



STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD AT THE COUNCIL OFFICES, TREDOMEN
ON THURSDAY, 13TH OCTOBER 2005 AT 5.15 P.M.

PRESENT:

M.G Warrender - Chairman

Councillors:

L.R. Rees

Community Councillor C. Roberts
Messrs. L.C Davies and D.R. Parry

Together with:

I.G. Medicott (Monitoring Officer) and J.A. Fairfax (Members Services Manager)

APOLOGIES

Apologies for absence were received from Councillor D.J. Potter, Mr. K.C. Mock and Mrs. E.J. Rowlands.

1. COUNCILLOR D.J. POTTER

The Committee was advised that Councillor Potter was continuing to receive treatment for ill health and it requested that its best wishes be conveyed to him for a full and speedy recovery.

2. MINUTES

The minutes of the meetings held on 19th May 2005 (minute nos. 1 – 6, page nos. 1 – 4) and 9th June 2005 (minute nos. 1 – 4, page nos 1 – 2) were approved and signed as a correct record.

3. Proposed Revision of the Code of Conduct (Minute No. 5)

The Monitoring Officer reported that the Revised Code of Conduct was likely to be published in the early Spring to be introduced probably around the period of June 2006.

4. Complaint to the Ombudsman – Complainant 'B' (Minute No. 2 – 9.6.05)

It was reported that this matter had now been considered by Council and that it had agreed to the Ombudsman's initial recommendations. It had also been agreed that this Committee should continue to consider findings of maladministration in the future and make recommendations to the Council on these cases.

5. GRANTS OF DISPENSATION

It was noted that no applications had been received since the last meeting.

6. COMPLAINTS TO THE OMBUDSMAN

RESOLVED that the report of the Monitoring Officer be noted.

7. NATIONAL ASSEMBLY FOR WALES CONSULTATION PAPER ON STANDARDS COMMITTEE REGULATIONS

Consideration was given to the report of the Monitoring Officer.

RESOLVED that the Monitoring Officer, in consultation with the Chairman, prepare a response on the terms set out in the Appendix to the report to include under paragraph 6 that sub-committees should be chaired by a lay member.

8. DECISION AND RECOMMENDATIONS OF THE ADJUDICATION PANEL

Consideration was given to the report of the Monitoring Officer.

RESOLVED that:-

- (i) the outcome of the case tribunal be noted;
- (ii) the concern of the Committee at the decision of the Adjudication Panel that the suspension only related to the Councillor's activities as a County Councillor and not also his role as a Community Councillor be referred to the Ombudsman for further comment;
- (iii) a joint letter from the Chairman and the Monitoring Officer as circulated at the meeting be sent to all Councillors (including Community Councillors) to remind them of the requirements of paragraph 20 of the Code of Conduct which sets out the individual Member's personal responsibility in deciding whether they have an interest such that they should disclose it;
- (iv) the Monitoring Officer also discuss with the Ombudsman in advance of this Council formally responding to the recommendations that the Tribunal's recommendation under paragraph 7.1.2 that all Panels and Committees where Councillors are members should be reminded that any discussion, whether formal or not, as to a declaration of interest should be recorded in the minutes, was impractical as much of the advice offered by the Monitoring Officer was given in a formal setting of a meeting and was offered on a strictly confidential basis. If however, such information was subsequently required by the Ombudsman or Adjudication Panel in dealing with a possible investigation the Monitoring Officer could make this available.

9. BREACH OF CODE OF CONDUCT ALLEGATIONS REJECTED BY THE OMBUDSMAN

The Monitoring Officer reported a complaint that had been submitted to the Ombudsman by a member of the public against a Councillor and on the former's decision not to investigate the allegation as there was no evidence to indicate that the Councillor was acting in his capacity as a Member.

The Committee again reaffirmed its understanding that the Code of Conduct also related to a Councillor's actions in his private life and it was therefore perturbed that the Ombudsman's decision did not apparently consider this to be the case.

The Monitoring Officer had subsequently challenged the Ombudsman's interpretation of this part of the Code of Conduct and the latter had now agreed with the Monitoring Officer's interpretation but had now indicated that there was insufficient reliable evidence for him to investigate the complaint.

RESOLVED that the Committee's concerns as expressed above be referred to the Ombudsman and the Monitoring Officer also bring this matter to the attention of the National Monitoring Officer's Group.

10. TRAINING

It was agreed that an item should be placed on the Agenda for the next meeting on any future training events that could be staged.

The meeting closed at 6.30 p.m.

CHAIRMAN