



## **STANDARDS COMMITTEE**

### **MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN PARK ON WEDNESDAY 4TH NOVEMBER 2015 AT 1.30PM**

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#### **PRESENT:**

Mrs D. Holdroyd - Chair  
Mr V. Brickley - Vice Chair

D. Lewis, Community Councillor Mrs G. Davies, Councillor Mrs P. Cook

#### **Together with:**

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

#### **APOLOGIES**

An apology for absence was received from Mrs M. Evans, Councillor C.P. Mann and Councillor Mrs M.E. Sargent.

#### **1. DECLARATIONS OF INTEREST**

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

#### **2. MINUTES - 21ST SEPTEMBER 2015**

RESOLVED that the minutes of the meeting held on 21st September 2015  
(minute nos. 1 - 7, on page nos. 1 - 5), be approved as a correct record.

#### **3. MEMBERS' DECLARATIONS OF GIFTS AND HOSPITALITY JANUARY TO SEPTEMBER 2015**

Consideration was given to the report, which detailed the gifts and hospitality declared by elected Members for the period January to September 2015.

Members were reminded that following a report to the Standards Committee on 3rd October 2013, and as part of the drive to strengthen governance arrangements across the Authority, the informal arrangements of reporting gifts and hospitality declared by elected Members has been replaced by the presentation of a reports to the Standards Committee.

Members noted the information provided in appendix 1 of the report, which listed the gifts and hospitality as declared by an elected member for the period January to September 2015.

#### **4. ANNUAL LETTER FROM PUBLIC SERVICES OMBUDSMAN FOR WALES 2014-2015**

Consideration was given to the Annual Letter received from the Public Services Ombudsman for Wales, which provides a breakdown of all complaints received and investigated by his Office during 2014/15 and the response times to requests for information.

Members were asked to note that in relation to Caerphilly, whilst there has been a noticeable increase in the number of complaints received by the Ombudsman compared with 2013/14 this figure remains below the Local Authority average. The figures show that the largest area of complaints is Planning and Building Control with the number of complaints received at the Ombudsman's office for this year totalling 12, compared with 3 the previous year. This is slightly above the Local Authority average. However, this data has been analysed and of the 12 complainants, 5 were made prematurely (had been referred to the Ombudsman before exhausting the Council's Corporate Complaints Process). Members noted that overall 19 premature complaints were received by the Ombudsman. This is equal to the Local Authority average and is beyond the control of the Authority.

Attention was drawn to the response times of the Authority when replying to requests for information by the Ombudsman and Members were asked to note that the graph on page 8 of the Annual Letter indicates that all responses were received more than four weeks after the request. This data relates to two complaints investigated by the Ombudsman. Following clarification with the Ombudsman's office it was agreed to amend the Letter to clarify that one response was received by the time limit agreed with the Investigator, although that this would not change the graph at Appendix G. The amended Annual Letter has now been received and a copy was provided to Members. This would be appended to the report that it is to be presented to Council.

The Ombudsman has "upheld" one report against the Council issued in October 2014. This matter has been the subject of a report to the Standards Committee on 24th November 2014, Policy and Resources Scrutiny Committee on the 3rd March 2015 and Audit Committee on the 15th June 2015. In addition the Ombudsman has not upheld one report issued in February 2015. Details of both reports are contained in Section I of the Annual Letter.

Details of the Code of Conduct complaints for elected Members were detailed in Section H of the appendix to the letter. The Ombudsman decided not to investigate four matters, and one was discontinued. There were no findings against any elected Members.

After due consideration, Members noted the content of the amended Annual Letter, received from the Public Services Ombudsman for Wales and were advised that it will now be presented to Council for information.

#### **5. PRESENTATION - CONSTITUTION**

The Interim Head of Legal Services and Monitoring Officer gave an update on the Constitution and, with the use of a slide presentation, advised that it is the Council's internal rule book and as such is a live document, which is updated and amended on an 'ad hoc' basis, following the approval of full Council.

It was noted that the document is split into three parts - Part 1 sets out a summary and explanation of the Constitution, Part 2 sets out the Articles which are the rules governing the Council business and Part 3 - 7 are the more detailed procedures and codes of practice which

set out the separate rules and protocols. Details of how the Council operates can be found within the Articles and the responsibility for functions, terms of reference, rules of procedure, codes and protocols, members allowance scheme and management structure can be found within parts 2 - 7. There is also a detailed scheme of delegation in operation which includes delegations to senior officers in the Authority to make decisions.

In noting that Council meets on a six weekly cycle (with special meetings arranged as required), the roles and responsibilities of Cabinet and overview and scrutiny committees were outlined. Cabinet consists of ten members (the Leader and nine others appointed by him/her) and the overview and scrutiny committee sixteen members. With regards to the latter, it was noted that they have no formal decision making powers but support the work of the executive as a whole. They can review or scrutinise decisions made or offer comments on reports that are subsequently to be presented to Cabinet/Council. Reference was also made the 'call in' process, which, if a valid request is received, 'freezes' a decision until it has been resolved in accordance with the constitution. This also applies to decisions taken under delegated powers in accordance with the scheme of delegation as detailed within the Rules of Procedure.

There are also a number of statutory and non-statutory committees. The statutory committees being Planning and Licensing Committees, on which Members sit in a quasi-judicial capacity. Other main committees include the Audit Committee and Standards Committee (as set out by legislation). There are also a number of non-statutory meetings which include Community Partnerships and Town Centre Management Groups. Details of meetings are published on the weekly timetable and the agenda/reports for the meeting are available on the website. Meetings are open to the public, unless exempt information is to be considered. At that time, and having considered and approved the public interest test, they would be excluded from the meeting.

Specific reference was then made to the procedure rules, which are found at Part 4 of the Constitution. They set out the rules of debate and procedure for the conduct of meetings of full Council and Committees. Also included in this section are the Financial Regulations and Standing Orders, Rules on Consultation and the Protocol for Disposal of Property. The code and protocols, also in this section, include the Members Code of Conduct, Whistleblowing Policy, Protocol on Members/Officer relations, Monitoring Officer Protocol, Protocol on Elected Members rights of access to information and the Informal Resolution Protocol.

In closing, the Interim Head of Legal Services and Monitoring Officer advised that any changes required to the Constitution must be approved by Council.

Members thanked the Interim Head of Legal Services and Monitoring Officer for her informative presentation and for responding to the queries that were raised during the course of the debate. It was suggested that Members may wish to attend meetings to observe proceedings and see the decision making process.

## **6. PRESENTATION - RULES OF CONSULTATION**

The Interim Head of Legal Services and Monitoring Officer then gave an overview on consultation requirements as set out in the Executive Procedure Rules in Part 4 of the Constitution. This sets out what is expected by way of consultation on any report on an Executive decision and provide that:-

“The level of consultation required will be appropriate to the nature of the matter under consideration. Officers must consult in any event with the appropriate Cabinet member, ward members and appropriate officers and either incorporate their comments into the report or (if not accepted by the author of the report) the comments must be included in the report.”

In accordance with the guidance, Officers are aware of the need for timely and proper consultation with interested parties and they must ensure that the views of those parties are either incorporated into their recommendations, or if not, highlighted in the report so that members taking a decision as the result of a report will do so in the light of all the facts and opinions.

The guidance details a number of groups which should be consulted, and sets out the circumstances in which those consultations should take place - Officers, Cabinet Members, local members, scrutiny committees, community/town councils, community partnerships, voluntary and community sector and younger/older people

Cabinet consult scrutiny committees on all 'key' issues contained in the Cabinet Forward Work Programme. These could include issues of a strategic or controversial nature, which are likely to have a significant effect on the delivery of Council services across the county borough or have a significant element of risk or financial implications.

Whilst it is not possible to provide an all encompassing definition of 'key' issues, Cabinet Members and Officers are asked to consider the merits of consulting scrutiny committees as issues arise. The Forward Work Programme is used to help this process by identifying those matters which need to be considered in advance by a scrutiny committee. The programme, prepared by Corporate Management Team and then approved at Cabinet on a quarterly basis shows all those matters that are significant decisions to be taken by the Cabinet over the next quarter. Not all of these need to be considered in advance by a scrutiny committee and there will inevitably be unexpected urgent matters where although they are 'key' it is not feasible to put them formally to a scrutiny committee in advance of being considered at Cabinet.

With regards to consultation with community/town councils, the Council has agreed a charter with those councils about exchanging information, liaison and consultation on specific subjects. In setting up each Community and Communities First Partnerships the partnership agreement, to which the Council is a signatory, sets out the role of the partnership and partnership principles, which, taken in total involve the Council in consultation with the community through the partnership. The consultation would not apply to operational matters or where the Council is exercising a function under Planning, Licensing or Rights of Way. The Council has signed a compact with various statutory and voluntary and community sector organisations to support the delivery of the Caerphilly County Borough Community Strategy, and consultation is an element of that, in the same way that it is with community partnerships (above).

The Council also supports a Youth Forum and a 50+ Forum to support younger and older people in engaging in discussions. There are contact Officers within the Council who liaise with and support these groups and they can act in a similar capacity to that for the voluntary sector. They can scan forthcoming reports and consult with the Chair and Vice of the Groups where they identify a need to seek views from younger/older people.

With regards to planning applications there is an existing statutory process of consultation and none of the above apply to the development control process. The rules on consultation apply equally to decisions under delegated powers although a large majority of delegated power decisions will be more routine or operational, and so the "strategic" consultation with scrutiny committees and with Groups will not apply.

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

## **7. STANDARDS COMMITTEE - APPOINTMENT OF INDEPENDENT MEMBER**

Members were advised that following the resignation of one of the lay members, the position

was recently advertised and a Panel established in accordance with the Regulations (comprising of an elected member, a community council member and a "lay panel member) to undertake the interview process. The advertisement attracted seven applications from individuals and five applicants were invited for interview, two withdrew and three were interviewed.

Following interview, the Panel recommended that Mr. Maldwyn Stone be appointment as an independent member of the Standards Committee for a period of four years from 18th November, 2015 and that Mr. David Tolley be invited to sit on that reserve list for a period of six months.

It was noted that the recommendations of the Panel will be presented to Council on 17th November 2015.

## **8. WHISTLE BLOWING POLICY**

It was agreed that a presentation be made on the Whistle Blowing Policy to the next meeting.

The meeting closed at 2.30pm

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 Chair.

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CHAIR