

## **STANDARDS COMMITTEE**

Minutes of a meeting of the Standards Committee held in Conference Room 1a, County Hall, Ruthin on Friday, 22 September 2017 at 10.00 am.

### **PRESENT**

Ian Trigger (Chair), Julia Hughes and Anne Mellor together with Councillor Andrew Thomas

### **ALSO PRESENT**

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

## **1 APOLOGIES**

Apologies were received from independent member Paula White.

## **Tribute to Independent Member Paula White**

The Chair informed the Committee that the term of office for independent member and Vice-chair of the Committee – Paula White – had come to an end. Ms White's tenure on the Committee had extended to the full two terms allowed (approximately 10 years). The Chair expressed good wishes on behalf of the committee for the future and thanked her for her attendance and work over the years.

## **2 DECLARATION OF INTERESTS**

There were no declarations of interest.

## **3 URGENT MATTERS AS AGREED BY THE CHAIR**

There were no urgent matters.

## **4 MINUTES OF THE LAST MEETING**

The minutes of Standards Committee held on 30<sup>th</sup> June 2017 were submitted to the Committee for:

**Accuracy** – two typographical errors were highlighted:

Page 6 – penultimate paragraph should say “agreed”.

Page 7 – 4<sup>th</sup> paragraph, imminent is spelled incorrectly.

## **Matters Arising –**

Page 7 - Item 5 - Bodelwyddan Dispensation Request. The Monitoring Officer had written to the Clerk of the Council informing them of the Committee's decision to grant the dispensation request.

Page 9 – Item 8 – Attendance at meetings. The Chair commented that it would be useful to have a list of all City, Town and Community Councils (CT&Cs) with a date of their monthly meeting easily accessible on the internet.

The Monitoring Officer (MO) informed the Committee that there was already a list of CT&Cs with contact details for the Clerk on Denbighshire's website. He would investigate the possibility of adding a line regarding date of meetings to the Clerk's details.

Independent member J Hughes advised that she had had issues around incorrect / outdated information on the CT&Cs' own websites regarding clerk contact details, meeting dates and venues.

The MO agreed to write to all CT&C Clerks to:

- confirm Clerk's contact details;
- request a schedule of their meetings for the next 12 months and
- advise that they may be visited by a member of the Standards Committee.

**GW to action.**

Page 10 – item 9 – Chair's Annual Report. The Chair advise the Committee that his report would be presented to County Council in October.

**RESOLVED** that minutes from the previous meeting held on 30<sup>th</sup> June 2017 as amended above be received and approved as a correct record.

## **5 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 noted that the casebook was useful as it gave the view that the Ombudsman was likely to take on investigations and potential sanctions they would apply.

For the quarter April 2017 to June 2017 there were 12 case summaries, 2 of which were referred to Standards Committee and 1 to the Adjudication Panel for Wales.

Of the remaining 9 cases there was found to be no further action necessary as either there was no evidence of breach; it was not in the public interest to proceed further.

The 2 cases that were referred to a Standards Committee were both referred to the Powys Standards Committee and related to 2 members who had both been prosecuted by the Council in respect of breaches of the Cattle Identification (Wales)

Regulations 2007. Both Councillors were considered by their convictions to have brought their authority into disrepute and were suspended for two and four weeks respectively.

The case that was considered by the Adjudication Panel for Wales concerned a member of Cardiff City Council. The allegation concerned a comment made outside a court hearing involving a constituent of the councillor. The Panel concluded that as the comment had not been made in public it did not bring the authority into disrepute but that it did amount to a failure to show respect and consideration and amounted to bullying behaviour. The councillor was suspended for a month. This case had been referred to the Adjudication Panel for Wales rather than Standards Committee due to previous similar behaviour.

The Committee discussed whether the penalties imposed were likely to dissuade further breaches. It was acknowledged that Standards Committees listened to mitigating circumstances and that sometimes embarrassment locally was considered sufficient sanction in itself.

The Committee ruminated that many complaints arose due to misunderstanding or forgetfulness. They recognised that a hard working councillor may sit on many panels/boards/schools/councils etc. and that the more they sat on the more likely the chance of a breach would occur.

The MO informed the Committee that there was to be a training course based on WLGA guidance for members who sit on Outside Bodies, explaining where their responsibilities lay and where personal and prejudicial interests might arise.

It was suggested that a briefing note with key notes raising awareness of recent Ombudsman cases be circulated to all Councillors after the training event. **GW to action.**

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

## **6 CODE OF CONDUCT TRAINING**

The Monitoring Officer reminded the Committee that The Code of Conduct for County Councillors makes it a requirement of the Code that elected members must attend at least one training session on the code in each Council term.

At the training session for County Councillors held on 11<sup>th</sup> May 2017 there were 31 attendees, many of them had held a prior term of office. One County Councillor unable to attend that meeting had taken part in an alternative session held for City, Town and Community Councillors. A further training session intended for the remaining 15 Councillors was scheduled for 12<sup>th</sup> October 2017.

A number of sessions had been undertaken throughout June for both CT&C Clerks and Councillors. In total 78 CT&C Councillors attended these sessions out of the 377 C&CTC seats in Denbighshire. It was noted on the table provided in appendix 1

that Llangollen was listed twice, the Committee sought clarification for this from the MO. **GW to investigate.**

Prestatyn Town Council and Llanarmon / Llandegla had requested individual training which would be provided at a later date. Bodelwyddan Town Council had asked whether they could attend the upcoming County Councillor training session but it would not have been appropriate. The MO would provide an alternative date for them. The Chair suggested inviting neighbouring councils if training was being provided in their locality.

The Committee discussed the issue of one clerk administering many different councils, particularly the risk associated with the absence of contingency plans should the clerk leave without the chance to handover to a new clerk.

Independent member J Hughes informed the Committee that she had attended the Code of Conduct training at the HWB in Denbigh in July. She had found it very interesting and noted that the attendees had been very keen, engaging and had fully participated in the activities. It was apparent that the scenarios being discussed were familiar to them and it had been an excellent opportunity for them to ask questions for future reference.

The Chair said that he too had attended a training session on 11<sup>th</sup> July. He had been impressed by the way that the Monitoring Officer and Deputy Monitoring Officer had conducted the session. Personal and prejudicial issues had been clearly explained with plenty of relevant examples provided. The trainees were encouraged to discuss issues raised and get involved. The message conveyed being that good conduct means more effective local government.

**RESOLVED** that, the Standards Committee:

1. receive and note the Code of Conduct training provided to date and
2. review and consider potential further training requirements once the current planned sessions have completed in the autumn.

## **7 ATTENDANCE AT MEETINGS**

Independent member A Mellor informed the Committee that she would be visiting Trefnant Community Council in October.

Independent Member J Hughes (JH) had attended a meeting of Clocaenog Community Council on the 18<sup>th</sup> July 2017. JH informed the Committee that this was a Council administered by a Clerk who ran multiple community councils.

JH noted that the Clerk led the meeting and although all members participated fully tasks generally fell to the Clerk to complete. The Committee agreed that at Council meetings the Chair should lead the meeting and the Clerk's role was that of adviser. They questioned whether training for Chairs would be beneficial?

JH was asked to give her opinion on the Council's website and what further information she would find useful to have on it. JH had found the meeting very interesting and had been made to feel most welcome.

JH had also been invited to attend a meeting of the Independent Remuneration Panel for Wales (IRPW). JH had been under the impression from the invitation that the meeting would involve a range of people but it had turned out to be a one to one meeting with a panel member.

The MO apologised for JH not having received a briefing note and went on to explain the purpose of the IRPW. The panel set:

- basic salary for all county councillors;
- senior salaries for cabinet members;
- payments to chair of scrutiny and council;
- largest opposition group leader pay;
- cap on the number of senior salaries to pay;
- payments to co-opted members and lay members and
- rules around expenses set and communication devices etc.

These amounts are specified in the IRPW Annual Report. The draft annual report is produced in the autumn (hence the recent meetings) with the final report being completed around February, to be adopted in the next municipal year.

JH informed the Committee that the IRPW member wanted to know what work the Standards Committee undertook; the type of activity; what were they paid for and what information were Committee members given about what they could claim for?

JH felt that given that they would shortly be filling new seats on the Committee this was an appropriate time to discuss and clarify what:

1. members could and could not claim for and
2. was over and above the remit of the Committee e.g. could members attend CT&C meetings if they didn't have a car or had caring responsibilities?

The Chair agreed that a clearer framework was needed in which to operate. The members needed to know what they were entitled payments for. He asked for confirmation that the maximum number of paid days for lay members was 10 days per annum. **GW to seek clarification.**

**RESOLVED** that:

1. *the attendance be noted and the attendance report updated*
2. *the current remuneration scheme for lay members be circulated and*
3. *an item on Lay member remuneration / responsibilities be placed on the Standards Committee agenda for 8<sup>th</sup> December 2017.*

## **8 STANDARDS COMMITTEE FORWARD WORK PROGRAMME**

The MO informed the Committee that the next Standards Committee meeting clashed with that of the North Wales Standards Forum to be held in Wrexham on the 24<sup>th</sup> November 2017. The Committee agreed to defer their next meeting to the 8<sup>th</sup> December 2017.

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

- 'Lay Member remuneration and responsibilities', together with
- 'Reviewing self-regulatory protocol and applying it to City Town and Community Councils' to December's Committee meeting.

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

## **9 DATE OF NEXT MEETING**

Members were reminded that the Standards Committee's next meeting had been rescheduled for 10:00am on Friday 8 December in the Cabinet Room, Level 2, County Hall Ruthin.

## **10 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 1<sup>st</sup> April, 2014.

The MO highlighted that the table was unchanged from the previous quarter. He was aware that there had been two complaints recently that might appear in the next quarterly report.

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

Meeting concluded at 11:45am.