

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1a, County Hall, Ruthin on Friday, 16 September 2016 at 10.00 am.

PRESENT

Independent Members Ian Trigger (Chair), Paula White, Julia Hughes and Councillors Barry Mellor and David E. Jones

ALSO PRESENT

Monitoring Officer (GW) and Committee Administrator (SLW)

1 APOLOGIES

Apologies for absence were received from Independent Member Anne Mellor

2 DECLARATION OF INTERESTS

None.

3 URGENT MATTERS AS AGREED BY THE CHAIR

The Chair raised the following issue but stated it was not an urgent matter.

Following a meeting with the Public Services Ombudsman for Wales (PSOW), Nick Bennett, the Chair expressed concern regarding the number of complaints which were rejected as he felt that some complaints could be referred to the Standards Committees. The reason being that if a member of the public made a complaint to the PSOW and the reply was negative then the complainant could feel a sense of grievance.

The PSOW was to attend a meeting in Llangefni on Monday 17 October at 10.30 a.m. followed by the Standards Forum. The Vice-Chair stated that, unfortunately, she would be unable to attend as she would be on holiday. Independent Member, Julia Hughes, expressed an interest in attending the meeting but would confirm with the Monitoring Officer once she had checked her schedule.

The PSOW had requested any questions be sent to him in advance from all Local Authorities.

The Chair asked that one of the questions to be sent to the PSOW be "would the PSOW consider passing more breaches of the Code of Conduct to be dealt with at Standards Committee"?

The Chair also raised the issue of introducing minimum standards for City, Town & Community Councils, and asked the Monitoring Officer (MO) if this would be an appropriate item to be put forward at the Forum on 17 October.

The MO explained this may be outside the Forum's brief. He also explained that training was available for City, Town & Community Councillors and Clerks.

The Chair acknowledged the excellent training provided by the MO and the Deputy Monitoring Officer.

The MO confirmed he would send the questions from Denbighshire and other Local Authorities to Members of the Standards Committee for information.

GW TO ACTION

4 MINUTES OF THE LAST MEETING

The Minutes of the Standards Committee held on 8 April, 2016 were submitted.

The Chair commended the high standard of minutes.

RESOLVED that the minutes of the meeting held on 8 April, 2016 be received and approved as a correct record.

5 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

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

2 December 2016

- Follow-up report following 17 October 2016 meeting with the Public Services Ombudsman for Wales (PSOW) and the Standards Forum.
- Adjudication Panel for Wales Annual Report (tentative)

10 March 2017

- Preparation of Chair's Annual Report to Full Council.
- Training

The Monitoring Officer confirmed to Members of the Committee that the Forward Work Programme was a living document and could be amended and items added at any time.

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

6 PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT 2015/16

The Monitoring Officer (MO) presented the report (previously circulated) to give members of the Standards Committee an opportunity to consider the contents of the Annual Report of the Public Services Ombudsman for Wales (PSOW).

Each year the PSOW published an Annual Report on the activities of the office of the Ombudsman in dealing with complaints against public bodies in Wales.

The PSOW's office had two main roles:-

- To investigate complaints of maladministration by public bodies, and
- To investigate complaints relating to alleged breaches of the Code of Conduct by elected members of Unitary, City, Town and Community Councils. This would be of more relevance to the Standards Committee.

Within the report, the PSOW welcomed the recommendations of the Finance Committee of the National Assembly for Wales that there be legislation brought forward, in the current Assembly to enhance the existing powers of the PSOW's office.

The report showed the number of complaints received in total by the PSOW in respect of service delivery had fallen overall against public services bodies. Within that fall, there had been an increase in the number of complaints regarding the Health Service.

The breakdown of the complaints statistics relating to the Code of Conduct showed 274 complaints in 2015/16 compared with 231 in 2014/15, an increase of 19%. Further analysis revealed the major factor in the increase was a 49% rise in the number of complaints emanating from City, Town and Community Councils from 106 in 2014/15 to 158 in 2015/16.

During an in-depth discussion the following issues were raised:

- It was noted that if a county Councillor were to make a complaint against another county Councillor within their own Local Authority, then the PSOW would expect the complaint to be made first of all to the MO to resolve the matter locally without the involvement of the PSOW. A Local Resolution Procedure was in place for repeat offenders.
- If an Officer's perception of a Members behaviour was that they felt they were being bullied, then it was questioned as to whether the Local Resolution Procedure would be extended to deal with the issue. The MO confirmed he and the Deputy Monitoring Officer (DMO) were assessing the legality of the Procedure. The MO and DMO were to check with other Local Authorities as to what procedures they had in place. The MO confirmed he would report back to the next meeting in December, with the relevant information. **GW TO ACTION**
- The Chair raised the question of how can people contact the PSOW and where do they find information about his office. The MO confirmed he would look into this and report back. **GW TO ACTION**

Following further discussion, it was:

RESOLVED that the Standards Committee receive and note the Public Services Ombudsman for Wales' Annual Report 2015/16.

7 PUBLIC SERVICES OMBUDSMAN FOR WALES - CODE OF CONDUCT CASEBOOK

The Monitoring Officer (MO) presented the report (previously circulated) to inform members of the Standards Committee of the most recent editions of the Ombudsman's Code of Conduct Casebook.

It was explained that Appendix 1 to the report contained the Casebook covering the period January 2016 to March 2016. Appendix 2 covered the period April 2016 to June 2016.

Details of the complaints investigated during these periods had been outlined in the report and were summarised by the MO.

Discussion took place and it was agreed that the MO would write to all City, Town & Community Councils explaining the importance of declaring a personal or prejudicial interest. For Council and Planning meetings there was a "script" which was read out at the beginning of the meeting to ensure Members understood the meaning of a declaration of interest. The "script" would be sent to all City, Town & Community Councils for information. **GW TO ACTION**

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

8 ATTENDANCE AT MEETINGS

Independent Member, Julia Hughes confirmed she had attended Llantysilio Community Council on 7 March 2016 and also Planning Committee as a public speaker against an application on 27 July 2016.

The Chair thanked the Independent Member for her feedback which had been positive overall.

The Monitoring Officer (MO) confirmed he would compile a list of City Town & Community Councils which had been visited over the past 3 years and circulate to members prior to the Standards Committee meeting in December 2016.. The MO confirmed he would consult the Deputy Monitoring Officer and an up to date list would be circulated. **GW TO ACTION**

RESOLVED that the verbal report from the Independent Member attending meetings be received and noted.

9 DATE OF NEXT MEETING

Members noted the Standards Committee's next meeting had been scheduled for 10.00 a.m. on Friday 2 December 2016 in Conference Room 1a, County Hall, Ruthin.

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that

it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act.

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).

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.

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

The meeting concluded at 12.05 p.m.