

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE, HELD AT COUNTY HALL, LLANDRINDOD WELLS ON WEDNESDAY 25th June 2014.

PRESENT: H. Rhydderch-Roberts (Chair)
J. Evans, C. Jackson, S. Jarman, R. Miller, County Councillors M. Mackenzie, P. Medicott and G. Williams.

Observers: Community Councillors C. Evans, H. Patrick, D. Pugh.

Officers in Attendance: C. Pinney (Solicitor to the Council), W. Richards (Scrutiny Manager and Head of Democratic Services), J. Bevan (Professional Lead – Human Resource Management and Development) and E Patterson (Scrutiny Officer).

1.	APOLOGIES	S9 – 2014
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An apology was received from County Councillor S. Hayes.

2.	MINUTES	S10 – 2014
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The Chair was authorised to sign the minutes of the previous meeting held 9th April 2014 subject to noting that Cllr Mackenzie left the meeting at 11.30am and Observer C. Evans left the room for Item E having disclosed a personal and prejudicial interest.

3.	DECLARATIONS OF INTEREST	S11 – 2014
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No declarations of interest were received.

4.	REPORT OF THE SOLICITOR TO THE COUNCIL	S12 – 2014
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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

The new Church Representative on the People Scrutiny Committee received Code of Conduct training on 19th June 2014. The new Independent Member on the Standards Committee would receive training on the Code of Conduct after the meeting.

A2 Member Development

The Member Development Working Group considered and accepted the comments of the Standards Committee in relation to Mandatory and discretionary training. There was some discussion regarding attendance levels between meetings and training sessions. However, the Working Group accepted the Committee's recommendations

B Referral of Councillors to Public Services Ombudsman

B1 County Councillor Referrals

- B1.1** There are no outstanding Code of Conduct complaints with the Public Services Ombudsman for Wales.

C Other Standards Issues

C1.1 Local Resolution Panels

The principles agreed at the last meeting had been circulated to the Group Leaders, Chair, Vice-Chair and Assistant Vice-Chair of the Council. Responses have not been received from all Members but those who have replied have been positive in their responses.

The following amendments were proposed:-

- 2.1 'minor complaint from Members about Members'
'minor complaints from Officers about Members'
- 5 include more detail in timescales: 'aim to be resolved within one month'
- Ensure that it is clear that the process is informal and discretionary
 - That the process is reviewed following 12 months of operation

Recommended that the document be amended as suggested for consideration by the Democratic Services Committee.

C1.2 Apology from County Councillor Myfanwy Alexander

At a meeting of Council on 14th May 2014 County Councillor Myfanwy Alexander made the following personal explanation and apology:

"It has been brought to my attention by the Leader that some members of the Council have raised concerns about the input I had in the preparation of a press statement with regard to Additional Learning Needs. Members should be aware that I commented and made certain amendments to a draft press statement having already declared a personal and prejudicial interest on the issue and portfolio responsibility for the ALN issue having been delegated to Councillor Graham Brown. In my efforts to assist Councillor Brown to pick up this new responsibility, I accept that I had acted inappropriately and apologise unreservedly to Members and assure the Council that I acknowledge and accept my present personal and prejudicial interest in the ALN debate."

Resolved that the apology made by Cllr Alexander be noted.

D Dispensations

D1.1 Applications - County Councillors

No applications for dispensation have been received

E Late payment of expenses

An application for late payment of expenses was considered from the following Member:

Councillor Avril York – a claim for mileage submitted on 2nd May 2014 February 2014.

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 THAT:	REASON FOR DECISION
the payment of the late claim submitted by Cllr A York for £98.55 for February 2014 be approved as this is the first late claim submitted by Cllr York.	To reimburse expenses incurred by Cllr A York.

F Attendance

The Committee received a letter from County Councillor William Powell giving details of duties he had been undertaking when he was absent from County Council committees that counted towards his attendance figures. In each case he had been attending business in respect of his Assembly Member role which included:

22 Jan: Ministerial Questions on 21st Century School building standards and Debate on Winter flooding
5 Mar: Minimum Nursing levels Bill
30 Apr: Ministerial Questions on Rainscape drainage and builders not completing site works (zombie sites)
29 Jan: Free School meals debate

Councillor Powell also noted that as the PCC budget meeting was adjourned and reconvened at short notice, he was unable to make arrangements to attend. Had this not been the case, his calculations suggest that he would have been above the 60% threshold.

RESOLVED:

That Councillor W. Powell be thanked for providing the information in relation to his attendance and to note that the Committee hoped that he would be able to improve his attendance at Council meetings to beyond the threshold for the next period.

The Committee received a letter from County Councillor Russell George giving details of duties he had been undertaking when he was absent from County Council committees that counted towards his attendance figures. He noted that he found attending Montgomeryshire Committees difficult as they clash with his other work commitments and that Montgomeryshire meets monthly (except August) whilst other Shires meet less frequently.

He appended details of the specific questions and contributions he made at meetings whilst undertaking work as the National Assembly Member for Montgomeryshire together with a full record of the proceedings.

Details of the meetings he attended included:

5 th March 2014	Environment and Sustainability Committee Plenary Session
30 th April 2014	Plenary Session
11 th December 2013	Plenary Session
12 th February 2014	Environment and Sustainability Committee Plenary Session
12 th March 2014	Plenary Session
7 th May 2014	Environment and Sustainability Committee Plenary Session

RESOLVED:

That Councillor R. George be thanked for providing the information in relation to his attendance and to note that the Committee hoped that he would be able to improve his attendance at Council meetings to beyond the threshold for the next period.

The Member Development Working Group had suggested that Member attendance at all Working Groups be included in the attendance calculations. It was acknowledged that the current method of calculation attendance by examining attendance at the main Committees of the Council is a crude method but the requirement to meet 60% allows Members to attend to ward matters and still meet the requirements. Including attendance at Working Groups would be an onerous administrative exercise with little added benefit. The existing method of calculating attendance will be maintained.

Resolved that the Member Development Working Group be advised that the Committee saw little benefit in amending the current process of recording attendance.

G Vexatious Complaints Policy

The former Habitual and Vexatious Complaints Policy had been reviewed and was being superseded by the Policy on Unacceptable Behaviour by Service Users which will cover all cases not just complainants. This will be considered for approval by Full Council.

H Whistleblowing Policy

The Constitution Working Group had been working on a revised Whistleblowing Policy as a result of comments made by the Wales Audit Office (WAO) to the Audit Committee regarding a public interest investigation. The Professional Lead – Human Resource Management and Development had met with the WAO and had permission to adopt the WAO's own Whistleblowing Policy. Members made the following comments on the draft policy:

- It will be necessary to differentiate between staff and members of the public as the document refers to line managers which only staff will have
- Consideration should be given to holding a central register of whistleblowing cases to ensure that the level of cases is known and this should be reported to Standards Committee
- Concern was expressed regarding the protection available for whistleblowers and the wording of 3.1 should be strengthened together with the section regarding anonymity – add the words 'and this is protected by law'
- Amend 'we' to the Investigating Officer

Recommended that:

The Council Solicitor and Professional Lead – Human Resource Management and Development meet to amend the draft policy in respect of the comments made, the draft policy to then be circulated to the Committee for comments prior to its submission to the July Audit Committee.

I Ombudsman's Case Book

The Second Ombudsman's Casebook (May 2014) was attached to the Committee papers for information.

J New Standards Case

Details of the case Heesom v Public Services Ombudsman for Wales; Welsh Ministers intervening [2014] EWHC 1504 (Admin) (Admin Ct) were provided in the report for information.

K The New Constitution

The Scrutiny Manager described the changes that had already been agreed and Members made the following additional comments:

- Section 28 – include details regarding confidentiality.

- Section 28 – p 47 remove the requirement to have sufficient technical, legal and procedural knowledge etc

It had been intended to take the new constitution to Council in July 2014 for approval but it had been a more extensive process than envisaged and it was now intended to take it to the October 2014 meeting.

H Meeting Dates

The following dates for the Standards Committee were confirmed:

3rd September 2014

3rd December 2014

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

**H Rhydderch-Roberts
Chair**