

AGENDA NO. 7(05)

Caerphilly County Borough Council's

Standards Committee Report

2012/13

Standards Committee Objective:

To contribute to the maintenance and enhancement of Caerphilly County Borough Council's Governance by implementing and monitoring the Nolan Commission's Recommendations outlined in the Code of Conduct Report, published in May 1995.

Introduction & Background

Standards Committee 2002-2009

Caerphilly County Borough Council established an Independent Standards Committee in 2002 in line with the Government recommendations that stemmed from the Nolan Report. It's mandate is to make a positive contribution to maintaining and promoting Caerphilly as an ethical Council. This Committee initially comprised four independent (lay) members and five members who represented the political groups on the Council. However, it was felt that the constitution of the committee was not entirely practical and after consultation with the Cabinet the composition of the Committee and the constitution was amended to its current form. (This is shown on the Constitution page).

The above constitution has so far proved adequate for the effective administration of the business of the Standards Committee.

The detailed terms of reference of the Caerphilly County Borough Council's Standards Committee are set out at Article 9 of the Council's Constitution.

Caerphilly County Borough Council adopted the model Code of Conduct for Elected Members in May 2008. All Elected Members are offered training on the Code and the Committee oversees and monitors the training on this issue.

The business of the Standards Committee now shows a level of activity. The main agenda regularly examines 'Grant of Dispensation' issues, reports received from the Ombudsman and Training for Members. The Committee is convened on a quarterly basis with ad hoc additional meets as necessary.

2010-2011

The years 2010 and 2011 saw several changes to the Standards and Monitoring Committee, in both composition and outlook.

Three independent members of the committee who had been in office from the time of establishment of the Committee in 2002 came to the end of their 8 year term of office in October 2010. One further independent member's term ended in September 2011. Three new members joined the Committee at the end of 2010 and another independent member was appointed in September 2011. Councillor representation has also seen changes during this period.

The current membership of the Committee is shown at Appendix 1.

National and local government issues continued to make headlines, but discernible changes in the approach of Governmental bodies to local governance were seen. There was a movement within the Welsh Government to encourage local authorities to cooperate in their operational functions.

The Ombudsman's Annual Report (2010/2011) detailed movement towards a 'greater local resolution of complaints' and set out the possible findings arising from the investigation of a complaint.

It was emphasis that a better understanding by Local Authority Members of their role and the provision of a framework within which they can work was essential.

Summary of Activities 2012

The Committee is pleased to note that the Code of Conduct has been embraced by Elected Members, old and new. It is felt that all Councillors must subscribe to the fabric and tenor of the Code. However, it is disappointing that not all Councillors have undertaken Code of Conduct training. Members of the Standards Committee feel that this training should be undertaken by all Elected Members and that the compliance of Members in this respect needs to be closely monitored.

The Ombudsman has submitted reports on the investigation into cases of maladministration against Caerphilly County Borough Council. These have been made known to the Standards Committee. This data has already been presented to the Committee, by officers. It is pleasing to note that during 2012 Members of the Committee participated in training courses offered as part of the Member Development Programme.

Applications for Grants of Dispensation were received from several Elected Members.

No investigations conducted under the Council's 'Whistleblowing' policy were reported to the Standards Committee by the Monitoring Officer.

Any items of correspondence were dealt with as recorded in the minutes of meetings. References were made to the 'Record of Declarations of Interest'.

The Committee wishes to continue its pro-active approach in its involvement with local governance. A new Audit Schedule which helps define the monitoring role of the Committee is tabled at Appendix 3.

The approach taken by the Committee to Grants of Dispensation since 2011 has continued. The Committee appreciates that the democratic process must not be impeded and that it must ensure that a balance exists between pre-disposition and pre-determination. A more standardised approach to applications has been taken. It is hoped that a better quantitative evaluation of application has resulted in a more consistent method of dealing with applications.

Chairman's Report 2012

2012 was undoubtedly a momentous year for the United Kingdom – memories of the Diamond Jubilee celebrations and the Olympic and Paralympic Games will linger with us for a long time.

By contrast, the Standards and Monitoring Committee would assess 2012 as a year when it was opportune to 'take stock'. The last few years have seen considerable changes both in legislation and operational procedures via Government and the Ombudsman's Office as well as major changes to the membership of this Committee. Changes relevant to the work of the Committee happened apace from 2009 to 2011 but slowed following the publication of the Ombudsman's Report in the summer of 2012. Some of the recommendations made in this report will obviously require time to 'filter through' to actual practice. Recent (2012) changes in Local Government legislation recommended by the Welsh Government which affected in some way the workings of this Committee will also emerge. Therefore, 2012 probably provided a short but necessary respite.

The past three years have seen the establishment of an Annual Conference on the work of Standards and Monitoring Committees held in Wales. This Conference has provided an excellent forum for discussion of current thinking, provided attendees with an insight of proposed legislation and served as a focal point for assessing Committees' progress throughout the years. The next Conference will take place in April 2013, sadly I will not be attending as very term of office will have expired. The Conference is a worthwhile venture and I do hope that it will continue for many years.

Caerphilly Council fully adopted the new Code of Conduct in May 2008. As a proviso of their appointment to public office all elected Members are required to subscribe to this Code. The great majority of Council, Town and Community Councillors do recognise the benefit of having guidelines for the conduct of their public life and have willingly attended training sessions on the Code of Conduct since its inception. Not every Member has taken the opportunity to receive training on the Code and I would urge them to do so as soon as possible. As the Code states – 'ignorance of the Code of Conduct is no defence against a breach of the Code'.

It is noted that the Ombudsman, fully supported by Welsh Government is anxious for Local Authorities to adopt 'Local Resolution Protocol' to deal with low level complaints regarding alleged breaches of the Member Code of Conduct. In principle I am of the view that this should be supported, however I consider that there should be a model protocol available for use across Wales to ensure that Elected Members are treated in a fair and consistent manner, I wish everyone good luck with this in the future.

On a personal note, I will retire from office in April 2013 having served the maximum eight as an Independent Member, the last two years as Chairman. So this will be my last Standards Committee report. I have always found the work interesting and satisfying.

Happily my task has been made more pleasurable by the people I have encountered in that work so I want to thank the many Council Members, Officers and Staff I have met during this time for the help and courtesy they have shown me, without exception on every occasion.

I am grateful to the Monitoring Officers and to my colleagues, past and present for their support and for their commitment to our joint tasks. I wish you all a happy future.

Yours sincerely,

Leonard C. Davies

Constitution

- a. *Membership:* The Standards Committee will be composed of eight members. Its membership will include:
 - (i) Five independent (lay) who are not either Councillors or the officer or the spouse of a Councillor or any other relevant Authority as defined by the Act, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulation 2001;
 - (ii) Two Councillors excluding any member of the executive.
 - (iii) One Member of a Community Council wholly or mainly in the Council's area (Community Council Member).
- b. *Term of Office:*
 - (i) Independent members are appointed for a period not less than four years with an option to review for a further term of four years.
 - (ii) Members of the Local Authority who are members of the Standards Committee will have a term of office of no more than four years or until the next ordinary Local Government election following their appointment, whichever is the shorter. They may be reappointed for one further consecutive term.
- c. *Quorum:* A meeting of the Standards Committee should only be quorate when:
 - (i) At least three Members and the chair are present, and
 - (ii) At least half the Members present (including the chair) are independent Members.
- d. *Voting:* Independent Members and Community Council Members will be entitled to vote at meetings.
- e. *Community Council Members:* A Community Council Member shall not take part in proceedings of the Standards Committee when any matter relating to their Community Council is being considered.
- f. *Chairing The Committee:* Only an independent member of the Standards Committee may be Chair.

Appendix 1

Current Membership Of Standards Committee

| | |
|-------------------------|---|
| Chair (Lay Member) | L.C. Davies |
| Vice Chair (Lay Member) | Professor S.M. Griffiths |
| Member (Lay Member) | Mrs. M. Evans |
| Member (Lay Member) | Mrs. D. Holdroyd |
| Member (Lay Member) | Mr. P. Morgan (appointed September 2011) |
| County Councillor | H.W. Davies |
| County Councillor | A. Collins |
| Community Councillor | Mrs. G. Davies |

Appendix 2

| Referrals to Ombudsman 2010/2011 | Referrals to Ombudsman 2011/12 |
|--|-----------------------------------|
| Out of jurisdiction | 7 |
| Premature | 28 |
| Closed after initial consideration or investigation not merited | 13 |
| Quick Fix | 2 |
| Discontinued | 1 |
| S.21 (or other Report) upheld | 4 |
| S.21 Partially upheld | 5 |
| S.21 (or other Report) not upheld | 2 |
| Withdrawn | 3 |

Standards Committee Performance Monitors

| Responsibility | How & Actions | Frequency |
|---|---|--|
| Register Gifts and Hospitality | Regular examination of Register | Quarterly by nominated member of Standards Committee |
| Whistleblowing | Access to 'whistleblowing' complaints and Action(s) taken | Quarterly Examination by all Members of the Standards Committee |
| Attendance at Council Meetings | Observe mechanisms of decision making with respect to Code of Conduct | All Members of Standards Committee Rational basis and report back to Standards Committee |
| Training Code of Conduct | Results of Attendees receiving Code of Conduct Training | Presented at Standards Meetings by Monitoring Officer |
| Non-Compliance with Code of Conduct | Reference from Ombudsman | Upon receipt of referral |
| Register of Interests | Regular Examination of Register | Quarterly by nominated Member of Standards Committee |
| Local Handling of Complaints | Reference from the Ombudsman | Upon receipt of referral |
| Consideration of Dispensation Applications | Request from Member | Upon receipt of request |
| Publication of a Standards Committee Report | Produced by Monitoring Officer, Chair of Standards Committee for presentation to Full Council | Publish Annually All Members |
| Liaise with Leaders of the Political Parties. Obtain Views of Work of Standards Committee | Gain Feedback | All Members six Monthly |
| Publicise Work of Committee | Article in CCBC's Magazine. Presentation to Senior Officers of the Council | All Members six Monthly |