

**Minutes of the Standards Committee held on 10th July 2013 at
Fire and Rescue Headquarters, St Asaph Business Park**

Present

Jane A Eyton-Jones (Chair)
David Morris (Deputy Chair)
Celia Blomeley
Antony P Young
Cllr Jim Evans, Anglesey County Council

Gareth Owens, Deputy Clerk
Alwen Davies, Member Liaison Officer

Apologies

Cllr Brian Dunn, Flintshire County Council

1 APPOINTMENT OF CHAIR

1.1 The Deputy Clerk requested nominations for the office of Chair for the 2013/14 municipal year. Jane A Eyton-Jones was the sole nomination.

1.2 **RESOLVED that Jane A Eyton-Jones be elected as Chair of the Standards Committee for the 2013/14 municipal year.**

2 APPOINTMENT OF DEPUTY CHAIR 2013/14

2.1 The Deputy Clerk then requested nominations for the office of Deputy Chair for the 2013/14 municipal year. David Morris was the sole nomination.

2.2 **RESOLVED that David Morris be elected to serve as Deputy Chair of the Standards Committee for the 2013/14 municipal year.**

3 DECLARATIONS OF INTEREST

3.1 None.

4 MINUTES OF THE MEETING HELD ON 22ND MAY 2012

4.1 The minutes of the meeting held on 22nd May were approved as a correct record.

5 MATTERS ARISING

5.1 6.10 – Indemnity Insurance (cap at £20,000) – the Deputy Clerk explained that the majority of councils insure through DAS, which provides a limit of £50,000 pay out for indemnity purposes. Once the Welsh Government and WLGA realised this, the indemnity cap issue has not been an issue of concern. **Alwen to provide details of Authority's insurers to the Deputy Clerk to identify the Authority's current position regarding indemnity.**

5.2.1 7.1 - Resolution system – the Deputy Clerk informed members that eight councils had already signed up to a local resolution system to deal with complaints made by one member against another. The Ombudsman expects every local authority to have a procedure in place by the end of the 2013/14 financial year. At the moment it is unclear whether the FRA is also expected to have such a system. However, members were of the view that it would do no harm to have a system in place.

5.2.2 **RESOLVED that the Deputy Clerk would circulate the various policies available to members and senior officers for consideration prior to deciding on whether or not to submit a draft policy to the Authority.**

6 UPDATE ON CODE OF CONDUCT FOR MEMBERS

6.1 The Deputy Clerk informed members of proposed changes to the Code of Conduct and actual changes that have taken place to the guidance issued by the Public Service Ombudsman for Wales.

6.2 Paragraph 6(1)(c) of the Code of Conduct expects members to report potential breaches of the Code to the Ombudsman. However, as discussed under matters arising the Ombudsman now expects local authorities to establish their own system to deal with member on member complaints. Technically reporting a breach under a local resolution procedure would be a breach of paragraph 6(1)c so it will be deleted to enable local resolution procedures to function. Until then the Ombudsman has said that if a member has reported a breach through a local resolution procedure then his staff will not investigate the failure to report under 6(1)c.

6.3 Paragraph (10)(2)(b) refers to a potential conflict of interest where a member's duty to represent his/her electors might conflict with a legal duty upon the authority of which they are a member. The interpretation has caused difficulty as it is worded very similar to the test for a prejudicial interest and if perceived in a certain way would mean that councillors would be unable to represent their electors. The Welsh Government has therefore proposed deleting this obligation in its entirety.

6.4 The Deputy Clerk also referred to an update to the guidance on the Code of Conduct in relation to the obligation to treat others with respect. Following a High Court ruling, the Ombudsman has issued revised guidance which makes clear that whilst some speech will be protected, where it is on a political matter, certain behaviour will nevertheless continue to be regarded as a breach of the Code.

6.5 **RESOLVED to note**

- (i) **the proposed changes to the Code of Conduct and that the Deputy Clerk will inform members when the legislation is passed; and**
- (ii) **the recent change to the Public Service Ombudsman for Wales' guidance.**

7 PUBLICATION OF MEMBERS' INTERESTS ONLINE

- 7.1 The Deputy Clerk presented the report which informed members about the Welsh Government's suggestion that the register of interests should be published online. An amendment had been moved at a late stage of the Democracy Bill introducing a requirement for councils to publish the information online.
- 7.2 Members discussed the report and in view of the importance of transparency and accountability, and also for those members of the public who were unable to attend office premises due to various reasons such as transport issues, felt that it was an issue that should be considered by the Authority.
- 7.3 The Deputy Clerk informed members that there had been some concerns about the misuse of sensitive information contained in the register of interests, but that the Code of Conduct states that any concerns should be discussed with the monitoring officer therefore should not be considered as too much of an issue.
- 7.4 **RESOLVED to investigate the issue further and that the Deputy Clerk submit a report to the Executive Panel for further consideration.**

8 SOCIAL MEDIA PROTOCOL

- 8.1 The report was presented to inform members about the recently adopted social media policy.
- 8.2 The protocol makes it clear that the act of using social media will not in itself amount to a breach of the Code of Conduct by members. However, it is of course possible for what members say to amount to a breach of the Code, subject to the case of Calver referred to in an earlier report. There could potentially be issues and it is important for the Committee to note the adoption of the policy.
- 8.3 **RESOLVED to note the social media policy.**