

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 24 MARCH 2016 AT 1.00 PM

Present

Mr C Jones OBE – Chairperson

Town and Community Councillors

Councillor A Davies

Councillor RJ Hancock OBE

Independent Members

Mrs J Kiely

Mr J Baker

County Borough Councillors

Councillor DRW Lewis

Councillor RD Jenkins

Officers:

Laura Griffiths

Senior Lawyer

Andrew Jolley

Corporate Director Operational & Partnership Services

Andrew Rees

Senior Democratic Services Officer - Committees

130. WELCOME

The Vice-Chairperson welcomed Mr Jeff Baker who was attending his first meeting of the Committee. He also acknowledged the contributions of Mary Powell and Brigitte Heller to the work of the Committee and in particular to Ms Powell in her role as Chair of the Committee.

131. APOLOGIES FOR ABSENCE

None.

132. DECLARATIONS OF INTEREST

Councillor A Davies declared an interest in agenda item 5 – Amendments to Legislation as Clerk to St Brides Minor Community Council.

133. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of the Standards Committee of 11 February 2016 were approved as a true and accurate record.

134. APPOINTMENT OF CHAIRPERSON

The Monitoring Officer presented a report which sought nominations for the appointment of a Chairperson for the Standards Committee amongst the Independent Members.

**RESOLVED:** That Mr Clifford Jones be appointed Chairperson of the Standards Committee.

135. **AMENDMENTS TO LEGISLATION**

The Monitoring Officer reported on the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 and the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 which are to come into force on 1 April 2016.

He reported that the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 amends the Model Code of Conduct for local government Members in that the 2013 Act transferred responsibility for maintaining the register of interests of members of community councils from the Monitoring Officer of the principal local authority for the area to the 'proper officer' of each community council with effect from 1 May 2015. He stated that a number of consequential amendments had been made to the Model Code of Conduct to reflect this change in relation to a community council replacing reference to a monitoring officer with reference to the proper officer of the community council.

The Monitoring Officer also reported that Paragraph 15 of the Model Code which dealt with the register of members' interests is amended to clarify that any interest disclosed for the first time must be entered in the register. He also stated that the obligation on a member to report a potential breach of the Code to the Public Services Ombudsman for Wales is omitted from the Code. He informed the Committee Paragraph 10(2)(b) of the Code had been omitted, in order to overcome unintended difficulties in the practical application of this paragraph in relation to the participation in business relating to constituency interests.

The Monitoring Officer reported that the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 amends three statutory instruments, namely the Standards Committees (Wales) Regulations 2001; the Local Government Investigations (Functions of Monitoring Officers and Standards Committee (Wales) Regulations 2001 and the Local Authorities (Grant of Dispensations) (Wales) Regulations 2001.

An amendment had been made in relation to the Standards Committees (Wales) Regulations 2001, which enables two or more relevant authorities to establish joint standards committee. As a consequence of the postponement of the 2016 local government elections, provision has been made to enable a relevant authority to determine that local authority and community council members of its standards committee who are in place on 1 April 2016 may continue to serve until the next ordinary election in 2017. In addition, the current four year restriction on the term of office of such a member is removed.

He also informed the Committee that provision has been made to enable a standards committee to delay publications of agendas, records or information connected to its consideration of the report of a misconduct investigation until such time as the misconduct proceedings are concluded. He stated that there was a presumption that misconduct hearings will be held in public, unless there are particular reasons for some or all of the proceedings being held in private.

The Monitoring Officer also reported that in relation to the Local Government Investigations (Functions of Monitoring Officers and Standards Committee (Wales) Regulations 2001 provision has been made to enable a standards committee or a

monitoring officer, with the prior written agreement of the Chairperson of the standards committee, to refer the report of a misconduct investigation to another authority's standards committee for determination. He stated that Regulation 9 had been amended to clarify that a period of suspension imposed by a standards committee is limited to a maximum of 6 months or, if shorter, the remainder of a member's term of office. He also informed the Committee that a member seeking to appeal the determination of a standards committee will in future first need to obtain the permission of the President, or a nominated panel member, of the Adjudication Panel for Wales.

The Monitoring Officer reported that in relation to the Local Authorities (Grant of Dispensations) (Wales) Regulations 2001 provision had been made to enable a standards committee or a monitoring officer, with the prior written agreement of the Chairperson of the standards committee, to refer a dispensation application to another authority's standards committee for determination. This permission would go to the Vice-Chairperson of the standards committee in the absence of the Chairperson. He stated that a general category dispensation had been introduced which will enable a standards committee to grant a dispensation, if it considered it appropriate in all the circumstances to do so, where it was not otherwise possible to make reasonable adjustments to accommodate a person's disability. This type of dispensation would be subject to annual review. The Monitoring officer also informed the Committee that in accordance with Section 51 of the 2000 Act, all relevant authorities must within six months of the date the Local Authorities (Model of Code of Conduct) (Wales) (Amendment) Order 2016 was made, adopt a revised Code of Conduct. He stated that Council has until 26 July 2016 in which to adopt the revised Code.

RESOLVED: That:

1. Council formally adopt the Revised Code of Conduct in April 2016.
2. The Revised version of Model Code of Conduct to be emailed to all Clerks of Town and Community Councils
3. Town and Community Council Clerks be advised of the need to ensure they receive appropriate training and support to do their work in connection with the new Model Code of Conduct and the Local Government Bill.

The Monitoring Officer offer training on the new Model Code of Conduct to Clerks.

136. URGENT ITEMS

There were no urgent items.

137. EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following items of business, as the minutes and report contain exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A and Paragraph 21 of Part 5 of Schedule 12A of the Act:-

Following the application of the public interest test it was resolved that pursuant to the provisions of the Act referred to above, to consider the under-mentioned items in private

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with the public being excluded from the meeting, as it would involve the disclosure to them of exempt information as stated above.

138. APPROVAL OF EXEMPT MINUTES

139. SHORTLISTING OF CANDIDATES FOR THE POSITION OF INDEPENDENT MEMBER ON THE STANDARDS COMMITTEE

The meeting closed at 2.23 pm