

## **STANDARDS COMMITTEE**

Minutes of a meeting of the Standards Committee held in CONFERENCE ROOM 1A, COUNTY HALL RUTHIN on Friday, 30 November 2018 at 10.00 am.

### **PRESENT**

Independent Members – Ian Trigger (Chair), Julia Hughes (Vice-Chair) and Peter Lamb.

Councillors – Gordon Hughes, Paul Penlington and Andrew Thomas

### **ALSO PRESENT**

Monitoring Officer (GW), Legal Service Manager (LJ) and Committee Administrator (SJ)

#### **1 APOLOGIES**

Apologies for absence were received from Councillors Anne Mellor

#### **2 DECLARATION OF INTERESTS**

None.

#### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

No urgent matters had been raised.

#### **4 MINUTES OF THE LAST MEETING**

The minutes of the Standards Committee held on 21 September 2018 were submitted:

Page 7 (Present) – Should read as ‘Councillor’ in the singular form.

Page 7 (Item 4 - third paragraph) – Should be ‘where’ not ‘were’

Page 9 (Item 8 – first bullet point) – The order of wording should read ‘These tribunals are responsible’

Page 10 (item 8 – third paragraph) – paragraph does not read well. A capital had been missing from the beginning of the sentence.

Page 10 (item 8 – fourth paragraph) – the word ‘Committee’s’ had been misspelt

Page 11 (item 9 – third bullet point) – incorrect spacing between wording.

#### **Matters Arising:**

Page 11 – FWP – The Monitoring Officer (MO) confirmed he had contacted the Clerk of Llanbedr Community Council regarding a further application for a dispensation to the Standards Committee. It was concluded at the time that the Community Council did not require any further dispensations. The MO stated the

responsibility lay with the Community Council to request further dispensations. It was agreed that the MO write to the Clerk of the Community Council to clarify the requirements and responsibilities regarding dispensation requests.

Members requested that an additional letter be circulated to all City, Town and Community Councils with the procedure for dispensations including a copy of the application form.

**RESOLVED** that,

- *subject to the above, the minutes of the meeting held on 21 September 2018 be received and approved as a correct record;*
- *a letter be sent to Llanbedr to highlight the procedure requirements for dispensations **[The MO to action]** and*
- *a letter be circulated to all City, Town and Community Councils to provide guidance for dispensations, including a copy of an application form. **[The MO to action.]***

## **5 A REVIEW OF ATTENDANCES AT TOWN, CITY AND COMMUNITY COUNCILS**

The Legal Service Manager (LSM) gave a verbal update on attendance at City, Town and Community Councils from representatives from the Standards Committee.

The LSM gave a brief background to the reason for Standards members' attendance at community council meetings. Visits had taken place at community councils since 2013. The LSM provided members with a list of community councils that had not been visited since 2013. Members concluded that those that had not been visited should be made a priority to attend. The Monitoring Officer explained that there was no legal restriction in place to prevent county or community councillors attending a different community council meeting. The Monitoring Officer confirmed that if the county councillors knew in advance which community meetings they planned to visit, communication prior to the meeting to ensure agreement of the visit could be established.

The LSM confirmed that a script for Standards members to provide to community meetings could be circulated to members prior to attendance at a meeting **[LSM to action]**. Members agreed from the list of non-visited councils to attend a meeting by June 2019. The Chair confirmed an agenda item at the June 2019 meeting to revisit attendance at meetings would be included.

**RESOLVED** that,

- *the Standards Committee note the verbal update provided by the Legal Service Manager;*
- *members agreed to attend the non-visited community council meetings by June 2019 and*
- *an update on attendance at City, Town and Community Councils be added to the forward work programme for June 2019.*

## **6 PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT AND ACCOUNTS 2017/18**

The Monitoring Officer (MO) presented a report (previously circulated) to provide details of the Annual Report of the Ombudsman for 2017/18. The Ombudsman provided members with background information of the role of the Ombudsman.

The MO confirmed that the number of Code of Conduct complaints during the period covered by the report had risen by 14%. The report had illustrated a decline in complaints in respect of Unitary Authorities and an increase in complaints in respect of City, Town and Community Councils. The MO confirmed Code of Conduct training had been provided for both County and Community Councillors.

Confirmation was provided that none of the fully completed investigations detailed in the report had been referred to Standards Committees. 3 investigations had been referred to the Adjudication Panel for Wales.

The MO highlighted that, during the period, 2 complaints had been received against County Councillors and 2 complaints against Community Councillors. It was emphasised that none of the four complaints had been investigated.

During debate the following concerns were discussed in more detail –

- The high level of complaints against the disclosure and registration of interests, highlighted the importance of declaring an interest if required.
- The Ombudsman can look at a range of incidents and build a course of conduct to be presented as evidence if needed.
- An increase in complaints received illustrated a positive indication that the public had shown concern and interest.

The MO confirmed that training for City, Town and Community Councillors would be looked into in 2019.

***RESOLVED*** that the Standards Committee note the information contained within the Public Ombudsman for Wales' Annual Report for 2017/18.

## **7 ATTENDANCE AT MEETINGS**

Independent member Julia Hughes (JH) had attended at Trefnant Community Council on Wednesday 21 November 2018. JH had found the meeting to be very pleasant. The meeting had been well attended, the Chair led the meeting well with support from the Clerk. All members participated in the meeting when appropriate. All areas of discussion had been addressed. Members declared interests and left the building at appropriate junctures when agenda items were discussed. It was concluded that the meeting had been conducted well.

From the discussion JH asked if any training had been provided to City, Town and Community Councils around data protection and the new GDPR legislation. The Legal Service Manager confirmed that a training session on the new GDPR procedures had been provided to City, Town and Community Council Clerks. A

briefing note had been circulated to all data controllers for information. The briefing note had included contact details if additional support was needed.

**RESOLVED** that the attendance be noted and the attendance report updated to reflect the visit by Julia Hughes.

## 8 HEARING PROCEDURES

The Monitoring Officer (MO) introduced the report (previously circulated) on the suggested amendments to the procedure adopted by Council for the conduct of hearings by the Standards Committee of allegations of a breach of the Code of Conduct.

The MO guided members through the report and made reference to the highlighted amendments to the procedure.

Members stated the report had been very informative and helpful. The procedure and amendments were clear and fair. During the discussion the Chair asked if following Brexit, the Human Rights legislation would be affected. The MO confirmed that the legislation was different to European Union Legislation and would continue following Brexit.

The MO confirmed that following approval from the Standards Committee, a report would be presented to Council for consideration.

The Chair thanked the MO for the transparent report and explanations in response to member's questions.

**RESOLVED** that, the Standards Committee note the amendments to the procedure as set out in Appendix 1 to the report and recommends the amendments to Council for incorporation into the Constitution.

## 9 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

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

- Review of attendances at Town, City and Community Councils- 07 June 2019.
- The Review of the Standards Committee (2 year report) - 15 March 2019.

The Monitoring Officer confirmed that he would circulate any information and dates of training for members to attend.

**RESOLVED** that, subject to the above amendments, the Standards Committee's Forward Work Programme be agreed.

## **10 DATE OF NEXT MEETING**

The Monitoring Officer informed members that the date of the next Standards meeting had been scheduled for 15 March 2019. He confirmed the proposed date would have to be amended and a new date would be confirmed with members once agreed.

***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.

## **11 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000**

The Monitoring Officer presented the confidential report (previously circulated) to provide Members with an overview of complaints lodged with the Public Services Ombudsman for Wales since 1 April 2014.

The MO provided some context and explanation of the background on the complaints confirmation that further updates would be reported to the Committee.

Members requested that a line to indicate previously discussed complaints and new complaints be added to the table for clarity.

***RESOLVED*** that, the Standards Committee, subject to the above, receive and note the contents of the report.

**The meeting concluded at 12:10 p.m.**