

STANDARDS COMMITTEE

9.30 AM - FRIDAY, 10TH OCTOBER 2014

PORT TALBOT CIVIC CENTRE – COMMITTEE ROOMS 1/2

PART 1

1. To receive any declarations of interest from Members
2. To receive the minutes of the previous meeting held on 25th July 2014
(Pages 1 - 4)

To receive the report of the Head of Legal Services and Monitoring Officer

3. Application for Dispensation (Pages 5 - 6)
4. Report of the Committee for Standards in Public Life (Pages 7 - 10)
5. Any urgent items at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972

PART 2

6. Access to Meetings - to resolve to exclude the public for the following item(s) pursuant to Section 100A(4) and (5) of the Local Government Act 1972 and the relevant Exempt Paragraphs of Part 4 of Schedule 12A to the above Act.

To receive the private report of the Head of Legal Services and Monitoring Officer

7. Potential Referral from Public Services Ombudsman for Wales
(Except under paragraphs 12 and 18C) (Pages 11 - 12)

S.Phillips
Chief Executive

Civic Centre
Port Talbot

3rd October 2014

Committee Membership:

Chairman: Mr G.T.Pullen

Vice Chairman: Mrs J.E.Howells

Independent Members: C.L.Jones and Mrs B.Richards

NPTBC Members D.Keogh and A.L.Thomas

Community Cttee

Member: Town/Community Councillor Mrs S.Davies

Substitutes

NPTCBC S.Jones

Community Cttee

Member: Town/Community Councillor Mrs M.Gunter

*Notes: (a) The Quorum for the Standards Committee is at least three Members including the Chairman (or in absence Vice Chairman). At least half the Members present (including the Chair) must be Independent Members. (e.g. if only two Independent Members attend, there must **only** be two other Members of the Committee present.)*

(b) In view of the above, can all Members please inform the Monitoring Officer as soon as possible, if there is a problem with attendance.

STANDARDS COMMITTEE

(Civic Centre, Port Talbot)

Members Present:

25th July, 2014

Chairman: Mr. G.T.Pullen

Vice Chairman: Mrs.J.E.Howells

Independent Members: C.L.Jones and Mrs.B.Richards

NPT Members: **Councillors** D.Keogh

**Community
Committee Member:** **Councillor** Mrs.S.Davies

Officers in Attendance: D.Michael and Miss G.Cirillo

1. **MINUTES OF THE PREVIOUS MEETING**

RESOLVED: that the Minutes of the previous meeting held on the 5th June 2014, be confirmed as a correct record.

Report of the Head of Legal Services and Monitoring Officer

2. **COMMENTARY ON HEESOM V PUBLIC SERVICES,
OMBUDSMAN FOR WALES**

Members received a report advising the Standards Committee of the outcome of a High Court case in which consideration was given to the relationship between the Code of Conduct and Human Rights Legislation.

The Head of Legal Services gave Members an overview of the case, as detailed in the circulated report, which covered detailed aspects of the individual's appeal which included Democratic arguments, Human Rights arguments, and arguments regarding Consistency and Proportionality.

After some discussion of the illustrated case, it was felt that when considering the imposition of a sanction, the Standards Committee should look at the various options available including partial suspension e.g. from executive functions as well as blanket suspension.

Members commended the report and thanked the Officer for bringing an interesting case and good example of decision making which could be considered by Committee in the future.

RESOLVED: that the report be noted.

3. **OMBUDSMAN ANNUAL REPORT**

Members received a report informing them of the publication of the Ombudsman's Annual Report. Members also noted two extracts from the Annual Report, attached as an Annex to the circulated report, both relating to complaints about alleged breaches of the Code of Conduct. The report covered complaints against principal Councils i.e. the County and County Boroughs of Wales together with Town and Community Councils. The Head of Legal Services and Monitoring Officer brought Members' attention to the changes in the number of complaints received, closed and those referred either to the Adjudication Panel for Wales or to the relevant Standards Committees. It was noted that the Ombudsman commented that the use of Local Resolution Protocols had reduced the number of complaints received. Members also took into consideration that there was nothing in the report to substantiate that assertion because it did not compare local authorities with a Local Resolution Protocol against those without. Also there was a decrease in the numbers of Town and Community Council complaints and very few of these would have Local Resolution Protocols.

RESOLVED: that the report be noted.

4. **PROCEDURE FOR HEARING REFERRALS FROM THE OMBUDSMAN**

Members received a report reminding them of the procedure for considering referrals from the Ombudsman and to give new Members of Standards Committee the opportunity to familiarise themselves with this procedure, as attached as Appendix 1 to the circulated report.

The Head of Legal Services and Monitoring Officer distributed supporting diagrams to the Standards Committee to facilitate their understanding of the process. Members noted that when complaints were received by the Ombudsman they were investigated to see whether there was a case to answer. The Ombudsman then had the option to refer cases either to the Adjudication Panel for Wales or to the relevant Standards Committee. More serious cases were referred to the Adjudication Panel since it had greater powers of sentencing.

As an additional note for Standards Committee, the Head of Legal Services and Monitoring Officer pointed out a typographical error which would be corrected, on page 30 of the circulated report, under the heading "Procedure at Hearings" item No. 2.13.10 where the final word "public" should read "private".

Members thanked the Officer for an informative and well updated meeting on all matters discussed.

RESOLVED: that the report be noted.

CHAIRMAN

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STANDARDS COMMITTEE

REPORT OF HEAD OF LEGAL SERVICES MR. D. MICHAEL

10TH OCTOBER 2014

SECTION A – MATTER FOR DECISION

WARD(S) AFFECTED:

All

APPLICATION FOR DISPENSATION

Purpose of Report

To seek Members' approval to consider granting a dispensation to a Member in relation to School Reorganisation matters.

Background

Earlier this year the Standards Committee granted a number of applications for dispensations from a number of Members regarding school reorganisation matters. Now a new set of school reorganisation matters are before the Council involving a set of schools which had previously been unaffected. A special Standards Committee was scheduled to deal with applications for dispensation for those affected but no applications were received

I have now however received an application from Councillor D. W. Davies whose sister in law is employed as a nursery nurse at Tonmawr Primary School. An employment dispensation has previously been granted to Councillor Davies but he did not apply for a dispensation to cover school reorganisation matters.

Where Members have interests such as a relative working at a school a dispensation has been granted to speak but not to vote.

The standard form of dispensation used in this case would be:-

“To speak but not vote on issues which relate to school reorganisation”

The circumstances under which the dispensation would be granted would be:-

“(d) the nature of the Member’s interest is such that the Member’s participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant Authority’s business”.

Note:- This paragraph derives from Regulation 2 of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001.

The dispensation would last until the Standards Committee following the Annual Meeting 2015.

Appendices

None

Recommendation

That Standards Committee considers the granting of a dispensation to Councillor D. W. Davies in the terms referred to above.

Reasons for Proposed Decision

To secure compliance with the Council’s adopted Members’ Code of Conduct and to ensure the proper dispatch of the Council’s business.

List of Background Papers

Application for Dispensation.

Officer Contact

Mr. David Michael – Head of Legal Services

Tel No: 01639 763368

Email: d.michael@npt.gov.uk

STANDARDS COMMITTEE

REPORT OF HEAD OF LEGAL SERVICES MR. D. MICHAEL

10TH OCTOBER 2014

SECTION B – MATTER FOR INFORMATION

WARD(S) AFFECTED: ALL

REPORT OF THE COMMITTEE FOR STANDARDS IN PUBLIC LIFE

Purpose of Report

To provide Members with an extract from the report on Standards in Public Life.

Background

All Members will be aware, the principles underling the Members' Code of Conduct originally derived from those established by the Committee for Standards in Public Life.

Having looked through the latest report of that Committee and I thought that it would be worthwhile to put before Members a short extract from that report relating to local government. Though unstated, the emphasis of the report is on England only where, as Members are aware, much of the statutory framework for standards in local government has been dismantled.

Appendices

Extract of Report of Committee for Standards in Public Life – (Appendix)

List of Background Papers

Report of Committee for Standards in Public Life

Officer Contact

Mr. David Michael – Head of Legal Services

Tel No: 01639 763368

Email: d.michael@npt.gov.uk

Local government standards

43. The Committee has continued this year to maintain a watching brief of the standards regimes in local government and the changes resulting from The Localism Act 2011 implemented in 2012. Having emphasised at the time the need for a mandatory code of conduct, strong local leadership, and effective independent persons and expressed concern at the lack of sanctions, the Committee also recognised the need to allow new arrangements to bed down.
44. The survey carried out by Local Government Lawyer on the implementation of the Localism Act 2011,¹³ suggests indications are that the role of the independent person has been generally well received and there is some evidence that the number of vexatious complaints is falling. However, the effectiveness of the sanctions regime for non-adherence to Local Authority codes of conduct, which apart from criminal prosecution, provides only for censure or suspension from a particular committee or committees, remains an issue of concern. We are aware that there have been recent individual cases that illustrate this, in particular the lack of a sanction to suspend councillors who have seriously breached the code of conduct.
45. In contrast to the recent public debate on parliamentary standards calling for greater sanctions, tightening of codes of conduct, and a greater independent element, local government is now largely self regulated with no systematic approach to conduct issues and limited sanctions. There remains in our view a significant risk under these arrangements that inappropriate conduct by Local Authority

members will not be dealt with effectively, eroding public confidence and trust in local government. We call upon the Local Government Association to support strong long leadership and continue to use its peer challenge process to offer sector led improvement in this area¹⁴ as we believe the LGA has a major responsibility to provide the leadership and peer support across the sector to ensure that all councils and councillors live up to the public's expectations of high standards of ethical behaviour in those whom they elect.

46. As part of the research for the Committee's *Ethics in Practice* report, we conducted a snapshot survey of Local Authorities' approach to induction and training. The Committee sent an electronic questionnaire to Local Authority Monitoring Officers in England, asking them to circulate it further to elected members. We received over 130 responses from Monitoring Officers and elected members.
47. The Committee was extremely pleased to learn that 90% of those who responded to the survey stated that their Local Authority provided an induction programme for newly elected councillors. Coverage and awareness of the Seven Principles of Public Life in local government was also pleasingly high, with 68% of respondents saying their induction covered the Seven Principles of Public Life, 88% saying it covered their Code of Conduct and 83% of respondents saying that councillors at their Local Authority were familiar or fairly familiar with the Seven Principles of Public Life.
48. Despite these positive results, however, the Committee remains alert to the challenges to ethical standards arising from financial constraints and changes to the Local Authority standards regime. The Committee will therefore continue to monitor provision of Local Authority induction programmes and the profile of standards, conduct and ethical behaviour within those programmes by repeating this survey in 2015.
49. More generally, we have provided evidence to the Communities and Local Government Select Committee inquiry on local government procurement, highlighting our belief that public sector procurement processes should take account of ethical issues as part of delivering value for money in the broadest sense. Our report *Ethical standards of third party providers of public services* considered the ethical principles and standards that the public and commissioners of services have of those delivering public services and the necessary safeguards to ensure those principles and standards are met, is directly relevant to local government who spends over a quarter of its annual expenditure on procuring goods and services from third party providers.

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