

STANDARDS COMMITTEE 1/10/18

Present:-

Elected Members:- Councillors Beth Lawton and Dewi Roberts.

Independent Members:- Mr Aled Jones, Miss Margaret Jones, Dr Einir Young (Chair) and Mr David Wareing.

Also in Attendance: Iwan Evans (Monitoring Officer), Sion Huws (Senior Solicitor) and Eirian Roberts (Member Support Officer).

Observer: Vera Jones (Democratic Services Manager)

1. APOLOGIES

Councillor Anne Lloyd Jones and Mr Richard Parry Hughes.

2. DECLARATION OF PERSONAL INTEREST

No declarations of interest were received from any members present.

3. URGENT ITEMS

No urgent matters were raised.

4. MINUTES

The Chair signed the minutes of the previous meeting of this Committee held on 9 July 2018 as a true record.

Referring to item 10 of the minutes - Wales Standards Conference 2018 - the Chair noted that there had been some misunderstanding regarding the representation of the Committee at the conference, and to avoid any similar confusion in future, she suggested that it would be beneficial to circulate the Committee's action points to the members soon after every meeting.

5. REVIEW OF THE PROCEDURE FOR APPLICATIONS FOR DISPENSATIONS

Submitted - the report of the Monitoring Officer inviting the Committee to discuss and decide whether to amend the procedure for applications for dispensations.

The members were asked to consider the propriety of allowing those applying for dispensation to appear before the Committee. There were three available options, namely:-

- To allow applicants to appear before the Committee and submit their applications in person. However, this would increase the risk of receiving additional information on the day that would not have been sufficiently scrutinised.
- To allow applicants to appear before the Committee to further explain their application by answering questions only.

- To continue with the current procedure based on a written report by the Monitoring Officer, along with a copy of the application form, as well as any additional information received by officers after contacting the applicant.

During the discussion, the following points were noted:-

- It would not be mandatory for applicants to appear before the Standards Committee, therefore in relation to the comment in the report that the procedure would be costly in terms of time for the applicant, it would be their choice whether or not to attend the meeting. Also, it was not anticipated that the travelling costs would be substantial.
- The number of applications for dispensation was much lower than some years ago, during the school organisation process.
- Enabling the applicant to get his or her point across in person was very important.
- It was possible for an application to be clear on paper, and that the applicant did not need to attend, but it would be good to give them the opportunity, if needed.
- Unsuccessful applicants in the past had said that they would have benefited from being able to attend the Committee to provide further explanation. However, that explanation might not necessarily have made a difference to the outcome.
- As the members' questions were likely to come from a slightly different direction to the officers' questions, it was not possible for the officers to anticipate what questions were likely to come up at the Committee and to ask those questions of the applicants at the time of summing up the information for the Committee.
- There was room to strengthen the contact with the Town and Community Council clerks as County Council officers were not able to answer questions about the business of the council in question.
- It was extremely important that applicants filled the form in full and there was a risk, in inviting applicants to the meeting that they would not bother much with the contents of the form. It was also possible that some people were having difficulty completing the form.
- The recommendation 'insisting' that the Clerk provide a letter explaining the context was placing them under too much pressure, and it should note, rather, that they were 'expected' to provide a letter.

RESOLVED

(a) To allow those applying for dispensations to attend meetings of the Standards Committee to answer possible questions by the Committee only, if they wish.

This is on condition that:-

- **They are not allowed to present their case.**
- **They are expected to have completed their application forms comprehensively and accurately.**

(b) To allow dispensation for members to be present at the meetings to answer questions about their application.

(c) To review the procedure following a reasonable period of time.

(ch) To revise the procedure for applying for dispensations in respect of Town and Community Councils to note that the Clerk is expected to provide a letter explaining the context which should be submitted with the application.

(d) To delegate the power to provide guidelines for a questioning procedure based on the contents of the report to the Monitoring Officer.

6. THE STANDARDS COMMITTEE'S PRESENCE ON THE COUNCIL WEBSITE

Submitted – the report of the Monitoring Officer inviting the Committee's comments and recommendations on what was to be included about the Standards Committee on the Council website.

During the discussion, the following points were noted:-

- It was advantageous for people to know more about the Committee's activities, and to understand that the Standards Committee was not able to provide a solution for everything.
- Referring to the current details of the Committee's membership on the website, it was noted that the members' names should be listed either alphabetically, or per category i.e. elected, independent and community committee.

The Monitoring Officer noted that including a flow chart on the website referring to the Code of Conduct complaints procedure could be considered, i.e. how to complain and what happened to the complaint. Also, in response to an enquiry, the Monitoring Officer agreed to seek more information from the Ombudsman regarding the expectations in terms of the timetables and to include this with the time-line.

RESOLVED to accept the report with the following comments:-

- **Ensure that the Committee membership is listed on the website either alphabetically, or per category i.e. elected, independent and community committee.**
- **That the Monitoring Officer seek more information from the Ombudsman regarding the expectations for complaints deadlines and to include this with the time-line on the website.**

7. ALLEGATIONS AGAINST MEMBERS

Submitted – the report of the Monitoring Officer presenting information about the Ombudsman's decisions on formal complaints against members.

The Monitoring Officer explained that the Ombudsman's decision not to investigate a complaint did not mean that the Member had not breached the Code of Conduct and there was a need to convey the message to the Member that the conduct was not appropriate and that the Ombudsman could take this into consideration should he see a pattern of similar complaints developing against the Member in future.

During the discussion, the following points were noted:-

- It was important that people understood that they had breached the Code, even if there was no investigation.
- There was concern about the impact on the victim if the Ombudsman decided not to investigate.
- There was a need to emphasise that the Code must be respected, regardless of the circumstances.
- If there was a perception that the Code could be breached in a case that the Ombudsman would not investigate, the Monitoring Officer should send a letter to the Member, addressing the Ombudsman's letter and reminding the Member of the importance of respecting the Code.
- There was a need to emphasise the need for a member to behave respectfully towards everyone at all times.

RESOLVED

(a) To note the report.

(b) If there is a perception by the Ombudsman that the Code could have been breached in a case that the Ombudsman does not intend to investigate, the Monitoring Officer should send a letter to the member concerned, addressing

the Ombudsman's letter, referring to the Ombudsman's opinion, the importance of the Code of Conduct and offering help or support suggestions.

8. THE OMBUDSMAN'S ANNUAL REPORT 2017-18

Submitted for information – the report of the Monitoring Officer appending the Ombudsman's 2017/18 Annual Report.

The Monitoring Officer noted that the number of code of conduct complaint that came to hand relating to Community Councils had increased 33%. Nevertheless, the number of complaints across Wales was low - approximately 200. Based on the principle that there was always room for improvement, the pilot was implemented in Gwynedd, in the hope that it would bear fruit.

RESOLVED to note the report.

9. WALES STANDARDS CONFERENCE 2018

Submitted – an oral report from the Monitoring Officer on the Wales Standards Conference 2018, held in Aberystwyth on 14 September. He noted that a formal report of the conference would be available in due course and that the 2019 conference would be held in north Wales.

RESOLVED to note the report.

The meeting commenced at 11.00 am and concluded at 12.10 pm

CHAIRMAN