

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in the Council Chamber, Russell House, Churton Road, Rhyl LL18 3DP on Friday, 12 April 2019 at 10.00 am.

PRESENT

Independent Members: Ian Trigger (Chair), Julia Hughes, Anne Mellor and Peter Lamb

Town / Community Council Member: Gordon Hughes

ALSO PRESENT

Monitoring Officer (GW) and Democratic Services Manager (SP)

1 APOLOGIES

An apology for absence was submitted by Councillor Andrew Thomas.

2 DECLARATIONS OF INTEREST

Independent member Julia Hughes drew attention to a case referred to in the documents for today's meeting which was linked to another Standards Committee of which she was a member. However, the Monitoring Officer advised that as the connection did not involve a close personal association it was not a personal interest under the code of conduct.

3 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent matters raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Standards Committee meeting held on the 30 November 2018 and the special Standards Committee meeting held on the 24 January 2019 were submitted.

Attention was drawn to the title 'councillor' having been used in error for committee members Julia Hughes and Gordon Hughes.

Independent member Peter Lamb requested that the final draft version of minutes be emailed to committee members for information, rather than members having to wait for the publication of the agenda for the following meeting.

RESOLVED that the minutes of the Standards Committee meeting held on the 30 November 2018 and the special Standards Committee meeting held on the 24 January 2019 be received and confirmed as correct records.

5 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK

The Monitoring Officer (MO) introduced a report on the Public Services Ombudsman for Wales – Code of Conduct Casebook (previously circulated). The MO informed the Committee that the Casebook was intended to help members and others in considering whether circumstances that they were experiencing amounted to a breach of the Code. It also provided information about the way the Ombudsman and other standards committees in Wales dealt with cases.

The MO highlighted cases in the Casebook relating to:

- the censure of a former member of Neyland Town Council for breaching the Code of Conduct by improperly attempting to stop a project the Council had agreed to support;
- a complaint against a former member of Monmouthshire County Council (and a current community councillor) who had sent emails which the complainant considered contained comments which failed to show respect and consideration for members of the LGBT community. The Ombudsman had referred the case to the Adjudication Panel for Wales for adjudication by tribunal. A defence against the complaint cited freedom of expression, freedom of religious expression and public interest. The Tribunal concluded that the councillor had breached the Code of Conduct and after taking mitigating factors into consideration, suspended the councillor for a period of two months.

Members discussed the Casebook process of reporting cases and how the Public Services Ombudsman system worked. The MO reported on a case relating to Llandegla Community Council which the Ombudsman had investigated but found that no action was required. The parties involved had agreed to accept the MOs assistance to mediate but one of the parties resigned their post prior to the mediation taking place.

RESOLVED – *that the Committee notes the information contained within the Code of Conduct Casebook.*

6 REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

The Monitoring Officer (MO) introduced a 2019 report by the Committee on Standards in Public Life reviewing local government ethical standards in England.

Although the review related only to the operation of the standards regime in England, the MO advised that the report and its recommendations provided an interesting comparison of the systems in Wales and England.

The MO informed members that the former Standards Board (England) had been obliged to investigate all complaints and the system had fallen into disrepute before being abolished in 2012. That highly centralised system had been replaced by the highly devolved system currently in place in England.

Unlike the Wales model code of conduct used by Welsh local authorities, councils in England were now able to determine the contents of their own codes. The statutory duty was for those codes to, when viewed as a whole, be consistent with the Seven Principles of Public Life (the “Nolan Principles”) and include provisions for registering and declaring pecuniary and non-pecuniary interests. The intention was not that the Seven Principles would be treated as a self-contained code, but instead that the principles should be used to underpin a well-drafted, practical and locally-relevant guide to behaviour.

The MO commented that the English system was focussed on the disclosure of pecuniary interests and lacked an objective test on what constituted a prejudicial interest. There was no requirement to register gifts or hospitality. The MO viewed the lack of sanctions within the English standards system as being likely to make the role of monitoring officers in England a difficult one.

Members were advised that the Committee on Standards in Public Life had taken evidence from the standards bodies in Wales, Scotland and Northern Ireland and many of the highlighted good practices reflected current practice in Wales.

The review had found that of councils in England that had received complaints, 83% said complaints had been made about disrespectful behaviour, 63% about bullying and 31% about disruptive behaviour. In response to a question, the MO advised that anecdotally the majority of complaints in Wales were about behaviour and rudeness and it was likely that failure to disclose interests were under-reported. This was an area that could be developed.

The Chair suggested that this point be debated in more detail at the next meeting alongside the MO’s compilation of complaints made. Independent member Julia Hughes requested that attention also be given to breaches of the Code of Conduct that were similar to the examples of bullying behaviour used by the Committee on Standards in Public Life in page 76 of their review.

The Committee discussed the issue of bullying and abusive behaviour towards women at often male-dominated councils. The MO advised on the range of equality actions employed to improve diversity which were promoted by a range of public sector organisations. He also reported that the Standards Committee’s role related to the Code of Conduct and that the majority of attacks on councillors came from the public rather than fellow-councillors, and that many of these were linked to use of social media.

RESOLVED that the Committee notes the contents of the report.

7 COMMITTEE ATTENDANCE

The Chair invited members of the Committee to share their observations from the city, town or community council meetings they had recently attended.

Town and Community Council member Gordon Hughes provided observations of the Llanynys Community Council meeting held on the 8 January 2019. He reported that details of the meeting time and location had been supplied to him promptly on

request but that he did not have access to an agenda or reports. Mr Hughes advised that the community council had a bilingual website but the website did not provide access to agendas, minutes and reports.

Mr Hughes reported on the meeting which he found to have been conducted in a satisfactory manner with a good atmosphere and an excellent relationship between the councillors.

Mr Hughes had also attended a meeting of Llanrhaeadr-yng-Nghinmeirch Community Council on the 25 February 2019. As with the previous visit, Mr Hughes' enquiry was answered promptly with details of the meeting but he was also supplied with the agenda and minutes. The council had a bilingual website but meeting documents were not available from it.

Members were advised that the meeting was conducted in good order, according to the agenda and with each item having clearly defined decisions and actions. The atmosphere and relationship observed between councillors was excellent. Mr Hughes reported that training was considered to be a high priority by the community council. Declaration of interest forms were available at the meeting and some were completed owing to interests in respect of local community grant applications. All members remained in the meeting room for the item.

Committee members Julia Hughes and Peter Lamb had attended a meeting of Efenectyd Community Council held on the 2 January 2019.

Mrs Hughes advised that she had received a prompt response to a request for meeting information from the clerk, but the council's website was not up-to-date. There was an agenda item for 'public participation' though there were no members of the public present on this occasion and she had observed that the Clerk provided good support to the Chair and the meeting. The councillors had discussed training issues at the meeting.

Mr Lamb reported that the item on declarations of interests was accompanied by a script outlining the purpose of the item. The Monitoring Officer added that Denbighshire County Council had shared a copy of its formal script used for the benefit of the public at webcast meetings.

Mr Lamb queried whether town and community councils viewed attendance by Standards Committee members as being helpful to assist their meeting arrangements? He also added that, as a non-Welsh speaker attending a meeting where the proceedings were generally in Welsh, he was mindful that his attendance could lead to a change in the language of the meeting and that he might bear this in mind when choosing which town and community council meetings he attended.

RESOLVED that the Committee notes the attendance by its members at meetings of city, town and community council meetings.

8 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

The Monitoring Officer (MO) introduced the Standards Committee Forward Work Programme (previously circulated).

During a discussion on the item for the minutes of the last meeting, the Committee had agreed to a suggestion from Committee Member Julia Hughes to reschedule the item on *review of attendances at town, city and community councils* from June to the September meeting. The report would facilitate a comprehensive discussion on meetings attended and those planned for the future.

RESOLVED that subject to the above, the Standards Committee's forward work programme be approved.

9 DATE OF NEXT MEETING

The next meeting of the Standards Committee was scheduled for the 7th June 2019 at 10.00 a.m. in Conference Room 1a, County Hall, Ruthin.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that 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 of business because it was likely that exempt information (as defined in paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act) would be disclosed.

10 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

The Monitoring Officer (MO) presented a report (previously circulated) providing an overview of complaints lodged with the Public Services Ombudsman for Wales.

The MO reported on complaints submitted involving councils in Denbighshire, giving outline details of the nature of the complaints made and the actions taken by the Public Services Ombudsman for Wales.

RESOLVED that the Standards Committee notes the contents of the report.