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## STANDARDS COMMITTEE, 28.01.13

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**Present:-**

**Elected Members:-** Councillors Charles Wyn Jones, Eryl Jones-Williams and Michael Sol Owen.

**Independent Members:-** Mr Gwilym Ellis Evans (Chairman), Ms Linda Byrne, Miss Margaret E.Jones and Dr Einir Young.

**Community Committee Member:-** Mr David Clay.

**Also Present:** Dilys Phillips (Monitoring Officer), Sion Huws (Compliance and Language Manager) and Eirian Roberts (Member Support and Scrutiny Officer).

**Apology:-** Mr Sam Soysa (Independent Member).

### 1. WELCOME

Dr Einir Young was welcomed to the meeting following her appointment as an independent member on the Standards Committee.

### 2. DECLARATION OF PERSONAL INTEREST

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

### 3. URGENT ITEM – APPLICATION FOR DISPENSATION BY COUNCILLOR PEREDUR JENKINS

This matter had not been included on the committee's agenda; however, the Chairman agreed to hold a discussion on this matter as an urgent item under Section 100B (4)(b), Local Government Act 1972, as the councillor wished to speak in the local discussions regarding the reorganisation of primary education in the catchment area of Ysgol y Gader, Dolgellau, although he was connected with the matter.

It was agreed to address the application under item 5 on the agenda.

### 4. MINUTES

The Chairman signed the minutes of a meeting of this committee held on 27 November 2012 as a true record.

Matter arising from the minutes  
Item 9 – Work Programme

The Monitoring Officer noted that draft dates had been announced for the meetings of the committee for the year to come, namely 1 July and 30 September, 2013 and 27 January and 7 April, 2014. These dates followed the historic pattern of holding the committee on a

Monday morning and she asked the members if they wished to continue with this procedure.

**RESOLVED to continue with the procedure of holding the Standards Committee on a Monday morning.**

## 5. APPLICATIONS FOR DISPENSATION

### (A) An application by Councillor Dyfrig Jones

Submitted – an application by Councillor Dyfrig Jones for a dispensation in connection with the discussions of Bethesda Community Council about the area's village halls, including funding arrangements.

The Monitoring Officer noted that the Councillor had declared a prejudicial interest as he was a member on the management committee of one of those halls. She added that the Councillor was not representing the community council on the hall committee, and that he was there as an individual. No other similar applications from other members of the community council were received by the date of this meeting. She further explained that paragraph 81(4)(a) of the Act was relevant in this case, namely:-

*“The standards committee of a relevant authority may grant dispensations under Section 81(4) of the act where –*

*(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business.”*

The Monitoring Officer further noted that the funding to be allocated was likely to be more than £500, but that the Councillor would not have to submit an application for dispensation if it was less than that. She added that more than half the Community Council members were also serving on one of the four hall committees in the area of the Community Council, and if a dispensation was not granted to Councillor Dyfrig Jones, or other members of the Community Council which were also serving on a hall committee, only two members of the Community Council would be able to participate in the discussion.

In considering the application, the following observations were noted:-

- That this was a simple enough case and it would be reasonable to approve it, or otherwise, there would not be a quorum in the Community Council to discuss the matter.
- That the Clerk should be informed that other Community Council members, who serve on hall committees, were also required to submit applications along the same lines.

**RESOLVED to approve the application for dispensation.**

### (B) An application by Councillor Peredur Jenkins

Submitted – an application by Councillor Peredur Jenkins for a dispensation in connection with discussions regarding the reorganisation of primary education in the catchment area of Ysgol y Gader, Dolgellau.

The Monitoring Officer noted that the Councillor had originally asked for the right to personally submit his application to the Committee in the meeting, but that he later had to tender an apology because of another commitment.

The Compliance and Language Manager explained that the plans for the catchment area had been divided into three parts, namely (i) schools in the eastern part of the catchment area, (ii) schools in the western part of the catchment area and (iii) schools in the town of Dolgellau. The application involved plans for schools in the eastern part of the catchment area as the daughter of the Councillor was an acting head teacher for two of the schools in that area.

He then referred to the guidelines imposed by this Committee in the past for applications involving the organisation of schools, namely:-

*“That a father/mother, grandfather/grandmother, grandson/granddaughter, husband or wife, children, brother or sister would amount to too close a connection to allow dispensation in terms of a specific school, since it would be difficult for the public to gain confidence in the way a decision would be reached.”*

Nevertheless, members had been permitted to participate in the discussions of the Catchment Area Review Panels and to participate fully in Council discussions and its committees on matters relating to the organisation of the county’s primary schools, unless those discussions had been directly associated with the school in question. It was also noted that the application by the Councillor had been restricted to only the right to speak in the local discussions, and not to participate in any decision.

In considering the application, the following observations were noted:-

- That this application was not that different to other applications that had been approved in the past.
- That excluding the member entirely could make the public think that their local councillor had no interest in the subject.

On a more general point, the principle of allowing a councillor to appear before the Committee to personally submit applications, rather than only submitting an application form alone, was considered. It was suggested that having the opportunity to question candidates would be a way for the Committee to obtain more information regarding an application. To the contrary, it was noted that this was not believed to be the best use of anyone’s time, and that candidates should be requested to submit information in advance.

## **RESOLVED**

- (a) To approve the application for dispensation for the Councillor to speak, but not to vote, in meetings under the sponsorship of the Council which are held in the area, but that he cannot speak, or be present or vote at meetings of the Council, or any of its committees, and that in every meeting he participates in he is required to clearly state that he has received a dispensation, explaining the exact nature of the restraints on him, and that this is noted in the minutes of such meetings.**
- (b) That every councillor who is granted a dispensation in the future should submit a statement explaining the nature of that dispensation in any meetings attended.**
- (c) That the officers should consider whether or not sufficient information was included as part of an application for dispensation before it is placed on the Committee’s agenda.**

## 6. NORTH WALES STANDARDS COMMITTEES FORUM

Submitted – the oral report of the Monitoring Officer together with the minutes of the meeting of the Forum held on 7 January, 2013.

**RESOLVED to note the content of the report.**

## 7. STANDARDS CONFERENCE 2013

Submitted – the report of the Monitoring Officer outlining the arrangements of the Standards Conference 2013 and asking the Committee to nominate their representatives together with prioritising a reserve list if more members wished to attend the conference.

**RESOLVED to nominate the Chairman, together with Councillor Eryl Jones-Williams, Ms Linda Byrne and Miss Margaret Jones to attend the Standards Conference 2013, with Dr Einir Young as the first reserve name and Councillor Michael Sol Owen as the second reserve name.**

## 8. ALLEGATIONS AGAINST MEMBERS

Submitted for information – the report of the Monitoring Officer notifying the Committee members of the developments, since her last report, in terms of allegations against members.

The Compliance and Language Manager noted further to preparing the report, that the Ombudsman had decided not to investigate further into the complaint that a county councillor had used his Facebook page to solicit negative comments and that some of those comments had been offensive and unfounded. The complainant had two weeks to ask the Ombudsman to reconsider his decision.

**RESOLVED to note the content of the report.**

## 9. TRAINING

Submitted – the report of the Monitoring Officer asking the Committee to consider different options and to offer guidance on drawing up a training programme on the Code of Conduct.

In considering the matter, the following observations were noted:-

- Concern was expressed that 11 county councillors (including three new members) had not attended the training on the Code of Conduct offered as part of the induction procedure following the May 2012 elections, and that it was necessary to give priority to close this gap.
- In light of closing this gap noted above, an annual refresher session should be offered to all councillors, keeping a record of their attendance.
- That training could be offered to county councillors at meetings of the Area Committees.
- That training needed to be provided to members on declaring an interest in the planning field.
- That the training should be attractively packaged for the members and that there were different ways of providing it, e.g. CD or online test.

- That the culture needed to be changed as people believed that they did not need training.
- That the Clerks were key in getting better arrangements in the community councils, and without their cooperation, it would be more difficult for the parish councillors to obtain the training they required.

The Monitoring Officer referred to a letter from Carl Sargeant AM, the Minister for Local Government and Communities, regarding a Local Government Ethical Framework, dated 15 January, 2013, that was distributed to members with the Committee agenda. As well as asking councils to respond to a series of specific questions, the letter invited observations on any other aspects of the Code and she suggested that the Minister could be asked to include a condition in the Code that every councillor had to receive training on the Code of Conduct.

#### **RESOLVED**

- (a) To give priority to providing training on the Code of Conduct to the 11 county councillors who did not attend the training offered as part of the induction procedure following the May 2012 elections.**
- (b) To offer an annual refresher session to all county councillors, looking at different ways of providing the training, e.g. area committees.**
- (c) To offer specific sessions to Town and Community Council Clerks and monitor how the training with One Voice Wales proceeds.**
- (ch) To offer a tailored session for members of the Standards Committee.**
- (d) That various and more innovative methods of introducing training in general is needed.**
- (dd) To ask the Minister for Local Government and Communities to include a condition in the code stating that every councillor has to receive training on the Code of Conduct.**

#### **10. LOCAL GOVERNMENT (DEMOCRACY) WALES BILL**

Submitted – the report of the Monitoring Officer asking the Committee whether or not they wished to express an opinion and respond to the consultation on the above Bill that was currently before the Assembly, and specifically the proposal (in Clause 63) that involved establishing joint standard committees.

The Monitoring Officer then referred to a letter from Carl Sargeant AM, the Minister for Local Government and Communities, regarding a Local Government Ethical Framework, and asked the members for their opinion on six specific points in that letter, namely:

- 1) Encouraging councils to establish a procedure in order to resolve complaints locally rather than referring them to the Ombudsman.
- 2) An application for councils to set a cap of £20,000 on the level of indemnity offered to members facing cases of misconduct.
- 3) The intention to remove the condition from the Code of Conduct which stated that members had to report potential breaches of the Code of Conduct to the Ombudsman.
- 4) The intention to remove the clause from the Code of Conduct which stated that a local member had a personal interest if there was conflict between the interests of his / her ward and the interests of the Council as a whole.

- 5) The intention to revise the guidelines in order to be clear that making a political comment did not necessarily mean breaching the code.
- 6) The intention to include a condition in the measure that the online Interest Register for each council throughout the country had to be published.

The Committee was also asked whether or not it wished to submit observations on any other aspects of the Code and it had already been decided (under item 9 above) that the Minister for Local Government and Communities should be asked to include a condition in the code that every councillor had to receive training on the Code of Conduct.

In considering the matter, the following observations were noted:-

- That the idea of establishing joint standards committees should be refused. They would have an effect on the individual standards committees. Although lay members had a keen interest in seeing their local council acting appropriately, there could be no certainty that they would feel just as enthusiastic regarding the action of councils in other areas. Also, the arrangements would certainly be unmanageable and the papers would become too cumbersome.
- That this Council had a local procedure to resolve disputes between members and between a member and an officer, and therefore this Committee was already accomplishing what the Minister requested.
- The general opinion was that a cap of £20,000 on the level of indemnity offered to members facing cases of misconduct was too high. Each case should be discussed individually, but on a practical note this Council would provide an indemnity of less than £20,000.
- Agree with the intention to remove the condition from the Code of Conduct which stated that members had to report possible breaches of the Code of Conduct to the Ombudsman.
- Agree with the intention to remove the clause from the Code of Conduct which stated that a local member had a personal interest if there was conflict between the interests of his / her ward and the interests of the Council as a whole.
- Agree with the intention to revise the guidelines in order to be clear that making a political comment did not necessarily mean breaching the code.
- Disagreed with the intention to include a condition in the measure that the online Interest Register for each council throughout the country had to be published. In terms of parish councillors, this could pave the way for a lot of bickering. In any case, it was already difficult enough to get volunteers on the parish councils and having to make such statements would turn people away. In terms of county and parish councillors, under the Right to Information Act the individual had a right to ask for the information anyway, and the relevant council would have a record of the name of anyone who had submitted an application for information under that act, which would be a different situation if people had come across the information themselves by searching on the internet. It was also noted that the Government's guidelines for Assembly members were not as strict.
- That the Minister should be asked to include a condition in the code that every councillor should receive training on the Code of Conduct, noting that training in Planning and Licensing fields were already compulsory for members of this Council.
- To state dissatisfaction that the Minister's letter had been received in English only.

**RESOLVED to submit the above observations to the attention of the Minister for Local Government and Communities.**

## 11. MEMBERS PROTOCOL ON GIFTS AND HOSPITALITY

Submitted – the amended report of the Monitoring Officer on the Members Protocol on Gifts and Hospitality in light of the discussion in the previous meeting of the committee on 27 November, 2012. The opinion of the committee was sought on the amended protocol, the method of bringing the protocol to the attention of the councillors together with the gifts and hospitality registration form.

In considering the matter, the following observations were noted:-

- In response to an observation that it was not always possible to declare a gift within 28 days, e.g. when a bill for work had not been received, the Monitoring Officer noted that there was no requirement in such cases to register within 28 days.
- It was suggested that it was not appropriate to name members of the public on the register.
- That the threshold of £25 should be kept.
- That the officers should make a formal arrangement to share the register every six months with the Chairman, noting in the annual report of the committee that this took place and what were the conclusions.
- That part 5 of the protocol should include the word 'presentations'.
- That a rolling programme should be established to examine the registers of town and community councils on an annual basis.
- That the training offered to clerks of town and community councils should include the requirement to register gifts and hospitality.
- That the gifts and hospitality registration form should be placed on the internet.

**RESOLVED that the Monitoring Officer redrafted the protocol in accordance with the opinion of the committee and submit it to the full Council to be adopted in May.**

The meeting commenced at 10.30am and concluded at 1.05pm.