

Agenda



Standards Committee

Date: Thursday, 16 July 2015

Time: 5.30 pm

Venue: Committee Room 4 - Civic Centre

To: Councillors Taylor (Chair), D Fouweather, J Guy, H Thomas, Hancock, John and Westwood

Item	Wards Affected
1	<u>Apologies for Absence</u>
2	<u>Declarations of Interest</u>
3	<u>Chair's Announcements</u> To receive any announcements the Chair wishes to make.
4	<u>Minutes of the Previous Meeting (Pages 3 - 6)</u> To confirm any matters arising from the above Minutes dated 24 March 2015.
5	<u>Complaints</u> The Monitoring Officer will report on any complaints received since the last meeting.
6	<u>Register of Gifts and Hospitality: May 2012 to March 2015 (Pages 7 - 8)</u>
7	<u>Procedure for dealing with complaints of breaches of Member's Code of Conduct: Mock Hearing</u>
8	<u>Local Government Democracy (Wales) Act 2013 (Commencement No 2) Order 2015 (Pages 9 - 12)</u>
9	<u>Standards Conference Wales (Pages 13 - 14)</u> To note the above conference on 20 October 2015 at City Hall, Civic Centre, Cardiff.
10	<u>Date of Next Meeting</u> The date of the next meeting will take place on Thursday 22 October 2015 at 5.30pm in Committee Room 4.

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Date of Issue: 10 July 2015 Date Not Specified



Minutes

Standards Committee

Date: 24 March 2015

Time: 5.30pm

Present: Mrs H Taylor OBE (Chair), Councillors Fouweather and Guy, Mr G Hancock, Mr B John and Ms T Britton

Mr G Price (Monitoring Officer), Mrs J Owen (Chief Legal Officer) and Mrs M Durkin (Democratic Administrator)

Apologies: Mr J Pickering and Mr P Westwood

1 Apologies for Absence

Noted above.

2 Declarations of Interest

There were no declarations of interest.

3 Chairs Announcements

There were no formal announcements for this meeting.

4 Minutes

The Minutes of the meeting held on 15 January, 2015 were submitted.

Re Minute 4, Request for Dispensation, the Monitoring Officer reported that the Council had not removed Member Neighbourhood Allowances as a potential budget saving for the forthcoming year, the amount remained the same but the criteria had been tightened.

Agreed

That the Minutes of the meeting held on 15 January, 2015 be taken as read and confirmed.

5 Complaints

The Monitoring Officer reported that there had been no further complaints received since the last meeting.

Agreed

That the report be noted.

6 Response to Wales Audit Office Review of Whistleblowing

Consideration was given to a report detailing an action plan responding to the six recommendations made by the Welsh Audit Office (WAO) as part of their analysis of Newport City Council's Whistleblowing Policy. Whilst strengths were noted and acknowledged by WAO, there were a number of recommendations made to strengthen the current policy. This action plan outlined the recommendations, detailed the action it was planned to take, appropriate timescales by which each action would be completed, and the responsible Officer for ensuring that these actions were taken.

The Monitoring Officer reported that progress had been made against the agreed action plan for the WAO recommendations on strengthening the Authority's whistleblowing procedures. The primary change had been an amendment to the policy and guidance for managers. The Senior HR Business Partner had revised the policy and ensured compliance not only with the recommendations listed by WAO, but had also aligned it with the Public Concern At Work (PCAW) Code of Practice. PCAW were the leading authority in the field of whistleblowing and campaign for the Government to adopt their drafted Code of Practice. Their campaign 'The First 100' encouraged public sector employers such as local authorities and health boards, private sector employers from a wide variety of industries, and regulators to adopt their Code of Practice; this might be an action that the Council wished to consider for the future and further information could be provided by Human Resources on the benefits and implications.

The proposed changes to the whistleblowing policy would need to be considered by the trade unions through engagement at the Employee Partnership Forum (EPF) and the Monitoring Officer would report back to the next meeting on any feedback from their meeting held on 19 March, 2015.

Agreed

To note the update

7 Procedure for Dealing with Complaints of Breaches of the Members' Code of Conduct

Consideration was given to a report detailing the procedure when Standards Committee were required to reach a decision following an investigation by the Public Services Ombudsman for Wales ("the Ombudsman") or the Council's Monitoring Officer under Part III of the Local Government Act 2000 and the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 ("the Regulations").

The Monitoring Officer reported on specific points detailed in the Report including potential conflicts of interest i.e. where the Monitoring Officer had already acted as Legal Advisor to the Standards Committee where the Ombudsman had investigated, the Council's Deputy Monitoring Officer would then be involved in the meeting dealing with the breach of the Members' code of conduct, the treatment of documents insofar as being confidential solely for Standards Committee members, the composition of the proposed Committee (whether it should be a lesser number as recommended by the Monitoring Officer – 3 to 5 members with at least one Council Member).

Reference was also made to the conduct and the actual procedure at a meeting. The Monitoring Officer indicated that it might be useful for the Committee for a "mock hearing" to be undertaken at a future date. He also reported that a short summary/flow chart on the procedure would be added to this current document for members' ease of reference.

The Monitoring Officer responded to members' questions including the points made by Mr Pickering who was not in attendance.

The Monitoring Officer asked members to further examine the procedure and let him have any comments.

Agreed

That the report be noted and that further consideration be given to the Procedure (with a summary/flow chart added) with a “mock hearing” being undertaken at the next meeting.

8 Future Work Programme

Members considered matters in the future Work Programme. The Monitoring Officer confirmed that the next item on the Committee’s list of priorities was Gifts and Hospitality.

Agreed

That the Monitoring Officer submit a report on Gifts and Hospitality.

9 Date of Next Meeting

The next meetings to be held on Thursdays, 16 July and 22 October, 2015 at 5.30 p.m. in Room 4, Civic Centre.

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Gifts and Hospitality

Register for Finance & Scrutiny

<u>Date</u>	<u>Item</u>	<u>Received From</u>
12 January 2013	Box of Xmas Chocolates	Lextox
15 January 2013	Extra Mile Award at Celtic Manor	NCC

(This was the last entry in this Register)

Register for Corporate Services

6 August 2012	Bottle of Red Wine	Peter Reid
17 December 2012	Bottle of Wine	Cllr Giles
17 December 2012	11 Tins of Chocolates	Computer World Wales
19 December 2013	Small Hamper	Springfield
19 December 2013	Box of wine & box of chocolates	Newport City Taxis
30 December 2013	2 Calendars & 4 Diaries	Alan Griffiths
2 January 2014	7 Desk Calendars	Claims Connexion
17 February 2014	8 Boxes of chocolates & 2 Bunches of flowers	Anonymous
25 March 2014	Box of Biscuits	Mr Evans
31 March 2014	8 Easter Eggs	Trafalgar Business Interiors
13 May 2014	Box of Biscuits	Mrs Heames
15 May 2014	Pot Plant & Garden Centre Vouchers	WG LDP Planning Inspector
15 December 2014	2 Tins of Chocolates	Unknown
22 December 2014	6 Calendars & Tin of Chocolates	Claims Connexion
22 December 2014	Chocolates, Box of Wine & Mince Pies	Newport City Taxis
22 December 2014	20 Boxes of Sweets	Computer World
22 December 2014	2 Bottles of Wine	Hosting UK
23 December 2014	2 Diaries	Zurich UK
23 December 2014	2 Boxes of Chocolates	Capitol Taxis
23 December 2014	Box of Quality Street	Lion Taxis
15 April 2015	Evening Dinner	Capita

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Report

Standards Committee

Part 1

Date: 16 July 2015

Item No: 9

Subject Local Government Democracy (Wales) Act 2013 (Commencement No.2) Order 2015

Purpose To advise Standards Committee of the changes introduced by the Local Government (Democracy) (Wales) Act 2013 with effect from 1 May 2015

Author Head of Law and Regulation

Ward General

Summary The Report sets out the legislative changes introduced by the Local Government (Democracy) (Wales) Act 2013 which were brought into effect by Commencement Order No.2 as from 1 May 2015. Of particular relevance to Standards Committee are the changes to the requirements for community councils to maintain the statutory register of members' interests. This duty is now devolved to the proper officer of the community council and there is an obligation to publish the register electronically on the community council website. Further changes have also been introduced to allow for the establishment of joint Standards Committees and for Regulations to be made to allow misconduct cases and dispensation applications to be referred to another local authority's standards committee for determination.

Proposal To note the Report

Action by Head of Law and Regulation

Timetable Immediate

Background

1. The Local Government (Democracy) (Wales) Act 2013 (“the 2013 Act”) received Royal Assent on 30 July 2013. Its primary purpose was to reform the constitution and function of the Local Democracy and Boundary Commission for Wales but the legislation also introduced various other changes relating to local government.
2. The Local Government (Democracy) (Wales) Act 2013 (Commencement No. 2) Order 2015 brought into force sections 55-58, 68 and 69 of the 2013 Act with effect from 1 May 2015.
3. Sections 55-57 of the 2013 Act require Community and Town Councils to publish certain information electronically (i.e. on a website). This includes information about the council’s clerk and members, minutes of council meetings and any audited statement of the council’s accounts. Community and Town Councils are also required to publish public notices electronically, and to make certain information about their meetings and proceedings available electronically. This requirement to publish information electronically is in addition to existing publication requirements. Grants of £500 have already been provided to community councils to develop their websites for this purpose.
4. Statutory guidance to assist Community and Town Councils in fulfilling their duties came into force on 1 May 2015 and is available on <http://gov.wales/?skip=1&lang=en>.

5. **Registers of Members’ Interests**

Section 81 of the Local Government Act 2000 (“the 2000 Act”) previously required the Monitoring Officer of each relevant authority to establish and maintain a register of members’ interests. In the case of a community or town council, this duty rests with the monitoring officer of the county or county borough council for the area in which the community or town council is located. In practice, day- to-day responsibility for this has been delegated to clerks of community and town councils.

6. Section 81 of the 2000 Act also requires each relevant authority, including a community or town council, to make its register available for public inspection at all reasonable hours.
7. Following commencement of section 58 of the 2013 Act, these requirements have been amended in two respects:
 - (a). The duty to establish and maintain the register of members’ interests transfers from the Monitoring Officer to the ‘proper officer’ of the community or town council, i.e. the officer designated by the council for this purpose; and
 - (b) in addition to being available for public inspection, the register of interests must also be published electronically, i.e. on the authority’s website.
8. The amendments made by Section 58 will require a number of small consequential amendments to the Model Code of Conduct to clarify interpretation of its provisions. However, the Welsh Government is working to bring forward a number of amendments to the Model Code for consultation later in the year. Consequently, to avoid the need for authorities to adopt revised codes of conduct in relatively quick succession, it is intended to make all amendments at the same time.

9. **Joint Standards Committees**

Section 68 of the 2013 Act amends the duty on a relevant authority in section 53 of the 2000 Act to establish a Standards Committee, so that two or more authorities may establish a joint Standards Committee. The Welsh Government is currently of the view that this provision does not, of itself, require consequential amendments to be made to the Standards Committees

(Wales) Regulations 2001, or the Local Government (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001. References in these regulations to a 'standards committee' will have the same meaning as that in the 2000 Act (as amended) and, therefore, will include a joint standards committee where one has been established. However, the Welsh Government intends to make a number of amendments to these Regulations later this year and will review the matter further at that time

10. **Referral of Misconduct Cases / Dispensation Applications**

Sections 73 and 81 of the 2000 Act provide powers for the Welsh Ministers to make Regulations in relation to:-

- (a) the way in which any matter relating to an alleged breach of the Code of Conduct referred to a Monitoring Officer by the Public Services Ombudsman for Wales is to be dealt with; and
- (b) circumstances in which Standards Committees may grant a dispensation to a member with a prejudicial interest.

11 Section 69 of the 2013 Act amends these Regulation-making powers so that the Welsh Ministers may make provision enabling such matters or applications to be referred to another authority's standards committee. The Welsh Government intends to consult on amended Regulations giving effect to these provisions later this year.

Financial Summary

12 There are no financial implications.

Options Available

13. To note the Report

Comments of Chief Financial Officer

14. There are no financial implications.

Comments of Monitoring Officer

15 Included in the Report.

Staffing Implications: Comments of Head of People and Business Change

16 There are no staffing or policy implications.

Background Papers

The Local Government (Democracy) (Wales) Act 2013 (Commencement No. 2) Order 2015

Dated: 8 August 2015

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Standards Conference Wales 15

Cynhadledd Safonau Cymru 15

Agenda Item 9



Tuesday 20 October 2015

City Hall, Civic Centre, Cardiff

Dydd Mawrth 20 Hydref 2015

Neuadd y Ddinas, y Ganolfan Ddinesig, Caerdydd

EVENT DIARY MARKER.... don't miss out!

Standards Conference Wales 2015

Standards & Ethics in a Changing World

The City of Cardiff Council Standards & Ethics Committee will be hosting the **Standards Conference Wales on 20 October 2015**. Taking place in the historical surroundings of City Hall, Cardiff, the event will combine national speakers and topical workshops, so make sure you add this event to your diary.

More information on booking delegate spaces and accommodation will be available on our website from July 2015.

NODYN I'R DYDDIADUR.... Peidiwch â cholli'r cyfle!

Cynhadledd Safonau Cymru 2015

Safonau a Moeseg mewn Byd Newidiol

Bydd Pwyllgor Safonau a Moeseg Cyngor Dinas Caerdydd yn cynnal **Cynhadledd Safonau Cymru ar 20 Hydref 2015**. Yn Neuadd hanesyddol y Ddinas, Caerdydd, bydd y gynhadledd yn gyfuniad o sesiynau gyda siaradwyr gwadd a gweithdai ar wahanol bynciau. Sicrhewch eich bod yn nodi'r digwyddiad yn eich dyddiadur.

Bydd rhagor o wybodaeth ynghylch archebu lle a llety ar ein gwefan o Gorffennaf 2015.

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