
STANDARDS COMMITTEE, 13.04.11

Present:-

Elected Members:- Councillors Keith Greenly-Jones and Margaret Griffith.

Independent Members:- Mr John Pollard (Chairman), Mr Gwilym Ellis Evans and Mr Malcolm Jones.

Community Committee Member:- Mr David Clay.

Also Present: Dilys Phillips (Monitoring Officer), Iwan Evans (Deputy Monitoring Officer), Siôn Huws (Propriety Officer) and Eirian Roberts (Committee Officer).

Apologies:- Mr Sam Soysa and Mr Gwyn Williams (Independent Members).

1. DECLARATION OF PERSONAL INTEREST

Councillor Margaret Griffith enquired whether she should declare an interest in item 10 on the agenda as she belonged to the same political group as the complainant and she was advised by the Monitoring Officer that that did not constitute an interest.

The Monitoring Officer further noted that she was named in the papers in item 10 as a person contributing evidence. Therefore, she would not advise the committee regarding the complaint and she would leave the room before the item was discussed.

2. RESIGNATION

The Chairman reported that Councillor Stephen Churchman had resigned from this committee as he had accepted the Liberal Democrats' empty seat on the Council Board since 5 April.

Members expressed their appreciation of Councillor Churchman's contribution to the work of this committee over several years and the Chairman noted that he would write to the member following this meeting.

The Monitoring Officer noted that the process of securing a successor to Councillor Churchman on the Standards Committee had already commenced and it was hoped that an appointment would be made at the full Council meeting on 12 May.

3. MINUTES

The Chairman signed the minutes of the previous meetings of this Committee held on 17 January and 28 February, 2011 as a true record.

4. OBSERVATIONS ON FULL COUNCIL MEETING

Submitted – a report by members of the committee who had been observing the full Council on 1 March, 2011.

The Monitoring Officer thanked the three members for their presence on the day and for giving such a commendable report to the members.

The members noted that they had enjoyed the experience, but that there was a sound problem in the public gallery as it had not been easy to hear every councillor speaking. It had seemed that the translators also had difficulty in hearing everything as there had been occasional gaps in the translation.

The Monitoring Officer noted that it was intended to upgrade the Chamber during the summer and that this work would include considering the sound system and microphones.

RESOLVED to accept the report.

5. THE STANDARDS COMMITTEE'S TERMS OF REFERENCE

Submitted – the report of the Monitoring Officer asking the committee to review its terms of reference and to consider whether there were matters it believed should be added to them.

The Monitoring Officer further explained that ideas could be proposed for consideration at this meeting or during the coming year as it was intended to review the Council's Constitution as a whole for the new Council in May 2012.

In response to an enquiry by the Chairman, the Monitoring Officer explained that the reference in the report on the function of promoting and maintaining high standards of conduct by parent-governors referred specifically to the three representatives who were co-opted members of the Children and Young People Scrutiny Committee. The Chairman suggested that this was possibly not clear in the report.

With reference to the policies listed in paragraph 4 of the report, a member questioned whether it was the Standards Committee's function to look at staff matters, such as the Gifts and Hospitality Policy for Staff and the Conflict of Interests Policy for Staff. The Monitoring Officer replied by noting that the main work of the committee involved members' conduct and that she would not be eager to see the Standards Committee entering the field of staff discipline. However, there was no overview of the staff policies, unless the Principal Scrutiny Committee happened to ask for a report, and as those policies were similar to the equivalent policies for members, this committee could look at them. She also noted that the Audit Committee looked at the Whistle Blowing Policy from time to time and should this committee feel that that was something suitable it would like to review, care would have to be taken not to submit it to the Audit Committee also.

Members suggested that the Members' Gifts and Hospitality Policy was clearly within the remit of this committee and it was suggested that the other policies should be left to be considered in accordance with the discretion of the Monitoring Officer as the work of reviewing the Constitution proceeded.

RESOLVED

- (a) To add the Members' Gifts and Hospitality Policy to the terms of reference of this committee.**
- (b) That the Gifts and Hospitality Policy for Staff, the Conflict of Interests Policy for Staff and the Whistle Blowing Policy are to be considered in accordance with the discretion of the Monitoring Officer as the work of reviewing the**

Council's Constitution proceeds, but to reconsider the situation should any matter arise during the year.

6. THE STANDARDS COMMITTEE'S WORK PROGRAMME

Submitted – the report of the Monitoring Officer asking the committee to consider which matters should be included on its Work Programme for 2011/12.

The report noted some possible matters and members suggested including two additional matters, namely:-

- A report on the Members' Gifts and Hospitality Policy (October meeting);
- A report on how the changes to the Council's Constitution affect the Standards Committee (January or March 2012 meeting).

RESOLVED to include the following matters on the committee's work programme for 2011/12:-

4 July 2011

- **Training on the Code of Conduct**
- **The Ombudsman's Annual Report**
- **A report from the North Wales Standards Committees Event**
- **A report on allegations against members**

10 October 2011

- **The Standards Committee's Annual Report**
- **Annual Report of the Adjudication Panel for Wales**
- **A report on allegations against members**
- **A report on the Members' Gifts and Hospitality Policy**

16 January 2012

- **A written report on the Wales Standards Conference 2011**
- **A report on allegations against members**
- **A report on how the changes to the Council's Constitution affect the Standards Committee (or at the March meeting)**

26 March 2012

- **A report on allegations against members**

7. PROCEDURE FOR STANDARDS COMMITTEE HEARINGS

Submitted – an amended version of the Monitoring Officer's report asking the committee to approve an outline procedure for hearings along with a sample of a questionnaire to be completed by the member who is subject of the complaint and a sample of a notice of determination by the Standards Committee.

It was explained that the amended report was the result of additional work, including looking at procedures by other councils and that the changes to the original report had been highlighted in bold print.

RESOLVED to approve the procedure for hearings subject to the following changes:-

- That one date should be proposed for a hearing to begin with and to give the member who is the subject of the complaint an opportunity to respond. Should he/she refuse this date, a second date should be proposed which is not too close to the first date. Should he/she refuse this date, a third date should be proposed which is not too close to the first two dates. Should he/she refuse this date, the hearing should be held in the member's absence.
- Should a member have more than three witnesses, he/she should include the relevant details on the additional pages at the end of the questionnaire (pages 5 and 6).
- To amend the sentence which refers to a case of ill health on page 4 of the procedure to read *"If the Standards Committee is satisfied that any party is unable, through ill health ~~physical or mental sickness or impairment~~, to attend the hearing and that the party's inability is likely to continue for a long time, the Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter."*
- That a whole day should be allocated for a hearing.
- That a script should be provided for the Chairman.
- That both parties should be notified clearly beforehand that any new information submitted on the day could be disregarded.
- That the committee will consider the fact that a member who is the subject of the complaint has acknowledged beforehand that he/she was at fault.
- That an additional question should be included at the beginning of the questionnaire, namely *"Do you intend to challenge the allegation against you?"*

8. RECENT DEVELOPMENTS IN THE FIELD

Submitted – the report of the Monitoring Officer asking the committee to note recent developments in relation to Paragraphs 8(a) and 10(2)(b) of the Members' Code of Conduct along with further information regarding the arrangements for the Standards Conference 2011.

The Monitoring Officer further noted that the organisers of the 2011 Conference had asked her opinion as to whether one of the conference's workshops should be held in Welsh. Members emphasised that a workshop should be organised through the medium of Welsh.

The Monitoring Officer then referred to paragraph 10(2)(b) of the Code of Conduct which involved the conflict between the councillor's role as local member and his role in making a decision on behalf of the authority. She explained that, at the Standards Conference 2008, it was concluded that the intention of the paragraph was to ensure that members of the cabinet, when taking decisions under delegated rights, would not do so in order to favour matters within their own wards. However, the Adjudication Panel for Wales had decided in a subsequent case that the paragraph was also relevant to a local member's situation on a Planning Committee. This decision had far reaching implications for the role of local member and the interpretation of the Code of Conduct as it revived the uncertainty in terms of when local members should be prevented from voting on matters

within their wards. The Monitoring Officer asked for the members' opinion on this matter; however, there were no strong feelings around the table.

RESOLVED to accept the report.

9. EXCLUSION OF PRESS AND PUBLIC

RESOLVED to exclude the press and public from the meeting during the discussion on the following item because of the likely disclosure of exempt information as defined in paragraph 18C, Part 4, Schedule 12A of the Local Government Act 1972. It was noted that this paragraph applied because it concerned the deliberations of the Standards Committee in reaching a finding on a matter referred to it. It is believed that the information should not be disclosed so that the councillor is not prejudiced by any possible publicity of the case before any hearing. Consequently, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

10. REPORT BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES ON AN INVESTIGATION INTO A COMPLAINT AGAINST COUNCILLOR 'A' OF GWYNEDD COUNCIL

Submitted – the report of the Monitoring Officer asking the committee to consider the Ombudsman's report and reaching a decision in accordance with the requirements of the relevant regulations.

The Chairman referred to the evidence in the Ombudsman's report along with his conclusions and on the basis of the said evidence and conclusions; he proposed that the committee had no option but to proceed with holding a full hearing.

It was noted that a correction needed to be made in paragraph 75 of the Ombudsman's report to read 2010 rather than 2009.

RESOLVED

- (a) That any person who is 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 has failed, or may have failed, to comply with the relevant authority's code of conduct.**
- (b) To convene a special meeting of the Standards Committee to consider and decide on the matter.**
- (c) That it was not considered necessary for the Ombudsman to attend the hearing to submit the report and / or to explain any matters within it.**
- (ch) To set a date for holding the hearing and to allocate a whole day for it.**

The meeting commenced at 2.00pm and concluded at 4.00pm.