. The Monitoring Officer provided a general overview of the main provisions of the Draft Bill, including the merger proposals, but advised that the most relevant part to the committee was Part 4: Functions of the County Councils and their Members, which sought to introduce new statutory duties on elected members. He elaborated upon the provisions contained within Part 4 which included the following –

- a Member must attend all relevant meetings unless they had a good reason not to – there was no change to the legal requirement that a Member be disqualified if he/she failed to attend for 6 months
- a Member must hold at least four surgeries in every 12 month after taking up office unless they had a good reason not to, with details of the surgery published on the Council's website in advance
- a Member must respond to all correspondence sent to his or her official address within 14 days of receipt unless he or she had a good reason not to
- a Member must complete all compulsory training courses unless they had a good reason not to
- a Member must make an annual report of their member activities which must be submitted to the Head of Democratic Services and published – there was no provision for having a good reason not to do this
- a personal duty placed on leaders of political groups to co-operate with the Standards Committee and take reasonable steps to promote and maintain high standards of conduct by their group members – Standards Committees must arrange training for Group Leaders and monitor their compliance with this duty.

The Draft Bill suggested an enforcement mechanism for breaches as follows –

- any person may make a complaint to the Monitoring Officer about a possible breach by a Member of any of the duties set out above, other than to make an annual report
- the Monitoring Officer must refer any complaint received to the Chair of the Standards Committee and together they must decide whether or not the matter should be investigated
- if the Head of Democratic Services believed a Member had breached the duty to make an annual report he/she could refer it to the Monitoring Officer who must consult with the Chair of the Standards Committee about whether to investigate
- if an investigation was conducted, a report must be provided to the Standards Committee with any recommendations the Monitoring Officer felt appropriate
- if the Standards Committee decided a Member had breached one of the duties it could impose a censure, a suspension or partial suspension for up to six months or take no further action.

The Committee's attention was also drawn to the Council's response to Part 4 of the Draft Bill which had been appended to the report. In short the response had been measured and whilst members had reacted positively to some aspects of the Draft Bill in terms of governance, peer reviews and audit and inspection regulation,

some elements were over prescriptive, creating greater bureaucracy and expense at a time of austerity and there were also some contradictory statements. A major frustration was the lack of definition as to what a good reason would amount to when enforcing the new duties and concern over the enforcement mechanism for breaches. The proposals had the potential to substantially increase the workload of Monitoring Officers and Standards Committees and result in the creation of a separate standards regime outside of the provisions of the Code of Conduct. Finally reference was made to other issues including electoral arrangements during transition and following local government reorganisation. Fewer, larger community councils were expected to closely correspond with community area committees.

Members took the opportunity to clarify particular areas of the Draft Bill with the Monitoring Officer and noted both positive aspects and areas of concern as highlighted in the Council's response. Debate focused on the following –

- if mergers were to proceed then the Council remained of the view that Denbighshire should merge with Conwy. The Chair believed a strong case could be made by arguing that the Welsh Language would be better supported by the creation of three and not two authorities in North Wales as referenced on page 10 of the consultation document
- it was possible that the definition as to what a good reason would amount to could be included in future guidance and in the absence of a definitive explanation would likely be defined in future case law
- there were some discrepancies between the intention of officials and the reality of the draft provisions such as the webcasting of Community Area Committees
- the creation of statutory Community Area Committees was discussed together with their powers and responsibilities – some county councillors had expressed concern over what they considered to be an erosion of local authority powers
- the potential increase in the workload of the Standards Committee was considered and the Monitoring Officer confirmed that independent members would need to be paid for attending any additional meetings
- concerns were expressed that a reduction in the number of community councils would result in communities becoming remote and deter individuals from representing those areas, and the importance of retaining existing community assets was also highlighted. However it was noted that the change could provide an opportunity for candidates with a greater skills mix and competency
- the requirement for a community clerk with a relevant professional qualification could pose a significant financial burden on some community councils and it was unclear as to whether grandfather rights would apply for existing clerks who did not meet the new requirement
- whilst acknowledging the reasoning behind the proposed financial restrictions to be imposed on merging authorities concerns were expressed that it may prove a hindrance for local authorities in terms of service delivery – it was noted that further guidance on the financial restrictions would follow in the summer
- the timescale for creation of the new local government areas was discussed together with the process for establishing the new councils and transition arrangements. It was noted that consideration was being given to the appropriate number of councillors for the new councils. There was some concern that the six year timescale spanning the end of the existing councils and establishment of new ones could prove a deterrent for potential candidates

and result in tensions between those elected in the different authorities. In its response the Council had expressed concern that two three year terms would limit the ability of either Council to be ambitious and make significant improvements in services.

The Chair thanked the Monitoring Officer for his comprehensive report and it was –

RESOLVED that the contents of the Draft Bill and the Council's consultation response set out in Appendix 3 be noted.

11 ATTENDANCE AT MEETINGS

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

Councillor Barry Mellor reported no problems with recent County Council and Planning Committee meetings he had attended. However poor attendance was a concern for some Scrutiny Committee meetings which was a difficult issue to resolve. Councillors' attendance records had recently been distributed to Group Leaders and shared with their groups but as the end of the Council term drew nearer and mergers progressed he felt attendance could continue to be a problem.

Councillor David Jones referred to his attendance at Derwen Community Council in Clawdd Newydd on 16 September 2015. He had received the relevant paperwork for the meeting on arrival and the meeting had been well attended and well supported by the local County Councillor Eryl Williams. Good discussions were held throughout the meeting on a range of local topics and the clerk had proved very able and experienced and the meeting well run.

Independent Member Julia Hughes provided a detailed overview of seven separate meetings she had attended, briefly summarised as follows –

Bryneglwys Community Council (1 February 2016) – The Chair had a good way of chairing, ensuring the meeting ran smoothly and items covered thoroughly. The Clerk was very helpful, effective and efficient and assisted all those present. All members were respectful of each other and participated in the meeting as appropriate and helped to ensure all areas were covered.

Llandrillo Community Council (5 February 2016) – The Chair, assisted by the Clerk, ensured the meeting ran smoothly and items covered thoroughly. The Clerk was very helpful, effective and efficient and assisted all those present. All members were respectful of each other and participated as appropriate and helped to ensure all areas were covered and helped agree actions to be taken and agreed to take responsibility for some of those actions as necessary.

Corwen Town Council (10 February 2016) – There was excellent input from the local County Councillor Huw Jones on a number of items. The Chair, assisted by the Clerk, ensured the meeting ran smoothly and items were covered thoroughly and the Clerk was very efficient. All members were respectful of each other and participated as appropriate and helped to ensure all areas were covered and

helped agree actions to be taken and agreed to take responsibility for some of those actions as necessary.

Gwyddelwern Community Council (15 February 2016) – Meetings were usually conducted in Welsh and notes of the previous meeting, as entered into the minute book, were read out with no hard copies available. Following the meeting it was explained that their web site was being developed. There was a discussion about what the public might look for relating to community councils and having a bilingual site that was accessible to people in Welsh or English. It was not clear whether the village notice board was used for notice of meetings and agenda. The importance of accessibility and transparency was highlighted. Meetings were conducted in Welsh and they did not want to go through the same issues as Cynwyd Community Council and would value some further guidance. Ms. Hughes confirmed that she had emailed the Monitoring Officer and Deputy Monitoring Officer in that regard.

Llangollen Town Council (16 February 2016) – It was a very formal and professional meeting with many items discussed and agreements via proposals, seconding and voting. The agenda was on a power point on the screen and every item had a written report on screen and pictures as appropriate. Public agenda and papers file printed out and at back of the room.

Planning Committee – Denbighshire County Council (17 February 2016) – The meeting was viewed via the live webcast link and was very professional and well managed with good control by the Chair. There were some issues with the feed following the Welsh translation and occasionally the sound feed for the English did not return for lengthy period of time. The Monitoring Officer reported that the house style of minutes was subject to review by the Democratic Services Committee which may or may not result in any changes. He also reported upon plans to extend and invest in the Council's webcasting facilities which should improve performance.

Cynwyd Community Council (1 March 2016) – The language of the council was Welsh but the Clerk or any member of the council could translate if needed. Most of the meeting focused on the development of the council's website. The difficulties in printing the minutes in the community newspaper was discussed and hoped to be resolved as soon as possible. Reference was also made to the complaint and subsequent Ombudsman's report that the council should also provide documents in English. Some issues remained regarding development of the council's website and accessibility of information.

The Chair thanked members for their feedback which had been positive overall.

RESOLVED that the verbal reports from members' attending meetings 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 24 June 2016 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 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

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 2015. He advised that nine cases had not been pursued by the Ombudsman and there was one on-going complaint.

RESOLVED that the report be received and noted.

The meeting concluded at 1.00 p.m.