

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON FRIDAY, 16 JANUARY 2015 AT 2.00 PM

Present:

Independent Members

Ms M Powell - Chairperson
Mrs B Heller

County Borough Council Members:

Councillor R D Jenkins
Councillor D R W Lewis

Town and Community Council Member:

Councillor R J Hancock

Officers:

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| Andrew Jolley | Assistant Chief Executive Legal & Regulatory Services and Monitoring Officer |
| Laura Griffiths | Senior Lawyer |
| Andrew Rees | Senior Democratic Services Officer Committees |

69. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Member of the Committee:

Mr J Bevan – Family Commitment.

70. DECLARATIONS OF INTEREST

None.

71. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of the Standards Committee of 31 July 2014 be approved as a true and accurate record subject to the word 'Member' being amended to 'Members' in the 5th paragraph of Minute No. 68 – Ombudsman Litigation – Heeson v Public Services Ombudsman for Wales.

72. APPOINTMENT OF MEMBERS

The Monitoring Officer reported on proposals to appoint members to fill vacancies that have arisen on the Standards Committee, namely one vacancy for an Independent Member and one vacancy for a Town and Community Council Member.

He reported that for the vacancy for the Town and Community Council representative that he write to all Town and Community Councils inviting expressions of interest from their membership and following the closing date invite candidates for interview by a Special Panel appointed by the Committee.

The Monitoring Officer reported that for the vacancy for the Independent Member the usual process of advertisement would be followed and the Special Panel will meet to consider applications and conduct interviews. Following the interviews, the Panel will make a recommendation on the appointment to Council.

RESOLVED: That the report be noted and the vacancies be also advertised on the Council's website.

73. **GUIDANCE ON THE CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS - PUBLIC INTEREST TEST**

The Monitoring Officer reported on proposals made by the Ombudsman to revise the Guidance on the Code of Conduct for Local Authority Members.

He stated that in determining whether to investigate a complaint regarding a Member or whether to continue an investigation of a breach of the Code of Conduct to the stage of referring the matter to the Adjudication Panel or a Standards Committee, the Public Services Ombudsman for Wales has applied a two stage test. The first stage is to establish whether there is evidence that a breach of the Code actually took place and the second test is whether the breach alleged would be likely to lead to a sanction.

The Monitoring Officer informed the Committee that whilst the local resolution processes appeared to have had the effect of resolving low level code of conduct complaints, the Ombudsman remained concerned at the number of frivolous, trivial and vexatious complaints received. To this end, the Ombudsman proposed a further public interest test is considered when deciding whether to investigate a complaint or whether to continue an investigation of a breach of the Code to the stage of referring the matter to the Adjudication Panel for Wales. The proposed new test would be incorporated into the Ombudsman's revised Guidance on the Code of Conduct for Local Authority Members and the Ombudsman had welcomed feedback on the proposal.

The Committee considered that it would be preferable for the second stage to be removed and by adding a third stage it would delay the time taken to deal with complaints of breaches of the Code of Conduct.

RESOLVED: That the Monitoring Officer write to the Ombudsman requesting the removal of the second stage of the test.

74. **OMBUDSMAN CODE OF CONDUCT CASEBOOK**

The Monitoring Officer reported on a summary of cases which had been undertaken by the Ombudsman's office from the April – September 2014. The casebook contained summaries of cases for which hearings by Standards Committees or the Adjudication for Wales had been concluded and the outcome of the hearing was known.

RESOLVED: That the report be noted and the Monitoring Officer be requested to send a copy of the Ombudsman Code of Conduct Casebook and the Guidance on the Code of Conduct for Local Authority Members – Public Interest Test to the Clerks of Town and Community Councils requesting they bring the matters to the attention of their Members at their next meetings.

The meeting closed at 2.25 pm