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MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Standards Committee held
at Conference Room - Usk, NP15 1AD on Monday, 16th September, 2019 at 10.00 am

PRESENT: Mr. T. Auld (Chair)

County Councillors: P. Clarke, D. Evans and S. Woodhouse

I. Cameron (Community Council representative)

Independent Members:

P. Easy, R. McGonigle, R. Stow and R. Williams-Flew

OFFICERS IN ATTENDANCE:

Matthew Phillips	Head of Law/ Monitoring Officer
Annette Evans	Customer Relations Manager
Richard Williams	Democratic Services Officer

APOLOGIES:

None.

1. DECLARATIONS OF INTEREST

None.

2. PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL LETTER 2018/19 AND MCC WHOLE AUTHORITY COMPLAINTS, COMMENTS AND COMPLIMENTS REPORT 2018/19

We received the Public Services Ombudsman for Wales' annual letter 2018/19 and the County Council's whole authority complaints, comments and compliments report 2018/19.

In doing so, the following points were noted:

- Monmouthshire residents may complain via the telephone, the County Council's website, through the community hubs or by letter.
- The Ombudsman is establishing a new Complaints Standards Authority with a view to creating a benchmark across Wales. Complaints will be categorised under various headings in order to measure across Wales how each authority is performing. Each authority will be required to provide quarterly statistics on complaints received.
- The Scottish Complaints Standards Authority is a model that the Ombudsman is looking at.

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- Social Services complaints are dealt with via a separate statutory process. This is a two stage process whereby an external investigating officer is required for stage two. If the complaint relates to Children's Services, then an independent person is also required. Therefore, there is a cost element to social services complaints if they go to the formal stage of the process.
- The focus of the Standards Committee is to look at code of conduct issues rather than complaints. Complaints data is presented to the Audit Committee and to Cabinet.

We noted the report.

3. RECENT ADJUDICATION PANEL FOR WALES OUTCOME

We received the Adjudication Panel for Wales Decision Report regarding reference about an alleged breach of the Code of Conduct by Councillor Graham Down.

It was noted that the case had been discontinued because it had been found that no complaint had been made to the Ombudsman which would have triggered its ability to investigate the matter.

Having received the report, the Monitoring Officer would write to the Ombudsman seeking clarification on whether the new powers allow for own initiative investigations into local authorities with regard to code of conduct issues.

4. CLERKS CONFERENCE - FEEDBACK AND DISCUSSION

We received feedback from the Clerks' Conference. In doing so, the following points were noted:

- The clerks in attendance had considered the conference to be very helpful. Clerks should be empowered to feel confident in delivering advice to their respective committees.
- The clerks had indicated that further conferences would be beneficial, going forward.
- The Standards Committee thanked the Monitoring Officer for setting up the conference which had been well received by all in attendance.
- Concerns had been raised by some clerks regarding levels of intimidation and bullying received in their roles as clerks. Other issues related to rates of remuneration and levels of training provided.
- Clerks that have experienced bullying should firstly contact the Monitoring Officer. If the matter cannot be dealt with in this way, the clerk would contact the Ombudsman.

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- There were issues relating to clerks' awareness of the various levels of training available. One of the aims to come out of the conference was for clerks to learn from each other. Training tended not to be coordinated but left to individual councils to undertake.
- It was suggested that county councillors and community councillors should be provided with a code of conduct booklet to help raise awareness and to maintain standards.
- It was noted that about a quarter of community councils did not attend the conference. If the conference is provided in future, these councils would be encouraged to attend. The Monitoring Officer stated that future conferences would be established, potentially combining with other neighbouring authorities.
- It had been identified that there was no guidance for councils regarding whether they should establish a website for their respective councils.
- With regard to recording of meetings, it was the decision of individual community councils to determine whether their meetings would be recorded. If a referral was made to the Standards Committee, a request could be made to receive a copy of the recording of the meeting, if that council records its meetings.
- It had been identified that clerks' knowledge of dispensations was lacking and they did not feel confident in providing guidance to councillors.
- Empowerment of the clerks is key in addressing this matter and other council related matters. The Monitoring Officer includes the clerk when dealing with an issue raised with him by an individual councillor.

We noted the update.

5. DISCUSSION ON ASSESSING COUNCIL MEETINGS

We received an update regarding discussion on assessing and observing council meetings. In doing so, the following points were noted:

- Community council meetings vary considerably. The length of meetings can vary significantly with subject matter being considered in great detail or being administered quickly.
- It is essential that the clerk and the chair are fully informed of their roles and are able to support the committee in code of conduct matters and training in order to help the community council in supporting the local community.
- Establishing an overview of each of the 33 town and community councils within Monmouthshire could be beneficial in understanding their requirements.
- Standards within each council should be high and remain at this level.

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- If observational visits of the 33 town and community councils were undertaken, a report could be produced and be distributed to the councils outlining good practice, areas for improvement and availability of training, for example.
- Visits could be undertaken with a view to understanding what each council does, as an initial step. A request could be made to each council to ascertain whether a representative of the Standards Committee could visit and attend one of their respective meetings.
- In comparison to other authorities whereby their Standards Committee members visit their community councils, Monmouthshire County Council has considerably more town and community councils than these authorities.
- County Councillors should be encouraged to visit their community council meetings, if they are not already doing so.

We resolved that:

1. the Monitoring Officer would liaise with his counterpart at Cardiff City Council requesting a copy of the guidance regarding how its Standards Committee undertakes observational visits of its community council meetings.
2. at a point in the near future, if desired, the Monitoring Officer would write to a select number of town / community councils within Monmouthshire indicating that there is an interest from the Standards Committee to better understand how councils operate and whether these councils would be willing to accommodate a Standards Committee member attending one of their meetings. It is anticipated that this would lead to a better informed Standards Committee and potentially could build on the clerks' council, going forward.

6. CONFIRMATION OF MINUTES

The minutes of the Standards Committee meeting dated 17th June 2019 were confirmed and signed by the Chair subject to the following amendments:

- Mr. T. Auld and Mr. R. Stow were in attendance at the meeting.
- Remove 'County Councillor' when referring to the Independent Members in the list of attendance.

Matters arising:

Minute 7 – Dispensation request Discussion:

- Town and community council meetings have a set time in which members of the public may speak. It was noted that an individual had been prevented from speaking at a community council meeting some years ago and had contacted the monitoring officer accordingly. It was noted that it was at the chair's discretion to

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allow public speaking and the time limit was made clear to the individual granted to speak at the meeting.

- The dispensation form was difficult to understand and not user friendly. It had been agreed that the format of the form would be updated on the website by the Monitoring Officer.

7. EXCLUSION OF THE PRESS AND PUBLIC

We resolved to exclude the press and public from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information.

8. MONITORING OFFICER EARLY STAGE COMPLAINT HANDLING

We received a verbal update by the Monitoring Officer regarding early stage complaint handling.

In doing so, the Standards Committee was provided with an update regarding some functionality issues that had occurred in respect of a community council. It was noted that the community council was now in a better position of equilibrium.

We noted the update.

9. NEXT MEETING

Monday 16th December 2019 at 10.00am.

The meeting ended at 12.05 pm.

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