



## STANDARDS COMMITTEE

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN PARK ON MONDAY 2ND MARCH 2015 AT 1.30PM

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#### PRESENT:

Mrs D. Holdroyd - Chair

Mrs M. Evans, D. Lewis

Community Councillor Mrs G. Davies

Councillors Mrs P. Cook and Mrs M.E. Sargent

#### Together with:

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

#### 1. APOLOGIES

Apologies for absence were received from Councillors H.W. David and C.P. Mann, Mr. P. Morgan and Mr V. Brickley.

#### 2. DECLARATIONS OF INTEREST

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

#### 3. MINUTES - 24TH NOVEMBER 2014

RESOLVED that the minutes of the meeting held on 24th November 2014 (minute nos. 1 - 15) be approved as a correct record.

#### MATTER ARISING

#### 4. Complaint Made to the Public Services Ombudsman for Wales - Case Number 201301753

It was noted that this report would be presented to the Policy and Resources Scrutiny Committee on 3rd March 2015. The Chair and Community Councillor Mrs G. Davies advised that they would be attending the meeting to listen to the debate.

## **5. MEMBERS TRAINING PROGRAMME 2015**

Consideration was given to the report, which gave an overview of the Members training programme for 2015. It detailed mandatory training, recommended training for Cabinet members, Chair and Vice Chairs and Senior Salary holders, combined six monthly refresher training, annual refresher training and six monthly update sessions for recommended committee training dates. Members were reminded of the protocol that has been agreed whereby those who refuse to attend mandatory training, or do not have a good reason for not attending such training, will be reported to the Standards Committee to explain their reasons.

The Interim Head of Legal Services and Monitoring Officer advised that as the training programme has only recently been implemented it is too early to provide an update on attendance, although this is being monitored and will be reported to members at a later date. It was noted that Officers are considering alternative ways of delivering training to members, including the possibility of using a recorded webcast. With regard to the training to support the scrutiny function, the current scrutiny arrangements are under review, and as such, this additional training will be picked up as part of the review and an update will be provided for the Committee at a later date.

It was noted that the introduction of the Members Training Programme has assisted in the implementation of the Council's Governance Improvement Action Plan and will improve Members training and support arrangements. As such, it was unanimously agreed that the training programme be noted and that details on attendance be presented in due course.

## **6. ANNUAL REPORT OF MEMBERS' DECLARATIONS OF GIFTS AND HOSPITALITY JANUARY TO DECEMBER 2014**

Consideration was given to the report, which detailed the gifts and hospitality declared by elected Members for the period January to December 2014.

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 quarterly report to the Standards Committee. It was clarified that gifts up to the value of £25 can be accepted, but those over that figure should be refused and recorded as such.

Members noted the information provide in appendix 1 of the report, which listed the gifts and hospitality as declared by an elected member for the period January to December 2014.

## **7. WHISTLE BLOWING POLICY**

The Interim Deputy Monitoring Officer advised that the Whistle Blowing Commission has published a draft Code that sets out clear standards for organisations across all sectors to enable them to have clear whistleblowing arrangements. She gave a presentation on the whistle blowing policy (which has been approved by Council) and advised that it is intended to encourage and enable employees to raise concerns with the Council without fear of victimisation, subsequent discrimination or embarrassment. The code allows organisations to develop a culture that encourages people to raise a concern if something is not right, and then listen and act when they do.

It was noted that prior to its adoption, the policy had been through a full consultation process, which included the Policy and Resources Committee, Managers, Employees and Trade Unions. The policy is on the HR Portal for employees to be able to access and, as part of the Communication and Awareness Training Programme, has been communicated to employees.

She advised of the definition of who is identified as a "worker" for the purposes of whistleblowing protection, what is and is not a disclosure of information and how the relevant failure is identified. It was noted that the protection of the Policy enables employees to raise concerns and the Interim Head of Legal Services and Monitoring Officer, gave an explanation on both qualifying and protected disclosure and the public interest test. With regards to a disclosure of information, the Act specifies it as 'meaning any disclosure of information which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show one or more of a number of relevant failures' as listed in the policy.

Once a disclosure is received, there is then a need to look at its content and the Interim Head of Legal Services and Monitoring Officer, in consultation with the Head of Human Resources and Organisational Development, will consider whether the disclosure is in respect of a matter of public interest and whether making disclosure was in the public interest. Examples of when it may not be in the public interest to make an internal disclosure were given (repeated disclosures, cutting across reporting lines, motive, conveying facts as opposed to making allegations), albeit that several pieces of information can be considered together, and the latter considered a protected disclosure.

In that the policy is intended to encourage and enable employees to raise concerns about malpractice, and provides an avenue to receive feedback on any action taken, it was noted that 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.

Reference was made to the way in which whistle blowing is monitored and it was noted that in accordance with terms of reference, it is the Standards Committee that oversee the whistleblowing regime and, as such, reports protecting the identity of the person, will be presented as required.

A query was raised as to other policies in place in the event that the employee should not wish to use this avenue of complaint. It was noted that if the complaint is in relation to their employment, or how they have been treated, the grievance procedure can be pursued. A copy of this and other policies can be found on the HR Portal. Employees who are dismissed are able to take their case to the Employment Tribunal.

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

## **8. UPDATE ON THE 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 two parts - Part 1 sets out the Articles which are the basic rules governing the Council's business and Parts 2 - 7 are the more detailed procedures and codes of practice which are set out in 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. 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.

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 must be approved by Council. With regards to the All Wales Framework, it was reported that there had been difficulties with the supporting IT, and as such, many authorities had amended their existing constitution in the meantime, albeit that there will be further discussion as how the framework can be taken forward in due course.

A query was raised in relation to the scheme of delegation in operation, and particularly the delegation to senior officers. It was confirmed that in order to support the governance around decision-making, and assist Officers in making those decisions and Members in understanding the process, a number of documents have been introduced. It was agreed that copies of these documents would be circulated to the Committee.

Introduction to Decision Making  
Protocol for Recording Decisions at Corporate Management Team  
Recording Delegated Decisions – Notes of Guidance  
Guidance - Call In  
An introduction to Scrutiny

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.

The meeting closed at 3pm.

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