

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of a meeting of the Standards Committee held at County Hall, Usk,
on Monday 1st September 2014 at 10.00 a.m.**

PRESENT:

Mrs P Reeves (Chan)
County Councillors D.L. Edwards, D.J. Evans and R.P.Jordan

INDEPENDENT REPRESENTATIVES:

Mr T. Auld and Mr G. Preece

COMMUNITY REPRESENTATIVE:

Mrs I Cameron

OFFICERS IN ATTENDANCE:

Mr R. Tranter – Head of Legal Services
Mr R. Williams - Democratic Services Officer.
Mrs N. Perry – Democratic Services Officer

1 ELECTION OF CHAIRMAN

We resolved that Mrs P. Reeves be elected as Chairman of the Committee.

2 APPOINTMENT OF VICE CHAIRMAN

We resolved that Mr T. Auld be appointed as Vice Chairman of the Committee.

3 APOLOGIES FOR ABSENCE

We received apologies from Mr. G. Powell and Mr. M. Sutton.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 MINUTES

We resolved that the minutes of the meeting of the Committee held on 7th March 2014 be confirmed as correct record, and signed by the Chairman, subject to the following amendments:

- Present: County Councillor R.P. Jordan and Mr. T Auld
- Apologies: Delete County Councillor R.P. Jordan and Mr. T. Auld.

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6i GUIDANCE TO MEMBERS SERVING ON OTHER BODIES

We received a report from the Head of Legal Services on behalf of the Monitoring Officer regarding guidance for Members serving on other bodies.

The report stated that each year the County Council makes over 100 appointments to outside bodies. The Council's Code of Conduct for members requires that a member must observe the Council's Code of Conduct whenever they are acting as a representative of the Authority.

The Code of Conduct requires that:

- Where you are elected, appointed or nominated by your authority to serve
 - on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
 - on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

The officer advised that at any time of potential conflict, Members should contact the Monitoring Officer.

As no formal guidance had been previously been issued to members, the Monitoring Officer has asked that the committee consider and approve the report, and that it should be issued to all Members.

A query was raised as to how this guidance would be disseminated to other members of the council. It was confirmed that this would be distributed electronically should the committee approve the report. It was also agreed that it would be useful to send the report to town / community clerks.

A Member raised a concern that there are no reports back to Council regarding the issues raised at the meetings of outside bodies. It was agreed that representatives on an outside body that the council has appointed, should report back to Council and thought would be given to how best to proceed with this.

A recommendation was put forward that an electronic council library be created where all Members can access the information.

The Chairman agreed that a recommendation be put in place so that Members report back from their respective meetings. The Head of Legal Services agreed to discuss this with the Head of Democratic Services.

We resolved to approve the report.

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6ii OMBUDSMAN ANNUAL REPORT AND LETTER 2013/14

We received an annual report from the Ombudsman covering both maladministration and conduct complaints across Wales, and an annual letter regarding performance.

The Annual letter to the County Council showed that there had been an overall increase in maladministration complaints across Wales but a decrease of 22% in Code of Conduct complaints, attributable, in part to new local resolution procedures.

The penultimate paragraph of the letter commented on Monmouthshire's performance and included a note of a satisfactory response rate to requests for information and a significant reduction in the number of complaints received in respect of Planning and Building Control, compared to the previous year.

Committee was informed that a new permanent Ombudsman has now been appointed.

A Member queried that the one complaint shown on the report for Monmouthshire County Council, was known to be a representative of his ward, but the member was unaware of the detail. We were informed that the report must remain anonymous and that the Ombudsman's investigations must remain confidential. There may, however, be scope to include as exempt items.

We resolved to receive the report.

6iii RECENT CASES AND DECISIONS

We received a report issued by The Public Services Ombudsman for Wales which provided details of casebooks, demonstrating how the Code and its enforcement operate across Wales both at a local (standards committee) and national (adjudication panel) level.

Members were asked to note that one of the cases dealt with by the committee is mentioned on page 11 of the casebook.

We were referred to the recent High Court decision in the case of a Flintshire Councillor, which highlighted a number of issues relevant to all Standards Committees in Wales. Important principles to be taken from this case included that a civil standard of proof should be adopted.

It was pointed out that the casebook was a welcome report. The casebooks would provide helpful information for Monitoring Officers and Standards Committees across Wales, and should help to provide consistency in decision making.

A query was raised as to the rate the Councils indemnity insurance was capped. We were informed that it is set at £30,000. It was stressed that if a member was found to have breached the Code of Conduct, he or she would be liable for costs regardless of the indemnity.

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An update was requested on the Code of Conduct, section 10, 2b. It had previously been discussed that a new code would be issued. It was reported that it was anticipated that this paragraph would be removed but this has not been approved by the Welsh Government yet. Going forward the understanding would be that this relates to Cabinet only.

We resolved to receive the report.

7 DATE AND TIME OF NEXT MEETING.

Monday 8th December at 10.30a.m.

The meeting ended at 10.50 a.m.