

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in the Council Chamber, Nant Hall Road, Prestatyn on Friday, 9 March 2012 at 10.00 am.

PRESENT

C. B. Halliday (Chair), George Green, Ms M Medley and Mrs P White together with Councillors David Jones

ALSO PRESENT

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

APOLOGIES

Apologies for absence were received from Councillor Huw Jones and Mr Geraint F Roberts

1 DECLARATION OF INTERESTS

Councillor G.A. Green declared a personal and prejudicial interest in business item number 8 of the Agenda.

2 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.

3 MINUTES OF THE LAST MEETING

The Minutes of the Standards Committee held on Friday, 19th December, 2011 were submitted.

Accuracy:- The name of Councillor D.E. Jones appeared twice in the list of Members present.

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

4 ATTENDANCE AT MEETINGS

The Committee were informed that there were no reports submitted relating to the attendance by Members of the Standards Committee at County, Town or Community Council meetings.

RESOLVED – *that the position be noted.*

5 SELF REGULATORY PROTOCOL

A copy of a report by the MO, which provided Members with a copy of the proposed draft changes to the Code of Conduct and the Councils Constitution where it impacts on the Code and the work of the Committee, had been circulated with the papers for the meeting.

Full Council had received an overview of the proposed changes on the 28th February 2012 and the final draft would be considered for adoption on the 27th March, 2012.

The DMO introduced the report which informed Members of the outcome of the consultation process regarding the Review of the Constitution and suggested areas of change. One area of proposed changes to the Code of Conduct and the Constitution had been that there should be some express provision, obliging Members to attend mandatory training on Planning and the Code of Conduct.

In reply to a question from Councillor D.E. Jones, the DMO explained that the Revised Constitution applied to the County Council and to County Councillors. However, it was agreed that the MO writes to all Town and Community Councils informing them of the amendments to the County Councils Constitution and inviting them to adopt the changes.

Members of the Committee expressed the view that the proposed recommendation to Full Council that the Code of Conduct be amended to make training on the Code mandatory, at least once per term of office, would not be sufficient. The MO provided an outline of the training programme and confirmed that additional training would be available throughout for Members if required. Members considered and debated various options and an amendment to the recommendation in the report was proposed by Councillor G.A. Green and seconded by Ms M.E. Medley, that training on the Code of Conduct be mandatory for Members to attend one training session per annum, on being put to the vote the amendment was carried.

It was explained that the Code protected Members, and the general consensus from the consultation had been that this approach be endorsed and included in the recommendations to Full Council. A copy of the relevant paragraph of the Code had been attached as Appendix 1 together with an extract of the revised Constitution as Appendix 3 to the report.

The requirements in the Code of Conduct to register gifts and hospitality had been discussed and it had been the general consensus of opinion that it would be appropriate to amend the Code of Conduct to allow Members to receive gifts and hospitality up to a value of £25 without the need to register it. A copy of the relevant paragraphs of the Code had been included as Appendix 1 to the report. Members considered the recommendation contained in the report, and on being put to the vote the recommendation was carried.

Members considered the inclusion of the Self Regulatory Protocol, to deal with sub threshold complaints under the Code of Conduct on a more local basis, where complaints had been made by a Member of the County Council against another Member. Members were of the view that this was a good thing and confirmed that the Self Regulatory Protocol should be included in the draft revised Constitution. The Protocol had been the subject of close scrutiny by the Standards Committee who had contributed significantly to its development. A copy of the final draft had been attached as Appendix 2. Members considered and agreed the inclusion of the Self Regulatory Protocol in the draft revised Constitution.

In response to a question from the Chair regarding referral to the Ombudsman in respect of Unaffiliated Members and Persistent Breaches, the DMO agreed that with regard to Persistent Breaches an amendment be included to read “by the Group Leader in consultation with the Monitoring Officer”

In reply to concerns and issues raised by Councillor G.A. Green regarding timescales and the inclusion of a review date, DMO explained there could be a review in 12 months time to assess the situation. The MO confirmed that the Ombudsman had expressed his enthusiasm for the adoption of a Member to Members approach and confirmed that he and the DMO would be providing support for Group Leaders.

The review had highlighted amendments to Terms of Reference of some Committees. Increasing the remit and profile of the Standards Committee’s role had been included within the changes. Such amendments would be considered by Full Council and may be subject to change in scope.

Members of the Committee were informed that the outcome of the Full Council debate and resolution would be reported to the Standards Committee to make Members aware of any proposed amendments to the terms of reference of the Standards Committee.

Following further discussion, it was

RESOLVED –that the Standards Committee:-

- (a) notes the contents of the report and feedback from Members at the Constitution review workshop regarding the Code of Conduct, held on 24th January 2012 and Full Council on the 28th February 2012.
- (b) recommends to Full Council the Code of Conduct be amended to make training on the Code of Conduct mandatory for Members to attend one training session per annum.
- (c) recommend to Full Council the Code of Conduct be amended to increase the level of gifts and hospitality to £25.00.
- (d) recommend to Full Council that the Self Regulatory Protocol be included within the revised Constitution, and
- (e) the MO writes to all Town and Community Councils informing them of the amendments to the County Councils Constitution and inviting them to adopt the changes.

6 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

7 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

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

Members were informed that the Standards Committee had previously requested to be regularly informed of the level of complaints lodged with the Public Services Ombudsman for Wales. The tables attached as Appendix 1 to the report provided an overview of complaints lodged since the 1st February, 2011.

The Monitoring Officer informed the Committee that a complaint made in respect of a County Councillor had been investigated by the Ombudsman and that he had been informed confidentially of the Ombudsman's decision. However, he confirmed that the issue was now a matter of public record as it appeared on the Adjudication Panel for Wales website. The Monitoring Officer explained that the Ombudsman had issued a report in respect of the complaint, which had been referred to the Adjudication Panel for Wales, and details of the hearing were awaited.

RESOLVED –that:-

- (a) the Standards Committee receives and notes the contents of the report, and*
- (b) notes the complaint made in respect of a County Councillor.*

Councillor G.A. Green declared a personal and prejudicial interest in business item number 8 of the Agenda and left the meeting at this point in the proceedings.

8 CODE OF CONDUCT

The Standards Committee had been requested to consider a confidential report by the Monitoring Officer in accordance with Part III of the Local Government Act 2000. A copy of the report had been circulated with the papers for the meeting.

The Standards Committee considered a report by the Public Services Ombudsman for Wales ("the Ombudsman") pursuant to Section 69 of the Local Government Act 2000 in respect of an investigation that he had carried out into an allegation of a breach of the Code of Conduct made against a Denbighshire County Councillor.

Under Section 69 of the Local Government Act 2000, the Ombudsman may investigate cases in which a written allegation had been made to him by any person that a Member of a relevant Authority had failed or may have failed to comply with the Authority's Code of Conduct.

The Ombudsman had received an allegation that a County Councillor had failed to observe the Code of Conduct for Members of Denbighshire County Council. The allegation being that the County Councillor had failed to declare a personal and prejudicial interest at a meeting of one of the Authority's meetings.

The Ombudsman investigated the allegation. The conclusion of the Ombudsman investigation had been that the matter should be referred to the Monitoring Officer of Denbighshire County Council for consideration by the Council's Standards Committee.

The Local Government Investigation (Functions of Monitoring Officer and Standards Committees) (Wales) Regulations 2001 provided that where any matter was referred to the Monitoring Officer of a relevant Authority by the Ombudsman, then the Monitoring Officer must place that report before the Standards Committee.

The function of the Standards Committee after receiving such a report was that they must determine either:-

- that there was no evidence of any failure to comply with the Code of Conduct of the relevant authority concerned and must notify any person who was the subject of the investigation, any person who made any allegation which gave rise to the investigation and the Ombudsman accordingly; or

- that any person who was the subject of the investigation should be given the opportunity to make representations, either orally or in writing in respect of the findings of the investigation and any allegation that he or she had failed, or may have failed, to comply with the relevant authority's Code of Conduct.

The Ombudsman had sent a copy of the report into the investigation of the allegation made against the Councillor to the Monitoring Officer. The Ombudsman's report had been attached to the report as an Appendix 1. The procedure for dealing with allegations made against Councillors and referred to the Standards Committee had been attached as Appendix 2.

The role of the Standards Committee would be to make an initial determination either that there was no evidence of any failure to comply with the Code of Conduct, or that the Councillor should be given the opportunity to make representations either orally or in writing at a hearing to be convened at a later date.

Members of the Committee considered the report and it was:-

RESOLVED – *that the Standards Committee agree that the respective Councillor should be given the opportunity to make representations, either orally or in writing,*

in respect of the findings of the investigation and any allegation that the Councillor had failed or may have failed to comply with the Code of Conduct of Denbighshire County Council.

Meeting ended at 11.10 a.m.