

Minutes



Standards Committee

Date: 26 May 2016

Time: 5.30 am

Present: H Taylor (Chair), Councillors D Fouweather, J Guy, H Thomas,
Hancock, John, Westwood and Britton
G Price (Head of Law & Regulation), J Owen (Chief Legal Officer), A Jenkins (Democratic Services Officer)

Apologies: J Pickering

1. Apologies for Absence

As above.

2. Declarations of Interest

None received.

3. Chair's Announcements

The Chair requested that an item be raised relating to P Westwood's attendance at the Democratic Services Committee on 18 February 2016.

P Westwood informed those present that he found the Democratic Services Committee to be an extremely useful committee. The Agenda items discussed were the Draft Government Wales Bill and Induction for New Members in 2017. The Induction for New Members was found to be a very informative document and might be useful for those members who were not councillors. P Westwood suggested that it might be of interest to the members if a copy of the reports and minutes were circulated to Committee members.

A Jenkins would send a link to the meeting papers of the Democratic Services Committee held on 18 February 2016 to the Standards Committee members.

4. Minutes of the Meeting of 14 January 2016

The minutes of the meeting of 14 January 2016 were submitted. Phil Westwood had sent his apologies but they were not noted.

Agreed:

That the minutes of the meeting were agreed subject to the above.

5. Matters Arising

Item 9: Any Other Business referred to the suggestion of a joint committee with other local authorities. The Head of Law & Regulation asked what the general consensus of the committee was. This would not be a formal joint committee but more of a networking joint committee. All those present were in favour.

Agreed:

That a joint committee be arranged after September 2016, once the new committee members had been appointed.

6. Complaints

No complaints had been received since the last meeting.

7. Members Code of Conduct

The Local Authorities (Model Code of Conduct) (Wales) Amendment Order 2016 has amended the mandatory provisions of the current Members Code of Conduct. The Council formally adopted this new Model Code of Conduct at its Annual General Meeting on 17 May 2016 along with a public notice, as required by Section 51 of the Local Government Act 2000. All Community Councils have also been advised of the requirement to formally adopt this new code before 26 June 2016.

All elected members and voting co-opted members of the Council (including Members of Standards Committee) would be automatically bound by the revised Code of Conduct following its adoption at the Council's AGM on 17 May 2016 and there was no requirement for members to sign a fresh declaration or undertaking to abide by the revised Code.

One substantive change within the new Code was para 10 2b which was removed completely. Other than that the new Code remained largely as it had been since 2008.

G Hancock advised that Chair that Langstone Community Council had adopted the Code.

There were some Community Councils that were informing the Council that they had adopted the new Code, two of those were Penhow and Rogerstone Community Council.

As most of the Community Councils were due to have their AGMs and it was likely that more Community Councils would inform the Council.

Agreed:

That the Standards Committee noted the revised Model Code of Conduct issued by the Welsh Government.

8. Standards Committees, Investigations, Dispensations and Referral (Wales) (Amendment) Regulations 2016

The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 were made by the (then) Minister for Public Services on 27 January 2016 and came into force on 1 April 2016. The Regulations made a number of consequential amendments to reflect changes in legislation which allowed for the establishment of joint Standards Committees. The Regulations provided for the referral of misconduct cases and dispensation application to other councils standards committees, where appropriate, and extended the current term of office of elected members until May 2017. Other procedural changes required prior permission to appeal to the Adjudication Panel, to filter out spurious appeals, enable misconduct reports and documents to be kept confidential until proceedings were concluded, and introduce a general ground for granting dispensations.

In terms of the regulations there were some technical changes relating to joint standards committees and how they should be made up.

The rules to the publication of a misconduct report required that misconduct hearings should be held in public. This had in the past caused problems as reports would be published before the meeting. With the changes however, standards committees were allowed to embargo reports until the hearing took place.

With regard to monitoring officer regulations, an investigation or decision could be referred to another Standards Committee if it was considered that there was a conflict of interest. The regulations specified how this could be done, as it prescribed the procedure. This could then be referred back to the original Standards Committee for a decision to be made. It was unlikely that this would occur on a regular basis. It would however be worth discussing cases that the committee would like to refer in the future to joint committees.

Rules relating to the suspension of members stipulated that the period should not exceed six months or the remainder of a member's term of office. The suspension would end at their term of office but not affect their choice to put their name forward for re-election.

Discussion ensued regarding how the suspension would affect councillors conduct from a political party point of view with the public.

Councillors raised their concern regarding appeals to the adjudication panel and whether it applied to Assembly members. This was put in place to avoid spurious or frivolous appeals that might delay the Standards Committee decision as mentioned above. It was however felt that more pressure was put on the local member to adhere to Code of Conduct rather than AMs and MPs. Councillor Fouweather considered that it should be challenged as it had a direct impact on members and the consultation period was not publicised well enough. The document would have gone through the Welsh Assembly consultation process and publicised on their website.

Councillor Fouweather requested sight of a copy of the letter from the Welsh Government in order to write a letter raising his concerns.

Agreed:

- To advise Standards Committee of the changes introduced by the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016.
- To provide a copy of the letter from the Welsh Government as requested above.

9. Community Council Review

As part of the Forward Work programme, the Standards Committee agreed to undertake a periodic review of local community councils to check that statutory registers were being properly maintained and procedures for declarations are being followed. A letter was sent by the Monitoring Officer to all 14 community council Clerks in January 2016, asking about the arrangements for maintaining and publishing statutory registers and any training and development needs. Copies of the responses received to date were attached.

At the request of the Chair, a reminder email from A Jenkins would be sent to the remaining Community Council Clerks whose responses had not yet been received.

This would also be raised as an item at the next Liaison Meeting with Community Councils in June 2016.

Agreed:

- To chase a response from the remaining Community Council Clerks.

- To raise the Community Council Review as an Agenda item for the next Liaison Meeting with Community Councils in June 2016.

10. Work Programme 2015/16

The Standards Committee were updated on those items that were due for review.

Annual Report

The Head of Law & Regulation advised that the Annual Report would be brought to Standards in draft form in September 2016 and presented to Council at the end of September.

Dispensations

The Committee no longer had to review dispensations or neighbourhood allowances, therefore there were no dispensation requests for the foreseeable future.

Local Resolution Protocol

There was only one formal complaint, which was resolved in the first instance, therefore no issues would need to go before the local resolution panel.

The Code of Conduct had also been amended and could be referred under the local resolution protocol.

The Chair commented that the changes to the protocol had really helped.

Head of Law and Regulation reminded those present of the various stages of the local resolution protocol, which were: Stage 1 - a valid complaint established at officer level. Stage 2 - a potential issue that fell within the code that might be resolved amicably and would not involve members until the final Stage 3 and whether there was a misconduct. There were only two formal complaints in the past 12 months, one was not accepted and one was going through the process.

Review of the Council's Protocol

There was a Planning Protocol being reviewed at national level by Welsh Government which was hoped to be established and was currently under consultation, this could be reviewed in September 2016.

Succession Planning

This could be reviewed in September in conjunction with the protocol for member officer relationships and guidance of the practical applications of the statutory Code of Conduct. A few suggestions were put to Council by the Standards Committee which were turned down. The Chair suggested that it might be worthwhile reviewing the document which could also be built into the local resolution protocol.

Councillor Thomas referred to the advert that stated no former officer or councillor of the Council could apply and asked if there should be a timescale rather than an indefinite stipulation. The rules were very specific and independent members needed to be truly independent, the legislation would need however to be checked.

Councillor Thomas also referred to the statement that independent members must be politically active. Discussion ensued as to what was defined as politically active. Examples of roles that a person might be active in were stated in the application. The Chair felt strongly that an independent member should not have a strong allegiance, the other independent members also agreed.

Councillor Fouweather asked whether references should be included on the application. The Head of Law & Regulation advised that as it was not for a job application references were not required. It was suggested that a character reference be included or even references requested at interview stages. After discussion however the Chair suggested that references not be included.

The Chair pointed out that there was a Date of Birth (DOB) field on form, this would be removed.

The Committee noted that arrangements would need to be put in place to advertise the vacancies for Standards Committee Membership. This would be done over the course of the summer, in readiness for the September 2016 meeting through Newport Matters and possibly a local newspaper, depending on cost. With cost in mind, advertising arrangements were discussed. An advert could also be sent to other local Standards Committees, or displayed on the front page of the Council's website.

G Hancock also mentioned that his tenure expired in May 2017 and asked whether expressions of interest would be sent out at the same time. The Head of Law & Regulation advised that this could be done nearer the time of the elections next May.

A Jenkins would check memberships.

Code of Conduct Training

Arrangements for refresher training could be undertaken by tagging a session onto one of the future meetings.

Agreed:

- That a draft annual report be brought to the meeting in September.
- To review the Succession Planning document which could be built into the local resolution protocol.
- That arrangements be put in place for the advertisement of membership.

11. Date of Next Meeting

15 September 2016 at 5.30pm in Committee Room 4.