

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1a, County Hall, Wynnstay Road, Ruthin LL15 1YN on Friday, 13 September 2019 at 10.00 am.

PRESENT

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

Town / Community Council Member: Gordon Hughes

Councillor Andrew Thomas

ALSO PRESENT

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

1 APOLOGIES

An apology for absence was submitted by Councillor Paul Penlington.

2 DECLARATION OF INTERESTS

Independent member Julia Hughes reminded the committee that she had a social association with the solicitor who represented Councillor Peter Duffy at the committee's hearing (in respect of the minutes of the hearing by the committee held on 24 June 2019 under item 4 of the agenda).

3 URGENT MATTERS AS AGREED BY THE CHAIR

There were no urgent matters.

4 MINUTES

The draft minutes of the committee's meetings held on the 12 April and the 24 July 2019 (previously circulated) were submitted.

Matters arising

The Chair passed on his thanks to the committee officers and Business Support Unit staff who had prepared the committee's documentation for the hearing on the 24 July 2019. He also thanked the Monitoring Officer for his work in clarifying which facts were not disputed and areas that the committee needed to focus on during the hearing.

For formal code of conduct hearings similar to the July hearing Members suggested:

- Drawing up a document with the key actions and information a standards committee and supporting staff would need to know about to arrange and conduct a hearing.
- Recommending the use of a 'board room' layout for hearings as this relatively informal layout had worked well.
- The Monitoring Officer bring a report to a future meeting on the lessons learnt from the hearing.

The Monitoring Officer advised that Councillor Duffy had not appealed against the committee's decision.

RESOLVED that the minutes of the Standards Committee's meetings held on the 12 April 2019 and the 24 July 2019 be 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 Chair queried how the casebook summaries were collated and thought that the lack of detail in places made them less useful than they could be. The MO confirmed that the Public Services Ombudsman for Wales produced the casebooks and the lack of detail was not likely to be due to data protection as the issues were probably well known locally. Cases that were not pursued would not have additional information.

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

6 ATTENDANCE AT MEETINGS

Independent member Anne Mellor reported on her attendance at the North Wales Standards Committees Forum in Mold on the 24 June 2019. She advised the committee that the Public Services Ombudsman for Wales, Nick Bennett, attended and delivered a presentation.

Mr Bennett's presentation included:

- The Ombudsman's new legislative powers relating to:
 - Acting on his own initiative without receiving a complaint
 - Powers to consider oral complaints
 - Considering private health complaints
 - The elderly, care homes and vulnerable people.
- The difference between friendly banter and bullying with guidance on this to be distributed later in the year.
- The importance of good leadership and mediation.

- The Ombudsman's opinion that the Standards regime was improving.

The Forum discussed the possibility of a joint Standards Committee, seeing this as a possibility but that further details would be required.

The Forum itself was to be renamed the Standards Forum for North and Mid Wales.

In respect of joint standards committees, the Monitoring Officer (MO) advised that merging two standards committees could be a viable option but merging more than two would probably require changes to the membership regulations to make them acceptable. He thought that there could be merit in joint working between standards committees even if there was no formal merger of committees. For example, the referral of a case to another standards committee that was better situated to take the case.

The 2019 report by the Committee on Standards in Public Life which reviewed local government ethical standards in England was raised, in respect of Flintshire's use of the report to improve standards there. The MO agreed to look at Flintshire's work for examples that could be useful in Denbighshire.

Committee members Anne Mellor and Julia Hughes had attended a meeting of Llanellidan Community Council held on the 2 May 2019 and provided the committee with a detailed verbal report on the proceedings.

The MO referred to information on dispensations previously circulated to city, town and community council clerks which he would re-circulate to them.

The Chair reported on a visit he undertook to Llandegla Community Council on the 4 February 2019.

Members discussed the important role of the clerk and the Welsh Government's hint clerks could be employed by the principal councils. The Chair suggested that some city, town and community councils seemed to be struggling as a result of overly-forceful opposition from local individuals to one-off issues.

The committee had previously decided to try and visit each city, town and community council in Denbighshire once every 3 or 4 years and members identified the next councils they intended to visit.

The MO agreed to enquire (when circulating the advice on dispensations) about the language choice used at meetings to assist committee members in their choice of visits.

The MO reported that Denbighshire County Council was holding an annual meeting with the city, town and community councils shortly and he could give a brief presentation on key standards. He also agreed that the committee's main observations following a visit could be sent to the relevant clerk and that he would enquire about the availability of any training opportunities provided by Denbighshire for city, town and community councils.

RESOLVED that the above-mentioned points be noted.

7 STANDARDS COMMITTEE FORWARD WORK PROGRAMME

The Monitoring Officer reported on the committee's forward work programme (previously circulated).

RESOLVED that the forward work programme be noted.

8 DATE OF NEXT MEETING

The next meeting of the Standards Committee was scheduled for the 6 December 2019 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.

9 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.

The MO confirmed that social-media related complaints were now the predominant source of complaints to the Ombudsman.

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