



## **STANDARDS COMMITTEE**

### **MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN PARK ON WEDNESDAY 23RD NOVEMBER 2011 AT 10.00A.M.**

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**PRESENT:**

Mr. L.C. Davies - Chairman

Councillor J. B. Criddle

Mrs. M. Evans, Mrs. D. Holdroyd, Professor S. M. Griffiths, Mr. P. Morgan

Community Councillor Mrs. G. Davies

**Together with:**

G. Williams (Deputy Monitoring Officer), H. Morgan (Senior Committee Services Officer)

**1. APOLOGIES**

Apologies for absence were received from Councillors L.R. Rees and H. David.

**2. WELCOME**

The Chair welcomed both Mr. Philip Morgan and Community Councillor Gill Davies to their first meeting of the Standards Committee.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the beginning or during the course of the meeting.

**4. MINUTES - 16TH JUNE 011**

RESOLVED that the minutes of the meeting held on 16th June 2011 (minute nos. 1 - 8, on page nos. 1 - 3), be approved as a correct record.

**5. MATTERS ARISING**

**Standards Committee - Annual Report (minute no. 4)**

The Chair advised that he is in the process of preparing the annual report which will be presented to the Committee in due course.

**Report on Standards Conference (minute no. 5)**

A report on the Standing Conference was to be given by the Chair later in the meeting.

**Update on Dispensations (minute no. 6)**

In noting that there were no outstanding requests for dispensation the Deputy Monitoring Officer advised that in accordance with the constitution, applications received are reported to the Standards Committee or where this is not possible they are dealt with by the Chair or the Vice Chairman of the Committee and with one other independent member under delegated powers, and subsequently reported to the Committee for information. It was agreed that this practice should continue and should alternate on a rota basis with the appointed independent members.

**6. CHAIR'S REPORT ON THE STANDING CONFERENCE - 5TH OCTOBER 2011**

The Chairman reported that he had attended the All Wales Conference for Standards and Monitoring Committee Members at Llandrindod on 5th October 2011, accompanied by Professor S. M. Griffiths and Mr. Philip Morgan. A report on items discussed at that time was circulated at the meeting.

He referred to the presentation of Peter Davies, Chair of Adjudication Panel Wales, who spoke on the topic of 'Current Issues in Improving Standards', that of the Ombudsman, Peter Tyndall, who reported on the work of his Office during 2010 - 2011, Reg Kilpatrick, Welsh Government, who spoke on WG policies and Clarence Meredith, Monitoring Officer for Powys, who spoke on his role within the Authority.

The Chairman then referred to the question and answer sessions that followed the presentation and to the detailed responses that had been received. The afternoon session was a simulation of a hearing of non-compliance with the code of conduct which had been very informative.

**7. CODE OF CONDUCT**

The Deputy Monitoring Officer advised that as part of the ethical framework Local Authorities are required to adopt a code of conduct, which sets out rules governing the behaviour of their members. All elected, co-opted and independent members of local authorities, including town/community councils, are required to abide by their own, formally adopted, code which seeks to ensure that members observe the highest standards of conduct in their civic role.

Mrs. William advised that whilst a code is mandatory it can have local amendments and every appointed or co-opted member with voting rights must sign an undertaking to observe its content. By signing up to the code, a member is actively taking on a formal obligation to abide by its requirements. The code applies when the person conducts the business of the authority at formal meetings or when taking executive decision and whenever the person acts or claims to act or gives the impression that they are acting as a representative of the authority.

The code forms the foundation of the conduct regime and aims to promote the public's trust and confidence in their members and faith in local democracy. It does this by providing a robust set of standards of behaviour for members to abide by and work within. In doing this, the code also protects members from unreasonable expectations of behaviour being put upon them.

Mrs. Williams then detailed the general conduct rules and advised that elected members must promote equality, show respect and consideration, not bully or harass, not compromise employee impartiality, not disclose confidential information, not obstruct access to information or bring the authority into disrepute, not secure advantages or disadvantages, misuse the councils resources and confirmed that in certain circumstances a criminal offence is a breach.

For each rule she gave examples of incidents that have resulted in breaches of the code and the principles of those breaches were discussed.

In that both the Monitoring Officer and Head of Corporate Finance have specific duties to ensure the proper governance of the authority Members must also have regard to their advice. They must also ensure gifts and hospitality are recorded and that where applicable their personal interests are registered. An explanation was then given on the requirement to disclose both personal and prejudicial interests. It was noted that if a member has both a personal and prejudicial interest he or she should declare this interest and leave the meeting when the item to which the interest relates is being discussed, Members who have a personal interest may not be required to leave and would be able to take part in the debate and vote (an illustrative flow chart guide on declarations of interests was tabled at the meeting).

The procedure for dealing with allegations that a member is in breach of the code of conduct was outlined and it was noted that where there is evidence of a failure to comply with the code the Member is given the opportunity to make representations either orally or in writing in respect of the findings of the investigations and any allegation that the Member has failed or may have failed to comply with the code.

During the course of the debate reference was made to the dispensations that can be obtained from the Standards Committee and it was noted that Members can apply for a dispensation to allow them to attend meetings where they would otherwise be excluded because they have a prejudicial interest. Those present were reminded that it is only the Standards Committee (or Chair or Vice Chair and with one other independent member under delegated powers) that can grant such dispensations.

It was agreed that a presentation on dispensations be given at the next meeting.

Mrs. Williams then responded to a number of questions raised over and above those which were considered during the course of the debate and Members thanked her for the informative and detailed presentation. It was suggested that members may wish to attend meetings to observe proceedings and as such see how declarations of interest are made by Members at meetings. It was agreed that the timetable of meetings be forwarded for reference in order that upon notification of attendance necessary arrangements can be made.

## **ANY OTHER BUSINESS**

### **8. APPOINTMENT OF VICE CHAIRMAN**

It was noted that following the retirement of Mr. D.R.G. Parry there is a requirement to appoint a Vice Chairman. There were two nominations received. Those who had been nominated left the meeting at this point. There was then a secret ballot of the remaining independent members.

The Chairman announced that Professor S. M. Griffiths had been appointed Vice Chairman of the Standards Committee.

The meeting closed at 11.30am

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CHAIRMAN