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Date: 24th May 2017

Dear Sir/Madam,

A meeting of the **Standards Committee** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 31st May, 2017** at **10.00 am** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

AGENDA

	Pages
1 To receive apologies for absence.	
2 Declarations of Interest.	

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

3 Standards Committee held on 23rd February 2017.	
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1 - 6

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- 4 To receive and consider the following report(s) which in the opinion of the Proper Officer may be discussed when the meeting is not open to the public and first to consider whether the public interest requires that the meeting should be closed to the public for consideration of the item (s).
7 - 8
- 5 Report from the Public Services Ombudsman for Wales.
9 - 30

Circulation:

Councillors: C.P. Mann and Mrs D. Price

Mr T. Abbas, Mrs M. Evans, Mrs D. Holdroyd, Mr D. Lewis and Mr M. Stone

Community Councillor Mrs G. Davies

Copy for information only to:

Councillors Mrs J. Gale and Mrs M.E. Sargent.

And Appropriate Officers



STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN PARK
ON THURSDAY 23RD FEBRUARY 2017 AT 1.30 P.M.

PRESENT:

Mrs D. Holdroyd - Chair

Messrs T. Abbas, D. Lewis and M. Stone

Together with:

G. Williams (Interim Head of Legal Services and Monitoring Officer), L. Lane (Corporate Solicitor), H. Morgan (Senior Committee Services Officer)

1. APOLOGIES

Apologies for absence were received from Councillors Mrs P. Cook and C.P. Mann, Community Councillor Mrs G. Davies and Mrs M. Evans.

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. APPOINTMENT OF VICE CHAIR

It was moved and seconded that Mr David Lewis be appointed as Vice-Chair of the Standards Committee. By show of hands this was unanimously agreed.

RESOLVED that Mr David Lewis be appointed Vice Chair of the Standards Committee.

4. MINUTES - 27TH SEPTEMBER 2016

RESOLVED that the minutes of the meeting held on 27th September 2016 (minute nos. 1 - 6, on page nos. 1 - 3), be approved as a correct record.

REPORT OF OFFICERS

Consideration was given to the following reports.

5. MEMBERS INDUCTION 2017

Consideration was given to the report which provided details of the induction programme for newly elected and returning Members following the local government elections in May 2017 which has been approved by the Democratic Services Committee.

The Corporate Solicitor referred to the report presented to the Democratic Services Committee on 17th November 2016 (together with the Induction Programme for 2017 and advised that since its approval by that Committee, there have been a few minor changes to the timetable and the delivery of seminars. The revised programme was reflected in appendix 2 of the report and will be given to all new Members as part of their induction pack.

The Committee were advised that the programme consists of three elements, the formal presentation and market place exhibition, followed by mandatory induction seminars and finally induction sessions. The market place exhibition will be made up of individual service area 'stalls' to give Members an opportunity to find out more about the Councils' services and meet the respective Officers.

It was explained that mandatory induction will cover Members statutory responsibilities and regulatory committee Membership. In the form of seminars they will include Code of Conduct, Constitution, Information Governance, Data Protection, Smart and Safe Working Practices, Licensing and Planning Committees. Required mandatory training for other committees that are arranged on an ad hoc basis will be arranged as soon as future meeting dates are approved.

As part of the programme, a training needs analysis will be carried out with a view compiling the 2018-2010 Members Training and Support Programme. Members' individual training requests will continue to be supported subject to budgetary constraints.

In noting that there is an All Day event scheduled on 8th May 2017 for the signing of the register it was clarified that Members are able to attend throughout the day in order to complete the process (signing the register, photographs, complete various forms) which could take between 20-30 minutes.

In noting its content, it was moved and seconded that the revised Induction Programme as set out in the report be endorsed. By show of hands this was unanimously agreed.

RESOLVED that the report be noted and content of the revised Induction Programme as set out therein be endorsed.

6. ADOPTION OF MONITORING OFFICER PROTOCOL

Consideration was given to the report which sought views on the revised Monitoring Officer Protocol (as set out in the appendix to the report) prior to its presentation to the Annual Meeting of Council for adoption.

It was noted that Section 5 of the Local Government and Housing Act 1989 requires every principal authority to designate one of its Officers as the Monitoring Officer and the report provided details of the main functions of the Monitoring Officer which are set out in Part 2 Article 12, paragraph 12.03 of the Council's Constitution.

The Corporate Solicitor advised that the Lawyers in Local Government have a Sub Group consisting of all the Monitoring Officers of the principal councils in Wales, as well as the Fire and Rescue Authorities and National Parks. That Sub Group has developed a Monitoring Officer Protocol which is recommended for adoption by Councils across Wales. The Protocol, as attached to the report, incorporates changes to reflect local arrangements and will replace the existing Monitoring Officer Protocol which is currently in the Council's Constitution.

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 meetings of the Standards Committee are usually arranged to determine applications for dispensation but in urgent circumstance a meeting can be convened with the Chair and Vice Chair who can grant such dispensations under delegated powers. If this is the case, a report is then presented to the next meeting of the Standards Committee for information.

In noting that the protocol will provide clear guidance and understanding to Members and Officers as to the role of the Monitoring Officer, it was moved and seconded that the recommendation as set out in the report be endorsed. By show of hands this was unanimously agreed.

RESOLVED that the content of the Monitoring Officer Protocol as set out at Appendix 1 of the report be approved and a report be presented to the Annual Meeting of Council seeking adoption of the Protocol and for the Interim Head of Legal Services and Monitoring Officer to be authorised to amend the Council's Constitution to include the revised Protocol.

7. CODE OF CONDUCT TRAINING

Consideration was given to the report which sought endorsement of the revised Code of Conduct training for Members as appended to the report. The Interim Head of Legal Services and Monitoring Officer, Mrs G. Williams, advised that the Code of Conduct training materials have been prepared in conjunction with Monitoring Officers across Wales and the Welsh Local Government Association, which have been tailored to suit training delivery by the Monitoring Officer.

The Committee viewed a video prepared by the Ombudsman, and the Interim Head of Legal Services and Monitoring Officer gave an overview of the slides that have been prepared to accompany the video which will be used in the presentation to Members (as appended to the report) as part of the induction process following the election.

By way of explanation, reference was made to the Local Resolution Protocol and the way in which allegations that a Member is in breach of the code of conduct are dealt with and progressed through the agreed stages of the process. If the Monitoring Officer determines that the allegation falls within the Protocol she will seek to try and resolve the matter informally. If following Stage One the Monitoring Officer cannot resolve the matter informally between the parties and the Member(s) wishes to proceed with the allegation under the protocol the matter will be referred to a hearing before the Standards Committee under Stage Two. If there is a formal referral to the Ombudsman then legislation and regulations set out how the Ombudsman may investigate that matter and if appropriate refer the result of any investigation to the Standards Committee so that the Committee may determine that complaint.

Reference was also made to the pre - election period which commences on 22nd March 2017 and whilst there is no prohibition on conducting normal Council business or decision making during the pre-election period, Members have been reminded of the need to be mindful of the Social Media Protocol, and as such, of comments made or literature published during this period (this protocol is also detailed within the Constitution).

The Interim Head of Legal Services and 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 Williams 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 council resources, and confirmed that in certain circumstances a criminal offence is a breach.

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. All Members are required by law to complete a declaration of interests form to register their financial and other interests that could potentially conflict with their role as a local Member, which is published on the website.

An explanation was then given on the requirement to disclose both personal and/or prejudicial interests at the start of (or during the course of) any council meeting where that particular interest conflicts with some or all of the business to be discussed at that meeting. It was noted that if a Member has both a personal and prejudicial interest they should declare this interest and leave the meeting when the item to which the interest relates is being discussed (unless the Standards Committee has granted dispensation), 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 is provide to Member). Declarations of interest are recorded in the minutes of the meeting which are published. Members are also required to consider whether their predisposition (having an opinion on something but you have not yet made up your mind), predetermination (having decided a position on something where no argument will change your mind) or bias (which can affect the decision) may apply.

In noting the general rules that need to be followed under the code, and particularly the requirement not to disclose exempt information, a query was raised as to whether the would affect the Whistleblowing Policy. Mrs Williams advised that the Policy refers to employees who 'make a disclosure in the public interest' and is intended to encourage and enable employees to raise concerns with Council without fear of victimisation or subsequent discrimination and protects their anonymity. There is also a facility provided for employees to access the confidential support helpline provided by Public Concern at Work. This will enable them to make contact in a confidential manner, should they wish to seek independent advice prior to bringing the matter forward. A publicity campaign has been launched which details the process.

During consideration of the slide titled 'general rules you need to follow under the code', clarification was sought on the statement 'do not prevent access to information'. It was noted that the slides had been prepared in conjunction with Monitoring Officers across Wales and the Welsh Local Government Association and that advice would be sought on its interpretation. The Committee would be advised if there is a requirement to change the text.

In closing, Mrs Williams advised that the Code is policed by the Monitoring Officer, Standards Committee, Public Services Ombudsman for Wales and the Adjudication Panel for Wales. Notwithstanding the Local Resolution Procedure, if the Ombudsman believes that a complaint is justified he refers it to the Standard Committee or to a tribunal convened by the Adjudication Panel for Wales. If they find the complaint proven they can impose a range of sanctions, from no action through suspension to disqualification for 5 years. Further guidance from the Public Service Ombudsman for Wales can be found on line at <http://www.ombudsman-wales.org.uk>.

Members thanked the Interim Monitoring Officer for her informative presentation and for responding to the queries that were raised during the course of the debate.

In noting the content of both the video and presentation that will be delivered to members, as part of the induction process, it was agreed that the revised Code of Conduct as detailed be endorsed. By show of hands this was unanimously agreed.

RESOLVED that the revised Code of Conduct training for Members as appended to the report be endorsed.

The meeting closed at 2.50pm

CHAIR

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STANDARDS COMMITTEE 31ST MAY 2017

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF PERSONAL INFORMATION PARAGRAPH 13 SCHEDULE 12A LOCAL GOVERNMENT ACT 1972

SUBJECT: REPORT FROM THE PUBLIC SERVICES OMBUDSMAN FOR WALES

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendations to the Proper Officer:-

EXEMPTIONS APPLYING TO THE REPORT:

Information that is likely to reveal the identity of individuals (para 13)

FACTORS IN FAVOUR OF DISCLOSURE:

There is a public interest in the way in which the Council deals with complaints which are referred to the Ombudsman for determination.

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

The complaint includes personal information, which would identify individuals.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:

That paragraph 13 should apply. My view on the public interest test is that the anonymity of the individuals concerned must be maintained on the basis that the report contains personal information and the need to protect the individuals privacy outweighs the need for the information to be made public.

This information is not affected by any other statutory provision, which requires the information to be publicly registered.

On that basis I feel that the public interest in maintaining the exemption does outweigh the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.

RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:

On that basis I feel that the public interest in maintaining the exemption does outweigh the public interest in disclosing the information and that the information should be exempt.

Date: 23rd May 2017

Signed: 
Bethan Manners

Post: Principal Solicitor

I/do not accept the recommendation made above.

Signed: Chris Burns
Proper Officer

Date: 23/5/17

Agenda Item 5

By virtue of paragraph(s) 13 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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