



STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN PARK ON THURSDAY 22ND JULY 2010 AT 1.00PM

PRESENT:

M.G. Warrender - Chairman

Councillors:

J. B. Criddle and L.R. Rees

Messrs L.C. Davies, K.C. Mock, D.R.G. Parry and Mrs. E.J. Rowlands

Together with:

D. Perkins (Head of Legal Services/Monitoring Officer), G. Williams (Deputy Monitoring Officer), S. Richards (Corporate Support Officer), J. Jones (Scrutiny and Members' Services Manager), H. Morgan (Senior Committee Services Officer)

Also in attendance during the course of the meeting:

T. Stephens (Development Control Manager),
B. Hopkins (Assistant Director - Our School Our Future),
J. Morgans (Customer Services and Performance Co-ordinator),
S. Harris (Finance Services Manager, Social Services)

APOLOGIES

An apology for absence was received from Community Councillor I. Racz.

1. DECLARATIONS OF INTEREST

Councillors J.B. Criddle and L.R. Rees sought advice as to whether, being members of the Planning Committee, they were required to declare an interest in agenda item 4 (1). Following advice from the Monitoring Officer, it was determined that there was no prejudicial interest to be declared.

The Chairman informed the committee that his son works for Caerphilly County Borough Council's social services department (agenda item 4(3)) and also sought advice. The Monitoring Officer confirmed that there was no prejudicial interest to be declared.

A further declaration of interest was made during the course of the meeting and is detailed with the respective item.

2. MINUTES - 14TH JUNE 2010

RESOLVED that the minutes of the meeting held on 14th June 2010 (minute nos. 1 - 8, on page nos. 1 - 3), be approved as a correct record and signed by the Chairman.

3. COMPLAINTS TO THE OMBUDSMAN

The report on complaints made to the Ombudsman which had been rejected by him as not accepted for formal investigations, not having been through the Council corporate complaints procedure, that he was satisfied with the action taken, those complaints which remained at the enquiry stage or were awaiting determination and those complaints which were not upheld or upheld in part, were noted.

REPORTS FROM PUBLIC SERVICES OMBUDSMAN FOR WALES

Consideration was given to the following reports of the Monitoring Officer with that of the Public Services Ombudsman for Wales regarding maladministration complaints made against Caerphilly County Borough Council.

4. Case of Maladministration - Mr P.

A detailed discussion took place on the report which had been issued under Section 21 of the Public Services Ombudsman (Wales) Act 2005. Members noted that the Ombudsman felt that a public report was not required in regard to the complaint made under Section 21 of the Act, as the matter has been satisfactorily resolved.

The Development Control Manager was present to answer the questions asked, explain the actions taken and to advise on the action taken to ensure that internal procedures were improved to avoid a recurrence of similar issues in the future.

RESOLVED that the Ombudsman report including his recommendations be accepted.

5. Case of Maladministration - Mr. and Mrs. X and Mr. and Mrs. Y

A detailed discussion took place on the report which had been issued under Section 21 of the Public Services Ombudsman (Wales) Act 2005. Members noted that the Ombudsman felt that a public report was not required in regard to the complaint made under Section 21 of the Act, as the matter has been satisfactorily resolved.

The Assistant Director - Our School Our Future, was present to answer the questions asked, explain the actions taken and to advise on the action taken to ensure that internal procedures were improved to avoid a recurrence of similar issues in the future.

RESOLVED that:-

- (i) the Ombudsman report including his recommendations be accepted;
- (ii) a letter be set to both the Head Teacher and Governing Bodies expressing concerns at the unacceptable delay in dealing with the issues raised.

6. Case of Maladministration - Mr. A.

A detailed discussion took place on the report which had been issued under Section 21 of the Public Services Ombudsman (Wales) Act 2005. Members noted that the Ombudsman felt that a public report was not required in regard to the complaint made under Section 21 of the Act, as the matter has been satisfactorily resolved.

The Customer Services and Performance Co-ordinator and Finance Services Manager, Social Services were present to answer the questions asked, explain the actions taken and to advise on the action taken to ensure that internal procedures were improved to avoid a recurrence of similar issues in the future.

RESOLVED that the Ombudsman report including his recommendations be accepted.

7. QUARTERLY INSPECTION OF RECORDS HELD BY THE MONITORING OFFICER

The Deputy Monitoring Officer advised that since the presentation of her last report Councillor Dix, who had been appointed to the Blackwood ward, has signed the code of conduct and completed the register of members interest. There were no details to report from the register of gifts and hospitality and there were no dispensations to consider. Declarations of interest continue to be posted on web site.

During the course of the debate reference was made to the whistle blowing policy and it was noted that there were no cases to be reported. The Members were reminded that there are significant levels of regulation that the authority was subject to, and that this resulted in the majority of issues being resolved at an early stage by alternative means. It was agreed that Heads of Service should be reminded of the policy and the protocol which should be followed in the event that it is initiated.

8. PROFILE OF STANDARDS COMMITTEE

A discussion paper on the wider functions and development of the committee's role was distributed at the meeting by Mr. L.C. Davies (as appended to the minutes). Reference was made to the both the statutory and non-statutory responsibilities of the committee and a discussion ensued as to the possible development and promotion of the committee. It was noted that several of the suggestions contained therein had already been addressed (production of an annual report, review of the register of members' interests and registers of gifts and hospitality) and that the remainder would be taken into consideration as appropriate.

The Head of Legal Services advised that this is a topic for discussion at the Standards Committee Conference in October and that it would be more appropriate to consider the issues raised within the discussion paper, and any further suggestions which may be submitted, after that time.

With regards to committee membership, it was reported that a public notice has been issued seeking applicants to serve on the Standards Committee. It was suggested that it also be advertised on the website. The closing date is 20th August 2010 and it is anticipated that interviews will be held soon thereafter.

9. EXEMPT MATTER - REPORT FROM PUBLIC SERVICES OMBUDSMAN FOR WALES

Members considered the public interest test certificate from the Proper Officer and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and it was:-

RESOLVED that in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remainder of the meeting because of the likely disclosure to them of exempt information as identified in paragraphs 12 and 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

10. Report from Public Services Ombudsman for Wales

Mrs. E.J. Rowlands declared an interest (as the person to whom the report refers is known to her) and left the meeting when the report was being discussed.

The report summarised the investigation undertaken by the Ombudsman in relation to allegations, and his findings were set out in the final two paragraphs of the report. It was noted that in accordance with the provisions of Section 69(4)(b) of the Local Government Act 2000 the Ombudsman decided that no action needed to be taken in respect of the matters investigated.

A detailed discussion took place on the report which summarised the investigation.

RESOLVED that:-

- (i) the Ombudsman report be noted;
- (ii) a report be presented to the next meeting detailing the processes which are in place to present claims.

11. NEXT MEETING

It was agreed that unless any urgent matters arise in the meantime, the next meeting be held in September on a date to be agreed by the Chairman.

The meeting closed at 3.20pm

CHAIRMAN

STANDARDS COMMITTEE - FUNCTION AND ROLE DEVELOPMENT

It is important that the Standards Committee signals its intent to become more proactive in the conduct of its functions under Section 54(3) of the Local Government Act 2000. To heighten its profile, within the aegis of the Council and elsewhere, the Standards Committee must undertake a deeper involvement with:

- (i) the monitoring of the Authority's Code of Conduct,
- (ii) advice to Members over matters re: the Code of Conduct.

The Discussion Paper "Standards Committee - Wider Functions and Development of Their Role" lists 7 (seven) suggestions for development. Implementation of these suggestions would raise the profile of the Standards Committee significantly.

A start on implementation could begin now with a view to establishing certain developments in early 2010.

Suggestions (as per Discussion Paper)

Item 1 Annual Report to Council.

Item 2 Oversight of Members' Interests with Register of Gifts and Hospitality.

A first annual report, "Annual Report of the Standards Committee for the year 2009" can be prepared quickly.

It should include Item 2, confirming that scrutiny of the item has been made (post Dec 31 2009).

Item 3 Annual Conference on Standards for Community Councillors

Item 4 Engage with Members/Political Leaders

Item 5 Scrutiny Management Panel Meetings

These items would probably need to be undertaken later in 2010 (post March 31?) and Items 3 and 4 will require some discussion reorganisation/aims.

Such discussion/information diffusion should stress the need to adhere to the ethos of the Nolan Principles for holders of public office. Information gathered at the recent Cardiff Conference re: public perceptions of the role of councillors would also provide Members with considerable food for thought.

Authority Members should be made aware that a large proportion of the complaints to the Ombudsman about Welsh councillors were brought by their fellow councillors.

Item 5 will require Standards Committee members to attend Scrutiny Management Panels. (Perhaps this can be done on a rota basis).

Item 6 Engagement with Council Officers in a Management Network Session re: raising of Standards Committee profile.

Item 6 must be seen as a natural sequel to items 3, 4 and 5 - engaging with Officers and with Members. This obvious topic is 'Role and Functions of the Standards Committee'

Item 7 Information booklets for Members/Officers (Whistleblowing/Code of Conduct).

Item 7 needs addressing by all Members/Officers. A whistleblowing policy must be in situ and every Member/Officer should be concerned with compliance with the Code of Conduct.

Members would welcome advice over the seeking of dispensations.