
STANDARDS COMMITTEE 23 June 2009

PRESENT: ELECTED MEMBERS: Councillor Keith Greenly-Jones

INDEPENDENT MEMBERS: Mr John Pollard (Chairman), Mr Gwilym Ellis-Evans, Mr Malcolm Jones and Mr Sam Soysa.

COMMUNITY COMMITTEE MEMBER: Mr David Clay

ALSO PRESENT: Dilys Phillips (Monitoring Officer), Siôn Huws (Propriety Officer) and Ioan Hughes (Committee Officer).

APOLOGIES: Councillors Margaret Griffith and Stephen Churchman

1. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any member present.

2. MINUTES

The Chairman signed the minutes of the previous committee meeting held on 15 May, 2009 as a true record.

3. MATTERS ARISING FROM THE MINUTES

The Propriety Officer confirmed that it was intended to hold a hearing the following Friday to consider an allegation against a member of a community council who was accused of writing a malicious, defamatory, prejudicial and factually incorrect letter to a minister of the Assembly Government.

The Member of the Community Committee noted his intention to attend the hearing.

The Propriety Officer referred further to the steps taken to appoint a new independent member to serve on the Standards Committee. He also confirmed that Dr Ian Rees had agreed to be a member of the interview panel as a lay member.

The intention was to submit the Panel's decision for the confirmation of the Full Council on 22 October, 2009.

RESOLVED to accept the information.

4. PROCEDURE FOR ALLEGATIONS OF BREACHING THE PROTOCOL FOR MEMBER-OFFICER RELATIONS

Submitted – the report of the Monitoring Officer highlighting particular matters within the Protocol for Member-Officer Relations which had been strengthened at the request of the members of this committee.

In addition to the presentation, information relating to the following was provided:

- Officer advice to members
- Support services to members and political groups
- Members' access to information and to officers
- Member's rights to inspect Council documents
- Officer/Chair/Portfolio Leader relationships
- Correspondence
- Involvement of Ward Councillors
- Breaches of the Protocol

Given the revised matters in the Protocol, the Monitoring Officer referred in particular to the potential cases of bullying or harassment and noted the difficulty of measuring this. She added that she had sought the opinion of the Senior Officers and that they were eager to ensure that officers would not be named should a complaint be made against them in public.

The Senior Officers considered that this part of the protocol should be relevant to naming officers in a committee, in the press or in e-mails. The member of the Standards Committee decided that the clause should be extended to include the wording 'or by any other means'.

It was further noted in the revised Protocol, in accordance with this Committee's request, 'members should not put officers under inappropriate pressure to act in accordance with the members' wishes and officers are free at all times to offer a professional opinion which is contrary to the opinion of the member'.

The members confirmed that this addition was acceptable.

There was a suggestion in the revised Protocol that the member should always call at reception and ask for the officer in question. The members of the committee decided that this should be done 'wherever practicable'.

Detailed consideration was given to the procedure of dealing with allegations of a member breaching the Protocol for Member – Officer Relations.

There would be no need to adhere to the procedure step by step, however, it was noted that attempts would be made to resolve the matter forthwith. The final step was the hearing before the Standards Committee. The Committee would be able to reach one of the following decisions:

- There was no basis to the complaint
- There was a basis to the complaint, but that no further action was required.
- There was a basis to the complaint and that the member should be censured.

It was further explained that there was nothing in the procedure to prevent the officer's right of submitting a complaint to the Public Services Ombudsman for Wales that a member had breached the Code of Conduct.

Reference was made to the way in which an apology could resolve any matter, and some doubt was expressed regarding when an apology would be acceptable. It was also noted that an apology could be a part of the reprimand.

It was agreed that the Monitoring Officer and the Standards Committee Chair would consider the need to submit the matter to the Standards Committee should the apology be submitted at a later stage within the disciplinary procedure.

RESOLVED:

- i) To recommend the amended Protocol, along with the observations made by the members of this committee, to be adopted by the Full Council**
- ii) To recommend the procedure for dealing with allegations of breaching the Protocol to be adopted by the Full Council.**

5. ALLEGATIONS MADE AGAINST COUNCILLORS

Submitted, for information – the report of the Propriety Officer providing a summary of the allegations.

The Monitoring Officer referred to developments in relation to one particular allegation (Ombudsman Reference 200802366).

The Ombudsman decided not to investigate the allegation that a councillor had sent an e-mail to the complainant using an indecent word when referring to him. Consequently, the complainant appealed to the Ombudsman. The Ombudsman confirmed his original decision, but said that he would write to the councillor to explain that his behaviour was unacceptable and that it would be borne in mind should any other complaint arise in the future.

The Monitoring Officer noted that this was an example of how the Ombudsman could respond to an appeal.

RESOLVED to accept the information.