

Standards Committee

Meeting Venue
**Committee Room A - County Hall,
Llandrindod Wells, Powys**

Meeting date
Wednesday, 24 February 2016

Meeting time
10.30 am or on the later rising of the
Standards Community Sub-Committee

For further information please contact
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County Hall
Llandrindod Wells
Powys
LD1 5LG

Issue Date
18th February 2016

AGENDA

1.	MINUTES	S1-2016
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To authorise the Chair to sign the minutes of the previous meeting(s) of the Committee held on the following dates(s) as a correct record.
(Pages 3 - 8)

2.	ELECTION OF VICE-CHAIR	S2-2016
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To elect a Vice-Chair of the Standards Committee.

3.	APOLOGIES	S3-2016
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To receive apologies for absence.

4.	DECLARATIONS OF INTEREST	S4-2016
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To receive any declarations of interest from Members relating to items to be considered on the agenda.

5.	REPORT OF THE SOLICITOR TO THE COUNCIL	S5-2016
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To receive the report of the Solicitor to the Council.
(Pages 9 - 12)

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MINUTES OF A MEETING OF THE STANDARDS COMMITTEE, HELD AT COUNTY HALL, LLANDRINDOD WELLS ON WEDNESDAY 25TH NOVEMBER 2015.

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

Officers in Attendance: C. Pinney (Solicitor to the Council), N. Vaughan (Professional Lead – Legal), W. Richards (Scrutiny Manager and Head of Democratic Services) and E Patterson (Scrutiny Officer).

1.	MINUTES	S12 – 2015
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The Chair was authorised to sign the minutes of the previous meetings held on 17th June 2015 and 7th September 2015 as a correct record.

2.	APOLOGIES	S13 – 2015
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No apologies of absence were received.

3.	DECLARATIONS OF INTEREST	S14 – 2015
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No declarations of interest were received.

4.	REPORT OF THE SOLICITOR TO THE COUNCIL	S15 – 2015
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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

Further Code of Conduct training was arranged for the eleven Members who had yet to attend mid-term refresher training (ten who had not yet attended and a newly elected Member). This had been held on 23rd September 2015 and seven Members had attended. Arrangements had been made for the remaining four Members to receive refresher training by means of the Members providing written responses to 3 or 4 questions considered at the refresher training sessions. One of these Members was investigating if training dates at another authority would be available.

A2 Member Development

The County Council on 15th July, 2015 approved the arrangements for mandatory and non-mandatory training. The only amendment to the report was to delete a provision requiring a Member who failed to attend/complete a “mandatory development” in the timescale set out in the document to appear

before Council to apologise and agree to complete the required development in a timescale required by the Standards Committee.

A3 Council Constitution

The final sections of the new Council Constitution was approved at the County Council meeting on 15th July, 2015 and the new Constitution in its entirety came into force on 1st September, 2015 following an internal publicity campaign to raise the awareness of officers to various sections of the new Constitution over the summer.

B. Referral of Councillors to Public Services Ombudsman

B1. County Councillor Referrals

B1.1 The following matters are with the Ombudsman:

6/15/CC	Ombudsman investigating
7/15/CC	Ombudsman not investigating
8/15/CC	awaiting a decision whether or not to investigate
9/15/CC	awaiting a decision whether or not to investigate

C. Other Standards Issues

None.

D Dispensations

D1. Applications - County Councillors

No applications for dispensation have been received.

E. Attendance

Responses from County Councillors M. Alexander and G. Price had been received regarding their attendance levels of below 60% for the period.

Cllr Alexander advised that had the Montgomeryshire meetings been included in the calculations her attendance would be above 60%. She also noted that she had work commitments which whilst she tried to avoid clashes these were sometimes inevitable.

Cllr Price advised that the attendance records included meetings for which he was placed on a committee by his group but knew he was unable to attend and has since been replaced by another group member. Had these dates not been included in the calculations his attendance would be above 60%. He also notes that he has attended a number of other meetings which do not count in the calculations.

The Committee accepted the reasons provided by the Members and that no further action was necessary.

F. Appointment of Independent Member

The term of office for Independent Member R. Miller finishes on 25th January 2016. The appointment process for his replacement commenced with approval of the process at County Council on 21st October 2015. Advertisements appeared in the Brecon and Radnor on 29th October 2015 and the County Times on the 30th October 2015 and were placed on the Powys County Council website at the same time. Press releases were also issued.

Fifty two expressions of interest were received and this resulted in twenty three applications. Shortlisting of these applications will take place on 27th November 2015 and interviews will take place on 10th December 2015.

Confirmation of the appointment will be taken to the meeting of Powys County Council on 20th January 2016 for the appointment to be taken up on 26th January 2016.

G. Late payment of expenses

Independent Member Andrew Weale - for mileage expenses submitted on 4th June 2015 for February 2015

County Councillor E. Michael Jones - for mileage expenses submitted on 9th September 2015 for May 2015 and broadband expenses submitted on 9th September 2015 for June 2015

County Councillor P. Ashton which is a claim submitted on 9th November 2015 for expenses associated with his role as Chair of Council during July 2015.

It was confirmed that Cllr Ashton had only received the invoice which related to the expenses claim in October 2015 and had submitted the claim in November. This was therefore not considered a late claim.

The Committee decided to approve these applications (which were the first ones for mileage made by these Members) 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
i) the payment of the late claim submitted by Cllr A. Weale for mileage expenses incurred in February 2015 be paid.	To reimburse expenses incurred by these Members.
ii) the payment of the late claim submitted by E. Michael	

Jones for mileage expenses incurred in May 2015 and broadband expenses incurred in June 2015 be paid	
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H Standards Conference

The Standards Conference took place in Cardiff on 20th October 2015. The focus of the Conference was around the current relevance of the Nolan Principles and the keynote speaker was the new Public Services Ombudsman for Wales. Reports from delegates are attached at **Appendix A** to the agenda.

I Standards case - [Kelton v Wiltshire Council \[2015\] EWHC 2853 \(Admin\) \(Admin Ct\)](#):

The outcome of the case was reported to Standards Committee for information.

J. Ombudsman's Office

J1 Fact sheets for interviewees

The Ombudsman had recently published the following Factsheets for:

- Code of Conduct complaints – fact sheets for interviewees; and
- Code of Conduct complaints – fact sheets for Member interviewees

These could be accessed at:

<http://www.ombudsman-wales.org.uk/en/publications/Factsheets.aspx>

J2 Ombudsman's Casebook

The Ombudsman had published Code of Conduct Casebooks for the period April 2015 – June 2015. Copies of the Casebooks could be at:

<http://www.ombudsman-wales.org.uk/en/publications/The-Code-of-Conduct-Casebook.aspx>

J3 Review of the Ombudsman's Powers.

The Welsh Assembly's Finance Committee had been undertaking a review of the powers of the Ombudsman and a Draft Bill has recently been issued. It was unlikely that the final Bill will be tabled until following the Assembly elections in 2016.

The Draft Bill focussed on the Ombudsman's original submission such as own-initiative investigations, investigating private suppliers e.g. in health, oral complaints and setting of complaints standards. Although the Bill would eventually repeal the 2005 Act, the conduct of local government members and employees does not feature in the Draft Bill. The Welsh Local Government Association had advised that they are had been in contact with the Ombudsman's office as to the significance of this.

K. Meeting Dates

K1 To note dates of future meetings as follows:

Wednesday 24th February 2016

Wednesday 29th June 2016

Wednesday 5th October 2016

All meetings to commence at 10.00am.

**H Rhydderch-Roberts
Chair**

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CYNGOR SIR POWYS COUNTY COUNCIL.

**Standards Committee
24th February 2016**

REPORT BY: Solicitor to the Council

SUBJECT: Matters appertaining to Standards Issues

REPORT FOR: Decision, Information and Discussion

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

A1 Code of Conduct Training

Arrangements will be made for the remaining four Members to receive this refresher training by means of the Members providing written responses to 3 or 4 questions considered at the refresher training sessions. The scenarios have been sent to the four Members and responses are awaited.

The new Independent Member of Standards Committee will have received Code of Conduct training on 22nd February 2016.

A2 Draft Local Government (Wales) Bill

The Draft Local Government (Wales) Bill has proposed a number of new responsibilities for Monitoring Officers and Standards Committees as follows:

- Complaints about a Member's non-compliance with duties (attendance at meetings, holding surgeries, answering correspondence, training) will be made to the Council's Monitoring Officer. The Monitoring Officer in consultation with the Chair of the Standards Committee will decide if the complaint is to be investigated.
- Duty of County Councillors to make annual reports – if the Head of Democratic Services is also the Monitoring Officer, any breaches of this provision can be investigated by the Monitoring Officer in the exercise of his / her responsibilities, but as above has to discuss this with the Chair of the Standards Committee.
- Following an investigation the Monitoring Officer must provide a report to the Standards Committee on the investigation making recommendations which the Monitoring Officer considers appropriate.
- The Standards Committee will consider the report and recommendations and consider if there has been a breach and will have powers to censure or suspend / partially suspend a Member or take no action.
- Leaders of political groups will have a duty to maintain high standards by members of their political group. Standards Committees will have

the responsibility of monitoring compliance by political group leaders of their duties.

- Standards Committees will have a duty to make an annual report to the County Council describing how it discharged its functions during the financial year.

The consultation exercise ended on 15th February, 2016 and the Council will need to await the outcome to see if the proposed provisions become enacted in the final Act.

B. Referral of Councillors to Public Services Ombudsman

B1. County Councillor Referrals

B1.1 The following matters are with the Ombudsman:

6/15/CC	Ombudsman investigating
8/15/CC	Ombudsman investigating
9/15//CC	Ombudsman investigating
10/15/CC	Not investigating
11/15/CC	Not investigating
12/15/CC	Not investigating
13/15/CC	Not investigating
01/16/CC	Awaiting a decision of whether or not to investigate
02/16/CC	Awaiting a decision of whether or not to investigate
03/16/CC	Awaiting a decision of whether or not to investigate
04/16/CC	Awaiting a decision of whether or not to investigate

C. Other Standards Issues

None.

D. Dispensations

D1. Applications - County Councillors

No applications for dispensation have been received.

E. Attendance

E.1 Member attendance

Attendance for Members at main Committees for the period 13th May 2015 to 30th November 2015 has been calculated.

Four Councillors have attendance below 60% namely:

Cllr A Holloway (57%)

Cllr D Bailey (57%)
Cllr P Harris (53%)
Cllr G Ratcliffe (50%)

It is known that Cllr Miss Holloway has had a period of ill-health. The remaining Councillors have received a letter asking for response to put to the Committee.

The responses will be reported verbally to the meeting.

E.2 Calculating attendance

The authority has moved to a new system for managing meetings and this allows greater opportunities for interrogating attendance data for those meetings arranged by the Council. The Committee is asked to consider the list of committees which are currently included for the calculation of attendance statistics should be revised.

F. Meeting Dates

F1 To note dates of future meetings as follows:

Wednesday 29th June 2016
Wednesday 5th October 2016

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

Contact Officer Name:	Tel:	Fax:	Email:
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