

STANDARDS COMMITTEE - THURSDAY, 12 DECEMBER 2019

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 12 DECEMBER 2019 AT 14:00

Present

Councillor – Chairperson

Mr P Clarke
Mr G Walter

MC Clarke
P Davies

Mrs J Kiely

Mr J Baker

Apologies for Absence

Mr C Jones OBE, Kelly Watson

Officers:

Andrew Rees
Michael Pitman

Democratic Services Manager
Business Administrative Apprentice

53. ELECTION OF CHAIRPERSON

RESOLVED: That in the absence of the Chairperson, that Mr Jeff Baker be elected Chairperson for the meeting.

(Mr Jeff Baker in the Chair)

54. DECLARATIONS OF INTEREST

None

55. APPROVAL OF MINUTES

RESOLVED: that the minutes of the 07/03/2019 be approved as a true and accurate record.

56. LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL

The Democratic Services Manager presented a report which outlined the key proposals of the Local Government and Elections (Wales) Bill.

He advised that the Bill was published in November this year and presented a number of proposals, as follows:

Local Government Electoral Arrangements

- The voting age for local government elections will be lowered from 18 to 16 and the right to stand and vote in local government elections will be extended to qualifying foreign citizens residents in Wales.
- Local authorities and community councils will be put on a permanent five year electoral cycle, powers will be given to the Welsh Government to establish an all Wales digital electoral register and pilots of new ways to hold local elections will be allowed (i.e all postal voting, new voting hours, electronic voting, electronic counting).

Disqualification criteria to stand as a councillor

- People who have been declared bankrupt, are registered sex offenders, have served a prison (suspended or not) sentence of 3 months or more will be disqualified.
- Council staff will be allowed to stand in elections to their employer local authority but will be required to resign if elected.

Governance Arrangements

- The Bill will introduce a general power of competence for local authorities and eligible community councils, giving the power to act in their respective community's best interests, generate efficiencies and secure value for money.
- Local authorities will still need to appoint a Chief Executive but must publish arrangements for managing their performance. The Bill introduces job sharing for Cabinet level positions and places a requirement on councils to have provision for maternity leave for councillors.
- Standard Committees will be required to publish an Annual Report, while community councils will need to draft and publish a training plan for councillors and staff

Mergers

- There will be provision for regional working by more than one local authority through corporate joint committees. It also gives the Welsh Government the power to intervene or order one local authority to assist another one if it is believed a council is not meeting performance requirements (based on self-assessment and peer review).
- Any mergers will be wholly voluntary. Two or more local authorities can apply to Welsh Government with a merger application. The Bill sets out the formal public consultation process and regulations required to create a merged local authority. Councils can also request to be abolished.

Public engagement

- Local authorities will be required to publish a public participation strategy. There will also be a duty placed on local authorities to encourage local people to participate in local government.
- Local authorities will need to introduce public petition schemes, webcast all public meetings (subject to regulations) and make arrangements for remote attendance by councillors. These provisions will not apply to community councils.
- Community Councils will be required to allow members of the public to make representations during meetings and publish annual reports at the end of each financial year.

The Democratic Services Manager explained that Councils will also be allowed to choose their own voting systems in which elections can be contested, either the existing simple majority system or single transferable vote system

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The Democratic Services Manager informed Members that for Councils to change their voting system, it would need to be the subject of a vote at Council, with a minimum of two thirds of Members voting in favour of a change.

The Democratic Services Manager explained that there were also changes to the name of Audit Committee, with its new name being Governance and Audit Committee. A lay person would be the Chairperson and a third of the Committee would be lay members. Details of the new functions of the Governance and Audit Committee were detailed at section 114 of the bill.

The Democratic Services Manager added that the Council will be required to webcast all public meetings, details surrounding this are currently unknown.

A Member asked when the Bill was to be implemented. The Democratic Services Manager confirmed that the Act was likely to be in place by the Summer of 2020.

A Member welcomed the proposals of the new Bill and stated that a benefit of one of them is the requirement to make remote attendance available to all Members. He stated that as many of the Members work, they may struggle to make it to the meeting, but with remote attendance being made available and a proper structure in place, they could potentially attend, improving overall attendance by working Members.

The Chairperson considered that remote attendance would be beneficial; however, good internet connectivity was essential to make it a success.

A Member stated that he was in favour of the new Bill but would like to see more clarity on the voting systems.

The Chairperson referred to the requirement for a Standards Committee Annual Report and believed that it may be a short report as the Standards Committee did not have a significant caseload.

RESOLVED: That Members noted the contents of the report.

57. STANDARDS COMMITTEE TRAINING

The Democratic Services Manager presented a report which requested the Committee consider appropriate training programmes for the Committee.

He advised that all Members of the Committee had undertaken a comprehensive induction programme which included training on the Code of Conduct. Members had the opportunity to participate in a variety of workshops at the Standards Conference Wales held at the University of Wales in 2018. This covered topics such as; sharing best practice in the role of the standards committee, personal and prejudicial interests and dispensations; the practical aspects of holding a Standards Hearing and Social Media and Bullying.

The Democratic Services Manager explained that consideration would also be given to holding joint training sessions with other Standards Committee across Wales and for Members of the Committee to observe other local authorities' Standards Committees. The Chairperson explained that it would be beneficial for members of this Committee to be able to observe the proceedings and hearings at other local authorities' Standards Committees.

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A Member explained that the Ombudsman had advised Monitoring Officers that Councillors would be the subject of criticism which had led to complaints not being taken forward.

The Chairperson stressed the importance that Members understand how to conduct themselves at meetings as they need to be robust and formal.

RESOLVED: That Members noted the contents of the report.

58. OMBUDSMAN ANNUAL LETTER 2018/19

The Democratic Services Manager presented a report which provided Members with a copy of the Ombudsmen's Annual Letter 2018/19.

He explained that the Public Service Ombudsman for Wales (PSOW) reported annually on the number of complaints against public bodies received by its office. The number of complaints against the authority had decreased in the period 2018-29, from 40 in 2017-18 to 33 in 2018-19. He advised that none of the complaints received proceeded to investigation with the PSOW intervening in 6 of the cases.

A Member asked about the details surrounding the complaint from 2017/18 where no action was taken. The Democratic Services Manager stated that he would ask the Monitoring Officer to provide detail of this complaint for the Committee.

A Member asked for details surrounding the complaints that were not progressed, as it would provide a flavour for what types of complaints are actually made.

RESOLVED: That the Committee noted the contents of the report.

59. OMBUDSMAN CASEBOOK

The Democratic Services Manager presented a report which summarised the cases that had been undertaken by the Ombudsman's Office.

He advised that the consultation was now open on principles and procedures relating to the new powers created by the public Services Ombudsman (Wales) Act 2019, which came into force on July 23rd 2019.

He stated that it had been made easier to complain about public services with a range of new powers designed to widen access to justice and reduce poor service delivery. The Ombudsman now accepted verbal complaints, has the power to conduct 'Own Initiative' investigations. The new Act had created the Complaints Standards Authority for Wales.

The Democratic Services Manager referred to the Appendix 1 to the report which provided the Casebook for April - June 2019.

RESOLVED: That Members noted the report.

60. URGENT ITEMS

None