

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1a, County Hall, Ruthin on Friday, 30 June 2017 at 10.00 am.

PRESENT

Trigger (Chair), Julia Hughes and Anne Mellor together with Councillors Paul Penlington and Andrew Thomas

ALSO PRESENT

Monitoring Officer (GW), Deputy Monitoring Officer (LJ) and Democratic Services Officer (KE)

Tribute to Community Councillor David Jones

The Chair thanked Cllr. David Jones who had been a representative on the Committee for many years. Cllr. Jones had been a helpful and supportive representative who always made a measured contribution to the meetings. The Committee were sorry to see him leave and thanked him for his sterling work. Cllr Jones was presented with a voucher as a token of the Committee's appreciation.

1 APOLOGIES

Apologies were received from independent member Paula White.

2 DECLARATION OF INTERESTS

Councillor Paul Penlington declared a personal interest in item 6 as a member of Prestatyn Town Council.

3 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent items.

4 MINUTES OF THE LAST MEETING

The minutes of Standards Committee held on 10th March 2017 were submitted to the Committee for:

Accuracy –

Page 5 – item 1 - Mrs P White represents as an Independent Member on the Committee, not a councillor as recorded.

Page 8 – item 5 – The reports presented by Independent Member Julia Hughes covered 37 of the City, Town and Community Council website rather than 8 as stated

Page 9 – Item 8 – The Monitoring Officer informed members an e-learning *pack* had also been produced to accompany the training package.

Matters Arising –

Page 5 – Item 4 – Availability of mediation training for Standards Committee Members. The Monitoring Officer (MO) informed the Committee that mediation training had been raised at the North Wales Standards Forum where it was agreed for Independent Members to be provided with training. The Human Resources Service was to provide a days training in North Wales to assist in the resolution of complaints. The MO would report back to the Committee once the training had been organised.

The Chair reflected mediation was very important, particularly as the Public Services Ombudsman was less inclined to become involved in low level complaints - the public interest test recognises priority would be given to the potential life and death situation of NHS complaints.

Page 7 – Item 5 – The Accessibility of Information from City/Town & Community Councils Annual Review Report. The MO confirmed that the report had been circulated as requested by the Committee.

Page 9 – Item 8 – The MO had provided a list of induction training dates for Clerks and Community / County Councillors to members of the Committee.

The Deputy Monitoring Office informed the Committee that so far 13 Clerks had attended a training session. In response to questions she confirmed that these were new Clerks and that they would also be able to attend member training.

Page 10 – Item 10 – The MO confirmed that as agreed the Authority were working with colleagues on other local authorities in regard to the Self-Regulatory Protocol.

Page 11 – item 12 – Independent Member Julia Hughes requested recirculation of the email to City, Town and Community Councils to remind them that a member from Standards Committee might visit (**GW to action**).

RESOLVED that minutes from the meeting held on 10 March 2017 as amended above be received and approved as a correct record.

Agenda variation

At this juncture, it was agreed to vary the order of the agenda in order to accommodate Councillor Richard Mainon - a guest speaker on Bodelwyddan Town Council's dispensation request.

5 BODELWYDDAN TOWN COUNCIL DISPENSATION REQUEST

The Chair introduced Bodelwyddan Town and County Councillor Richard Mainon to the Committee and asked him to provide a background to the request for dispensation by members of Bodelwyddan Town Council.

Councillor Mainon explained that for 42 years the village community centre had been run by the Bodelwyddan Community Association (BCA), but the Association was no longer functioning and the community centre was facing imminent closure.

At the first meeting of the Town Council on 24th May following the Local Authority Elections, which was well attended, it was agreed to hold a separate meeting to decide what to do and to consider setting up a new association.

On 30th May a new association “Friends of Bodelwyddan” was formed. As Bodelwyddan Town Council only has 3 members and a County Councillor operating under s91 of the Local Government Act it was necessary for all of the councillors to make up the committee for the newly formed association. For this reason they were seeking the dispensation request.

The Monitoring Officer (MO) explained that under the Members’ code of conduct members would have to complete a declaration of interest form when dealing with agenda items concerning the Friends of Bodelwyddan. Mainly they would be personal interests that would not impact on their right to vote. However the newly formed group would be seeking financial assistance from the Town Council. Therefore the interest would be prejudicial and the councillors would have no vote unless a dispensation had been granted.

The MO informed the Committee that an exemption or dispensation could be granted by the Standards Committee by virtue of the Local Government Act 2000. He referred them to the regulation extract in appendix 2 and those specifically applicable in this case – Regulation 2(a), (d) and (h).

Whilst the Standards Committee need only select one ground for granting dispensation they were not obliged to grant it. Whilst the Clerk to the Bodelwyddan Town Council’s letter requested dispensation for 12 months the Committee – if it were inclined to grant – could do so for any period they saw fit. Further, the Committee could place a financial limit at which further approval would need to be sought.

The Chair sought clarification on whether dispensation was granted to named councillors or to the body i.e. Friends of Bodelwyddan.

The MO responded that the councillors would be listed. Should a new councillor be co-opted they would not benefit from the dispensation but would have to apply for their own. It was envisaged that as the community association developed and acquired more volunteers that councillors would withdraw from the it. The MO assured the Committee that this type of application was common in Wales as it was deemed for the public’s good.

Councillor Mainon elaborated on the condition of the community facilities estimating that £42000 would be required to bring the building up to standard. The renovation would include: two new boilers; hall refurbishment; kitchen upgrade; wet floor barrier and changing facilities for football. It was anticipated that costs would be no more than £60000. The Town Council had sufficient resources to cover that amount. It was expected that once the hall was up to a good standard it would be easier to draw back engagement from the community. The work could start immediately if dispensation was approved.

The Committee discussed the merits of extending the time limits for dispensation from 12 to 18 months. Whilst it gave leeway should any aspect of the project slip the Committee also felt that time limits aided in focussing people's minds and that the Association could re-apply in future if necessary.

When questioned on whether they would seek lottery funding to support the project going forward Councillor Mainon said they would, that he thought that they would be able to acquire another 50% through grants. However the priority is to get the Association legally formed and the building refurbished by winter.

In summing up the Chair informed the Committee that they have the legal power under s81(4) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001/2279 where –

- (a) No fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business.

RESOLVED that, subject to the above:

- (a) the Standards Committee grant the dispensation request with the restrictions of a £60000 cumulative limit for a period of 12 months and
- (b) The MO would write to the Clerk to Bodelwyddan Town Council and circulate the letter to the Committee (**GW to action**).

6 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

The Standards Committee Forward Work Programme was presented for consideration and members agreed the following addition:-

- Inclusion of report on attendance at training provided for City, Town and Community Councils for September's Committee meeting.

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

7 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK

The Monitoring Officer (MO) reminded the Committee that the Ombudsman produces a quarterly review that summarises all of the cases they have investigated during the relevant period.

The MO highlighted an example from Prestatyn Town Council (section 4.9 of the report). At that juncture Councillor Paul Penlington felt that the personal interest may well veer toward prejudicial and asked to be excused for the remainder of the discussion.

The MO went on to describe the facts of the case and the findings of the Ombudsman that as the Town Councillor was only asking questions relating to a planning matter and not able to influence the decision then no further action was required. However the Ombudsman was of a view that the Councillor should reflect on his actions and attend training on the Code of Conduct.

RESOLVED that, the Standards Committee note the information contained within the Code of Conduct Casebook.

8 ATTENDANCE AT MEETINGS

Independent member Julia Hughes was experiencing difficulties in establishing the correct day for an upcoming meeting. She felt this highlighted how difficult it was for members of the public to know what is going on in their community when incorrect information is published on community / town or city websites.

Independent member Anne Mellor (AM) attended a Tremeirchion Town Council meeting. She was made to feel welcome by the new clerk. The County Councillor was present also. AM said that the meeting ran very smoothly and everyone was very respectful. The meeting had been very informative and included a presentation by North Wales Police.

RESOLVED that the attendance be noted and the attendance report updated to reflect it. (**GW to action**)

9 CHAIR'S ANNUAL REPORT

The Deputy Monitoring Officer (DMO) explained that the Chair's Annual Report had been deferred to September's Council Meeting due to the significant agendas in May and July. The DMO's draft had been discussed extensively at the previous Standards Committee meeting.

RESOLVED that:

- (a) the change of date of presentation of the Chair's Annual Report to Council be noted and
- (b) an updated copy of the report be forwarded to the Chair (**LJ to action**)

10 UPCOMING TRAINING EVENTS FOR MEMBERS

Code of Conduct training for community, town and city councils had been scheduled for:

- Wednesday 5th July at the Hwb, Denbigh commencing at 2:00pm and
- Tuesday 11th July at County Hall, Ruthin. Two sessions starting at 2:00pm and 6:00pm

A further evening event was planned for County Councillors in September.

Standards Committee members were welcome to attend any training event.

RESOLVED that:

- (a) *The Standards Committee note the training schedule and*
- (b) *The MO to bring an attendance report to September's Standards Committee meeting (GW to action)*

11 NORTH WALES STANDARD COMMITTEE FORUM

The North Wales Standard Committee Forum comprised of 6 local councils and the Snowdonia National Park Committee. The Chairs and Vice-chairs of each authority were invited to discuss common interests and the Ombudsman attends occasionally.

Ceridigion and Powys & Mid West Fire and Rescue Authority had requested to join the forum which had been agreed on the proviso that North Wales venues were exhausted before moving meetings out of the area.

The Forum were investigating ways to support community, town and city councils in member to member disputes, including considering training packs produced by the Welsh Local Government Association.

The next meeting of the Forum was scheduled to be held in Wrexham.

RESOLVED that, *the Standards Committee receive the verbal report on the North Wales Standard Committee Forum and it be noted.*

12 DATE OF NEXT MEETING

Members noted that the Standards Committee's next meeting had been scheduled for 10:00am on Friday 22 September 2017 in conference room 1a, County Hall, Ruthin.

13 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

The Monitoring Officer (MO) presented the confidential report (previously circulated) to provide Members with an overview of complaints lodged with the Public Services Ombudsman for Wales (PSOW) since 1 April 2014.

The Standards Committee had previously requested to be regularly informed of the level of complaints lodged with the PSOW. The tables in Appendix 1 provided an overview of complaints lodged since the 1st April, 2014.

The MO provided an update on the one on-going complaint, explaining to the committee that this particular case had been discussed at previous meetings.

The MO also provided some context and explanation of the background to the complaint and why no action was taken. It was possible that an update would be in the next edition of Code of Conduct Casebook.

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