

STANDARDS & ETHICS COMMITTEE

21 APRIL 2015

Present: Independent Members: Richard Tebboth (Chairperson),  
James Downe and Hollie Edwards-Davies.

Councillors Lloyd, Phillips and Dianne Rees

**(The Standards & Ethics Committee on 22 September 2015  
amended these proceedings as indicated in bold italics  
Minute Number S33, Page Number 1.)**

- amend to record that Councillor Georgina Phillips  
declared an interest in relation to agenda item 8 –  
Community Councils Charter; namely that her husband is  
a member of a community council.

*(this amendment was requested at the meeting of the  
Committee on 22 September 2015).*

32 : APOLOGIES FOR ABSENCE

Apologies were received from Community Councillor John Hughes and Hugh Thomas.

33 : DECLARATIONS OF INTEREST

The Chairperson reminded Members of their responsibilities under Part III of the Members' Code of Conduct, to declare any interests in general terms and complete 'personal interest' forms at the start of the meeting and then, prior to the commencement of the discussion of the item in question, specify whether it is a personal or prejudicial interest. If the interest is prejudicial Members would be asked to leave the meeting, and if the interest is personal, but not prejudicial, Members would be invited to stay, speak and vote. The following declarations were made:

<i>Councillor</i>	<i>Item</i>	<i>Interest</i>
Dianne Rees	Item 8 – Community Councils Charter	Personal: Councillor Rees is Chair of Old St Mellons Community Council
<b><i>Phillips</i></b>	<b><i>Item 8 – Community Councils Charter</i></b>	<b><i>Personal: Councillor Phillips husband is a member of a community council.</i></b>

34 : MINUTES

The minutes of the meeting of the Standards and Ethics Committee held on 27 January 2015 were approved as a correct record and signed by the Chairperson.

35 : CODE OF CONDUCT COMPLAINTS - UPDATE - REPORT ATTACHED

The purpose of this report was to provide the Committee with a brief update on complaints made against Members alleging breaches of the Code of Conduct.

The Monitoring Officer informed the Committee that this quarter there had been a rise in Member on Member complaints and in complaints from members of the public, especially in relation to delays in councillors giving responses to correspondence. The dictabank service is no longer available to councillors and there are no formal standards when it comes to the speed with which councillors should respond. Sometimes councillors are unable to respond because they are ill. Many complaints from members of the public concern planning issues. Member on Member complaints tend to be around disrespect and unfairness in meetings and on inappropriate use of Council resources. Training on the Code of Conduct is to be included in the new training programme.

During further discussion the following points were made:

- Members are not full-time employees and only receive an allowance. The informal deadline of five days to respond is not fair. Often Members receive what appear to be 'round robin' letters. A lot of these are political and Members can be unsure whether or not to respond.
- Now and again there is a major issue going on in a ward or within the Council as a whole and councillors can receive from members of the public a high volume of emails in a short space of time. It is inevitable that some will get missed. The real issue is Members who frequently fail to respond.
- Sometimes Members' computers are down.
- Members may not be inclined to respond to aggressive rants.
- As there are many circumstances which might cause Members not to respond it is difficult to make a blanket rule. The issue becomes a concern for the Committee when a Member's repeated failure to respond brings in the matter of the Code of Conduct, although in the first instance the problem should be reported to the party Whip.

RESOLVED –

- 1) That the report be noted.

36 : REVISED GUIDANCE ON MEMBER CODE OF CONDUCT - REPORT ATTACHED

The purpose of this report was to update the Committee on revised guidance from the Public Services Ombudsman published in March 2015.

The Monitoring Officer informed the Committee that the guidance has not yet been distributed to all Councillors or Community Councils. The Ombudsman is a great advocate of training on the Code and is very keen on local arrangements to resolve Member-on-Member complaints. The guidance also addresses social media. The guidance will be used as a basis for Member training and the support of the Committee would be very valuable in encouraging all Members to attend such training, although it cannot be made mandatory.

During further discussion the following points were made:

- When the guidance is distributed a one or two page briefing should be included to highlight the costs of dealing with Member-on-Member complaints.
- The guidance is very clear and helpful, especially the section on Social Media, and it would be a missed opportunity not to roll it out to all Members.

RESOLVED –

- 1) That the report be noted.

### 37 : LOCAL GOVERNMENT (DEMOCRACY) (WALES) ACT 2013 - UPDATE

The purpose of this report was to provide the Committee with information on new law. The Local Government (Democracy)(Wales) Act 2013 (Commencement No. 2) Order 2015 ('the 2015 Commencement Order') brings into force the remaining provisions of the 2013 Act with effect from 1 May 2015. There will be a requirement that Community Councils publish on their websites much of the information they hold, such as information on declarations of interests. Also, the Order will allow for more collaboration by allowing two or more local authorities to establish joint standards and ethics committees.

RESOLVED –

- 1) That the report be noted.

### 38 : FEEDBACK FROM INDEPENDENT MEMBERS' OBSERVATION OF COUNCIL MEETINGS

Independent members reported their observations and these were as follows:

- A meeting of the Policy Review and Performance Scrutiny Committee - The event was well chaired. The challenge to officers could have gone further. There was a sense that some Members were frustrated that there was not enough recognition of the extent of the challenge that the local authority is facing. The observation was useful as it helped to put the work of the Standards & Ethics Committee into context.
- The budget meeting of the Full Council – As this was the budget meeting it was perhaps not representative of meetings of the Full Council. There seemed to be a

lack of information. Members of the public who attended were not provided with documents or with revised documents tabled during the meeting.

RESOLVED –

1) That the report be noted.

39 : MONITORING OFFICER'S VERBAL UPDATE:

(i) All Wales Standards Conference 2015

There is a lot of interest in the Conference. There may be up to one hundred delegates. The PSOW will open the Conference. The aim is for the Conference to contribute to the maintenance of high standards and to thereby promote public trust in elected representatives. The Calver Case and the Flintshire Judgement will be considered. The Monitoring Officer will be writing to Chairs of all the standards and ethics committees in Wales inviting them to attend.

(ii) Community Councils Charter – Update

A meeting has been held with Councillor Dan De'Ath, Cabinet Member for Safety, Engagement and Democracy. It is proposed that there will be some minor changes to the Charter, to be made in consultation with the Clerks to the Councils. This matter is to be reported to the Cabinet in May.

(iii) Inquiry into Powers of the Public Service Ombudsman for Wales

A response was submitted to the Inquiry and it included valuable input received from the Committee.

(iv) Committee's Annual Report to Council

The Monitoring Officer is to continue work on the report and drafts will be circulated to the Committee before it goes to a meeting of the Full Council.

(v) Annual Meeting with Group Leaders

A date should be set for a meeting between the Committee and Group Leaders and Whips. The Monitoring officer invited comment on whether this should be a formal public or informal private meeting. It was suggested that the Chair could hold an informal meeting, which would allow feedback to be given on observations of meetings and on complaints to be followed by an invitation to Whips to attend the next Committee meeting.

RESOLVED – That the Monitoring Officer's update be noted.

40 : DATE OF NEXT MEETING

The date of the next meeting has not been set. The dates for meetings of the Cabinet and scrutiny and other committees will go before the Annual Meeting of the Full Council, and the date of the next Standards and Ethics Committee meeting will be confirmed thereafter. The meeting closed at 5.40pm

The meeting terminated at 5.40pm