

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1B, County Hall, Wynnstay Road, Ruthin LL15 1YN on Friday, 21 March 2014 at 10.00 am.

PRESENT

Independent Members Mrs Margaret Medley, Mr Ian Trigger (Chair), Mrs Paula White, Community Councillor David E. Jones and County Councillor Bill Cowie.

ALSO PRESENT

Monitoring Officer (GW), Deputy Monitoring Officer and Solicitor (LJ) and Administrative Officer (CIW).

1 APOLOGIES

Apologies for absence were received from Councillors Wayne Roberts and Colin Hughes

2 DECLARATION OF INTERESTS

No Members declared any personal or prejudicial interests in any business identified to be considered at the meeting.

In response to a question from Councillor W.L. Cowie, the Monitoring Officer agreed to note in the file of the Register of interests that an anonymous gift, under the value of £25, had been delivered to Councillor Cowie's home address

3 URGENT MATTERS AS AGREED BY THE CHAIR

No items were raised 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.

4 MINUTES OF THE LAST MEETING

The Minutes of the Standards Committee held on the 31st January, 2014 were submitted.

Accuracy:-

In response to a question from Councillor W.L. Cowie, the Committee agreed that reference in the minutes to "Town and Community Councils" be amended to read "City, Town and Community Councils."

RESOLVED – *that, subject to the above, the Minutes be received and approved as a correct record.*

5 ANNUAL REPORT OF THE ADJUDICATION PANEL FOR WALES

A copy of a report by the Monitoring Officer (MO), on the Annual Report of the Adjudication Panel for Wales 2012/13 which had been published in February, 2014, had been circulated with the papers for the meeting.

The report provided an overview of the work of the Adjudication Panel for Wales (APW) and contained summaries of the cases and appeals it had dealt with over the last year. The report had been included as Appendix.

The MO explained that the APW, set up under the Local Government Act 2000, had two statutory functions. The first to form case or interim case tribunals to consider reports from the Public Services Ombudsman for Wales (PSOW) following the investigation of allegations that a Member had failed to comply with the relevant Authority's Code of Conduct. The most serious allegations of breaches of the Members' Code of Conduct were considered by the APW. The second function was to consider appeals from Members against the decisions of local Standards Committees following a referral by the PSOW.

During 2012/13 the APW had received five new referrals and four cases carried over from the previous financial year 2011/12. Seven of the cases had been heard during the period covered by the report and summaries had been provided. Five hearings had been summarised in the report, with the matter relating to Coedpoeth Community Council having involved three of the complaints.

The APW had received one appeal against a decision of a local Standards Committee and a summary of the case had been set out in the report. All the cases had involved findings that the Member concerned had by their actions brought their office or Authority into disrepute, and two had breached the requirement to show respect and consideration to others. This had been consistent with the general themes emerging from the analysis set out in the report of the different types of misconduct considered by the Panel since 2002. The three most prevalent areas of misconduct had been:-

Paragraph 6, bringing the office or authority into disrepute.

Paragraph 4, failing to show respect, having regard to equality of opportunity and bullying.

Paragraphs 11 and 14, declaration of interests.

Three of the matters had been breaches involving the use of social media by Members. One of the cases summarised related to a former Denbighshire Councillor and a full report had been included on the Panel's website. As an annex to the report the APW had provided a summary of the sanctions imposed by the case tribunals and appeal tribunals in the period October, 2002 to March, 2013. Significant sanctions had been imposed by the APW during that period and only a minority of matters had not resulted in suspension or disqualification.

The MO provided a detailed summary of the APW Annual Report which included:-

- Local Government Act 2000.
- Principles of Conduct Code of Conduct.
- Role of the PPSOW.
- Role of the APW.
- Membership details of the APW.
- Allegations of misconduct:-
 - Overview
 - Summary of Case Tribunals 2012 - 2013
 - Summary of Appeals Tribunals 2012 - 2013
 - On-going Cases
- Overview of procedures.
- Support Unit.

Matters arising from discussion included:-

- The provision of equality training for Elected Members, and a report to County Council requesting guidance as whether or not such training should be mandatory.
- Councillor W.L. Cowie highlighted the importance of Elected Members ensuring that any comments made verbally or written did not breach the Code of Conduct.
- The Deputy MO referred to Page 12 of the report, Figure 3: Breaches by type October to March, 2013. She invited attention to sections relating to “Failed to lead by example (local provision)” and “Failure to have regard for Standards Committee advice”, and explained that it appeared that some Local Authorities in Wales had amended their Code of Conduct accordingly. The MO agreed to provide clarification regarding the two local provisions through the Monitoring Officers Network.
- In response to a question from the Chair, the MO confirmed that there was very little variance between the different Codes of Conduct of the various Local Authorities.
- The MO explained that there was a requirement in the Act to have a Code of Conduct which must incorporate all the provisions of the model Code to which additions could be included.
- In reply to a question from the Chair, the MO agreed to provide details of how many of the cases listed in the report had been subject to an appeal to the High Court. The MO explained that details of the full judgements were available on the APW website.

Following further discussion, it was:-

RESOLVED –that the:-

- (a) *Standards Committee receives and notes the contents of the Annual Report of the Adjudication Panel for Wales, and*
- (b) *Monitoring Officer seek clarification in respect of:-*
 - *the number of cases listed in the report which had been subject to a High Court appeal.*
 - *the sections in the Figure 3: Breaches by type October to March, 2013, which related to “Failed to lead by example (local provision)” and “Failure to have regard for Standards Committee advice”.*

(G. Williams to Action)

6 PUBLIC SERVICE OMBUDSMAN FOR WALES' CODE OF CONDUCT CASEBOOK

A copy of a report by the Monitoring Officer (MO), on the introduction of a Code of Conduct Casebook by the Public Services Ombudsman for Wales (PSOW), had been circulated with the papers for the meeting.

The PSOW had previously published a quarterly casebook detailing complaints investigated in respect of maladministration in the delivery of public services. It enabled Authorities and the public to understand how complaints had been addressed and the measures introduced to resolve them. Requests had been made for a casebook to be published for work undertaken by the PSOW in investigating complaints made in relation to the conduct of Elected Members.

The new Code of Conduct casebook would be published twice annually and contain summaries of all cases where the PSOW had completed an investigation in the previous six months. Where cases had been referred to a Standards Committee or the Adjudication Panel for Wales, an electronic link would be provided to the full report of the outcome of the case produced by the relevant Committee or Panel.

The publication of the summaries would assist Members and others in considering whether circumstances they may be experiencing amounted to a breach of the Code. Details of the PSOW guidance on the Code, which it was hoped would assist in providing a better understand of the operation of the Code, had been incorporated in the report. The casebook would enable Standards Committees access to information about the manner in which other Standards Committees imposed sanctions and disposed of cases, and explain why in some cases the PSOW may decline to investigate alleged breaches on the basis that previous similar allegations had not resulted in a sanction.

The first edition of the casebook, Appendix 1, contained details of matters where the PSOW had completed an investigation and issued a report between April and November, 2013. The majority of breaches complained of in this edition of the Code of Conduct casebook related to the requirement to show respect and consideration to others and the registration and disclosure of interests.

A detailed summary of the implications arising from Case reference 200802503, included on page 14 of the report, was provided by the MO. The Chair referred to Case reference 201201768 and expressed the view that if the evidence was contradictory, then the matter should have been pursued. The MO endorsed the view expressed by the Chair and made reference to the summary provided having been somewhat brief.

The MO explained that substantial proportion of the cases referred to related to City, Town and Community Councils, and he emphasised the importance of the provision of training for the respective Members. An outline of the training provided, and future proposed schedule of training and presentations, was provided for Members of the Committee. The Chair explained that the standard of training

provided by the MO and Deputy MO was of an excellent standard. Members of the Committee endorsed the views expressed regarding the need and importance of the provision of training.

RESOLVED – *that Members note the introduction of a Code of Conduct casebook and the contents of the first edition.*

7 ATTENDANCE AT MEETINGS

Members of the Committee were invited to feedback from the County, Town and Community Council meetings that they had recently attended and Members took the opportunity to offer a summary of how the respective Councils had operated.

Councillor W.E. Cowie attended the following meetings and provided the following summaries:-

Prestatyn Town Council, 5th February, 2014:- The meeting had been well conducted and there had been no issues of concerns to report. Members of the public had been in attendance and Councillor Cowie reported that he had been impressed with the format of the agenda.

Rhuddlan Town Council, 13 February, 2014:- The meeting had been well attended with members of the public also present. The Mayor had at the commencement of reminded Members of the need to read the Code of Conduct and the relevance of Standing Orders. Councillor Cowie referred to the lack of reference to the accuracy and matters arising of the minutes of the previous meeting, the understanding of the Town Plan and he expressed concern regarding some of the decision making processes adopted.

City of St Asaph Council, 12th March, 2014:- Councillor Cowie reported that the meeting had been well conducted and no issues of concern had arisen.

Councillor D.E. Jones attended the following meeting and provided the following summary:-

Llanbedr Dyffryn Clwyd Community Council, 14th February, 2014:- Councillor D.E. Jones informed Members that the Community Council currently had two vacancies and that the attendance at the meeting had been poor. The meeting had been positive and conducted in an informal manner, with the principal concern of the Members relating to the future of the local primary school.

Having been requested to speak at the meeting Councillor Jones had taken the opportunity to explain that the attendance of Standards Committee Members at meetings was to provide encouragement and support to the respective Councils. He had also highlighted the importance of the Code of Conduct and the provision of training for Chairs and Members of the Councils.

The suggestion was made that the possibility of providing the respective City, Town and Community Councils, with details of the purpose of the attendance of Standards Committee Members at meetings be examined. Individual Members

provided details of how they introduce themselves, and the information they convey, when representing the Standards Committee at City, Town and Community Council meetings.

RESOLVED – *that the Standards Committee receive and note the feedback submitted from recent meetings attended by Members of the Committee.*

8 DATE OF NEXT MEETING

Members noted that the next meeting of the Standards Committee would be held on Friday, 9th May, 2014 at 10.00 a.m. in Conference Room 1b, County Hall, Ruthin.

A copy of the timetable for County Council meetings for 2014 to 2015 was circulated to Members of the Committee.

The Committee agreed that the following business items be included on the agenda for the next meeting of the Standards Committee:-

- (i) Social Media Guidance.
- (ii) Audit of Declarations of Interest.

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

- (a) *the next meeting of the Standards Committee be held on Friday, 9th May, 2014, and*
- (b) *business items relating to Social Media Guidance and Audit of Declarations of Interest be included on the agenda for the next meeting of the Standards Committee.*

EXCLUSION OF PRESS AND PUBLIC

RESOLVED – *that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Local Government Act 1972.*

PART II

9 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

A copy of a confidential report by the Monitoring Officer (MO), which provided an overview of complaints lodged with the Public Services Ombudsman for Wales, had been circulated with the papers for the meeting.

The Standards Committee had previously requested to be regularly informed of the level of complaints lodged with the Public Services Ombudsman for Wales (PSOW).

The tables incorporated in Appendix 1 provided an overview of complaints lodged since the 1st April, 2012.

It was confirmed by the MO that Case Reference 207, 208 and 209 under the On-going heading in Appendix 1 had now been completed. The MO provided details of Case Reference 249, a complaint made by a member of the public against an Elected Member.

The MO informed the Committee of the first Local Resolution of a complaint, which had been resolved amicably following agreement with the respective parties.

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

Meeting ended at 11.20 a.m.