

**STANDARDS COMMITTEE – 23 FEBRUARY 2007**

**MINUTES OF A MEETING OF THE TOWN AND COMMUNITY COUNCILS STANDARDS SUB-COMMITTEE HELD IN COMMITTEE ROOMS 2 & 3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON FRIDAY, 23 FEBRUARY 2007 AT 1.00PM**

Present:

Independent Members

Mr J Irvine - Chairperson  
Mr G Evans - Vice-Chairperson  
Mr N Boyle

Councillors

C Westwood

Officers:

Mr P A Jolley - Monitoring Officer  
Ms E Davies - Deputy Monitoring Officer  
Mr G P Jones - Principal Cabinet & Committee Officer

Observer:

Councillor C J Michaelides

13 APOLOGIES FOR ABSENCE

The Chairperson informed Members that Cllr B I Quennell had been unavoidably detained but should be arriving shortly.

14 DECLARATIONS OF INTEREST

None

15 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of the meeting, of the Standards Committee Held on Thursday, 2<sup>nd</sup> March 2006 be accepted as a true and accurate record.

16 THE ALL WALES STANDARDS COMMITTEE CONFERENCE

The Monitoring Officer presented a report informing Members of the presentations and speeches made by contributors at the All Wales Standards Committee Conference held in Ceredigion County Hall, Aberaeron on 22 September 2006.

He outlined the key points from the Public Services Ombudsman for Wales, Mr A Peat, who was responsible for all public service complaints across the whole of Wales. The Ombudsman's role was to investigate allegations of misconduct and to put together a case for consideration of the Standards Committee or an Adjudication Panel case tribunal.

The Monitoring Officer stated that complaints should be referred to Mr Peat's office in the first instance, prior to possible onward referral. He indicated that there were proposals being considered in England to delegate consideration of allegations to local authority level and allowing the Standards Committee to sift allegations and referring the more serious allegations to the Standards Board. However, no such

proposal had been made in Wales and the current position was unlikely to change in the foreseeable future.

The Monitoring Officer highlighted the statistics that indicated that over half of the allegations that were made, were against Town & Community Councils. This was not surprising because there were 736 Town & Community Councils and only 22 principal authorities. He outlined the primary reasons for these allegations as problems with the disclosure of personal interests and whether they should remain and vote during meetings. The Monitoring Officer responded to Members' queries regarding declaring interests and informed Members that it was their responsibility to declare an interest when appropriate.

The Monitoring Officer informed Members of the speech by Mr James Goudie Q.C of 11 King's Bench Walk, London who was one of the primary Local Government Counsel. In his speech he informed representatives that if a candidate stood for election on a particular issue and was elected to office, they were able to pursue the issues for which they were elected and that it should not be considered as pre-determination.

The Chairperson stated that it was the role of the Standards Committee to promote higher standards but that it was difficult to move this aim forward under the current system. He added that the English model seemed to appear sensible and hoped that a similar process would be adopted in Wales. He requested that the Standards Committee be informed of further changes to the English model or of any proposals to change the process in Wales.

Members hoped that any improvements to the process did not stifle the passion of political debate and that clear guidance was needed to clarify the declaration of interest process and procedures for members. This would also prevent delays at the start of meetings. The Monitoring Officer informed them that he was due to speak to the political groups within the Authority regarding the Planning Committee which may address members' concerns.

Following discussions regarding the report, it was:

**RESOLVED:** That Members note the report.

17 **APPLICATION OF THE COUNCIL'S WHISTLEBLOWING POLICY**

The Monitoring Officer presented a report to Members regarding the application of the Council's Whistleblowing Policy. He explained that one of the successes of the policy was the investigation of the former Chief Executive and two officers from Electoral Services. He highlighted the key issues that came to light as a result an employee using the policy and the actions that it instigated in turning the service around and assisting the Authority to develop more appropriate practices.

He suggested that systems can be surmounted and there are therefore potential benefits from providing employees the opportunity to raise concerns outside of their own management structure.

**RESOLVED:** That Members note the report.

18 **PROVIDING INDEMNITIES FOR MEMBERS AND OFFICERS**

The Monitoring Officer informed Members of the new legislation which supplemented the existing power of indemnity and assisted in removing the doubt as to whether indemnities can be used for new methods of working such as partnerships.

He outlined the limitations of the current regulations that were reflected in the indemnity form attached to Appendix 1 of the report. He added that funding can be provided to members to answer allegations of a breach of the Code of Conduct but that it was repayable, if it was found that the Member had breached the code. The process for officers had been adapted to protect officers within their “terms and conditions” of employment.

The Chairperson requested confirmation of the conflict of interests shown in paragraph F (ii) of the indemnity form. The Monitoring Officer stated that it may not be in the interest of the Council to provide funding for a Member or Officer when the allegations are made against the Authority.

**RESOLVED:** That Members note the proposed provision of an indemnity in the form contained in Appendix 1 of the report to replace the previous form of indemnity for employees.

The meeting closed at 1:40pm.