

**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of a meeting of the Standards Committee held at County Hall, Usk,  
on Monday 9<sup>th</sup> March 2015 at 10.30 a.m.**

**PRESENT:**

Mr T. Auld (Vice-Chairman)  
County Councillors D. Evans and D.L. Edwards

**INDEPENDENT REPRESENTATIVES:**

Mr G Powell, Mrs I. Cameron and Mr G. Preece

**COMMUNITY REPRESENTATIVE:**

Community Councillor Mrs I. Cameron

**OFFICERS PRESENT:**

Mr. R. Tranter - Monitoring Officer  
Mrs. S. King - Senior Democratic Services Officer

**1. APOLOGIES FOR ABSENCE**

Apologies were received from County Councillor R.P. Jordan, Mrs. P. Reeves and Mr M. Sutton.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4. MINUTES**

We resolved that the minutes of the meeting held on 1<sup>st</sup> September 2014 be confirmed as a correct record and signed by the Chairman.

During discussion we noted updates as follows:

- The Monitoring Officer advised that an issue had been raised with the Head of Democracy and Regulatory Services, so that a method could be agreed for members to report back from respective meetings that had been attended. A member highlighted that a mechanism should be in place and consistency was required to report after meetings, particularly outside bodies, so that all members were informed. We noted that some members provided regular updates following meetings of outside bodies.
- We clarified that the issue related to County Council meetings, however, if members felt that there was an issue that related to community or town council meeting then it could be raised with the Chairman of Standards committee. The issue would be progressed by the Monitoring Officer.

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**4. REPORTS OF THE MONITORING OFFICER**

**i) CUSTOMER FEEDBACK AND FOIA STATISTICS – APRIL 2013 TO MARCH 2014**

We received the Customer Feedback and FOIA Statistics, the latest annual report of the council which related to customer feedback and Freedom of Information responses from April 2013 to March 2014.

The report was received by the Audit committee in January and the remit of the Standards committee was to look at complaints and ensure that an annual report of complaints was produced by the council.

The council introduced its Whole Authority Complaints and Compliments policy and procedure in 2011. It follows the model that the Public Services Ombudsman for Wales asked each local authority to adopt.

The procedure involved two stages; informal and formal. The informal stage aimed for the issue to be resolved through discussion and problem solving between the officer and the complainant. If concerns had not been resolved then the matter was escalated to the formal investigation stage.

Where a resolution had not been achieved through initial discussions then complainants had the right to make a formal complaint. The matter would be investigated by an officer independent of the section or department complained against. There would be timescales in place for the investigation to be concluded and a full response which detailed findings would be received by the complainant. The internal complaints process would be concluded.

Complaints still remaining dissatisfied could contact the Public Services Ombudsman for Wales, an external independent service is provided to consider complaints against the provision of local authority services. The Ombudsman would have expected all of council's internal complaints process to be exhausted before complaints were considered and would be concerned with maladministration, therefore, would look to see whether people had been treated unfairly or inconsiderately, or had received a bad service through some fault on the part of the council.

If a complaint is upheld, the Ombudsman will recommend appropriate address to put the person who has suffered injustice back to the position they would have been in if the maladministration had not occurred.

The report summarised the number of complaints, comments and compliments received and dealt with during 2013-2014. The report also included a summary of the number of Freedom of Information Act (FOIA) requests received by the Council during this period and a range of compliments about the whole of the Council was received, which were recorded and staff informed of the compliments received about them.

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During discussion the following points were noted:

- We discussed response times from the council to complainants, it was suggested that responses should be made to complainants within 28 days and this should be included within the Code of Conduct. The committee were informed that officers should respond within 5 working days and a substantive response should be received within 15 working days.
- We noted that Councillors were not included within this. However, it was suggested that it would be good practice for Councillors to work to a reasonable timescale. In relation to issues that take longer to be resolved, concerns were often relieved by keeping the member of the public updated and involved.
- The committee were reminded that it would be a matter for Council for the procedure to be agreed and a report could be produced, if required, for corporate standards on response times to be included.
- The Monitoring Officer confirmed that a report would be produced and would be included on the next Standards Committee agenda, for June or July Council.
- We were reminded that the report referred to complaints to the council (not Councillors), terms of reference of Standards committee included to ensure that complaints procedure and annual report was in place.
- A member requested broken down information regarding comparable data, trends and why the number of complaints had increased.
- The Monitoring Officer advised that comments would be forwarded to the relevant officer.
- We discussed planning committee processes and the Monitoring Officer confirmed that the issue could be discussed with the Chairman at a future planning committee to ensure that site visit protocols were being adhered to.

We resolved that recommendations within the report be agreed:

1. To note the contents of the report.

ii) **WELSH GOVERNMENT WHITE PAPER – REFORMING LOCAL GOVERNMENT: POWER TO LOCAL PEOPLE**

We were presented the Welsh Government White Paper – Reforming Local Government: Power to Local People, which informed Standards Committee of the Welsh Government's White Paper on the reform of local government.

The Welsh Government is consulting on a wide ranging White Paper on the future of local government. The consultation will end on 28<sup>th</sup> April 2015. The relevant proposals for Standards Committee include:

The Monitoring Officer highlighted key issues within the report and invited the committee to submit views on relevant proposals for the Standards Committee which included:

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- **Roles and responsibilities of leaders and cabinet members.**
- **Council Leaders to have explicit duties in respect of diversity and standards of behaviour, including bullying and harassment of councillors and staff.**
  - *Training undertaken when members are elected and would be continually ongoing.*
  - *Interesting aspect of community council training.*
- **Reduction in number of councillors in line with UK average.**
  - *Some areas sparsely populated and big areas to cover. Concern that local Council contact would be lost in large areas.*
  - *This would have a significant effect on elected member workloads.*
  - *Noted Welsh Government recommended average ward as 1800, one specific ward in Monmouthshire was 1700.*
- **Mandatory training introduced for councillors and all councillors have to produce annual reports detailing activities, attendance and training.**
  - *Attendance at training courses would be recorded and Political Leadership Group should be made aware of any concerns regarding attendance at training.*
  - *Important for members to attend code of conduct training, if there is an alleged breach then evidence of training will be requested by the Ombudsman. Essential for members to attend financial regulations and code of conduct training.*
  - *Recognised that there was a lot of information which was not necessarily easily available. There was a need to track data and make it available online e.g. gifts register, attendance.*
  - *Some concern regarding lack of diversity and need to alter times of meetings. Noted that alternative times for Council would be considered at the next full Council meeting.*
  - *Training could be included within the annual reports produced by members.*
- **Councils will be elected on a fixed five year election cycle in line with Parliament and the Assembly.**
- **Views are sought on whether Council elections should be phased in thirds.**
  - *Disagreement from Standards Committee.*
- **Term limits of 5 terms for councillors and 2 terms for leaders and cabinet members.**
  - *Experience of councillors elected year on year.*
  - *Responsibility of deselection should be with the appropriate party.*

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- **Enhanced powers for Standards Committees.**
  - *Further information required, in order to assess what is to be monitored.*
  - *Meetings operated on a reactive basis.*
- **A review to reduce the level of remuneration of councillors, Leaders and Cabinet members.**
  - *Noted that Welsh Government members had received an increase.*
  - *Levels of inflation should be considered in relation to remuneration.*
  - *Noted that the word 'reduce' was used and not review.*
  - *Councillor allowances set by the Independent Remuneration Panel Wales (IRPW) all IRPW annual reports published on their website.*
- **Lift the restrictions on council staff (other than politically-restricted posts) from standing for election to their own authority (although they would have to resign if they were elected).**
  - *Concerns regarding staff having to resign.*
- **Views sought on whether people should be prevented from holding posts as a Councillor and Assembly Member at the same time, or Community Councillor and County Councillor.**
  - *Varied views both in support and against this aspect.*
  - *In support, views were that younger members should be encouraged to join town/community and county councils.*
  - *Views against, felt that there could be a conflict of interest in being on both town/community and county councils.*
  - *May be some difficulty for a small group of people holding a larger number of posts.*
  - *Benefit from knowledge and experience of having county councillors on town/community councils.*
  - *Possibility of formal role for relevant county councillor on town/community councils.*
- **Role and responsibilities of the Chief Executive in Local Authorities defined in legislation, including duties around improvement, corporate planning and promoting democratic engagement.**
  - *An annual report would be submitted by the Chief Executive to the Leader. Reports of the three Chief Officers would be presented to Council.*
- **Proposed term limits on chief executive appointments.**
  - *Noted that there was no current time limit.*

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- *Current employment process was via rigorous process of application and interviews.*
- **Chief Executives to be recruited through a national recruitment process via a Public Sector Appointments Commission.**
  - *Employment governed by contract of employment.*
  - *Performance of Chief Executive governed/challenged by the Leader.*
  - *Current recruitment process, for Chief Officers and Chief Executive require advertisements.*
- **Tight and more consistent, nationally set standards and controls on the remuneration of chief executives and other chief officers**
  - *NJC nationally agreed process in place. Any increases would be negotiated at a national level.*
  - *IRPW may have responsibility for Chief Executive and Chief Officer pay in future.*

In addition we noted that paragraph 3.2 referred to new power of Standards Committee and further detail was anticipated. Members had welcomed the opportunity to contribute through an all member seminar.

We agreed that comments would be forwarded into the consultation process by the Monitoring Officer.

We resolved that recommendations within the report be agreed:

1. To note the contents of the report.

iii) **MONITORING OFFICER'S UPDATE**

The Standards Committee were presented with the Monitoring Officers update report, which advised the committee of recent developments regarding the following:

a) **Public Interest Test**

The Public Service Ombudsman for Wales' (PSOW) proposed to introduce a public interest test to stem the tide of fairly low level complaints being received by the PSOW from town and community councils.

When applying the public interest test the Public Service Ombudsman  
When applying the public interest test the following factors would be considered by the Public Service Ombudsman. The factors are not exhaustive, and not all may be relevant in every case. The weight to be attached to each of these factors, and the factors identified, will also vary according to the facts and merits of each case.

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- the seriousness of the breach, for example, has the member brought their authority seriously into disrepute? The more serious the breach the more likely investigation and referral for further hearing is required.
- has the member deliberately sought personal gain for himself or another person at the public expense? If there is evidence of this I am likely to investigate and refer the matter for further hearing.
- are the circumstances of the breach such that a member has misused a position of trust or authority and caused harm to a person? If there is evidence of this I am likely to investigate and refer the matter for further hearing.
- was the breach motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity? If a member's conduct is motivated by any form of discrimination I am likely to investigate and refer the matter for further hearing.
- is there evidence of previous similar behaviour on the part of the member? If so and the matter complained about is serious enough I am likely to investigate and refer the matter for further hearing.
- is the breach such that an investigation or referral to the Adjudication Panel for Wales or a standards committee is required to maintain public confidence in elected members in Wales? If so I am likely to investigate and if evidence of a serious breach is found refer the matter for further hearing.
- is investigation or referral to the Adjudication Panel for Wales or a standards committee a proportionate response? namely, would the cost of an investigation or hearing by the Adjudication Panel for Wales or a standards committee be regarded as excessive when weighed against any likely sanction?

The Monitoring Officer highlighted that the document was guidance from the Public Services Ombudsman for Wales and that the local resolution protocol would have to be exhausted in trying to achieve a resolution.

The two stage test would be expanded and it would be considered whether an investigation or referral to the Adjudication Panel or standards committee was required.

We resolved to note the report.

**b) Consultation on increasing the Principles for Good Administration**

We were advised that the first six "principles of Good Administration" were published by the PSOW in 2008. These were broad statements that the PSOW considers bodies within his jurisdiction should be doing to deliver good administration and customer service. The consultation looks to add 2 more principles to the original 6 being *creating good quality records* and *managing records effectively*.

We resolved to note the report.

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c) **Welsh Assembly's Finance Committee Review of Powers of PSOW**

The Assembly's Finance Committee had launched an inquiry into a review of the powers of the Public Services Ombudsman for Wales. The particular note for the Standards Committee was that the inquiry also wanted to hear views on "*code of conduct complaints – the Ombudsman would prefer to focus on the element of his work that deals with service users and service delivery, rather than local authority and town and community councils*" resolutions. *Whilst a local resolution procedure exists and has been adopted by 22 local authorities, variance exists in practice.*" This query must be seen in the light of an increase in the PSOW's workload by complaints of service users of public bodies in Wales, while the number of complaints received in respect of allegations of breaches in the members' code of conduct has decreased from 291 in 2012/13 of which 140 came from town community councils to 228 in 2013/14 of which 111 came from town/community councils.

Representations would be made by the Welsh Local Government Association to the Finance Committee on behalf of the Welsh councils.

The Standards Committee resolved that a comment should be referred to the WLGA that the PSOW had greater powers in terms of investigation of public bodies.

d) **Standards Conference 2015**

We were informed that the 2015 Standards Conference would take place at City Hall Cardiff on Tuesday 20<sup>th</sup> October at 10.00am until approximately 4pm.

Members were invited to give thought as to whether they would like to attend and the Monitoring Officer asked that it was confirmed at the June meeting.

Councillor D. Edwards, Mr T. Auld and Mrs I. Cameron confirmed that they would be interested.

**5. DATE AND TIME OF NEXT MEETING**

We agreed the date and time of next meeting as Monday 8<sup>th</sup> June at 10.30am.

We noted that it would be beneficial for the committee to include specific items on a committee work programme, this would be developed through the Chair and Vice chair.

**The meeting ended at 1.00 pm**