

CYNGOR SIR POWYS COUNTY COUNCIL.

**Standards Community Sub- Committee
6th November 2013**

REPORT BY: Solicitor to the Council

SUBJECT: Matters appertaining to Standards Issues

REPORT FOR: Decision, Information and Discussion

A. Referral of Councillors to Public Services Ombudsman

A1. Town and Community Councillor Referrals

Since the last meeting the Ombudsman has advised that:

18/12/TCC – the Adjudication Panel for Wales is considering this case.

01/13/TCC – the investigation will not be continued as there was no evidence of a breach.

04/13/TCC - a new complaint was received which the Ombudsman has decided not to investigate.

05/13/TCC - a new complaint was received which the Ombudsman has decided not to investigate.

06/13/TCC - a new complaint was received which the Ombudsman has decided not to investigate.

07/13/TCC – awaiting a decision whether or not to investigate

B. Dispensations

B1. Applications - Town and Community Councillors

No applications for dispensation have been received from Town and Community Councillors.

C. Other Standards Issues

C1.1 Local Government (Democracy) (Wales) Bill

The Local Government (Democracy) (Wales) Bill received Royal Assent on 30th July 2013 to become the Local Government (Democracy) (Wales) Act 2013.

At the last meeting the Committee asked for a further report regarding the provisions relating to Town and Community Councils which is set out below.

The Act places a duty of Town and Community Councils to make available electronically, information on how to contact its clerk and information about its members. It also requires the council to publish electronically its notices, agendas and meeting documents (unless exempt), the minutes of the Council's meetings, an audited statement of the Council's accounts, and public notices.

There was a suggestion made at the last meeting that Community Council clerks would be taking on the role of Monitoring Officer for their authorities. However following clarification of this point with Welsh Government the position remains unchanged with the County Council's Monitoring Officer being the Monitoring Officer for Town and Community Councils.

Town and Community Councils will also when the section of the Democracy Act is enacted be required to publish declarations of interest electronically on their websites.

D. Local Resolution Panels

The Public Services Ombudsman for Wales has been in discussion with the Welsh Local Government Association (WLGA) and the Lawyers in Local Government (LLG) Group regarding concerns regarding certain aspects of the Code of Conduct and the use of complaints for political purposes. The discussion focussed on a range of measures designed to reform the current Code of Conduct system which could be achieved without the need for legislation. The aim was that these measures would enable a local resolution process to be introduced across Wales with the intention to reduce the number of complaints brought by councillors against other councillors, thus reducing the numbers of complaints to the Ombudsman.

As an all Wales approach is yet to be adopted, some county councils have adopted their own model. Typically these complaints involve the paragraphs of the Code relating to the requirement to show respect and

consideration for others and not making frivolous and malicious complaints.

The Ombudsman in his latest report has indicated that where these arrangements exist he will refer such complaints back to the Council for a local resolution. An example of the local resolution process is attached as **Appendix 1 – to follow**. This is the model adopted by the City and County of Swansea and is recommended as the approach for adoption in Powys.

The Committee is requested to consider adopting Swansea City and County Council's model for use in Powys.

Another element of the new approach applies to members of County Councils or Town and Community Councils. Where the Ombudsman is minded not to investigate a complaint or closes an investigation and / or in his view the Standards Committee would (even if a breach of the Code was found) be unlikely to apply a sanction, the revised approach is that the Monitoring Officer can consider the case and if he / she considers that the local Standards Committee might impose a sanction if a breach were found, the Ombudsman can transfer the investigation to the Monitoring Officer.

E. Membership of Standards Committee

On 24th October 2013 the first 6 year term of office of Independent Member Mrs Susan Jarman came to an end. Mrs Jarman had indicated that she would wish to continue for a second term of 4 years and at County Council on 24th October 2013 this extension was agreed.

The Council was also advised that the term of office of Independent Member Mrs Marian Harris will end in June 2014. Mrs Harris will have completed the two terms of office permitted under the regulations and therefore the Council will have to undertake an appointment process to fill this vacancy. The Council has approved the timetable, **Appendix 2**, for the appointment process which will commence in January 2014 with the aim of taking a nomination for approval by the Council on 30th April, 2014.

F. Independent Remuneration Panel for Wales.

A draft supplementary report has been received from the Independent Remuneration Panel for Wales for consultation following its visits to Councils during the summer of 2013. The Panel has decided that items which had been removed in the 2012 report (which set the criteria for payments to be made from May 2013) will now be reintroduced in advance of the Panel's next annual report. These items will include:

- (a) reasonable time for pre-meeting preparation;

- (b) travelling time to and from the place of the meeting (up to the maximum daily rate)

A review of the current limits set by the Council (for Standards Committee and Sub-Committee Lay and Town and Community Council representatives – currently 10 days) has been undertaken to take account of a full year's claims and also taking into account potential additional factors such as the proposed changes from the Independent Remuneration Panel for Wales. The review has identified that the current limit for Standards Committee Lay members and Town and Community Council representatives should remain at a maximum of 10 days. However for the Chair of the Standards Committee it has been suggested that the maximum be raised to 12 days.

This matter was considered at the recent meeting of the Democratic Services Committee and the recommendation outlined above was considered at the meeting of the County Council on 24th October for approval. The Council agreed to amend the limit for the Chair of the Standards Committee to 12 days.

G. Meeting Dates.

G1. To note dates of future meetings as follows:

4th December 2013
5th February 2014
9th April 2014
25th June 2014
3rd September 2014
3rd December 2014

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

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Provisional Timetable for Appointments Panel 2014

Agree process at Council	Thurs	24 th October, 2013
Press Notice to papers	Fri	22 nd January, 2014
Notice in the papers	w/c	27 th January, 2014
News release and publication on the Council's website	w/c	27 th January, 2014
2 nd Notice in the papers	w/c	10 th February, 2014
Closing date for applications	Fri	28 th February, 2014
Shortlisting	w/c	3 rd March, 2014
Panel Sitting	w/c	10 th March, 2014
County Council	Fri	30 th April 2014