

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1a, County Hall, Ruthin on Friday, 30 November 2012 at 10.00 am.

PRESENT

Ms. Margaret Medley, Mr. Wayne Roberts, Mr. Ian Trigger and Mrs. Paula White together with Councillors Bill Cowie and Colin Hughes and David Jones

ALSO PRESENT

Monitoring Officer and Head of Legal and Democratic Services (RGW), Deputy Monitoring Officer and Solicitor: Corporate Governance (LJ) and Committee Administrator (KEJ)

WELCOME

The Monitoring Officer welcomed everyone to the meeting and extended a particular welcome to Mr. Ian Trigger and Mr. Wayne Roberts who were attending their first meeting of the Standards Committee. He also apologised that it had been necessary to change meeting rooms at short notice due to the co-ordination of the Flood Response Team in Conference Room 1a.

1 APPOINTMENT OF CHAIR OF THE STANDARDS COMMITTEE

In accordance with the relevant regulations expressions of interest had been sought from independent members for the position of Chair of the Standards Committee. Expressions of interest had been received from Mr. Wayne Roberts and Mr. Ian Trigger and their CVs had been previously circulated to committee members. There being no further expressions of interest the matter was put to the vote and it was –

RESOLVED that Mr. Ian Trigger be appointed Chair of the Standards Committee.

The Chair thanked members for their support and said he looked forward to working with them.

2 APPOINTMENT OF VICE CHAIR OF THE STANDARDS COMMITTEE

The Chair sought nominations of independent members for the appointment of Vice Chair of the Standards Committee. The Monitoring Officer advised that an expression of interest had been received from Mr. Wayne Roberts. Ms. Margaret Medley also expressed an interest in the appointment and upon being put to the vote it was –

RESOLVED that Mr. Wayne Roberts be appointed Vice Chair of the Standards Committee.

The Chair congratulated the Vice Chair on his appointment who replied that he was looking forward to supporting the Chair in his role.

3 APOLOGIES

Councillor Bill Cowie submitted his apologies in advance as he would need to leave the meeting for a short period.

4 DECLARATION OF INTERESTS

Councillor Colin Hughes sought clarification as to whether he should declare an interest in any of the agenda items because he was also a Town Councillor. The Monitoring Officer advised that there were no matters on the agenda which required a declaration of interest in that capacity.

No declarations of personal or prejudicial interest were raised.

5 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters were raised.

PRESENTATION

At this juncture the Monitoring Officer (MO) took the opportunity to welcome to the meeting the former Chair of the Standards Committee, Mr. Clive Halliday whose term of office had recently ended. On behalf of officers and committee members, the MO formally thanked Mr. Halliday for his distinguished service as Chair and for his support, generosity and courtesy. Mr. Halliday was held in the highest regard by both past and current members and the MO presented him with a gift in recognition of his valuable service. Mr. Halliday thanked everyone for their kindness and made special mention to the support he had received from both the present and former Monitoring Officer. He also extended his best wishes to the Standards Committee for the future. The Chair expressed everyone's deep gratitude for all the work undertaken by Mr. Halliday during his service on the committee.

The Deputy Monitoring Officer advised that the former Vice Chair, Mr. Geraint Francis Roberts had also retired but had been unable to attend the meeting. Officers and members paid tribute to the valuable service and contribution made by Mr. Roberts and wished to convey their deep appreciation to him. The MO confirmed that those sentiments would be passed to Mr. Roberts together with a card and gift as a token of their appreciation.

6 MINUTES OF THE LAST MEETING

The minutes of Standards Committee held on 14 September 2012 were submitted.

Page No. 6 – Item No. 5 Attendance at Meetings – As a point of clarification Councillor David Jones asked that the word 'positive' be inserted before 'effectiveness of the chair' in order to reflect the excellent chairing of the meeting.

Page No. 7 – Item No. 7 Code of Conduct Training Events – Councillor David Jones advised that he had not agreed to attend the training sessions on 8 & 22 October and asked for that reference to be removed. He confirmed his attendance at three other training sessions but advised that he would now be unlikely to attend the fourth session on 5 December. For the benefit of new members the Monitoring Officer explained that a representative of the Standards Committee had been asked to attend each training event to demonstrate their support for the training programme. It would also prove a useful update for members. Mr. Wayne Roberts indicated his willingness to attend sessions on 5 & 12 December and the Chair offered to attend the session on 20 December.

RESOLVED that –

- (a) *subject to the above, the minutes of the meeting held on 14 September 2012 be received and approved as a correct record, and*
- (b) *changes to members' attendance at the Code of Conduct training events as detailed above be agreed and noted.*

7 ATTENDANCE AT MEETINGS

There were no reports of attendance at meetings of the County, Town and Community Councils from members of the Standards Committee.

It had been previously agreed that a timetable of meetings of the town and community councils would be made available to the committee. Not all members had received that information and the Monitoring Officer confirmed he would rectify the situation.

8 PUBLIC SERVICES OMBUDSMAN FOR WALES REVISED GUIDANCE ON THE CODE OF CONDUCT FOR ELECTED MEMBERS

The Monitoring Officer (MO) submitted a report (previously circulated) advising members of the publication of the Public Services Ombudsman for Wales revised guidance for elected members in respect of the Code of Conduct. Links to the full revised guidance had been made available to the committee prior to the meeting.

Further to the Ombudsman's guidance for members published in April 2010, revised guidance had now been issued in two separate documents for (1) Members of County and County Borough Councils, Fire and Rescue Authorities and National Park Authorities, and (2) Members of Community Councils. The rationale behind providing separate guidance for Community Councillors was to provide greater clarity and examples which specifically applied to them. The MO summarised the content of the revised guidance which included reference to –

- the new procedure for dealing with complaints whereby the Ombudsman would refer matters that he considered not investigating to Monitoring Officers and Standards Committees for local investigation
- local resolution procedures (such as the Self Regulatory Protocol adopted by Denbighshire County Council) which would apply to principal councils in the first

instance but could be made available to community councillors in due course, and

- changes to the substance of the guidance relating to treating others with respect and consideration – the threshold beyond which the Ombudsman would investigate complaints arising from political debates must take into account the fact that members needed to have a ‘thicker skin’ in dealing with politically motivated comments.

In terms of the changes to the investigation of politically motivated complaints the MO advised that the revised guidance had taken into account a recent High Court case which overturned an Adjudication Panel decision on the basis that a member’s freedom of expression attracted enhanced protection when his comments were political in nature. The MO elaborated upon the details of the case and advised that Monitoring Officers across Wales were concerned about the approach taken by the Ombudsman as they believed the tone of the guidance to be almost permissive which had not been the intention. Those concerns had been raised with the Ombudsman who had agreed to reconsider the wording of that particular section in the guidance.

The Chair thanked the MO for his clear description of the High Court case and subsequent implications of the revised guidance for members. Councillor David Jones felt that despite the clear explanation it was still a complex issue to interpret. The Chair queried whether the revised guidance would result in extra work for the committee. The MO replied that the Ombudsman was unlikely to investigate complaints made at county level between members which may instead be dealt with via the Self Regulatory Protocol which would have implications for the committee. Ms. Margaret Medley thought that an increase in cases investigated locally might help to improve councillors’ behaviour.

RESOLVED that the contents of the Ombudsman’s revised guidance be noted.

9 NORTH WALES STANDARDS COMMITTEE

The Monitoring Officer (MO) explained that the North Wales Standards Committee provided a forum for the Monitoring Officers, Chairs and Vice Chairs of the six North Wales local authorities to discuss matters of common interest.

The main topics discussed at the last meeting of the forum held on 4 October focused on –

- the Ombudsman’s revised guidance on the Code of Conduct for Elected Members, including the High Court case which overturned the Adjudication Panel’s decision (discussed under the previous agenda item), and
- the collective hosting by the North Wales authorities of the All Wales Standards Conference 2013 (to be discussed under the next agenda item).

RESOLVED that the verbal report by the Monitoring Officer on issues discussed at the last meeting of the North Wales Standards Committee be noted.

10 STANDARDS CONFERENCE 2013

The Monitoring Officer (MO) verbally reported upon the Standards Conference 2013 to be held on 19 April 2013 in the Venue Cymru, Llandudno which would provide an opportunity to bring the Standards community together to receive training and discuss views of common interest. It was proposed to have a strap line of 'Balancing Rights and Responsibilities' and to coordinate a programme to include –

- a key note address by the Ombudsman on his activities and common themes (likely to include discussions on his revised guidance)
- a series of breakout workshops on the following topics –
 - How to promote Standards proactively
 - Local dispute resolution procedures
 - Town and Community Council relationships
 - Mediation
 - Conducting hearings and sanctions
 - Dispensations
 - Register of Interests
 - Single Purpose Authorities
- One Voice Wales and the Adjudication Panel for Wales would each be asked to facilitate a session
- a plenary session at which local Standards Committees might be asked to contribute

Further details of the All Wales Standards Conference would be made available nearer the time. Subject to any restriction on numbers, all committee members were welcome to attend. The committee considered the Standards Conference to be an exciting opportunity to learn and share views and ideas which would prove extremely beneficial to members in carrying out their duties. Consequently it was –

RESOLVED that the verbal report by the Monitoring Officer on topics to be discussed at the Standards Conference 2013 be noted.

11 ANNUAL REPORT OF THE ADJUDICATION PANEL FOR WALES 2011/2012

The Monitoring Officer (MO) submitted a report (previously circulated) advising members of the issue of the Annual Report of the Adjudication Panel for Wales 2011/12. The report provided an overview of the work of the Adjudication Panel and contained summaries of the cases and appeals that the Panel had dealt with over the last year. A link to the full report had been made available to the committee prior to the meeting.

The MO explained the role of the Adjudication Panel and statutory functions to consider –

- reports from the Ombudsman on the most serious allegations of breaches of the Members' Code of Conduct, and
- appeals from members against Standards Committee decisions following a referral by the Ombudsman.

The low number of referrals during 2011/12 had led to a time limited reappointment of experienced members to provide experience and stability. The committee was also advised of the type and number of cases considered by the Panel since its inception in 2002 together with its findings and outcomes. A summary of the sanctions imposed by case and appeal tribunals during October 2002 to March 2012 had been attached to the main report.

The Chair thanked the MO for his summary of the Adjudication Panel's annual report and it was –

RESOLVED that report by the Monitoring Officer on the Annual Report of the Adjudication Panel for Wales 2011/12 be received and noted.

12 DATE OF NEXT MEETING

Members noted the Standards Committee's next meeting had been scheduled for 10.00 a.m. on Friday 11 January 2013 in the Conference Room, Ty Nant, Nant Hall Road, Prestatyn. Mrs. Paula White advised that she would be unable to attend that meeting and submitted her apologies in advance.

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 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.

13 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

A confidential report by the Monitoring Officer (MO) was submitted (previously circulated) providing an overview of complaints against members lodged with the Public Services Ombudsman for Wales since 1 April 2012.

The MO advised that the report was a standing agenda item in order to keep the committee abreast of ongoing complaints and those recently completed. The majority of completed cases had not been pursued by the Ombudsman and one complaint had been withdrawn. One complaint had been upheld and members were provided with the details of that case which had been directly referred to the Adjudication Panel. In terms of the ongoing complaints, the MO advised that the Ombudsman had since decided not to investigate two of those complaints and he provided an update on the remaining two ongoing cases, clarifying issues in response to members' questions thereon. After consideration it was –

RESOLVED that report be received and noted.

Prior to the close of the meeting the Chair took the opportunity to thank members for their attendance and also thanked the Monitoring Officer for his clear and helpful reports and address.

The meeting concluded at 11.05 a.m.