



STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN PARK ON WEDNESDAY 27TH NOVEMBER 2013 AT 10.30A.M.

PRESENT:

Mrs. D. Holdroyd - Vice Chairman - Presiding

Mr. V. Brickley, Mrs. M. Evans, Mr. D. Lewis, Mr. P. Morgan, Community Councillor G. Davies, Councillor Mrs. P. Cook

Together with:

G. Williams (Interim Monitoring Officer), L. Lane (Solicitor), H. Morgan (Senior Committee Services Officer)

1. PROFESSOR MARGARET GRIFFITHS

The Committee were advised that due to other commitments, Professor Margaret Griffiths had resigned as an Independent Member and Chair of the Standards Committee

Members paid tribute to the way in which she had carried out her role and commented on her leadership and guidance during her period as both Chairman and Vice-Chairman and for dealing with matters in a helpful and professional manner. She was wished every success and happiness for the future and it was agreed that a letter be sent expressing the views of the Committee and thanking her for her service.

2. APPOINTMENT OF NEW MEMBER - DAVID LEWIS

Members were then advised that when the appointments process was undertaken regarding a vacancy on the Standards Committee in June 2103, Council had agreed to make an appointment to the Standards Committee (which was duly made) and to establish a reserve list of Independent Members so that if a vacancy arose within 6 months it could be filled from that list. The reserve list was established and, at that time Mr. David Lewis accepted the invitation to remain on the list for a period of 6 months. Mr. Lewis had subsequently indicated that he is prepared to fill the vacancy that has arisen following the resignation of Professor Griffiths.

Members noted that Council have approved the appointment of Mr. David Lewis as an Independent Member to the Standards Committee from the reserve list and welcomed him to his first meeting.

3. APPOINTMENT OF CHAIRMAN

It was moved and seconded that Mrs. Diane Holdroyd be appointed as Chairman of the Standards Committee. By show of hands this was unanimously agreed.

RESOLVED that Mrs. Diane Holdroyd be appointed as Chairman of the Standards Committee.

4. APPOINTMENT OF VICE CHAIRMAN

It was moved and seconded that Mr. Vincent Brickley be appointed as Vice Chairman of the Standards Committee. By show of hands this was unanimously agreed.

RESOLVED that Mr. Vincent Brickley be appointed as Vice Chairman of the Standards Committee

5. APOLOGIES

Apologies for absence were received from Councillors H.W. David, Mrs. M.E. Sargent and C.P. Mann.

6. DECLARATIONS OF INTEREST

Community Councillor Mrs. G. Davies declared an interest in the urgent item which was brought forward in relation to an application for dispensation from a Member of Council. Details are minuted with the respective item.

7. MINUTES - 10TH JUNE AND 3RD OCTOBER 2013

RESOLVED that the minutes of the meetings held on 10th June 2013 (minute nos. 1 - 5 on page nos. 1 - 7) and 3rd October 2013 (minute nos. 1 - 7 on page nos. 1 - 3) were approved as a correct record.

8. APPLICATION FOR DISPENSATION TO THE STANDARDS COMMITTEE BY A MEMBER OF COUNCIL

Community Councillor Mrs G. Davies declared an interest (as the applicant is known to her) and left the room when the application for dispensation was being discussed.

The application, tabled at the meeting, outlined a request from Councillor Mrs. A. Blackman to be 'allowed to speak, vote and represent her communities problem/concerns to the Council and others in relation to the matter of the Welsh Housing Development at Llancaiach Court, Nelson'.

Councillor Mrs. Blackman attended the meeting to present her request for dispensation and advised that the site in question had already been granted outline planning consent, and, earlier this year reserved matters had been approved. Work has commenced on site. The applicant advised that the development is in sight of her home and that her concerns, as well as other residents in the area, do not relate to the design and/or visual impact, but to the capacity of Nelson main sewer to cope with additional flows from the development. It was noted from the application that there has been a problem with land surface water flooding from the site for some years which 'very occasionally' has extended to 'our' properties - along Shingrig Road', and that, 'very occasionally' land surface water has come into the rear

gardens of 'our garages and gardens'. The application also advised that in the past water had entered her garage.

Councillor Mrs. Blackman then left the meeting to enable the Standards Committee to consider the application and the information provided at the meeting.

Members carefully considered the information provided to the Committee by Councillor Blackman, in conjunction with the regulations governing the circumstances when a Standards Committee may grant dispensations. The Monitoring Officer explained that the grant or refusal of an application for dispensation is at the discretion of the Standards Committee and there is no appeal. After due consideration it was moved and seconded that that the request be refused on the basis that the application submitted by Councillor Blackman does not meet the grounds for dispensation set out in the application. By show of hands this was unanimously agreed.

Upon her return to the meeting, Councillor Mrs. Blackman was advised that the Standards Committee had made a decision to refuse the application on the basis that it does not meet the grounds for dispensation as set out in the request. Councillor Mrs. Blackman was advised that she would still be permitted to participate as a local resident, and as such, be at liberty to pursue any matters as a member of the public.

9. PROPOSED INTRODUCTION OF A LOCAL RESOLUTION PROTOCOL - STANDARDS TO BE FOLLOWED BY MEMBERS

Consideration was given to the report which sought views on the introduction of a Local Resolution Protocol - Standards to be followed by Members. A report, which will seek adoption of the Protocol, and incorporate all views received as part of the consultation process will be presented to Council on 28th January 2014.

The Committee were advised that there is an expectation that Local Authorities throughout Wales will implement a 'Local Resolution Protocol' to deal with low-level complaints made by one Member against a fellow Member.

The Interim Monitoring Officer advised that most Local Authorities in Wales have now or are currently implementing a Protocol. The various types of protocol were outlined to the Committee. A detailed explanation of the protocol set out in the appendix to the report was given and it was noted that Stage 1 sets out how and when the complaint is made and the initial informal resolution stage (whereby the Monitoring Officer will determine if it is appropriate to deal with the complaint under the protocol). Stage 2 includes a formal hearing before the Standards Committee. The protocol sets out timescales which unless agreed with the Chair must be complied with by the parties involved. It also sets out how the hearing will be conducted.

Members considered the proposed draft local resolution protocol, as appended to the report and queried as to whether, under the new procedures, cases can be dealt with without reference to the Standards Committee. It was confirmed that low level, Member-on-Member complaints are typically those complaints about the alleged failure by Members to show respect and consideration for others as required by the Code of Conduct and making vexatious, malicious or frivolous complaints against other Members under the Code and may be dealt with at Stage 1. The Interim Monitoring Officer advised that paragraph 5 of the protocol does advise that where complaints are resolved under Stage 1, they will be periodically reported to the Standards Committee and that complaints under Stage 2 will be heard by the Standards Committee

It was moved and seconded that the content of the draft protocol be endorsed. By show of hands this was unanimously agreed.

RESOLVED that the proposed Local Resolution Protocol, as appended to the report, be endorsed and referred to Council for adoption.

10. PROTOCOL FOR REFERRING OMBUDSMAN REPORTS TO SCRUTINY COMMITTEE

Consideration was given to the report which provided an overview of the Wales Audit Office Scrutiny Improvement Study during 2012/13, which had involved local authorities in undertaking a self-evaluation and peer learning exchange. Members were advised that the feedback resulted in a final self-evaluation, the outcome of which required the Council to produce a Scrutiny Improvement Action Plan.

The Interim Monitoring Officer advised that the Authority is under a statutory duty to consider reports from the Ombudsman and to give effect to their recommendations. The duty to oversee this is within the terms of reference of this Committee. The Scrutiny Improvement Action Plan includes an action to 'Develop links between the Standards Committee and the Scrutiny process' and it proposes that the Standards Committee would achieve this by referring Ombudsman reports to Scrutiny Committees where relevant, so they can ensure that the recommendations of the Standards Committee are followed through. She confirmed that a protocol is in the process of being developed as to how this can be achieved and will be referred to the Standards Committee for consideration at the next meeting.

Members noted the information provided and that a detailed report will be presented to the next Committee.

11. GOVERNANCE ACTION PLAN

The report sought views on the All Wales Framework Constitution, with particular reference to the sections of the Model Constitution that specifically relate to the role of the Standards Committee. The Interim Monitoring Officer advised that the current Constitution has been reviewed and revised periodically on an ad hoc basis to take into account such matters as changes to secondary legislation, to update protocols and procedures and to review the responsibility of functions.

It was noted that the Council is planning to adopt the All Wales Framework Model Constitution. As such, comments were requested on the Framework Constitution, which will be provided to the Council's Constitution Working Group and be contained in the report to Council at the Annual General Meeting in May. Members had been provided with a copy of the Model Framework document and were asked to review and comment on the sections of the Model Constitution specifically relating to the role of the Standards Committee (section 8 sets out the Terms of Reference for the Committee).

Members considered Paragraphs 23.11 and 23.12 of the Model Framework, which set out the role, purpose and activity of the Chair and Members of the Standards Committee, and 4.5 Section 18 Appendix 3 which sets out a detailed procedure for dealing with allegations made against Councillors and referred to the Standards Committee. It was noted that the current version of the Council's Constitution does not include a similar procedure and Officers consider its adoption would bring consistency to the process across Wales and would greatly assist in the smooth running of any proceedings in the future.

It was moved and seconded that the Model Framework document, as it relates to the role of the Standards Committee, be approved. By show of hands this was unanimously agreed.

RESOLVED that the Model Framework document, as it relates to the role of the Standards Committee be approved and the Constitution Working Group be advised accordingly.

ANY OTHER BUSINESS

13. ATTENDANCE AT MEETINGS

It was suggested that Members may wish to attend meetings to observe proceedings to see the decision making process and how declarations of interest are made by Members at those meetings. It was agreed that the annual timetable of meetings (and weekly timetable) be circulated and that Members notify the Clerk if they wish to attend any of the meetings advertised in order that the necessary arrangements can be made.

14. CODE OF CONDUCT TRAINING

It was requested that arrangements be made for a refresher course on the code of conduct (at a pre meeting prior to a main meeting).

15. FUTURE MEETINGS OF THE STANDARDS COMMITTEE

It was agreed that meetings be convened on a quarterly basis (with a scheduled work programme). Special meetings would be arranged as and when required.

The meeting closed at 11.30 a.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the next meeting they were signed by the Chairman.

CHAIRMAN