

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held in Conference Room 1b, County Hall, Ruthin on Friday, 7 June 2013 at 10.00 am.

PRESENT

Independent Members Mrs Margaret Medley, Rev Wayne Roberts, Mr Ian Trigger (Chair), Mrs Paula White, Community Councillor David E. Jones and County Councillor Bill Cowie.

ALSO PRESENT

Monitoring Officer (GW) and Administrative Officer (CIW).

1 APOLOGIES

Apologies for absence were received from Councillors Colin Hughes

2 DECLARATION OF INTERESTS

No Members declared any personal or prejudicial interests in any business identified to be considered at the meeting.

Reverend W. Roberts informed the Committee that he was Chaplain to the Chair of County Council for the ensuing year. He explained that there would be a Civic Service on the 30th June, 2013 in Capel Mawr, Denbigh and the MO agreed to circulate invitations to Members of the Standards Committee.

(G. Williams to Action)

3 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.

4 MINUTES OF THE LAST MEETING

The Minutes of the Standards Committee held on the 22nd February, 2013 were submitted.

Accuracy:-

4. Minutes of Last Meeting – The Committee agreed that the date of the minutes of the previous meeting be amended from Friday, 22nd February, 2013 to Friday, 11th January, 2013.

7. Ministerial Letter Regarding the Ethical Framework:–

Amendment of the Code of Conduct – the word ‘the’ be deleted from ‘the Code of the Conduct’.

Vexatious Complaints - the word ‘frivolous’ be deleted from ‘frivolous complaints’.

In response to concerns raised by Mrs M. Medley, the MO explained that costs in respect of the Standards Conference should not have been submitted to Mrs Medley and agreed to address the matter.

(G. Williams to Action)

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

5 CHAIRS AND VICE CHAIRS TRAINING

A copy of a report by the DMO, which provided details of a recent training event for Chairs and Vice Chairs of Town and Community Councils, had been circulated with the papers for the meeting.

The MO explained that the training event had been delivered on the 16th May, 2013 by Julia Wright Associates at County Hall, Ruthin. The contents of the half day session included the following topics:

- Why do we have meetings?
- Preparing for meetings.
- Planning an Informal Meeting
- Three Key Elements of Success
- Problems with Meetings
- Stimulating discussions
- Conflict in meetings
- Procedure at a Formal Meeting
- Ground rules for Informal Meetings
- How do groups behave?

The event had been well attended by 20 Members and had been extremely participative with opportunities to share practice and reflect on attendee’s own Council’s processes. Feedback sheets had been very positive confirming the event had been very good or excellent. Additional commentary confirmed the course had been well run and had given Chairs, or prospective Chairs, the confidence to chair both informal and formal meetings. Anecdotally Members felt they had benefited from having an open discussion about what worked well, what didn’t and learning from each other’s approaches, particularly when dealing with conflict or high profile matters.

The group felt the event should run on an annual basis and timed to take place after all Town and Community Councils had appointed a new Chair and Vice Chair, possibly in or around late June or early July, but before the August recess.

Areas the group attending would like to see in place if the course was re-run was inclusion of a welsh translator, and given the number of attendees a longer timeframe for the session to enable matters to be discussed in more detail. Some Members of the group suggested more practical scenarios would be beneficial.

The Chair suggested that experienced Councillors might be invited to attend future events to share their views and experiences and to lead the discussion on an informal basis. Councillor D.E. Jones expressed his full support for the event, which he had attended, and felt it had been very well organised and beneficial for those Councillors in attendance.

During the ensuing discussion the Chair thanked the officers for organising the event and it was:-

RESOLVED –that the Standards Committee agree:-

- (a) the report be received and its contents noted.
- (b) the Monitoring Officer put in place arrangements for the event to be held on annual basis during the month of July.
- (c) invitations be sent to all Town and Community Councils, for the Chairs, Vice Chairs and Potential Vice Chairs, stressing the importance of the experience to be derived from attending the event.

(G. Williams to Action)

6 UPDATE FROM STANDARDS CONFERENCE WALES

A copy of a report by the MO, which provided feedback from the meeting of the North Wales Standards Committee Forum held on the 20th May, 2013, had been circulated with the papers for the meeting.

A national conference consisting of the six North Wales Authorities and the Snowdonia National Park and had taken place on the 19th April, 2013. Over a hundred delegates had attended from Authorities across Wales and eighty feedback forms had been received with a summary of the responses having been attached at Appendix 1 to the report.

The Monitoring Officer of Gwynedd had welcomed delegates to North Wales and set the content of the day's events and the theme of 'Balancing Rights and Responsibilities'. The keynote speaker had been the Public Services Ombudsman for Wales, Peter Tyndall, who spoke about the revisions made to his guidance on the Code of Conduct, the importance of local resolution of complaints and the need for an agreed cap on the level of indemnities provided to elected Members in respect of legal costs incurred in code of conduct proceedings. A series of workshops had been provided to delegates under the following headings:-

- Promoting Standards Proactively
- Conducting Hearings and Sanctions
- Register of Interests and Dispensations

- Standards issues for Town & Community Councils and single purpose authorities.

Delegates received presentations from representatives of the WLGA, the Monitoring Officer of Rhondda Cynnon Taf and the Deputy Monitoring Officer of the City and County of Swansea who shared their experiences in operating local resolution procedures. Copies of the presentations made at the Conference had been attached as Appendix 2.

The MO outlined areas of suggested possible improvements for future Conferences and benefits derived from the event which included:-

- language preference be sought prior to the despatch of documentation
- review the timings and the capacity of the workshop sessions
- possibly an earlier start to the Conference
- consideration being afforded to providing the opportunity for visitors to attend at least three workshops during the event
- benefits derived from debate and discussion between representatives from different Authorities and the various localities

It was suggested by the MO that Members of the Committee may wish to discuss and consider means of promoting standards proactively and learning from the operational procedures and practices of other Authorities. The Chair expressed the view that it might be beneficial to collect information on how Standards Committees in other Authorities address problems and deal with issues and to present the findings to the Committee. In response to further questions from the Chair, the MO provided details of the rationale of the Resolution Procedure adopted by Denbighshire in May, 2012 which had been to assume a mediation approach.

During the ensuing discussion it was agreed that the MO seek the views of Standards Committees in other Authorities in respect of the following issues:-

- ways of promoting standards proactively
- views on the local Resolution Procedure and its composition
- topics dealt with by the various respective Standards Committees

RESOLVED –that the Standards Committee:-

- (a) notes the contents of the report, and
- (b) requests that the Monitoring Officer seeks the views of Standards Committees in other Authorities in respect of the issues highlighted.

(G. Williams to Action)

7 NORTH WALES STANDARDS COMMITTEE FORUM

A copy of a report by the MO, which provided feedback from the meeting of the North Wales Standards Committee Forum held on the 20th May, 2013, had been circulated with the papers for the meeting.

The Forum, which met quarterly, would be attended by the Chairs and Vice Chairs of the Standards Committees of North Wales Authorities together with their Monitoring Officers. Unfortunately, the Chair, Vice Chair and MO of Denbighshire had been unable to attend the meeting of the Forum on the 20th May, 2013. The Forum had received a summary of the feedback obtained in respect of the Standards Conference held on 19th April, 2013 and had discussed the way future meetings would be organised.

The MO explained that the Forum had agreed to rotate its meetings across the region in order that each Member Authority would host a meeting in turn. Arrangements for the collation of agendas would remain with Conwy County Borough Council with each hosting Authority providing a minute taker, and the MO of the hosting Authority would be in attendance to provide advice to the Forum. The MO would liaise with colleague MO's prior to the meeting on issues to be discussed and provide feedback following the meeting.

In response to a question from the Chair, The MO explained that it had been agreed that each meeting of the Forum would include an element of training, and that a Forward Work Plan would be provided to assist in focusing the work of the Forum.

Following further discussion it was:-

RESOLVED –that:-

- (a) *the Standards Committee receive and note the content of the report, and*
 - (b) *a copy of the minutes of the meeting of the Standards Committee Forum held on the 20th May, 2013 be circulated to Members of the Standards Committee .*
- (G. Williams to Action)**

8 SOCIAL MEDIA PROTOCOL

A copy of a report by the MO, which sought the Committees' views as to the most appropriate method of providing guidance to Elected Members in respect of their use of social media, had been circulated with the papers for the meeting. A copy of the draft Welsh Local Government Association (WLGA), Social Media: A Quick Guide for Councillors was circulated at the meeting.

The MO explained that the use of social media in all walks of life had become an accepted form of communication and engagement. There had been an increasing desire amongst sections of society to access information and to communicate through the various forms of social media such as Twitter, Facebook etc. Social media was a term which described easy ways to publish information on the internet and the term was generally used to describe how individuals, companies and other bodies share information and create discussions online. The ease with which information could be distributed, and the increasing number of people utilising social media to access information, would mean that the way in which Councils and Councillors interact with the public would change.

He explained that although there were many benefits to the use of social media, there were potential pitfalls. The guidance on the Code of Conduct made repeated reference to the use of social media reminding Members that the Code of Conduct applied to their activities online in the same way that it applies to other aspects of their role and many Authorities had issued guidance to Members about the use of social media. These documents varied between being extensions to the Code of Conduct and Ombudsman's advice to more holistic documents advising of the potential uses of social media whilst containing sections dedicated to the potential conduct issues.

There was a potential for increased engagement through social media if the Council adopts a policy of webcasting its meetings. Evidence suggested that the use of webcasting would engage sections of the community who rely on receiving their information online and may wish to communicate with the Council and Councillors through social media. Training had been provided to Elected Members on the use of social media and a copy of the training materials had been included in Appendix 1 to the report. Guidance had been produced for Elected Members in 2010 regarding the use of social media and a copy the guidance had been included in Appendix 2 to the report.

The Chair highlighted the importance of ensuring that Councillors were made aware that information imparted through the social media would be in the public domain. He suggested that training programmes include advice on the use of social media and be utilised to remind Councillors that the Code of Conduct also applied to activities online. The MO explained that social media training had previously been provided and he agreed to liaise with Corporate Communications Team regarding the use of social media as a tool by Councillors. The Committee were informed that Denbighshire did not at present have a prohibition on Councillors using social media during meetings. Standing Orders only dealt with a prohibition on disrupting meetings and were silent as to social media. The MO explained that in the event of the introduction of webcasting there may be a need to review the Council's Stand Orders and possibly assess the provision of Member training to circumvent any potential problems.

The Committee considered and confirmed the merits of introducing a protocol on the use of social media and following an in depth discussion, it was:-

RESOLVED – *that the Monitoring Officer, in conjunction with the Corporate Communications Team, compiles a protocol document for consideration by the Standards Committee utilising the WLGA guidance circulated.*
(G. Williams to Action)

9 ATTENDANCE AT MEETINGS

Members of the Committee were invited to feedback from the County, Town and Community Council meetings that they had recently attended and Members took the opportunity to offer a summary of how the respective Councils had operated.

Reverend W. Roberts had attended meetings of Full Council on the 7th May, 2013 and 4th June, 2013. He reported that the meetings had been very well run and commented that the debate which had been very structured and controlled.

Councillor W.E. Cowie attended a meeting of Dyserth Town Council on the 11th March, 2013 and explained that the meeting, which had been chaired by the Vice Chair, had been cordial with all Members partaking in a good standard of discussion. However, he explained that during discussion there had been a lack of order with Members failing to address the meeting through the Chair and he felt that the provision of training for the Chair and Vice Chair would be beneficial. Councillor Cowie also attended a meeting of the Cefn Meiriadog Community Council on the 19th March, 2013. He expressed the view that the meeting had been very good but felt that the provision of training for the Chair and Vice Chair would be beneficial. Councillor Cowie emphasised that he felt that the local Communities in question should have no concerns regarding their respective Councils.

Councillor D.E. Jones attended the Llandyrnog Community Council Annual General Meeting which had been held prior to the monthly meeting. He explained that the approach to the meeting had been informal but the underlying structure of the agenda had been sound. The Community Council had expressed their confidence in their Clerk and he felt the residents of the area should be assured that they had a responsible and effective Council.

Councillor Jones acknowledged that Town and Community Councillors were members of the largest volunteer force in Wales and afforded a considerable amount of time to their duties.

RESOLVED – *that the Standards Committee receive and note the feedback submitted from recent meetings attended by Members of the Committee.*

10 DATE OF NEXT MEETING

Members noted that the next meeting of the Standards Committee would be held on Friday, 6th September, 2012 at 10.00 a.m. in Conference Room 1b, County Hall, Ruthin.

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

11 CODE OF CONDUCT - PART 3 LOCAL GOVERNMENT ACT 2000

A copy of a confidential report by the MO, which assisted Members of the Standards Committee in considering whether or not to hold a representation hearing in respect of the findings of the investigation conducted by the Public Services Ombudsman for Wales into an allegation that a former Councillor failed, or may have failed, to comply with the Code of Conduct of Denbighshire County Council, had been circulated with the papers for the meeting.

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 former Councillor had failed to observe the Code of Conduct for Members of Denbighshire County Council. The allegation claimed that a former Councillor had failed to declare a personal and prejudicial interest at a Council meeting. The Ombudsman had investigated the allegation and concluded 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:

- (a) 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 had given rise to the investigation and the Ombudsman accordingly; or
- (b) 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's report into the investigation of the allegation made against the former Councillor to the MO had been included as Appendix 1 to the report. A copy of the procedure for dealing with allegations made against Councillors and referred to the Standards Committee had been attached as Appendix 2.

The Chair clearly defined the role of the Standards Committee in considering whether or not to hold a representation hearing in respect of the findings of the investigation conducted by the Public Services Ombudsman for Wales.

Following detailed consideration of the report the Standards Committee agreed that the former Councillor be given the opportunity to make representations, either orally or in writing, with regard to the findings of the investigation in relation to the

allegation that the former Councillor had failed, or may have failed, to comply with the Code of Conduct of Denbighshire County Council. The MO outlined the Council's procedure for dealing with Hearings, details include in the Standards Conference Pack, and confirmed that he would be writing to the former Councillor providing details of the Committee's decision and the Hearing process. Members of the Committee agreed that the Chair authorise the letter to be sent to the former Councillor.

During the ensuing discussion, it was:-

RESOLVED –that the Standards Committee agreed:-

(a) that the respective former Councillor be given the opportunity to make representations, either orally or in writing, in respect of the findings of the investigation in respect of the allegation that the former Councillor failed or may have failed to comply with the Code of Conduct of Denbighshire County Council, and

(b) the Chair authorises the letter to be sent to the former Councillor.

(G. Williams to Action)

Meeting ended at 12.05 p.m.