

## Appendix 1 draft report for Standards Committee

Agenda Item No.

**Report To:** Full Council  
**Date of Meeting:** May 2017  
**Lead Member / Officer:** Ian Trigger, Chair of Standards Committee  
**Report Author:** Lisa Jones – Deputy Monitoring Officer  
**Title:** Standards Committee Annual Report

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### **1. What is the report about?**

This is the third Annual Report of Standards Committee to the Full Council and covers the calendar year January to December 2016 only. It was agreed that the Chair will present their report on this basis annually to the Full Council, in order to keep Members informed of trends; issues in respect of compliance with the Members Code of Conduct generally across the County and the work of the Committee in driving up standards of behaviour at the County level, but also at Town, City and Community levels.

### **2. What is the reason for making this report?**

It was agreed by Standards Committee that an Annual Report should be presented on the work of the committee and its findings and observations, to all Council Members as part of the Committee's drive to increase standards of ethical behaviour and compliance with the Members Code of Conduct.

### **3. What are the Recommendations?**

That Members note the contents of the report.

### **4. Report details**

- 4.1 Standards Committee main role is to monitor adherence to the Members Code of Conduct. All members are aware that their Code is founded (and should be read in conjunction with) the 7 Nolan Principles of Public Life. In Wales there are ten principles (those which were not included in the Nolan recommendations indicated with an \*) as follows: -

Selflessness  
Honesty

Integrity and propriety  
Duty to uphold law \*  
Stewardship \*  
Objectivity in decision making  
Equality and respect \*  
Openness  
Accountability  
Leadership

Standards Committee during 2016 was particularly interested in the final principle of 'Leadership' and over this last year was keen to explore any initiatives that the Council may follow which supports the concept of community leaders; similar to the Officer 'leadership strategy' which has been developed at County level. This approach may mirror the Public Services Ombudsman for Wales with respect to focusing on leadership and leading by example, particularly in these straitened economic times where scarce resources should not be utilised in investigating complaints which have no merit and impact on the Monitoring Officer's time and that of the office of the Ombudsman himself.

- 4.2 Standards Committee consists of the following Member types – 2 County Councillors, 4 Independent (co-opted) Members, and 1 Community Council Member (who is not also a twin hatted Member). The majority of the Members are therefore not elected, but are recruited from members of the public as per the requirements of the Standards legislation in Wales. The Committee can also only be quorate when at least half of those Members present are the independents.

Independent members are recruited via a public advert, which is open to all save for strict criteria in respect of previously being an Officer or Member of the Council within certain time frames, being of good standing and having certain attributes as laid down in the legislation. Other than this the opportunity is open to persons from all walks of life, in order to represent the views of the public with regard to the standards they expect of their elected members; and who will also then if required to do so, sit in judgement in respect of any references to the Committee from the Public Services Ombudsman for Wales, where there has been a breach of the Code of Conduct, which falls above the relevant threshold. The decision to investigate a breach, is at the discretion of the Ombudsman; based on the facts, evidence and nature of the breach and whether there is corroborative evidence or not, and if there is a public interest in exhausting time and public financial resources in the investigation and hearing itself; similar to the Crown Prosecution Service (CPS) approach to charges and prosecutions.

The Committee which receives a reference from the Public Services Ombudsman for Wales following his investigation into the complaint, will then sit in a quasi-judicial capacity whilst they hear the matter. They have powers to suspend a Member from Office for a maximum of 6 months, during which time they will not be able to act in their capacity as an elected member and will not receive any member salary. The Committee has discretion to impose lesser

sanctions such as a partial suspension from duties or a ‘public censure’ and to impose other conditions such as attendance at training.

There is also the option where the PSOW seeks the views of the Monitoring Officer and Standards Committee on whether in those circumstances where the Ombudsman decides not to investigate, that the Monitoring Officer may wish to investigate locally. In these circumstances, the Monitoring Officer consults the Chair and/or the Committee and each case is considered on its merits.

4.3 During the past year the Committee met on 4 occasions and 1 meeting was cancelled. The table below sets out a summary of the items under discussion: -

<b>Date of Meeting</b>	<b>Report Items/Area s</b>
4/3/16	<ul style="list-style-type: none"> <li>• Standing Item: Attendance at meetings</li> <li>• Forward Work Programme</li> <li>• Draft Chairs Annual Report</li> <li>• Accessibility of information from Town, City and Community Councils</li> <li>• Public Services Ombudsman for Wales Code of Conduct Casebook</li> <li>• Clerks Training Event</li> <li>• Draft Local Government Bill</li> <li>• Standing Item : overview of complaints in Denbighshire against Members</li> </ul>
8/4/16	<ul style="list-style-type: none"> <li>• Rhyl Town Council Application for Dispensation</li> <li>• Changes to the Model Code of Conduct</li> </ul>
24/6/16	Meeting cancelled.
16/9/16	<ul style="list-style-type: none"> <li>• Standing Item: Attendance at meetings</li> <li>• Forward Work Programme</li> <li>• PSOW Annual Report</li> <li>• PSOW Code of Conduct Casebooks</li> <li>• Standing Item: Overview of Complaints against Members.</li> </ul>
2/12/16	<ul style="list-style-type: none"> <li>• Standing Item: Attendance at meetings</li> <li>• Forward Work Programme</li> <li>• NW Standards Committee Forum</li> <li>• County Council’s Self Regulatory Protocol</li> <li>• PSOW Code of Conduct Casebook</li> <li>• Standing Item: Overview of Complaints against Members.</li> </ul>

#### 4.4 Standing Items

The 3 standing items the Committee receives is working well : -

- (a) Reports from Standards Members in respect of their attendance and observations at Committee and Council meetings whether at County or Community level. Denbighshire County Council Standards Committee is fairly unique in it's proactive approach to raising standards and awareness of the Code of Conduct. Committee Members attend to observe conduct and general effectiveness of the meetings; will then feed back to the Committee, who may make recommendations in respect of any training needs or trends or patterns of conduct in particular communities or at County level.

On the whole, the general ethical framework functions are at a good level in the community and at county level; and this is reflected in the continued downturn in complaints to the PSOW.

As emphasised last year, the Committee is keen to make it clear that their approach in attending in person at meetings is from a support and educational angle; in order to target resources in order to improve standards and the public's confidence in the vital work being done at community level, on a voluntary basis; and not from any enforcement or critical angle. The Committee fully recognises the value such councils and their members add to local communities. The Committee believes that the Code is there to give public confidence, but to also protect members and any efforts to raise this awareness for all serving members is a key theme they continually endorse.

- (b) Overview of Complaints lodged against Members with the Public Services Ombudsman for Wales. The report is presented in a closed session and members are provided with a limited amount of detail in respect of the complaint but with sufficient detail to enable members to consider if training or other actions can be recommended to particular town city and community councils which are experiencing issues or an increase in complaints.
- (c) Forward Work Programme. This aligns the approach of other council committees and encourages a more strategic approach to the role of the Committee as a proactive one not just reactive to complaints.

4.5 During this year the Chair has attended the North Wales Standards Forum. The Public Services Ombudsman for Wales, Nick Bennett attended on one occasion in order to introduce his approach to dealing with member complaints under the Code of Conduct.

4.6 The Committee wish to draw the Council's attention to the following areas of note as a result of its work during 2016: [STANDARDS COMMITTEE TO DEBATE AND AGREE AREAS AT ITS MEETING ON THE 10<sup>TH</sup> MARCH 2017]

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

A fully functioning and representative Standards Committee which upholds the high standards expected of members helps underpin the Council's exercise of its democratic functions.

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

There are no implications for other services as a result of this report. .

**7. What consultations have been carried out?**

No consultations have been carried out save that Standards Committee has been consulted on the content.

**8. Chief Finance Officer Statement**

Not required.

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

There are no identified risks.

**10. Power to make the Decision**

The Local Government Act 2000; the Standards Committee (Wales) Regulations 2001 and the Standards Committee (Wales) (Amendment) Regulations 2006.