

To: Chair and Members of Standards
Committee

Date: 27 March 2018

Direct Dial: 01824 712624

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Dear Member of the Committee,

You are invited to attend a meeting of the **STANDARDS COMMITTEE** to be held at **2.00 pm** on **TUESDAY, 3 APRIL 2018** in **CONFERENCE ROOM 1A, COUNTY HALL, WYNNSTAY ROAD, RUTHIN LL15 1YN.**

Yours sincerely

G. Williams
Head of Legal, HR and Democratic Services

AGENDA

PART 1: THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 APPOINTMENT OF VICE CHAIR

To appoint a Vice Chair of the Standards Committee.

3 DECLARATION OF INTERESTS (Pages 5 - 6)

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

4 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items 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 (Pages 7 - 12)

To receive the minutes of the Standards Committee meeting held on 22 September 2017 (copy enclosed).

6 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK (Pages 13 - 24)

To consider a report by the Monitoring Officer (copy enclosed) informing members of the most recent edition of the Ombudsman's Code of Conduct Casebook.

7 LLANBEDR DC COMMUNITY COUNCIL DISPENSATION REQUEST (Pages 25 - 32)

To consider a report by the Monitoring Officer (copy attached) regarding an application for a dispensation made by members of Llanbedr DC Community Council.

8 LAY MEMBER REMUNERATION AND RESPONSIBILITIES (Pages 33 - 38)

To consider a report by the Democratic Service Manager (copy enclosed) on lay-member remuneration and responsibilities.

9 ATTENDANCE AT MEETINGS

To note the attendance by members of the Standards Committee at County, Town and Community Council and to receive their reports.

10 STANDARDS COMMITTEE FORWARD WORK PROGRAMME (Pages 39 - 40)

To consider the Standards Committee Forward Work Programme (copy attached).

11 DATE OF NEXT MEETING

The next meeting of the Standards Committee is scheduled for 29 June 2018.

PART 2: CONFIDENTIAL ITEMS

It is recommended in accordance with Section 100A(4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that exempt information (as defined in paragraph "[Insert Number]" of Part 4 of Schedule 12A of the Act would be disclosed.

12 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000 (Pages 41 - 44)

To consider a confidential report by the Monitoring Officer (copy enclosed) providing an overview of complaints against members lodged with the Public Services Ombudsman for Wales.

MEMBERSHIP

Independent Members:

Mr Ian Trigger (Chair), Julia Hughes, Anne Mellor and Peter Lamb

Town/Community Council Member:

Gordon Hughes

County Councillors:

Councillor Paul Penlington

Councillor Andrew Thomas

COPIES TO:

All Councillors for information

Press and Libraries

Town and Community Councils

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LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, (<i>name</i>)	<input type="text"/>
a *member/co-opted member of <i>(*please delete as appropriate)</i>	Denbighshire County Council
CONFIRM that I have declared a *personal / personal and prejudicial interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:- <i>(*please delete as appropriate)</i>	
Date of Disclosure:	<input type="text"/>
Committee (<i>please specify</i>):	<input type="text"/>
Agenda Item No.	<input type="text"/>
Subject Matter:	<input type="text"/>
Nature of Interest: <i>(See the note below)*</i>	<input type="text"/>
Signed	<input type="text"/>
Date	<input type="text"/>

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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Public Document Pack Agenda Item 5

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 30th June 2017 were submitted to the Committee for:

Accuracy – two typographical errors were highlighted:

Page 6 – penultimate paragraph should say “agreed”.

Page 7 – 4th 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 30th 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 11th 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 12th 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 11th 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 18th 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 8th 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 24th November 2017. The Committee agreed to defer their next meeting to the 8th 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 1st 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.

Report To:	Standards Committee
Date of Meeting:	3 April 2018
Lead Member / Officer:	Gary Williams, Monitoring Officer
Report Author:	Gary Williams, Monitoring Officer
Title:	Public Services Ombudsman for Wales – Code of Conduct Casebook

1. What is the report about?

The report is about the Code of Conduct Casebook produced by the Public Services Ombudsman for Wales (the Ombudsman).

2. What is the reason for making this report?

To inform the Committee of the most recent editions of the Ombudsman's Code of Conduct Casebook.

3. What are the Recommendations?

That members of the Committee note the information contained within the Code of Conduct Casebook.

4. Report details.

4.1 The Ombudsman has since 2013 produced a Code of Conduct Casebook (the Casebook). The Ombudsman had for some time previously produced a casebook relating to the complaints he investigated in respect of alleged maladministration by public bodies. Following calls for a similar approach to be taken with regard to code of conduct complaints, the Ombudsman began publishing the Casebook in 2013.

4.2 The Casebook was originally published twice a year, however the Ombudsman decided to produce the casebook on a quarterly basis from April 2015. The Casebook contains summaries of all of the cases in respect of which the Ombudsman has completed an investigation during the relevant period.

4.3 The production of a Casebook is intended to help Members and others in considering whether circumstances that they may be experiencing amount to a breach of the Code. This is an extension of the publication of real life examples in the Ombudsman's Guidance on the Code.

- 4.4 The casebook also assists local authority Standards Committees by giving them access to information about the way in which other Standards Committees in Wales are imposing sanctions and disposing of cases and help to explain why in some cases the Ombudsman may decline to investigate alleged breaches on the basis that previous similar allegations have not resulted in a sanction.
- 4.5 Appendix 1 to this report contains Issue 14 of the Casebook published in November 2017 covering the period July 2017 to September 2017. Members will note that there are 4 case summaries in this edition of the casebook, 3 of which resulted in a finding of no evidence of a breach of the Code. One of these cases involved an allegation that a Councillor had sought to gain an advantage for herself by making misleading statements in a leaflet, another related to an allegation of disrespectful and inconsiderate behaviour by a member to another and the third related to an allegation of failing to disclose an interest.
- 4.6 There were no cases referred to a Standards Committee in the period covered by this edition of the casebook. There was however a case referred to the Adjudication Panel for Wales. This case involved a complaint that a former Flintshire County Councillor had failed to show respect and consideration for others and had used bullying and harassing behaviour. The complaint related to two e-mails sent to a team manager in that authority which had been copied to senior officers and several other members. The Ombudsman concluded that the two e-mails were distasteful and derogatory. He also found them to be intimidating and malicious and that they appeared to have been intended to undermine and insult the recipient.
- 4.7 The former Councillor had not sought re-election in May 2017, however, the Ombudsman considered the breaches to be sufficiently serious that it was in the public interest to pursue the matter. The case was referred to the Adjudication Panel for Wales. The Panel concluded that the two e-mails and a subsequent post on social media amounted to a failure to show respect and consideration and bullying and harassment of the Council officer. The sanction imposed on the former Councillor was a disqualification for a period of 14 months from being or becoming a member of any relevant authority.
- 4.8 Appendix 2 to this report contains Issue 15 of the Casebook covering the period October to December 2017. There were no cases referred to either a Standards Committee or the Adjudication Panel for Wales during this period.
- 4.9 This issue of the Casebook does contain 5 case summaries, none of which related to Councillors or Councils in Denbighshire. Each of these complaints were investigated by the Ombudsman. In 4 of the cases the Ombudsman found no evidence of a breach of the Code of Conduct. Three of these cases related to allegations that the Councillor had failed to promote equality and respect and the fourth related to a question of personal integrity and whether this brought the Council, or office of Councillor, into disrepute.

4.10 In the fifth case, the Ombudsman investigated an allegation involving the failure to disclose an interest. The Councillor had sent written objections in to the Council in respect of a planning application relating to a site near his home. The objection had been sent from his official Council e-mail address. The Ombudsman concluded that it was likely that there had been a breach of the Code, however, he decided that no further action was necessary given the Councillor's remorse, apology and swift withdrawal of his objection when concerns were raised. The Councillor's explanation that he had selected his Council e-mail address by mistake from a drop down menu and the fact that the application had been granted permission and had not been adversely affected by the objection were also taken into account.

5. How does the decision contribute to the Corporate Priorities?

The report has no direct impact on the corporate priorities.

6. What will it cost and how will it affect other services?

There are no costs directly associated with the report.

7. What are the main conclusions of the Well-Being Impact Assessment?

This report does not require an impact assessment.

8. What consultations have been carried out with Scrutiny and others?

This matter has not been reported or consulted upon elsewhere.

9. Chief Finance Officer Statement

There are no direct financial consequences as a result of this report.

10. What risks are there and is there anything we can do to reduce them?

There are no risks directly associated with this report

11. Power to make the Decision

There is no decision required.

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The Code of Conduct Casebook

Issue 15 January 2018

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Introduction

The Public Services Ombudsman for Wales considers complaints that members of local authorities in Wales have broken the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- (a) that there is no evidence that there has been a breach of the authority's code of conduct;
- (b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- (c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- (d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defence put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what

penalty (if any) should be imposed.

The Code of Conduct Casebook contains summaries of reports issued by this office for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers October to December 2017.

Case summaries

No evidence of breach

Cardiff Council – Promotion of equality and respect

Case Number 201606695 – Report issued in October 2017

A complaint was made that a member (“the Councillor”) of Cardiff Council (“the Council”) breached the Authority’s Code of Conduct for elected members when he allegedly made comments to a former Councillor on two occasions about a local religious association.

The complaint was investigated on the basis that the member may have breached paragraphs 4(a), 4(b), 4(d) and 6(1)(a), relating to equality, respect, impartiality and bringing their office or authority into disrepute.

The investigation found that there were no witnesses to either of the conversations the member had with the former Councillor. The member also strongly denied the allegations. Therefore, under section 69(4) (a) of the Local Government Act 2000, the Ombudsman’s finding was that there was no evidence that the member failed to comply with the Code of Conduct.

Merthyr Tydfil County Borough Council - Integrity

Case Number 201700102 – Report issued in October 2017

A complaint was made that a member (“the Councillor”) of Merthyr Tydfil County Borough Council (“the Council”) breached the Authority’s Code of Conduct for elected members when she made comments about a member of the public in a Facebook messenger group chat.

The complaint was investigated on the basis that the Councillor may have breached paragraph 6(1)(a) of the Code, by bringing her office or authority into disrepute.

The Ombudsman considered that the Councillor’s comments were made in extremely bad taste. However, he took into account that the Facebook messenger group in which the Councillor posted her comments only consisted of three members. It was clear that the Councillor deeply regretted her actions and when she realised that the subject of her comments had become aware of what she had posted, she provided a fulsome apology.

The investigation found that, whilst the Councillor’s actions may have brought herself into disrepute, for the reasons outlined above, she had not brought her office or authority into disrepute. Therefore, under section 69(4)(a) of the Local Government Act 2000, the Ombudsman’s finding was that there was no evidence that the Councillor failed to comply with the Code of Conduct. However, the Councillor was advised of her responsibility to take care when expressing her personal opinions.

Tywyn Town Council and Gwynedd Council – Promotion of Equality and Respect

Case Number 201607353 & 201607357 – Report issued in November 2017

Councillor X complained that a member (“Councillor Y”) of Tywyn Town Council and Gwynedd Council breached the Code of Conduct for elected members by making personal allegations about her. Councillor

X provided evidence that Councillor Y made comments about her in various emails, which he had sent to members of Tywyn Town Council and Gwynedd Council.

The complaint was investigated on the basis that Councillor Y may have breached paragraphs 4(b) (failure to show respect and consideration), 4(c) (bullying and harassment), and 6(1)(a) (bringing his office or authority into disrepute).

The Ombudsman did not consider that the comments made by Councillor Y were so offensive as to amount to a breach of paragraph 4(b) of the Code of Conduct. Neither did he consider that his actions were sufficiently serious to amount to a breach of paragraph 4(c) of the Code.

In relation to paragraph 6(1)(a) of the Code, there was no evidence to suggest that Councillor Y had shared emails with members of the public. He had sent one email to a member of the press, and whilst the Ombudsman considered it was unwise for him to do so, it did not appear that the email was acted upon or shared further. That being so, the Ombudsman did not consider that the consequences of his actions were sufficiently serious to have brought his office or authority into disrepute.

Whilst the Ombudsman's finding was that there was no evidence that Councillor Y had failed to comply with the Code of Conduct, he was advised of his responsibility to be mindful of how his comments are perceived by others in future.

Llansannan Community Council – Promotion of Equality and Respect Case Number 201700953 – Report issued in November 2017

Mr X complained that a member ("the Councillor") of Llansannan Community Council ("the Community Council"), breached the Code of Conduct for members when he asked Mr X to leave a meeting of the Community Council and used the words "for your own safety," which Mr X considered to be a threat.

The complaint was investigated on the basis that there may have been a failure to comply with the following paragraph of the Code of Conduct for elected members:

- 4(b) – you must show respect and consideration for others; and
- 4(c) – you must not use bullying behaviour or harass any person.

There was no evidence to suggest that the Councillor's behaviour towards Mr X was in any way threatening and the Ombudsman was satisfied that his actions were reasonable under the circumstances.

Under Section 69(4)(a) of the Local Government Act 2000, the Ombudsman's finding was that there was no evidence that the Councillor failed to comply with the Code of Conduct.

No action necessary

Conwy County Borough Council - Disclosure and registration of interests

Case Number 201702250 – Report issued in October 2017

The Ombudsman received a complaint that a member of Conwy County Borough Council (“the Councillor”) had breached the Code of Conduct when he submitted a written objection, in an official capacity, to a planning application which the complainants had made to the Council. The Councillor lives near the application site, and could be personally affected by it.

The Ombudsman concluded that it was likely that the Councillor had breached the Code given the proximity of the development site to his home and the fact his objections were sent from his Council email address and signed off “Councillor [Name]”. However, the Ombudsman decided to take no action in this case on the basis that the Councillor had shown remorse and apologised, his explanation that he had accidentally selected his Council email address from a drop down box when writing his email was plausible, he had acted swiftly to withdraw his objection when concerns were raised, and his actions did not adversely affect the planning application, which was granted permission.

Referred to Standards Committee

There are no summaries in relation to this finding

Referred to Adjudication Panel for Wales

There are no summaries in relation to this finding

More information

We value any comments or feedback you may have regarding The Code of Conduct Casebook. We would also be happy to answer any queries you may have regarding its contents. Any such correspondence can be emailed to Matthew.Aplin@ombudsman-wales.org.uk or sent to the following address:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

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Fax: 01656 641199

e-mail: ask@ombudsman-wales.org.uk (general enquiries)

Follow us on Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)

Further information about the service offered by the Public Services Ombudsman for Wales can also be found at www.ombudsman-wales.org.uk

Report To: Standards Committee

Date of Meeting: 3rd April 2018

Lead Member / Officer: Gary Williams, Monitoring Officer

Report Author: Gary Williams, Monitoring Officer

Title: Application for Dispensation by Members of Llanbedr Dyffryn Clwyd Community Council

1. What is the report about?

1.1 This report is about an application for a dispensation made by members of Llanbedr Dyffryn Clwyd Council

2. What is the reason for making this report?

2.1 To enable the Committee to consider the background to the request for a dispensation and the relevant legal provisions before making a determination whether to grant the dispensation.

3. What are the Recommendations?

3.1 That the Committee considers the request for a dispensation and makes a determination whether to grant the dispensation and, if so, the terms upon which the dispensation is granted.

4. Report details

4.1 The Members' Code of Conduct provides that a member of a local authority who has a prejudicial interest in any matter must withdraw from the chamber during the discussion of that matter and take no part in the consideration of that matter, unless the member has been granted a dispensation by the Standards Committee for that authority.

4.2 s81(4) Local Government Act 2000 gives Standards Committees power to grant dispensations in accordance with regulations made by Welsh Ministers under s81(5) of that Act prescribing the circumstances in which they may do so.

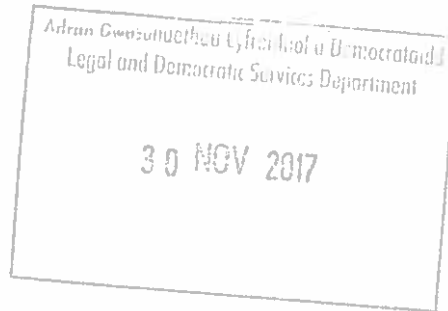
4.3 The relevant regulations are the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 (the Regulations).

4.4 The Monitoring Officer has received a request for a dispensation from the Clerk to Llanbedr Dyffryn Clwyd Community Council on behalf of the current members of the Community Council in respect of their membership of a voluntary body which is involved in the creation of a community hub at The Griffin Inn in the village of Llanbedr. A copy of this request is attached as Appendix 1. The request is signed by all of the current members of the Community Council.

- 4.5 The request explains that the Community Council may need to consider requests from this organisation for financial and other assistance and it is for this reason that the members of the Community Council seek a dispensation.
- 4.7 The Regulations set out the grounds upon which a Standards Committee may grant a dispensation. A copy of Regulation 2 of the Regulations is set out as Appendix 2 to this report and lists the circumstances in which a dispensation may be granted. It is suggested that the most relevant circumstances to this application are those set out in Regulation 2(a), (d), and (h)
- 4.8 If the Committee is minded to grant a dispensation it must consider whether it wishes to grant the dispensation as requested or whether to place any limitation or restriction on the operation of the dispensation, including the length of time for which the dispensation will be in force.
- 4.9 If a dispensation is granted, any member who has the benefit of it must still declare a personal interest in any business relating to the voluntary body and declare the existence and nature of the dispensation granted.
- 5. How does the decision contribute to the Corporate Priorities?**
- 5.1 The decision has no direct impact on the Corporate Priorities.
- 6. What will it cost and how will it affect other services?**
- 6.1 There no direct costs associated with this report.
- 7. What are the main conclusions of the Well-being Impact Assessment? The completed Well-being Impact Assessment report can be downloaded from the [website](#) and should be attached as an appendix to the report**
- 7.1 This report does not seek to introduce a change or a proposal that would require such an assessment.
- 8. What consultations have been carried out with Scrutiny and others?**
- 8.1 There has been no consultation with Scrutiny in respect of this matter.
- 9. Chief Finance Officer Statement**
- 9.1 There are no direct financial consequences as a result of this report.
- 10. What risks are there and is there anything we can do to reduce them?**
- 10.1 There is a risk that if Members are not granted the dispensation the Town Council will be unable to consider requests for financial or other assistance by the voluntary body.
- 11. Power to make the Decision**
- 11.1 s81(4) Local Government Act 2000 Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

IFAN GWYN DAVIES
Clerc y Cyngor/Clerk to the Council

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LL15 2AU

Ein Cyf./Our Ref.

Eich Cyf./Your Ref.

Dyddiad/Date

Mr G Williams
The Monitoring Officer
Denbighshire County Council
PO Box 62,
Ruthin LL15 9AZ

24th November 2017.

Dear Mr Williams,

Re: Llanbedr Dyffryn Clwyd Community Council Dispensation Request under Regulation 2

I attach details of how the Community Hub for Llanbedr Dyffryn Clwyd Project evolved, culminating in the purchase of the Griffin Inn by a local resident, who wishes to work with the Council in order to implement the recommendations in the Cadwyn Clwyd Consultant's Report.

The Council's chairman and vice chairman have been invited to help set up the Management Group, which will be responsible for creating the Community Hub and will appoint tenants to run the retail activities recommended by the Consultants.

The Outline Business Plan recommended by the Cadwyn Clwyd Consultant works on the premise that a Community Benefit Society (CBS) will be formed as a legal entity. It is likely that some or even all Community Councillors will wish to join the CBS.

The Council wishes to be pro-active in working the new owner, with the support and guidance of Cadwyn Clwyd. There will be a need to obtain grants to refurbish the Griffin Inn and the Council will need to obtain membership of organisations who can assist this project such as Pub is The Hub, The Plunkett Foundation and the Wales Co-operative Centre. Membership fees range from £50 for the Wales Co-operative Centre to £75 for Supporter membership of the Plunkett Foundation.

It is likely that volunteer groups will need to be established to support key elements of the Hub and Councillors will wish to join one or more these groups.

At the May Local Government Elections, eight people were nominated for the nine seats on Llanbedr DC Community Council. Two Councillors have since resigned so we currently have only six Councillors.

The Consultant's Report (see Appendix 3) includes: *initial management costs will be raised through a mix of a Community Share Offer, a possible Community Council loan and grant aid.* We anticipate that the Management

Group and the volunteer groups may need to request further financial support from the Council. The Council is also considering an increase in its precept to cover the need to support this project.

As our quorum is three members, the Council feels the need to request a Grant of Dispensation from the Standards Committee under the 2001 regulations. We anticipate that the dispensation will be needed for a period of no longer than 12 months.

We feel that the circumstances in which dispensations may be granted are covered in:

2 (d), (e), (f), (i) and (j) – see Appendix 2.2 for our justification.

We would appreciate it if this request can be considered at the next Standards Committee Meeting on 8th December 2017.

I attach a copy of the formal letter which each of my current Councillors has signed requesting this Grant of Dispensation from the Standards Committee. I would appreciate your guidance of the procedure future Councillors would have to follow to obtain a Grant of Dispensation.

The attached Appendices include *A Brief Time Line of the Activities that led to the Community Hub Concept* – see Appendix 2.1

I can also provide copies of our minutes, Community Newsletters, the Consultant's survey of the Community and the results. 350 surveys were put out to villagers and 155 were returned, representing a 42% return.

I did not want to overload you and again would be happy to be guided by you what other supporting documentation you would require.

Yours Sincerely



Gwyn Davies,
Clerk to the Council

Cyngor Cymuned LLANBEDR D.C. Community Council

IFAN GWYN DAVIES

Clerc y Cyngor/Clerk to the Council
Mr G Williams

The Monitoring Officer

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Ein Cyf./Our Ref.

Re: Llanbedr Dyffryn Clwyd Community Council Dispensation Request under Regulations 2

Eich Cyf./Your Ref.

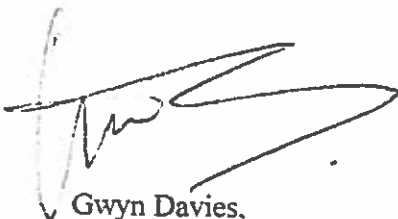
Dear Mr Williams

Dyddiad/Date 24/11/17

The undersigned members of Llanbedr Dyffryn Clwyd Community Council request a Grant of Dispensation from the Standards Committee under the 2001 regulations. We anticipate that the dispensation will be needed for a period of no longer than 12 months.

I attach below details of the Community Hub for Llanbedr Dyffryn Clwyd Project for which this Grant of Dispensation is being made.

Yours Sincerely



Gwyn Davies,
Clerk to the Council

Cllr Lyn Evans Chair of Llanbedr Dyffryn Clwyd
Community Council

Lyn Evans

Cllr Tim Baker Vice Chair of Llanbedr Dyffryn
Clwyd Community Council

Tim Baker

Cllr Rhian Jones Chairman of Leisure & Environmental
Areas Advisory Committee (LEAAC)

Rhian Jones

Cllr Linda Roberts Llanbedr Dyffryn Clwyd Community
Councillor

Linda Roberts

Cllr Kenneth Tams Llanbedr Dyffryn Clwyd Community
Councillor

K. Tams

Cllr Bob Barton Llanbedr Dyffryn Clwyd Community
Councillor

Bob Barton

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Appendix 2

Status: Law In Force

Standards Committees (Grant of Dispensations) (Wales) Regulations 2001/2279

This version in force from: **April 1, 2016 to present**

(version 2 of 2)

2. Circumstances in which dispensations may be granted

The standards committee of a relevant authority may grant dispensations under [section 81\(4\)](#) of the Act 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;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;

(c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

(d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;

(e) the interest is common to the member and a significant proportion of the general public;

(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

(g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

(h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; [...] ¹

(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed [; or] ²

[(j) "it appears to the committee to be otherwise appropriate to grant a dispensation.

] ³

Notes

- ¹. Word revoked by Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016/85 [reg.4\(3\)\(a\)](#) (April 1, 2016)
- ². Word substituted by Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016/85 [reg.4\(3\)\(b\)](#) (April 1, 2016)
- ³. Added by Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016/85 [reg.4\(3\)\(c\)](#) (April 1, 2016)

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Subject: Local government



Report to:	Standards Committee
Date of Meeting:	3rd April 2018
Lead Officer:	Gary Williams (Head of Legal, HR and Democratic Services)
Report Author:	Steve Price (Democratic Services Manager)
Title:	Remuneration for Lay Members

1. What is the report about?

The Independent Remuneration Panel for Wales (IRPW) publishes an annual report on the level of payments and support to co-opted and lay members each year. The IRPW recently invited co-opted and lay members to discuss the national scheme of payments. This report contains information on the national scheme operated by Denbighshire County Council and in particular its application to lay and co-opted members of the Council's committees.

2. What is the reason for making this report?

On the 22 September the Standards Committee requested that a report on lay-member remuneration and responsibilities be considered at the committee's December meeting. The Standards Committee membership includes lay members.

3. What are the Recommendations?

That the committee considers the information and issues in this report.

4. Report details

- 4.1 In September the IRPW visited Denbighshire as part of a programme of visits to all the unitary authorities. The IRPW sets out the framework which authorities have to comply with when making payments to elected members and lay or co-opted members of committees. As outlined in the September minutes of the Standards Committee the IRPW delegation had discussed the remuneration scheme's operation in Denbighshire with one of the lay-members of the Standards Committee. As a result the Standards Committee had requested clarification about which duties would be eligible for a payment and whether the Council limited claims to the equivalent of 10 days per year per claimant.
- 4.2 Co-opted or lay members with voting rights are entitled to claim a £198 daily fee for attending meetings or other authorised events, or a fee of £99 for half day meetings or events. Fees for the co-opted chair of the Standards Committee are £256 per day or £128 for a half day. The IRPW defines a half day as being up to 4 hours and a full day as being over 4 hours and has stipulated that reasonable time spent on preparation and travel time can be included. The extent of pre-meeting preparation

time allowed may be determined by the Democratic Services Manager. Appendix 1 is an excerpt from the IRPWs draft annual report relating to lay and co-opted members.

4.3 The authorised meetings and events eligible to receive an attendance allowance are:

- Formal meetings of the committee on which the claimant is a voting member.

For Standards Committee members these are the formal meetings of the Standards Committee.

Denbighshire County Council also has other co-optees including education scrutiny committee voting co-optees who are entitled to payments for attending meetings that consider education issues. For those meetings the co-optees' names would be included in the membership section of the agenda. Payments would not be made for attending Scrutiny meetings or agenda items that were not considering education business.

- Training events, conferences, regional or sub-regional meetings where a lay-member's attendance has been requested and therefore authorised by the Council.
- Official pre-meeting briefings with the committee or officers to discuss the committee's business.
- Attendance on behalf of the Council at the North Wales Standards Committee Forum.

4.4 Local authorities can decide on the maximum number of days for which lay or co-opted members may be paid in any one year. Denbighshire County Council has decided not to impose a maximum number at this time.

4.5 As shown in paragraph 4.3 there are a range of events and activities that can be included in claims. A formal invitation to a lay-member of a committee to attend a meeting at which they will be a voting member indicates that their attendance is authorised and a payment can be claimed for the time taken. Similarly, a request to attend other meetings, briefings or events, where the request has been made by an appropriate officer of the Council, will normally signify that a claim will be met.

4.6 As mentioned earlier in this report the IRPW recently visited Denbighshire and met with a member of the Standards Committee. The invitation to attend was extended by the Council through its Democratic Services team for lay and co-opted members to meet the IRPW. By attending the meeting they would be eligible to claim either a half or full day payment depending on the time commitment involved.

4.7 One of the duties that Standards Committee members have decided upon is attending meetings of the city, town and community councils (CTCCs) and reporting on their impressions to the Standards Committee. These visits are intended to assist the CTCCs and raise their standards by identifying any problems or training requirements and sharing good practices. However, the CTCCs remain separate organisations, independent of the county council and the visits are not currently authorised for the payment of claims, which would otherwise fall to the County

Council to meet. The IRPW itself highlights that affordability is an issue for both councils and the tax payer and (for elected members) it recognises that there is an unpaid public service contribution in undertaking the role, whilst the Council does not itself require or organise the visits.

- 4.8 In the event of any uncertainty the Monitoring Officer or the Democratic Services Manager will be able to confirm whether specific meetings or activities would be eligible for a payment.
- 4.9 Travel costs for authorised meetings and events are also met by the Council and these are paid at the current HM Revenue and Customs rate which for travel by car is reimbursed at 45 pence per mile.
- 4.10 The following link can be used to view the IRPWs draft determinations for the 2018 – 2019 municipal year:

<http://gov.wales/irpwsb/home/publication-reports/financial-year-2018-19/?skip=1&lang=en>

5. How does the decision contribute to the Corporate Priorities?

No direct contribution.

6. What will it cost and how will it affect other services?

Any increases in payments to lay members would have to be met from the Council's budgets.

7. What are the main conclusions of the Well-being Impact Assessment?

An impact assessment is not required for this report.

8. What consultations have been carried out with Scrutiny and others?

Responding to the consultation by the IRPW is a function of the Democratic Services Committee and that committee considered the draft IRPW report on the 20 October 2017. Full Council is expected to consider the final version of the IRPWs report and the views or recommendations from the Standards Committee can be presented as part of that discussion.

9. Chief Finance Officer Statement

Not required.

10. What risks are there and is there anything we can do to reduce them?

The IRPW has authority to set the level of payments and guiding framework for lay and co-opted members. There are no risks identified with the matters raised in this report.

11. Power to make the Decision

Section 111 Local Government Act 1972

Local Government (Wales) Measure 2011

9. Payments to co-opted Members of Principal Councils, National Park Authorities and Fire & Rescue Authorities⁷

- 9.1 The Panel has determined that a daily/half daily fee is appropriate remuneration for the important role undertaken by co-opted members of authorities with voting rights (this includes the co-opted member from a Town or Community council). The level of payments is equivalent to the current daily rates for chairs and members of the Welsh Government's Band 2 sponsored bodies. The Panel notes there has been no uplift in these payment levels across such bodies since 2010.
- 9.2 Principal councils, NPAs and FRAs can decide on the maximum number of days in any one year for which co-opted members may be paid.
- 9.3 The determinations are set out below:

Determination 38: Principal councils, NPAs and FRAs must pay the following fees to co-opted members (Table 6) (who have voting rights).

Table 6: Fees for co-opted members (with voting rights)

Chairs of standards, and audit committees	£256 (4 hours and over) £128 (up to 4 hours)
Ordinary members of standards committees who also chair standards committees for community and town councils	£226 daily fee (4 hours and over) £113 (up to 4 hours)
Ordinary members of standards committees; education scrutiny committee; crime and disorder scrutiny committee and audit committee	£198 (4 hours and over) £99 (up to 4 hours)
Community and town councillors sitting on principal council committees	£198 (4 hours and over) £99 (up to 4 hours)

Determination 39: Reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.

Determination 40: Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).

Determination 41: The appropriate officer within the authority can determine

⁷ This section does not apply to co-opted members of community and town councils.

in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.

Determination 42: Meetings eligible for the payment of fees include other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.

The Panel's determinations on Travel and Subsistence, Reimbursement of costs of care and Family Absence are now set out in separate sections of this Annual Report.

STANDARDS COMMITTEE FORWARD WORK PROGRAMME

PLEASE NOTE AGENDA TO BE CIRCULATED 1 WEEK IN ADVANCE OF MEETING

DATE OF MEETING	REPORT ITEMS / AREAS	REPORT AUTHOR
29 June 2018	Standing Item: Attendance at Meetings	N/A
	Standing Item: PSOW Code of Conduct Casebook	Gary Williams (Monitoring Officer)
	Standing Item: Standards Committee Forward Work Programme	Gary Williams (Monitoring Officer)
	Standing Part 2 Item: Overview of Complaints in Denbighshire	Gary Williams (Monitoring Officer)
	Reviewing self-regulatory protocol and applying it to City Town and Community Councils'	Gary Williams (Monitoring Officer)
21 September 2018	Standing Item: Attendance at Meetings	N/A
	Standing Item: PSOW Code of Conduct Casebook	Gary Williams (Monitoring Officer)
	Standing Item: Standards Committee Forward Work Programme	Gary Williams (Monitoring Officer)
	Standing Part 2 Item: Overview of Complaints in Denbighshire	Gary Williams (Monitoring Officer)

Updated 21/02/2018 -SJ

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By virtue of paragraph(s) 12, 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

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