

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE, HELD AT COUNTY HALL, LLANDRINDOD WELLS ON WEDNESDAY 3rd JULY 2013.

PRESENT: Mrs H. Rhydderch-Roberts (Chair)

Mrs J. Evans, Mrs M. Harris, Mrs S. Jarman, Mr R. Miller, County Councillors Mrs M, Mackenzie, P. Medlicott, Mrs K. Roberts-Jones and G. Williams.

Observers: Ms C. Evans, H. Patrick, D. Pugh.

Officers in Attendance: C. Pinney (Solicitor to the Council), W. Richards (Scrutiny Manager and Interim Head of Democratic Services), Ms S. Tamboo (Solicitor – Corporate) and Mrs E Patterson (Scrutiny Officer).

1.	APOLOGIES	S17 – 2013
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There were no apologies for absence.

2.	MINUTES	S18 – 2013
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The Chair was authorised to sign the minutes of the previous meeting held 3rd April 2013 as a correct record.

The Committee requested that the minutes of the meeting held on 9th May 2013 be amended to include confirmation that the two Members who submitted apologies were unable to sit at the meeting as they had declared interests in the matter for determination and confirmation that the Councillor was advised of a right of appeal following the determination. The amended minutes to be submitted to the next meeting of the Standards Committee for approval.

3.	DECLARATIONS OF INTEREST	S19 – 2013
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No declarations of interest were received from Members of the Committee. However, Observer Community Councillor Ms C Evans declared a personal and prejudicial interest in Item 4 Section F.

4.	REPORT OF THE SOLICITOR TO THE COUNCIL	S20 – 2013
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The Committee received the report of the Solicitor to the Council. (Copy filed with signed minutes)

A. General Standards Issues for County Councillors and Co-opted Members

A1. Code of Conduct Training

All County Councillors and Co-opted Members have now received training on the Members' Code of Conduct.

A2. Member Development

The Interim Head of Democratic Services gave the following update on the work of the Member Development Working Group:

- Step Up Powys – a pilot project aimed at encouraging people from protected characteristic groups (youth, disabled etc) to have the confidence and opportunity to enter public life not just standing as a Councillor but as School Governors, volunteers etc. It follows on from a WLGA project Step Up Cymru. The work is in its early stages but the pilot will recruit suitable people and match them carefully with a Councillor mentor. The pilot intends to attract 4-6 people initially. Details of the progress of the project will be reported to Standards Committee.
- Members Annual Reports – 26 have been completed to date which will be published online by the end of August.
- Personal Development Plans – the initial pilot of 9 has been completed and will be rolled out to those Members in receipt of Senior Salaries then all Members. Officers have been asked to undertake the reviews which will inform the development needs of Members. Standards Committee Members were reminded that if they identified any training needs of their own these should be passed to the Scrutiny Manager for inclusion on the training programme.
- Member Support Agreement – the support offered by the Member Support Team is to be outlined in an agreement which will advise Members of what support is available through the team.
- Protocol on the use of laptops – the protocol is to be sent to Group Leaders for consideration. Members have taken note of the protocol and are aware of situations when use of laptops is not appropriate. The conflict between ‘paperless Powys’ and the laptop ban at certain meetings was raised but it was agreed that overall the appropriateness of the protocol was accepted.
- Role Descriptions of Chair and Vice-Chair – some minor changes had been made to role descriptions which would be brought to the next meeting.

B. Referral of Councillors to Public Services Ombudsman

B1. County Councillor Referrals

B1.1 The Ombudsman has concluded investigating complaint Ref 5/12/CC and has determined that there was no evidence that the Member had failed to comply with the Code of Conduct.

2/13/CC – decided to investigate

5/13/CC – decided not to investigate

B1.2 The Standards Committee hearing to determine Ref 2/12/CC was held on 9th May 2013. The outcome of the Hearing was that the Councillor Gary Price was

found to have breached the Members' Code of Conduct and was suspended as a Member for a period of one calendar month. No appeal was submitted and the suspension therefore ran from 8th June 2013 to 7th July 2013.

The Committee discussed the lack of information on tariffs for Standards Committees to use when considering a breach of the Code of Conduct. It was agreed that a briefing on the information provided within the Ombudsman's Casebook would be provided as a training session at the next meeting.

It was confirmed that it was inappropriate to disclose the names of Members who had received a complaint to the Ombudsman as in the first instance complaints were allegations which may be unfounded. Additionally it was necessary to ensure that if cases were returned to the Standards Committee for determination that the Members were not prejudiced. The Solicitor to the Council confirmed that it was possible to alert Members to trends without disclosing specific information.

C Other Standards Issues

C1.1 Social Networking

The WLGA provided training for Members on blogging and social networking on 19th April 2013. This clashed with the Standards Conference which meant that Members of the Standards were unable to attend.

C1.2 Local Government (Democracy) (Wales) Bill

The Local Government (Democracy) (Wales) Bill was approved on 18th June 2013 and will be enacted on receipt of Royal Assent.

It includes the following provisions:

- Requiring an online Register of Members' interests
- Enabling Joint Standards Committees
- Enabling a Standards Committee to refer a report or recommendation by its Monitoring Officer to another Standards Committee

A further report would be brought to the Standards Committee regarding the provisions relating to Town and Community Councils.

The merits of Joint Standards Committees were briefly discussed with the following comments made:

- Travel costs would increase
- Local democracy would decrease
- Benefits of more Councillors from a different authority being able to sit on a hearing regarding a Member of one authority.
- Joint working could be undertaken with Ceredigion as Powys' natural partner under the collaboration footprint. It could also be undertaken with Brecon Beacons National Park.

Local Resolution Panels have been introduced in some authorities using different models. Swansea and Rhondda Cynon Taf Councils made presentations to the Standards Conference on their experience of Local Resolution Panels. The Lawyers in Local Government Group were discussing the introduction of Local Resolution Panels and a further report would be brought to the Standards Committee on this matter.

A further report would be brought to the Standards Committee once the Explanatory Notes to the Bill had been published.

Indemnity Cap

The Ombudsman is keen for Local Authorities to set a voluntary cap on Indemnity Costs of £20,000. The Solicitor to the Council advised that the Lawyers in Local Government Group are looking at this and the Committee will be advised of any recommendations made by the Group.

C1.3 Standards and Standards Community Sub-Committee

It was confirmed that the current custom and practice of inviting Members of the Standards Committee who are not Members of the Standards Community Sub-Committee to sit as Observers at the meeting of the Standards Community Sub-Committee (and vice versa) should continue on the grounds that many of the issues on the agenda for both committees were the same and a single discussion including all Members would be effective use of time. In addition there were advantages of all Members taking part in a debate for example on dispensations for County Councillors and Town and Community Councillors to ensure consistency of decision making. It was confirmed that although joint discussions were beneficial any decision making would be the sole responsibility of the Committee to which the matter related and that those eligible to vote would be confirmed at the appropriate time.

It was further confirmed that if either the Standards Committee or Standards Community Sub-Committee had a confidential item to consider then only the Members of the particular committee would receive that documentation and consider that item.

C1.4 Public Services Ombudsman for Wales – Annual Report 2012-13

The Annual Report has been published on-line at www.ombudsman-wales.org.uk.

D Dispensations

D1.1 Applications - County Councillors

No applications for dispensation have been received.

E Standards Conference

The Standards Conference had been held in Llandudno on 19th April 2013. The Ombudsman had presented information detailed within his annual report and had commented on the Indemnity Cap and Local Resolution.

Workshops had been held on Standards Hearings which had been useful and on Promoting Standards Proactively. This workshop suggested that Standards Committee may consider undertaking the following methods:

- Having meetings with Group Leaders
- Observing council meetings
- Monitoring complaints against Members
- Annual Report to Council
- Mandatory Code of Conduct Training
- User-friendly guidance materials
- Oversight of Register of Interests
- Public promotion of Committees work via newsletter
- Member/Officer relations protocol
- Whistleblowing regime
- Ombudsman maladministration reports
- Complaints handling/vexatious complaints
- Gifts and hospitality register
- Member requests for information
- Member IT protocol
- Monitoring member attendance
- Attending Annual Meeting of Council

The Standards Committee expressed an interest in exploring publishing an Annual Report which would be presented at the Annual Meeting of Council and of undertaking visits to meetings of the Council which had last been undertaken two years ago.

Observer Community Councillor Ms C Evans disclosed a personal and prejudicial interest in the next item and left the meeting.

F. Late payment of expenses

Applications for late payment of expenses were considered from the following Member:

Councillor David Evans – a claim for mileage submitted on 16th May 2013 for February 2013.

The Committee decided to approve this application (which was the first one made by this Member) but indicated that it would be unlikely to look favourably on further applications unless there were exceptional circumstances and requested that the Member put in place appropriate systems to ensure claims were submitted within time.

RESOLVED	REASON FOR DECISION
i) that the payment of the late claim submitted by Cllr D. Evans for February 2013 be approved.	To reimburse expenses incurred by Cllr D Evans.

G Member Attendance

Observer Community Councillor Ms C Evans returned to the meeting.

Member attendance for the period 1st December 2012 to 15th May 2013 had been calculated and the following Members had attendance below 60%:

Councillor W Powell	56%
Councillor D Mayor	54%
Councillor P Lewis	50%, and
Councillor Mrs E Jones	45%.

The Members had been contacted apart from Cllr Mrs Jones who it was understood has had a period of ill health.

Councillor Powell had not replied by the date of the meeting. It was agreed that Councillor Powell be given a further opportunity to respond to the request for information to ensure that the figures are agreed and any reasons could be put forward.

Councillor Mayor had provided a full and detailed account of his reasons for missing the committees identified. The Committee welcomed the detail provided by Councillor Mayor and noted his comments and would look forward to an improvement over the next period.

Councillor Lewis had provided information regarding the committees he had missed which was noted and the Committee would look forward to an improvement over the next period.

It was agreed that a letter be sent to all Members reminding them of the importance of signing the attendance record when attending meetings of the Council.

H. Independent Remuneration Panel

At the meeting on 24th April 2013 Powys County Council agreed to increase the number of meetings which co-opted Members of the Audit Committee and People Scrutiny Committee could be paid an attendance allowance from 10 to 15 meetings a year. The number of meetings which Standards Committee could be paid an attendance allowance would remain at 10.

The Independent Remuneration Panel had met with Co-opted Member representatives on 1st May 2013. The Panel had been asked to provide Supplementary Guidance to reinstate its removal of the ability to claim for

travelling time for Co-opted Members. The Scrutiny Manager had confirmed that he had contacted the IRP again as nothing had been heard from them in this regard.

H. Meeting Dates

The following dates for the Standards Committee were confirmed:

4th September, 2013

4th December, 2013

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

**Mrs H Rhydderch-Roberts
Chair**