

CYNGOR SIR POWYS COUNTY COUNCIL.

Standards Committee
30th November 2011

REPORT BY: Strategic Director – Law and Governance

SUBJECT: Matters appertaining to Standards Issues

REPORT FOR: Decision, Information and Discussion

A. General Training for Members

A1. Training of County Council Members – Member Development Strategy/Programme

A1.1 Copies of notes of the meeting of the Member Development Working Group held on 13th October 2011 are attached to this report as **Appendix 1** for information. The Council has been successful in achieving the Wales Charter for Member Support and Development. The presentation of the award by the WLGA was made to the Council at the County Council meeting on 20th October 2011.

B. Referral of Councillors to Public Services Ombudsman

B1. County Councillor Referrals

B1.1 The Ombudsman is continuing to investigate the complaint reported to the April Committee (ref 1/11CC).

C. Other Standards Issues

C1.1 Use of laptops and electronic media during Council meetings

This will be included in the work on the revisions to the Constitution.

C1.2 Social Networking

The Member Development Working Group will be reconsidering the draft protocol at its meeting on 25th November 2011. A Member Development session for Members on the use of Social Media was held on 18th November 2011.

D. Minutes of Meetings

D1. Meeting of Chairs and Vice Chairs of Scrutiny, Audit and Standards Committees

Notes of the meetings held on the 23rd September and 27th October 2011 are attached as **Appendix 2**.

E Dispensations

E1. Applications - County Councillors

E1.1 No applications for dispensation have been received.

F Renewable Energy Issues (Electricity Sub Station, Pylons, Overhead Power Lines, Wind Farms etc)

Further responses have now been received from Members to the questionnaire on Windfarm interests. To date 55 replies have been received. 16 Members outline interests and 39 Members have no interests.

G Standards Conference

The Standards Conference hosted by Powys County Council was held in the Metropole Hotel on 5th October 2011. Notes from the conference are attached at **Appendix 3**. A summary of the feedback from the conference is attached at **Appendix 4**. A press release is to be issued shortly together with other publicity in the Council's staff magazine and Red Kite magazine.

H Attendance at Committee

The attendance figures for the period 12th May 2011 to 31st October 2011 are attached at **Appendix 5**.

I Local Dispute Resolution

To receive an oral update from the Strategic Director – Law and Governance on Local Dispute Resolution.

I. Meeting Dates

I.1 To note dates of future meetings as follows:

1st February 2012
4th April 2012
4th July 2012
5th September 2012
5th December 2012

All meetings to commence at 10.00am with the option of training available afterwards.

Contact Officer Name:	Tel:	Fax:	Email:
<i>Clarence Meredith, Strategic Director – Law and Governance</i>	<i>01597 826395</i>	<i>01597 826220</i>	<u>Clarence@powys.gov.uk</u>

**NOTES OF A MEETING OF THE MEMBER DEVELOPMENT WORKING
GROUP HELD AT COUNTY HALL, LLANDRINDOD WELLS ON
THURSDAY 13 OCTOBER, 2011**

PRESENT: County Councillor Miss S.J. Millington [Chair]
County Councillors P.J. Ashton, Mrs M. Morris, Mrs K.M. Roberts-Jones and
A.G. Thomas.

Officers in Attendance: Stephen Boyd (Cabinet Business Manager), Carol
Johnson (Committee Clerk) and Shane Thomas (Member Support Manager).

1. APOLOGIES

Apologies were received from County Councillors Mrs S.C. Davies,
E.A. Jones and Lisa Griffiths (Organisational Development) and Wyn
Richards (Scrutiny Services Manager).

County Councillor Mrs K.M. Roberts-Jones advised that she had to
leave the meeting early to attend another meeting. She congratulated
the Working Group on the Authority's success in being awarded the
first level of the Wales Charter for Member Support and Development.

2. NOTES OF PREVIOUS MEETING

- (a) The notes of the previous meeting held on 24 June, 2011 were agreed
as a correct record.
- (b) Matters arising not included elsewhere on the Agenda:
 - i) Data Protection Act – The Working Group noted that all
Members had completed the data controller registration forms
which had been sent to the Information Commissioner.

2.1 ADDITIONAL ITEM

The Chair welcomed Clarence Meredith, Strategic Director - Law and
Governance to the meeting. He advised that he sought the Group's
views and guidance regarding the development of scrutiny. The
Working Group noted that since the establishment of the Cabinet,
Jeremy Patterson, Chief Executive was anxious to develop scrutiny
arrangements in the Authority. He had discussed this with the Joint
Chairs regarding their views and aspirations for scrutiny.

Clarence Meredith stated that some changes had already been
introduced to the scrutiny process. Training and development however
needed addressing and this would need to meet the requirements of
different audiences i.e. cabinet, administration, opposition and new
Members in 2012.

The Working Group supported the ideas and also the need to learn
from other authorities, use best practice and also information produced
by the WLGA. The Working Group had already started to review the
2008 induction/development programme and develop a draft
programme for 2012. Members agreed that development was required

now and that this should also be part of the 2012 induction programme. Clarence Meredith advised that this would be a significant role for the Working Group to take forward.

It was noted that regulatory committee training was mandatory and members could not sit on these committees until the training had been undertaken. It was suggested that consideration should be made on whether to make basic training on scrutiny mandatory. Clarence Meredith advised that the Standards Committee currently monitored Members attendance at meetings. He suggested a regime could be developed that Members were expected to attend training and that the Standards Committee could have a role in monitoring attendance and call Members in if they fell below an agreed level. Members asked if the political groups had a role to play in this. Clarence Meredith agreed to discuss this with the Joint Chairs and Vice Chairs Group with the view to introducing mandatory development from 2012.

3. MEMBER DEVELOPMENT CHARTER

The Working Group received the Welsh Local Government's [WLGA] external review team's report on the Authority's application for the Wales Charter for Member Support and Development [copy attached to minutes]. The Working Group noted the "Notable Practice" and "Areas for Development".

The Working Group noted the Areas for Development which would be added to the Group's Work Programme.

4. MEMBERS' INFORMATION PACK 2012

The Working Group received information on the content of the 2008 Members' Information Folder and the Folder for Independent Members. In addition the Working Group received a summary of views and ideas, made at previous meetings, on how to improve the content.

RESOLVED that County Councillors Miss S.J. Millington and Mrs M. Morris review the content of the 2008 Members' Information Folders and report back to the next Working Group meeting.

5. MEMBER DEVELOPMENT INDUCTION PROGRAMME

The Working Group received information on the content of the 2008 programme.

RESOLVED that:

- i) a draft programme be developed based on the 2008 programme**
- ii) Code of conduct training using the scenarios be provided as a follow up to the main Code of Conduct training**
- iii) Training on mentoring, speaking at planning committees as the local member, how council meetings are managed and how to raise issues to be included.**

6. JOINT MEMBER CHAMPION AND MEMBER SUPPORT OFFICER NETWORK MEETING 7 SEPTEMBER, 2011

The Working Group received the notes of the meeting attended by County Councillors Mrs M. Morris and Mrs K. Roberts-Jones and Carol Johnson, Committee Clerk.

7. MEMBER DEVELOPMENT PROGRAMME

7.1 The Working Group received the evaluation summary on the Children's Services development session held on 26 September, 2011. The Group noted the positive responses.

7.2 The Working Group noted the Programme to December 2011. The Youth Forum was attending a meeting with the Cabinet, the Local Democracy Group, civic leads and this Group at the Winter Fair, rather than the usual development session with all members. The topics for future sessions January – March 2012 were noted and would be added to the programme as appropriate. Councillor A.G. Thomas asked that contact be made with Karen Williams, HR Manager regarding topics she had asked to be included in the programme.

8. DATE OF NEXT MEETINGS

- Friday 25 November, 10.00 a.m. Video Conference Room

2012

- Wednesday 18 January, 2.00 p.m. Committee Room A
- Friday 17 February, 10.00 a.m. Committee Room A
- Friday 30 March, 10.00 a.m. Committee Room A
- Friday 20 April, 10.00 a.m. Committee Room A
- Friday 25 June, 10.00 a.m. Committee Room A

County Councillor Miss S.J. Millington
Chair

**NOTES OF A MEETING OF THE CHAIRS AND VICE-CHAIRS OF THE
SCRUTINY COMMITTEES, AUDIT COMMITTEE AND STANDARDS
COMMITTEE HELD AT COUNTY HALL, LLANDRINDOD WELLS ON
FRIDAY 23rd SEPTEMBER 2011**

PRESENT: County Councillor J. G. Morris (Chair)
County Councillors R. G. Brown, J. H. Brunt, Mrs L. V. Corfield, Miss M. Davies, Mrs
S. C. Davies, Mrs M. Mackenzie and Independent Member P. Swanson.

Officers in Attendance: Clarence Meredith (Strategic Director – Law and Governance),
Geoff Petty (Strategic Director Finance and Infrastructure), Janet Kealey (Head of
Legal, Scrutiny and Democratic Services), Wyn Richards (Scrutiny Services
Manager), Lisa Richards (Senior Committee Clerk), Liz Patterson (Committee Clerk).

The meeting noted that a Chair had not been appointed at the last meeting. County
Councillor J. G. Morris indicated that he was willing to continue to Chair the meetings
unless there were other Members interested in undertaking the role.

RESOLVED that Councillor John Morris be appointed as Chair.

1. Apologies

Apologies for absence were received from County Councillors L. R. E. Davies,
T. J. Van-Rees and Independent Member R. Miller.

2. Notes of Meetings held on 10th June and 14th July 2011.

The notes from the meetings held on 10th June 2011 and 14th July 2011 were
agreed.

**3. Annual Performance Assessment 2011(Stage 2 of the Powys Change
Plan) – Peter Jones and Rhian Jones**

The Powys Change Plan for 2011-14 was approved at Council in June 2011.

The Annual Performance Assessment for 2010-11 is due to be considered by
Cabinet and then Council on 20th October 2011 to fulfil the statutory duty of
publication before 31st October 2011. The late publication date for the
document was to enable comparative data from other authorities to be
included.

Member Comments:

- The statistical value of the Residents Survey along with the value of the
survey set against the cost of collecting the information was queried.

It was confirmed that whilst there was no statutory duty to undertake a
residents survey the Welsh Government expected Local Authorities to
report on customer feedback and the authority would be criticised if no
information on customer satisfaction was provided.

- Report format
 - Carry forward table headings onto new pages
 - Use percentages or absolute figures rather than smiley faces
 - Use arrows and RAG (Red, Amber Green) indicators to show trends
 - Clarify wording of indicators where unclear (eg The percentage of clients, aged 18-64, who are supported in the community during the year)

- Distribution of the document?

It was confirmed that the document would be published on the Powys website. Details of the document would be published in the Red Kite which goes to all Powys residents and hard copies would be made available at all Council premises. The document would be made available in alternative formats on request.

- Comparative data as to the Council's performance against other authorities was of interest and should be included where available.

It was recommended that Cabinet consider the document in the light of the comments made by Joint Chairs.

4 Performance Management Reporting

There are a plethora of indicators which are collected by Local Authorities including the following:

- NSIs (National Strategic Indicators)
Set by the Welsh Government which have to be collected

- PAMs (Public Accountability Measures)
Introduced as part of the new accountability framework by the Welsh Government – there is some duplication between NSIs and PAMs.

- Outcome Agreements
10 themes agreed between the Welsh Government and Powys where each theme can score a maximum of 3 points. If Powys scores 25 points or more out of a maximum of 30 points the Council will access an extra £1.4million funding. At present the Council is on target to score 25/30.

- Core Indicators
An additional 144 Core Indicators which are set out by portfolio and are reported on a RAG basis. Where they are off target Cabinet are given a detailed explanation of the actions being taken to get back on target.

From 1st April 2011 these Core Indicators are no longer statutory and are now known as Service Improvement Data Sets. They are non statutory but the Welsh Government will expect authorities to report on them.

- Finally there are local performance indicators which service areas set themselves. It is the intention to identify the important ones (i.e. the ones which are used by services regularly or are those reported to the Welsh Government and collect data on these more frequently.

Some service areas have fully embedded performance reporting and input data on a daily basis whereas other service areas struggle to input data at the end of each quarter. It will be necessary for all service areas to embed performance reporting fully so that reports can be prepared on a more regular basis.

Members requested a list of service areas that input data daily and those who do not.

Members need to determine what information (performance and financial) they require to undertake their role and with what regularity this should be provided. There is some concern regarding the ability of Ffynnon to produce quality reports. Ffynnon was a performance management system sponsored by the Welsh Government. This support would be withdrawn probably after 2013 and it was intended to request that better reporting facilities were developed for Ffynnon before the support by the Welsh Government was withdrawn.

The Chair to write to the Cabinet Leader and the WLGA requesting that improved reporting facilities is developed for Ffynnon urgently.

It is intended to produce performance information on a Portfolio basis. Finance information should also be provided on this basis and it may be necessary to look again at the structure of scrutiny committees to determine if alignment by portfolio may work better.

It was confirmed that the performance reports were compiled by a team set apart from the service area which ensured objectivity. There needed to be more challenge from the performance team as to the information provided but this challenge needed to be constructive not confrontational. Areas of concern needed to be highlighted but success should be celebrated. Members expressed the view that scrutiny should focus on the areas of concern rather than the areas which were proving successful.

Members also expressed the view that officers should be available to support scrutiny as well as providing support to the Cabinet. Performance Management staff would be able to assist by identifying areas of concern to Members as the team is removed from service areas.

Concern was expressed regarding the frequency of scrutiny meetings (quarterly) compared to the frequency of Cabinet meetings. It may be necessary to look at the timetable of meetings.

5. Work Programmes

i) Cabinet

Members noted the more detailed Cabinet Work Programme which was an improvement on previous programmes. However, it was noted that some of the items gave little indication of the matter to be considered. It was explained that in some cases it was not appropriate to give a detailed explanation of the item for consideration due to the confidential nature of some items. The Cabinet Work Programme was of assistance for each Scrutiny Committee when compiling their individual work programmes.

The Cabinet Manager be requested to provide a fuller explanation of work programme items where appropriate.

ii) Scrutiny Committees

Modernisation and Improvement

Were looking in particular at Sickness Absence and the Powys Change Plan.

Children, Social Care and Health

Were appointing their first review group to look at the Financial Support and Management of Adult Services. The Scrutiny Services Manager was identifying external expertise to assist Members in this review.

The Committee were also looking at Community Equipment and the Welsh Housing Quality Standard.

The Committee has introduced monthly meetings which are targeted at each of one of the three service areas the committee covers. This was with the intention of having shorter meetings but to date meetings were still lasting quite some time. Committee had trialled a new way of working with a 1 hour briefing of Members for discussion and allocation of questions before the meeting commenced. This did not preclude Members from asking their own questions. This had been successful and the committee were looking to develop this.

It would be necessary to look at agenda management to ensure that agendas were not overlong. However, care would need to be taken to ensure that the correct items were included on the agenda for consideration.

Learning and Leisure

Were looking at Schools with deficit budgets.

Environment, Crime and Disorder

Have 4 reviews ongoing:

- Winter Maintenance/ISP
- Wind Farm Development
- Business Services
- Welshpool Gyrotory System

Audit

The Committee is inviting service areas to meetings when Adverse Internal Audit opinions are reported for the first time to committee. It is hoped that this will improve the response to the Audit Report.

Treasury Management Reports

The Strategic Director for Finance advised that Treasury Management reports were being considered at Cabinet, Audit Committee and the Modernisation and Improvement Scrutiny Committee. The Portfolio Holder would be taking a report to Council that recommended that Treasury Management should be considered by Audit Committee and Cabinet on a regular basis but that Modernisation and Improvement would be able to scrutinise Treasury Management if they considered it necessary.

Members supported the proposal by the Portfolio Holder that Treasury Management be considered by Audit Committee and Cabinet.

Members agreed that work programming across the Scrutiny Committees needed further work and that a meeting between the Joint Chairs, Management Team and the Chief Executive would assist in identifying priorities for the work programme.

6. Allocation of Work

Modernisation and Improvement

Global Finance Scrutiny (including schools – conflict between Treasury Management and Fairer Funding)

This item to be discussed at the meeting between the Joint Chairs, Management Team and Chief Executive.

Audit

Leisure Centre Vending

Audit Committee had received an adverse Internal Audit Report on Leisure Centre Vending. Audit Committee were satisfied that the action plan drawn up by the service to address the concerns of Internal Audit was satisfactory and would monitor the position. However, there appeared to be a lack of consistent approach to Leisure Centre Vending which the Committee suggested should be

examined by scrutiny. The Strategic Director for Finance undertook to provide a copy of the Internal Audit report to the Chair of Learning and Leisure.

Learning and Leisure Scrutiny offered to undertake a review of Leisure Centre Vending.

7. Local Government Measure 2011

The Scrutiny Services Manager advised that Guidance on the Local Government Measure was due out around October/November but that the timetable appeared to be slipping.

8. Scrutiny Network Meeting 18th November 2011 - MRC Llandrindod Wells.

Cllr M Davies was appointed to attend the Scrutiny Network Meeting.

9. LSB minutes 27th May 2011 and 1st July 2011

Members queried the number of Powys County Council officers attending the May meeting. It was confirmed that the LSB was administered by Powys and the Council was the lead authority of the group. A number of the agenda items on the May meeting were led by Powys which had necessitated the attendance as detailed. Collaboration with other LSB partners is an essential role in providing public services. It was confirmed that Cllr Michael Jones the Leader of Powys was now the Chair of the LSB.

Concern was expressed that the LSB were looking to investigate publishing a Public Services newsletter.

That the LSB be a subject for discussion when meeting with the Management Team and Chief Executive.

That Cllr Fitzpatrick be asked for his comments regarding the proposals relating to the publishing of a public services newsletter.

10. Joint working update

Nothing to report.

11. Items for next scheduled meeting 27th October 2011 – 10.00am

Performance / Finance reporting proposals.

**County Councillor J. G. Morris
CHAIR**

Meeting closed 1.05pm

**NOTES OF A MEETING OF THE CHAIRS AND VICE-CHAIRS OF THE
SCRUTINY COMMITTEES, AUDIT COMMITTEE AND STANDARDS
COMMITTEE HELD AT COUNTY HALL, LLANDRINDOD WELLS ON
THURSDAY 27 OCTOBER 2011**

PRESENT: County Councillor J. G. Morris (Chair)
County Councillors J H Brunt, Mrs L V Corfield, Miss M Davies, Miss A Holloway, Col
T J Van Rees, and Independent Member P Swanson

Officers in Attendance: Geoff Petty (Strategic Director Finance and Infrastructure),
Janet Kealey (Head of Legal, Scrutiny and Democratic Services), Wyn Richards
(Scrutiny Services Manager) and Lisa Richards (Senior Committee Clerk), Richard
Hughes (Corporate Policy Manager) and Melanie Amor (External Policy Officer)

1. Apologies

Apologies for absence were received from County Councillors R G Brown, L R
E Davies, Mrs S C Davies, Mrs M McKenzie and Independent Member R.
Miller. Clarence Meredith and Liz Patterson.

2. Notes of Meeting held on 23 September 2011

The notes of the meeting held on 23 September 2011 were agreed. The Chair
would write to WLGA regarding improvements to Ffynnon once further
information was available.

3. LSB Scrutiny – Richard Hughes and Melanie Amor

The Welsh Government have introduced a new policy focussing on plan and
partnership rationalisation. One of the key points is to strengthen accountability
and scrutiny including robust performance management. All Local Authorities
have until April 2013 to put the principles in place. The Local Government
Measure will impact on the scrutiny of LSBs with local authorities taking the
lead in the operation of the LSB and into scrutiny. It is proposed that
Modernisation and Improvement Committee assume the responsibility for
scrutiny of the LSB and One Powys Plan. There was the potential for future
collaboration and more regional working which may lead to 'super' scrutiny
committees. As yet the impact of the regional agenda was unclear.

The Scrutiny Chairs and Vice Chairs were invited to submit their comments
prior to a meeting of the LSB on 13 December. It was considered prudent that
the Chairs should meet the Leader and Chief Executive to discuss the
operation of LSB scrutiny prior to the December meeting. Further guidance
from the Welsh Government would be welcomed.

Concern was raised regarding the work load which would be placed on the
Modernisation and Improvement Committee and consideration may need to be
given to reallocating some work between the remaining committees.

It was recommended that

- i) A meeting with the Joint Chairs and the Chair of the LSB and Chief Executive be arranged in mid November with a view to formulating a process for undertaking the scrutiny of the LSB.**
- ii) The proposal to allocate the role to Modernisation and Improvement Committee was supported subject to ongoing monitoring.**
- iii) The Corporate Policy Manager and External Policy Officer be asked to review how LSB scrutiny was undertaken elsewhere in Wales for consideration by the Joint Chairs as LSB scrutiny develops in Powys.**

4. Work Programmes

i) Cabinet

Although the cabinet work programme had improved there were further improvements that could be made. It was suggested that the Cabinet work programme should be circulated to scrutiny committees to ensure a more co-ordinated approach was taken. There was a need for clarity in determining whether the Cabinet was delivering the Powys Change Plan. Suggestions could also be made regarding those items which were not included on the Cabinet forward work programme where there were thought to be issues which the Cabinet ought to be considering.

ii) Scrutiny Committees

Modernisation and Improvement

Treasury Management would no longer be considered by this committee with effect from the New Year. The Sickness Absence Review was completed and would be circulated to all Committees and Portfolio Holders.

Children, Social Care and Health

The Committee was meeting monthly and the extra meetings were generally well attended. It was suggested that the Care and Repair Scrutiny Review undertaken by the Regeneration and Environment Committee be forwarded to support their review into providing disabled adaptations.

Learning and Leisure

There were capacity issues in running several scrutiny reviews. At present only one was underway, Schools with Deficit Budgets, but there were others to be undertaken.

It was generally considered that most work in scrutiny committees was undertaken by smaller working groups. The new system of prepared questions

would allow Portfolio Holders to give in depth answers but this would not be sufficient to replace a full scrutiny review. However, there were concerns that political issues could divert attention from genuine scrutiny work. Committees also needed to be mindful of the public and be seen to be addressing issues that were of concern to them.

The Scrutiny Services Manager was hoping that a more co-ordinated approach could be adopted by scrutiny, finance and performance officers and remove the quantity of information provided and focus on quality in line with the vision of the Chief Executive for the development of scrutiny.

Environment, Crime and Disorder

A number of reviews were essentially complete, but were maintaining a monitoring role. There had been significant changes in the way some services were delivered during the course of reviews undertaken by this Committee. Further information was being sought on the conflict between the 10 year ecological plan and grass and hedge cutting requirements. The Portfolio Holder had commenced a review on car parking and if the Committee were not satisfied with progress, a full scrutiny review would be instigated.

The Co-opted Member was proving very useful and a greater amount of committee time could be spent solely on crime and disorder issues.

Audit

Noted.

Scrutiny Chairs and Vice Chairs

The outcome of discussions on LSB scrutiny would be reported in December.

5. New Scrutiny Processes

The Scrutiny Services Manager sought feedback on the new arrangements for conducting scrutiny meetings. Generally, prepared questions were welcomed but this must not stifle spontaneity. Caution must be raised regarding political influences and good management of committees was essential. A debrief at the end of the committee would also be welcome. The scrutiny team should be more aware of information available from regulators and perhaps identify patterns of concerns.

It was suggested that a report was required identifying the resource requirements to deliver the new proposals including those in the Local Government Measure. A Democratic Services Committee (DSC) had been established prior to the introduction of the Local Government Measure and it was thought that this was the appropriate body to discuss resource requirements. The views of this meeting could be forwarded to the DSC.

The Chief Executive had made a presentation to Council regarding improvements he would wish to see in scrutiny. Members queried what was required of them. The Scrutiny Services Manager thought that scrutiny needed to be more challenging and ensure that the Cabinet is meeting the aims of the Powys Change Plan. Scrutiny needed to be more robust and independent. The Scrutiny Services Manager also asked Chairs and Vice Chairs to advise him of what additional support they required to drive forward the development of scrutiny.

6. Collaboration

Concerns had been raised at Learning and Leisure Committee, following a presentation on SWAMWAC, regarding the governance arrangements of collaborative work. The Chair has discussed the issue with the Cabinet Member who has assured her that this issue was to be raised with the Minister. One of the issues of concern related to different patterns of regionalization from Assembly Ministers

7. Local Government Measure

Whilst draft guidance was being issued the timetable for implementation has slipped. The Democratic Services Committee has been appointed by the Council earlier than required, as it was likely that formal approval for such a committee would not be received until following the County Council elections.

8. Joint Working Update

Nothing to report.

9. Items for next scheduled meeting 7 December 2011 – 10.00am

LSB – progress.

10. AOB

Member Development - should scrutiny training be mandatory? This arose from the last meeting of the Member Development Working Group. Members supported the idea but queried whether this could be enforced. There would need to be a resolution by County Council to this effect. The Scrutiny Services Manager proposed that bespoke training be provided to both Cabinet and Scrutiny Members and for the ruling group and opposition in relation to scrutiny.

**County Councillor J. G. Morris
CHAIR**

Meeting closed 12.31

Standards Conference Wales 2011 - Conference Notes

Approximately 150 delegates attended the Hotel Metropole for the Standards Conference Wales 2011 hosted by Powys County Council on Wednesday 5th October 2011.

The theme of the conference was - 'Improving Standards'.

Panel Session

The conference started with a panel session the following panel members spoke on the theme of 'Improving Standards'.

Peter Davies – President, Adjudication Panel Wales

Peter Davies provided statistics as evidence to support a system that has worked for 8 or 9 years. The Adjudication Panel had received more referrals last year from the Public Ombudsman's office than ever before. Generally, councillors were suspended when sanctions were necessary. There appeared to be trends in the complaints and he cynically was of the opinion that best behaviour was evident in the years that led up to elections. The process used was inquisitive and not adversarial and therefore he questioned the necessity for vast sums of public money to be spent funding legal representation. He stated that recently more people are being represented which he felt was not necessary and tribunals should be taking the heat out of the situation. In the first 5 years councillors seemed to represent themselves or had a fellow councillor to assist them. However, over the last 3 years people have been instructing Counsel. Also, he asked whether it is appropriate to do away with Adjudication Panels leaving councillors sitting to decide on other councillors. Samples of arguments that the panel decide upon include jurisdiction, bias and abuse of process with some points that are valid but many that should not be given any weight.

Peter Tyndall – Public Services Ombudsman for Wales

The Ombudsman stated that 277 new complaints had been received this year- 21% lower than the previous year. 349 cases had been closed and the back log has been sorted. There had been more complaints about County Councillors than Town and Community councillors. The Adjudication Panel had heard 11 cases and breaches were found in all of them.

Many trivial complaints had been received where the code had not been breached. More cases have been going to the adjudication panel and standards committees. The Ombudsman stated that there were a lot of member upon member cases with councillors looking to seek political advantage and the substance is not always there in the complaints. Sometimes there is a case to be made that the Code is being used for political motivation. The Ombudsman agreed that there are elements of the code that could do with review or change however there is no short term plan to change the code.

The Ombudsman stated that there is a need to address issues within the current code. He wants a standard approach across Wales and intends to pilot County Councils regarding a suggestion from Swansea Council to develop a local mechanism to address initial less serious complaints leaving the more serious complaints for the Public Services Ombudsman. An indemnity cost of say £20,000 could be a measure to manage out of proportion legal representation costs.

Reg Kilpatrick – Director of Local Government and Public Service Department – Welsh Government

Reg Kilpatrick said Wales has a localised agenda and that Carl Sergeant was committed to local representation and to retaining the 22 authorities. There would be no reorganisation of local government. He believed that there should be a National Statutory Framework. He acknowledged that there were issues regarding process – relevance, cost effectiveness and proportionality. He reminded us that the Code ‘rests on 10 principles’ and challenged us to name them. The system must be used responsibly. The future holds a commitment to review the code but without ability to make laws at present, opportunities must be made to make the system work better. Proportionality – how to deal with these cases? He welcomed Peter Tyndall’s approach with WLGA and has an open mind for a clear view of what ought to be done.

Clarence Meredith – Strategic Director for Law and Governance, Monitoring Officer and Chief Legal Officer for Powys County Council.

Clarence outlined the positive side of the role of Standards committees and gave an example of the recent meeting regarding wind farms that was held at the Livestock Market in Welshpool and that was attended by approx. 2000 people. The standards committee had issued blanket dispensations at an early stage in anticipation of the difficulties that councillors may experience. He outlined the successful monitoring process that Powys Standards committee adopts and when he spoke about the committee inspecting an attendance register, especially in relation to a figure below 60% attendance, I could see many whispering and taking notes. He outlined the practical differences of County councillors and Town and Community councillors when dealing with code issues and suggested the idea of a different code for County Councillors to Town and Community councillors.

Kate Berry – Chair, Association of Council Secretaries and Solicitors (ACSeS)

Kate Berry was the former Chair of ACSeS and former monitoring officer of Cardiff Council. She was allocated the task of chairing proceedings. She was very clear and concise and summarised issues and points for discussion.

Debate on changes to the members ‘Code of Conduct’

The second part of the morning involved a debating session where questions to the panel were invited together with views and opinions from the delegates about what changes should be made to the existing members code.

In summary the points raised included:

- ❖ Indemnity for legal representation and costs
- ❖ Alternative local resolution against Public Ombudsman.
- ❖ Managing vexatious complaints.
- ❖ A separate code for Town and Community and County councillors
- ❖ Using the system responsibly
- ❖ Issues regarding training
- ❖ The impact of budgetary cutbacks.
- ❖ Proposed review of Standards Framework and the role of Standards Committees.

Looking at the debate in more detail, John Morley from Buckley Town Council made the point that people have stood for public office off their own back. He stated that there seems to be a trend in cases pushing for QC's. He felt that there needed to be a limit to cost.

Peter Tyndall stated that there needs to be a sensible limit on indemnities, but there should not be a financial barrier in relation to people being in public office. We wouldn't want a situation where people were running up costs that they can't pay back.

Peter Davies stated that those not having legal representation are not at a disadvantage and that the tribunal system lets people represent themselves.

Reg Kilpatrick commented that large sums of money should not be spent on a case that does not need legal representation.

A comment was made that some authorities do not have insurance.

Peter Keith Lucas gave a very brief account of the present situation in England. He stated that at present the House of Lords have stated that it would be inappropriate to have criminal sanctions, every authority should have a code. Peter commented that it looks like there will be some discretion and local sanctions but the English system has not been scrapped as yet.

The issue of training was also raised, Peter Tyndall stated that one of the first questions asked to a Cllr is whether they attended training? The Ombudsman's office stated they will take into account if the member is new or if training was offered. He made it clear that members need to take into account and advantage of training given. A member of Caernarfon Council stated that training for clerks and Cllrs is needed but people do not take the code of conduct seriously.

An audience show of hands indicated full support for complaints to be heard initially by standards committees before the Public Ombudsman.

Mock Hearing

The afternoon session took the form of a mock hearing. Peter Keith-Lucas from Bevan Brittan presented the scenario and delegates were allocated various parts

and read an informative script. He gave suggestions of good practice for Case Management preparation, for Monitoring Officers and Standards Committees to make functional directions in order to proceed and advance the case. The first purpose of the chairman is to ensure that the hearing is not done on any party political lines, to ensure that the councillor feels comfortable and involved in the process, to make sure that the public know what is going on and to make sure that the panel come to a reasonable decision and not for it to be the chairman's decision alone. The panel are to listen and to ask questions and to reach a reasoned decision on the evidence they have heard. After a sanction has been issued to a councillor, he recommends that the Chair of the standard committee attends the council meeting in order to highlight the current issues that were decided upon.

Peter Swanson, Powys County Council Standards Committee Chairman, closed the conference by thanking all participants.

Susan Jarman & Saira Tamboo

04/11/11

Standards Conference 2011 Feedback

Information provided prior to conference

- Would like to know what speakers were going to talk about
- The statistics provided on the day could have been given earlier
- Was not able to identify location of meeting (x2)
- Would like conference packs circulated at least a week in advance
- People could submit questions beforehand and could have covered wider number of subjects
- It should be ensured that the information is bilingual
- Too much preparatory work
- More use of the Welsh language

Venue

- Air conditioning noisy
- Poor view of and sound quality of speakers
- Too hot (x6)
- Room deadening – no daylight
- Room needs better ventilation (x13)
- Need better PA system (x14)
- Virtually impossible to access on public transport
- Too cramped (x4)
- Not enough room to sit down for lunch/refreshments
- Parking good and plentiful – better than other venues
- Good location
- Good venue
- An ample parking provision (as was the case at the Metropole) should be a condition when deciding on the location of the conference in the future.
- Rather small and hot.

Refreshments

- Need more variety than sandwiches/wraps
- Mixing up of sandwiches made it difficult to identify which was which
- Plenty of choice but would like bananas
- Queues for drinks too long
- No major queues!
- No cakes/desserts
- Good food
- Fruit would be nice during the break as well as the biscuits
- More variety

General organisation of day

- Good location
- Good but don't start late
- Well organised but some timekeeping issues as in previous years
- The day ran well
- Cut the coffee breaks and finish the day earlier
- Acceptable

Morning Panel Session

- Good but some panel members overran which was unfair to others (x2)
- Sub-groups might have been more informative
- No apparent theme amongst speakers
- Repetition from previous years – inevitable (x3)
- Speeches too long (x2)
- More time for Q and A session needed
- Too many speakers – should have fewer to speak for longer
- Questions better after each speaker
- Good – could have been longer
- Liked audience participation (x2)
- Very interesting
- Include a Lay Member as a speaker
- Interesting and full of information and a very valuable contribution
- Very good
- Excellent
- Yes on the whole. More time could have been given to Peter Davies and Peter Tyndall - and Powys' Monitoring Officer didn't have to speak twice. The second part of the session with contributions from the floor was effective and was chaired very well by Kate Berry.
- Useful but a lack of the use of the Welsh language
- Yes, a large number of questions arose for discussion.

Afternoon Mock Hearing

- Entertaining but not entirely relevant to Welsh Code (x3)
- Waste of time
- Too long
- Excellent
- Well prepared and presented with guidance offered through the session

- Good to have something different from previous years – could have been more contentious
- Useful although script too lengthy
- More memorable than a lecture
- Check correctness of legal advice – a community rep must be panel member if considering a breach of a TCC
- Very useful
- Excellent
- Useful and very interesting
- No, the useful information could have been given in the form of a powerpoint presentation and that would have taken a lot less time. It felt as if it had been done to fill time and to justify holding the conference.
- Useful and relevant. Perhaps it would have been better if the actors could have read the whole script without interference from the organiser of the session.
- It was very interesting and an original way of presenting the training on a field where there aren't too many guidelines and precedents.
- It was very interesting.
- Very useful

Comments for 2012 Conference organisers

- Look at smaller interactive groups
- Have real topics eg compare ethics and standards in other EU countries like Ireland, Malta, Slovenia with Wales
- Define role of panel session (update or consultation – unclear)
- Would like breakout for single purpose authorities
- Can it be held up north? (x3)
- Examination of real Adjudication Panel cases and decisions
- Discussion on how to improve the code
- Llandrindod a good venue for North Wales delegates (x2)
- Central location appreciated
- Prefer workshop format (x5)
- Cardiff better venue
- Provide accommodation details/offers when inviting bookings
- Suggestion box for questions for people who do not want to speak in front of large audience
- Focus on one or two issues
- Thanks for good conference
- Follow a similar pattern (x3)
- Big improvement on previous years
- Have an input from representative from Standards Board England
- Good to see no hard folders
- It would be good to include something about dispensations

- A location more north than Llandrindod Wells. Is there a need for a conference at all in the present economic climate? A microphone that works all the time!
- Please consider Welsh speakers.
- A practical session is valuable as a training tool.

Attendance Total per Member		
Member Name	Total Percentage Attendance	
Ashton, Paul J.	100%	
Evans, Clare	100%	
Evans, Hywel	100%	
Evans, W. John	100%	
Harris, Marion	100%	
Holloway, Ann	100%	
Jarman, Susan	100%	
Jevons, Alan	100%	
Jones, David R.	100%	
Morgan, Evan T.	100%	
Swanson, Peter	100%	
Thomas, Alun	100%	
Davies, E. Rachel	96%	
Evans, Gwilym T.	96%	
Jump, Francesca H.	96%	
Evans, Viola E.	94%	
Mackenzie, Maureen C.	94%	
Brown, R. Graham	93%	
Jones, Tegwyn	93%	
Gwillim, C. Gwyn	92%	
Evans, David O.	91%	
Jones, Eldrydd M.	91%	
Pathak, Krishn	91%	
Hodges, Mike D.	90%	
Jones, E. Michael	90%	
Thomas, Tony	90%	
Davies, L. Roche E.	89%	
Fitzpatrick, Liam	89%	
Hayes, Stephen M.	89%	
Thomas, W. Barry	89%	
Williams, J. Michael	89%	
Davies, Melanie J.B.	88%	
Baynes, Simon R.M.	86%	
Davies, Dai E.	86%	
Jones, Michael J.	86%	
Shearer, Joy G.	86%	
Davies, Leslie G.	85%	
Harris, M. Rosemarie	84%	
Powell, Clair E.	84%	
Corfield, L.V.	83%	
Hopkins, Geraint G.	83%	
Curry, Kelvyn W.	82%	
Davies, Sandra C.	82%	
Vaughan, Beryl	82%	
Bailey, Dawn	81%	
White, Richard J.	81%	
Price, David R.	80%	
Holmes, Jeff C.	80%	
Weale, A. Martin C.	80%	
Lewis, W. Geoffrey	78%	
Roberts-Jones, Kath M.	78%	

Millington, Sarah J.	77%	
Brunt, John H.	76%	
Harris, Ken A.	76%	
Morris, John G.	75%	
Jones, Wynne T.	74%	
Van-Rees, Tim J.	74%	
Davies, Aled W.	73%	
York, Avril	73%	
Morgan, Gareth	71%	
Morris, Margaret E.	71%	
Banks, Garry R.	70%	
Ratcliffe, Gareth W.	68%	
Jones Powell, Gloria	67%	
Jones, E. Arwel	67%	
Owen, W	67%	
Vaughan, Gwilym P.	65%	
Silk, Kathryn S.	64%	
McNicholas, Susan	63%	
Mills, Bob	63%	
Thomas, D. Gillian	63%	
Harris, Peter	62%	
Torrens, Francis A.	62%	
Price, Gary D.	61%	
Meredith, David W.	60%	
Powell, William D.	60%	
Pritchard, Phil C.	55%	
Steadman, John	52%	
Jones, Gareth	50%	
Miller, Ralph	50%	
Rhydderch-Roberts, H	50%	
Lewis, Peter E.	47%	
George, Russell I.	44%	
Morgan, Bob	43%	
Roffe, Ian	33%	
Barker, Fred	24%	