

---

## STANDARDS COMMITTEE, 18.04.12

---

**Present:** -

**Elected Members:-** Councillors Keith Greenly-Jones and Eryl Jones-Williams.

**Independent Members:-** Mr John Pollard (Chair), Mr Gwilym Ellis-Evans and Mr Gwyn Williams.

**Community Committee Member:-** Mr David Clay.

**Observer:-** Councillor Margaret Griffith.

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

**Apologies:-** Mr Malcolm Jones and Mr Sam Soysa (Independent Members).

Since there were three independent members and four elected members present at the meeting, Councillor Margaret Griffith agreed to attend as an observer, in order to ensure a quorum, since Article 9 of the Council's Constitution stated that at least half of the members present at a meeting of the Standards Committee should be independent members. The member was invited to contribute to the discussion, but it was explained that she could not be part of any formal decision.

### 1. BEREAVEMENT

Condolences were extended to Dilys Phillips, Monitoring Officer, on the loss of her father.

### 2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any member present.

### 3. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 16 January 2012 as a true record.

### 4. ALLEGATIONS MADE AGAINST MEMBERS

Submitted for information – the report of the Monitoring Officer notifying the committee members of the developments, since her last report, in terms of allegations against members.

The Monitoring Officer further noted that another complaint had been received that morning against a member of Gwynedd Council.

Referring to the cases where there was no decision, it was enquired whether the Ombudsman was now investigating complaints more swiftly. In response, the Monitoring Officer noted that some of these cases could have been held back because the

Ombudsman tended not to publish reports during the 3-4 months leading up to an election, even if his investigations into those cases had been completed.

A member noted that the Ombudsman had announced at the Standards Conference in Llandrindod that he intended to address the situation.

**RESOLVED to note the content of the report.**

## **5. NORTH WALES STANDARDS COMMITTEES FORUM**

Submitted – the report of the Monitoring Officer appending the minutes of the last meeting of the Forum held on 13 February 2012 and requesting that the committee consider item 33 in the minutes and whether there were any questions which they would like to put to the Ombudsman when he met the Forum at his next meeting.

The Propriety Officer thanked the Vice-chair for representing the Gwynedd Standards Committee on the forum and for reporting back.

The Vice-chair noted:-

- On a point of accuracy, that Geraint Roberts represented Denbighshire on the forum, and not Gwynedd as noted in item 31 of the minutes.
- Although item 36 noted that he had proposed that the All Wales Conference 2013 be held either in Conwy or Llandudno, what he had in fact proposed was that the conference be held in Llandrindod.
- When discussing the Remit (item 32), it was noted that Conwy Council would pay for a room and minute-taker for the forum meetings, but that this had not been included in the minutes.
- That he had also asked who would pay for the conference costs, but that there was no mention of this in the minutes either.

In response to the last point, the Monitoring Officer noted that, following the request of the Chairs and Vice-chairs Forum for a report on the costs, she had discussed the matter with the other monitoring officers in Wales and that there was a general consensus that it was possible to proceed to hold a Standards Conference in North Wales in the spring of 2013. She explained that the usual financial arrangements for such a conference was that everyone attending was charged a nominal sum, i.e. £50 - £75 per head, and that the sum was paid by the Council sending the member to the conference. That was usually adequate to meet costs and if there were any additional costs, or profit, she would expect it to be divided across the six councils arranging the conference.

In response to an observation that there had been major costs involved with the last conference, the Monitoring Officer noted that the costs should not have been at the Council's expense and the further enquiries could be made with Powys Council regarding the matter, as they were the ones responsible for the arrangements.

A member emphasised that the cost of £50 - £75 per head was very reasonable and offered good value for money.

The Chair noted that the next meeting of the forum would be held on the following Monday, i.e. 23 April, and that the Chair and Propriety Officer would be present on behalf of this Standards Committee. The Ombudsman had been invited to the meeting and some questions had been prepared in advance for him. He also noted that that there

would be a presentation by the Datblygu Unllais Cymru Officer, i.e. the body coordinating town and community councils.

In response to an enquiry, the Monitoring Officer noted that she assumed that Unllais Cymru would discuss the training which it was proposed to provide for town and community councillors. She explained that, following the discussion at the last meeting of this committee regarding the arrangements for training councillors on the Code of Conduct following the 2012 elections, work had taken place across Wales, in connection with the monitoring officers and the WLGA, to establish training material for county councillors. A discussion had been held with the Datblygu Unllais Cymru Officer also in order to make this training material relevant for town and community councillors. Unllais Cymru's regional training officers and development officers would establish the training sessions, using the training material provided for county councillors, and the monitoring officers in each county would hold one or two additional sessions for those councils who were not members of Unllais Cymru, or who were unable to attend the sessions arranged by that organisation. The content of Unllais Cymru's training and the monitoring officers' training would be the same and was all based on material developed jointly and with substantial input from the material which had been shown to this committee about a year ago and used here in Gwynedd.

In response to an observation from members that Unllais Cymru charged member community and town councils a fee for courses, the Monitoring Officer noted that it would be necessary to discuss and reach some form of arrangement with the organisation, or otherwise everyone would attend the monitoring officers' training sessions as they were provided free of charge.

The Chair asked which matters members wanted their representatives to raise at the forum.

It was noted that Unllais Cymru had asked members from Meirionnydd to attend training sessions in Anglesey and it was suggested that it would be better if an officer from that organisation came to the councils, either individually or as a group within one area, because it would encourage more councillors to take part.

It was suggested also that it would be useful for the organisation to do more through the medium of Welsh.

In response to an enquiry, the Monitoring Officer confirmed that the monitoring officers had discussed the question of training clerks and that a presentation had been delivered by the coordinator of the association for town and community council clerks. She explained that this association was currently in the process of preparing training materials and arranging courses and that the monitoring officers had agreed to contribute to the work. She added that she did not believe that it was possible to force clerks to accept training on the Code of Conduct, but it was available for them, should they wish to take advantage of the opportunity.

A member noted that he was of the opinion that the training on the Code of Conduct should be compulsory for community and town council clerks as part of their job description.

## **RESOLVED**

- (a) To note the content of the report.**
- (b) To raise the following matters at the meeting of the forum on 23 April:-**

- **Suggest that Unllais Cymru should send a training officer to the councils individually, or as a group within one area, as it would encourage more councillors to take part.**
- **Suggest that it would be valuable for the organisation to do more through the medium of Welsh.**

## **6. MEMBERS' INDEMNITY**

Submitted, for information, the verbal report of the Monitoring Officer regarding the question of paying councillors' expenses which was being submitted to the Standards Committee and those moving on to the Independent Adjudication Panel for Wales.

The Monitoring Officer noted that this matter had originally been raised by the Ombudsman and that the WLGA had continued the discussion with the leaders of the councils. She explained that, because many councils gave their councillors indemnity, supported by an insurance policy, those councillors were in a position to obtain legal assistance from major legal firms and barristers. Consequently, cases appeared to become lengthy and complex, and rather than there being a tribunal system, as intended, which was easy and simple for people to understand, the whole process was similar to a court case, with arguments between solicitors on both sides. She further explained that the purpose of the discussion was to see whether it was possible to do anything to prevent that, and the Ombudsman's suggestion, which had been accepted by the leaders of the councils in the WLGA, was that every council should consider setting a threshold on the sum which they would be willing to pay as legal expenses to any councillor. They had proposed the sum of £20,000. Furthermore, the discussion had not moved to definite recommendations for authorities, partly because a number of authorities had insurance. That complicated the situation enormously, since it was in fact the insurance company that paid the defence costs, and those companies were not willing to accept any restrictions on what they did. She further explained that the situation was now beginning to come to an end because the standards system in England had changed. There was no longer a code of conduct there and it was a matter for each council to act as they saw fit. Therefore, the insurance companies had found that there was no market for them as no cases were going to be pulled and they were not going to provide insurance only for the few councils in Wales who required it. Therefore, it would be easier for the councils themselves to decide over the next few months whether they were going to provide indemnity and whether they were going to set a threshold on that indemnity.

The Monitoring Officer further explained that it was premature to ask this committee to make a recommendation on the matter to the new Council as it was necessary to see firstly whether the discussion would proceed further, whether the insurance companies would pull out and whether there would be an agreement across Wales in relation to what each council did. She intended to submit a report on the matter to the next Standards Committee with a recommendation to the full Council on the way forward. In the meantime, she would welcome any observations to be passed on for the discussion.

**RESOLVED to note the content of the report, wait for the situation to develop further and entrust the decision on the way forward to the new Council.**

At the end of the meeting, the Chair noted that this was his last meeting of the Standards Committee after a period of eleven years' service and he thanked the members and officers for their willing cooperation over the years.

The Monitoring Officer noted that this was also the last meeting of Councillor Margaret Griffith, who would be standing down at the election, and Mr Malcolm Jones.

The members thanked the Chair and Councillor Margaret Griffith and Mr Malcolm Jones for their valuable contribution to the work of the committee over the years, and best wishes were extended to the three of them.

The Monitoring Officer reiterated the officers' thanks for the support of the Standards Committee's and expressed her hope that the next committee would show the same support.

The members thanked the officers for their guidance.

The meeting commenced at 11.30am and concluded at 12.10pm.