

## **STANDARDS COMMITTEE**

Minutes of a meeting of the Standards Committee held in Conference Room 1b, County Hall, Ruthin on Friday, 8 April 2016 at 10.00 am.

### **PRESENT**

Independent Members Mr Ian Trigger (Chair), Paula White, Julia Hughes, Anne Mellor and Councillors Barry Mellor and David E. Jones.

### **ALSO PRESENT**

Deputy Monitoring Officer (LJ), Mr Gareth Nickels (Clerk to Rhyl Town Council) and Administrative Officer (CIW).

Members were informed that Councillor W.L. Cowie had resigned as a Members of the Standards Committee. The Chair and Members of the Committee requested that the Deputy Monitoring Officer write to Councillor Cowie expressing their appreciation for his hard work, and thanking him for his valued contribution as a Member of the Committee.

**(LJ to Action)**

#### **1 APOLOGIES**

No apologies were received.

#### **2 DECLARATION OF INTERESTS**

The following interests were identified in business items to be considered at the meeting.

Agenda Item 3:- "Application to extend the Dispensation to Members of Rhyl Town Council" – A personal and prejudicial interest was declared by Councillor B. Mellor. The reason for the declaration was that the respective Committee Member was a Member of Rhyl Town Council.

#### **3 APPLICATION TO EXTEND THE DISPENSATION TO MEMBERS OF RHYL TOWN COUNCIL**

Councillor B. Mellor vacated the meeting at this point.

The Deputy Monitoring Officer (DMO) submitted a report (previously circulated) on the application made to extend, by a further 12 months, the dispensation which had been granted on the 6<sup>th</sup> March 2015. Rhyl Town Council had requested the Committee reconsider the dispensation and were seeking an extension. The original report dated the 6<sup>th</sup> March, 2015 had been attached as Appendix 1.

The DMO explained that it had been requested that the Committee grant a dispensation, pursuant to Regulation 2(a) and (d) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001, to full Council, including those

new Members of the Town Council, based on the terms as originally granted. The dispensation granted on the 6<sup>th</sup> March, 2015 had been granted in accordance with the conditions set out below:-

- (i) the Dispensation applies only to matters considered by Rhyl Town Council relating to the Rhyl in Bloom Committee (or such other name it is replaced by);
- (ii) the Members must still declare a personal interest at the meeting(s) at which such items are discussed. They may then speak and vote in so far as they are permitted to do so by this Dispensation;
- (iii) the Dispensation will apply for 12 months from the date of this Standards Committee meeting (6 March 2015). Thereafter, the Clerk of Rhyl Town Council is to apply in writing to the Monitoring Officer for an extension to the Dispensation and setting the Rhyl in Bloom Committee (or such other name it is replaced by) activities;
- (iv) on election of a new Member, the Clerk of Rhyl Town Council to notify the Monitoring Officer in writing for the Dispensation to be applied to the new Member.

Since the original dispensation had been granted Councillors Stanley Frederick Walker, Jacquie McAlpine and Anthony Thomas had been elected to the Council and would require to be included in the dispensation.

Mr Gareth Nickels, Clerk to Rhyl Town Council (CRTC), was in attendance and provided a summary of the application, and details of Rhyl Town Council Members involvement and activities in relation to the Rhyl in Bloom Committee. At this point the CRTC vacated the meeting.

The following concerns and issues were raised by Members of the Committee:-

- Independent Member, J. Hughes (JH) referred to 4. (iv) of the report “*on election of a new Member, the Clerk of Rhyl Town Council to notify the Monitoring Officer in writing for the Dispensation to be applied to the new Member*”. She expressed concern that a newly appointed Member could be granted Dispensation without referral to the Monitoring Officer or the Standards Committee, which might be perceived as a form of prejudice or a weakness in the process.
- Members felt that the dispensation should be granted to all current Members of the Rhyl Town Council, and that the Monitoring Officer be informed in writing of the election of any new Member or Members, and any new appointments should be subject to an Application for Dispensation.
- The Committee supported the suggestion that the period of the Dispensation be from the 8<sup>th</sup> April, 2016 to the 4<sup>th</sup> May, 2017, the date of the Local Government Elections.
- It was noted that there had been no adverse publicity in relation to Rhyl Town Council Members and any links with the Rhyl in Bloom Committee.
- The Chair commended Rhyl Town Council for their actions in complying with the proper procedures and submitting an Application for a Dispensation. Members felt it would be important not to discourage Members of Rhyl Town Council from their involvement in improving the local community.

During the ensuing discussion it was agreed that the Dispensation be granted, pursuant to Regulation 2(a) and (d) of the Standards Committees (Grant of

Dispensations)(Wales) Regulations 2001, to all current Members of the Rhyl Town Council, based on the terms as originally granted. The Dispensation to be granted for the period from the 8<sup>th</sup> April, 2016 to the 4<sup>th</sup> May, 2017, and the Monitoring Officer be informed in writing of the election of any new Member or Members, and any new appointments should be subject to an Application for Dispensation.

The current membership of Rhyl Town Council to include:-

Councillors Ian Armstrong, Brian Blakeley, Mrs. Joan Butterfield, Mrs. Jeanette Chamberlain Jones, Mrs. Ellie M. Chard, Ms. Janette Hughes, Alan R. James, Mrs. Patricia M. Jones, Ms Jacquie McAlpine, Barry Mellor, Brian F. Moylan, Mrs. Win Mullen-James, Peter Prendergast, Stephen H. Ratcliffe, Miss Sarah L. Roberts, Andrew J. Rutherford, Miss Rebecca Siddall, Dave Simmons, William N. Tasker, Anthony Thomas, Rev. Stanley Frederick Walker, and Miss Cheryl Williams.

**RESOLVED** –that the Standards Committee:-

(a) *grants the dispensation, pursuant to Regulation 2(a) and (d) of the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001, to all current Members of the Rhyl Town Council as listed above, based on the terms as originally granted.*

(b) *agrees the period of the Dispensation be from the 8<sup>th</sup> April, 2016 to the 4<sup>th</sup> May, 2017, and*

(c) *requests that the Monitoring Officer be informed in writing of the election of any new Member or Members, and any new appointments should be subject to an Application for Dispensation*

**(LJ to Action)**

Councillor Mellor and the CRTC returned to the meeting at this juncture and were informed of the Committee's decision.

#### **4 CHANGES TO THE MODEL CODE OF CONDUCT**

The Monitoring Officer submitted a report (previously circulated) on the proposed changes made to the Model Code of Conduct for Wales as a result of a recent statutory instrument signed by the Minister for Public Services entitled Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016.

The Deputy Monitoring Officer (DMO) advised Members of the proposed changes to the Code of Conduct brought about by the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016, (the Order). The Minister for Public Services had signed the Order which had come into effect from 1<sup>st</sup> April, 2016.

The Order made changes to the Model Code of Conduct (MCC) applicable to Members of Local Authorities (LA's) in Wales. Every LA would be obliged to adopt a Code of Conduct for its Members, which included all of the provisions of the MCC. LA's may adopt a Code of Conduct which contained additional provisions to those of the Model provided that those additions did not detract from the effect of the Model provisions.

Denbighshire's Code of Conduct differed from the existing Model in two respects. Firstly, it contained a requirement that all Members attend training on the Code of Conduct at least once in every term. Secondly it placed a value of £25 over which any gifts or hospitality must be declared. This provision had been adopted to avoid inadvertent breach of the Code by Members. It was suggested that these variations from the new Model Code be retained. Members agreed that details pertaining to the value of gifts or hospitality to be declared, be conveyed to the City, Town and Community Councils.

The Order changed the MCC in the following ways:-

- Paragraph 10(2)(b) was omitted from the MCC. This paragraph had caused difficulties in the past given the difference between the policy intention of its inclusion and a strict interpretation of the language used in the paragraph. A strict interpretation of the paragraph, as worded, could preclude Members from participating in any decision affecting their ward whereas the underlying policy intention was to limit the scope of this provision to decisions made by individual Councillors in the exercise of executive functions. The removal of the paragraph avoided this ambiguity.
- The obligation on a Member to report a potential breach of the Code to the Ombudsman was removed. The requirement to report such a breach to the Monitoring Officer was retained.
- Paragraph 15 of the MCC deals with the register of Member's interests and was amended to clarify that any interest disclosed for the first time by a Member must be entered in the register. The exemption for Town and Community Councillors from the requirement to register, in advance, certain financial and other interests, listed in paragraph 10(2)(a) of the Code, was maintained.
- The Local Government (Democracy) (Wales) Act 2013 transferred responsibility for maintaining the register of interests of Members of Town and Community Councils from the Monitoring Officer of the County Council for the area to the "Proper Officer" of each Town and Community Council with effect from 1st May, 2015. These changes were reflected in the new Model Code in paragraphs 15(3) and 15(6).

The Minister for Public Services had also brought into effect the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016. These Regulations made a number of technical amendments to other regulations relating to the ethical agenda. Local Authorities would be able to establish Joint Standards Committees should they wish to do so. Standards Committees (SC) would be able to delay the publication of agendas connected to their consideration of a misconduct investigation. This was already the practice of many Committees.

The new Regulations also granted power to refer a report of misconduct to another Council's SC for determination which may be useful to avoid potential conflicts of interest in some circumstances. In addition, a general category of dispensation was introduced which would enable a SC to grant a dispensation if it considers it

appropriate in all the circumstances to do so, where it is not otherwise possible to make reasonable adjustments to accommodate a person's disability. A dispensation granted under this category, which had ongoing effect, was subject to annual review.

The Chair expressed the view that the changes to the MCC had emanated to a certain extent from the workload experienced by the OM, particular reference being made to the number of vexatious complaints received.

The following responses were received in respect of questions and issues raised by the Chair:-

Page 12 – The Deputy MO provided details of the process in relation to 4.4.2. She explained that the MO would follow the guidance provided by the OM in terms of the level of the breach in question.

Page 12. 4.4.4 - The Chair emphasised the importance of including the maintenance of the Register of Interests of Members in the training courses provided for Clerks to the respective City, Town and Community Councils, and encouraging their participation in such training events which was at their discretion. The DMO explained that regular communications and updates were despatched to the respective Clerks.

Page 12. 4.5 The DMO explained that joint Standards Committees, if established, would be developed following joint agreement and consideration by the respective Full Councils. It was explained that with regard to the Standards Committees delaying the publication of agendas, the HLHRDS was the proper officer responsible for access to information and the publication of committee papers.

The DMO responded to a question from the Chair and expressed reservations regarding the procedure of reporting directly to the MO in terms of the time, costs and effort involved in the process. It was considered appropriate that the maintenance of the Register of Interests of Members was retained by the Clerk of the respective Councils, and that the delay of the publication of agendas could provide a degree of clarity.

In response to a request from the Committee, it was agreed that reference to Town and Community Councils be amended to read City, Town and Community Councils. Members also agreed that a business item pertaining to the Welsh Language Standards, and its implications on the Council, be included in the Committee's Forward Work Programme for consideration at its meeting in June, 2016.

**RESOLVED** –that the Standards Committee:-

(a) endorses, subject to noting Members comments, the proposed changes to the Code of Conduct for approval by Council at the Annual Meeting in May, 2016 as set out in Appendix 1 to the report.

(b) agrees that reference to Town and Community Councils be amended to read City, Town and Community Councils.

*(c) agrees that a business item pertaining to the Welsh Language Standards be included in the Committee's Forward Work Programme for consideration at its meeting in June, 2016, and*

*(d) requests that details pertaining to the value of gifts or hospitality to be declared, be conveyed to the City, Town and Community Councils.*

**(GW, LJ to Action)**

Meeting concluded at 11.15 a.m.