

Public Pack

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Your Ref/Eich Cyf
Our Ref/Ein Cyf
Date/Dyddiad Friday, 26 February 2016
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Dear Councillor

You are requested to attend a **Meeting** of the **STANDARDS COMMITTEE of Wrexham County Borough Council** to be held in **MEETING ROOM 2, GUILDHALL, WREXHAM** on **THURSDAY, 3 MARCH 2016** at **3.30 pm** for the transaction of the business specified below.

Yours faithfully

Head of Corporate and Customer Services

AGENDA

- 1 **Appointment of Chair and Vice-Chair of the Committee**
- 2 **Apologies for Absence**
- 3 **Declarations of personal interests if any**
- 4 **Confirmation of Minutes**
To confirm as a correct record the Minutes of the Meeting held on 3 December 2015. (Pages 3 - 6)
- 5 **Review of the Code of Conduct for Members - Confidential Reporting Procedure for Members**
To consider a report by the Deputy Monitoring Officer (Pages 7 - 12)
- 6 **Recruitment of Independent Members**
To consider a report by the Deputy Monitoring Officer (Pages 13 - 16)
- 7 **Any other items which the Chair decides are urgent**



TO: THE CHAIR AND MEMBERS OF THE STANDARDS COMMITTEE

Ms J E Adams
Councillor Anne Evans
Councillor Paul H Pemberton
Ms J M Cotter
Mrs Ceri Nash

Mr M W Pugh
Mr Geoff Edwards - Community Councillor
Councillor O Arfon Jones
Mr Neil Benson



**MINUTES OF A MEETING OF THE STANDARDS COMMITTEE
HELD IN MEETING ROOM 5, GUILDHALL, WREXHAM ON
THURSDAY, 3 DECEMBER 2015**

MEMBERS

Mr Rob Dawson, Chair
Mrs Ceri Nash, Vice-Chair

*Councillor Anne Evans
*Councillor O Arfon Jones
Councillor Paul H Pemberton

Ms J E Adams
Ms J M Cotter
Mr M W Pugh
Community Councillor Geoff Edwards

*Absent

14 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Anne Evans.

Ms J.M. Cotter asked that retrospective apologies be accepted for the recent meetings she had missed due to ill health.

15 DECLARATIONS OF PERSONAL INTERESTS IF ANY

There were no declarations of personal interest.

16 MINUTES

Correction Page 5 – delete the word ‘Councillor’ prior to Mr Rob Dawson, Chair

RESOLVED – That, subject to the above correction, the Minutes of the meeting of the Standards Committee held on 10 September 2015 be received and confirmed as a correct record.

17 WELCOME

The Chair welcomed Ms J.E. Adams, independent member, to her first meeting of the Committee.

18 REVIEW OF THE LOCAL RESOLUTION PROTOCOL

The Monitoring Officer submitted a report (HCCS/151/15) to enable the Committee to review the operation of the Local Resolution Protocol and Procedure adopted by the Council in September 2013.

Members were informed that there had been no instances recorded by the Monitoring Officer of any referral under the Members’ Self-Regulatory Protocol. In the absence of any instances of referral to the Monitoring Officer or Standards Committee it was agreed that a fundamental review at this time was not merited.

RESOLVED – That the contents of report HCCS/151/15 be noted and a further monitoring report be submitted to the Standards Committee in 12 months.

Reason for decision

To inform the Standards Committee of the operation of the Members' Self-Regulatory Protocol and procedure since its adoption in September 2013.

19 FEEDBACK FROM THE STANDARDS CONFERENCE AND TRAINING FOR MEMBERS OF THE STANDARDS COMMITTEE

The Committee received feedback from Members who had attended the Standards Conference 2015 and were provided with slides from the presentations given in relation to the following topics:

Local Resolution Process – Rhonda Cynon Taf Experience
Are the Nolan Principles fit for purpose now & in 20 years?
Social Media – Staying in touch/Staying out of trouble
Whistleblowing
Community and Town Councils – Governance and Standards

Members who had attended said it had been a good day and very informative and it was suggested that the information be circulated to all Councillors.

A copy of the most recent code of conduct training was also provided to Members. Although it had already been to Committee it was a useful refresher and served as part of the induction for new members.

RESOLVED - That the information be noted.

20 URGENT ITEM - WELSH GOVERNMENT CONSULTATION DOCUMENT – CONDUCT OF LOCAL GOVERNMENT MEMBERS

The Chair was of the opinion that this item should be dealt with as a matter of urgency by reason of the fact that responses to the Consultation had to be submitted to the Welsh Government prior to the next meeting of the Committee.

The Monitoring Officer submitted a report (HCCS/156/15) seeking the Committee's views on the content of the following draft Statutory Instruments to be made under Part III of the Local Government Act 2000 in relation to the conduct of Local Government Members in Wales and related matters -

- (i) The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) Regulations 2016; and
- (ii) The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016.

The Deputy Monitoring Officer reported that the draft Statutory Instruments gave effect to, or were consequential upon, policy proposals set out in the 2012

“Promoting Local Democracy” White Paper, provisions of the Local Government (Democracy) (Wales) Act 2013 and related matters. This consultation was a technical one on the drafting of the Statutory Instruments themselves and in order to facilitate completion of the legislative process before the National Assembly Elections in May 2016, the consultation period had been limited to six weeks closing on 10 January 2016.

The Committee considered the key proposals and associated questions that were the most pertinent to the work of the Committee. Members had no specific comments and generally supported the proposal.

RESOLVED – That the consultation document be noted and the proposals supported.

Reason for decision

To ensure that the Council’s response incorporates the views of the Standards Committee which has responsibility for matters relating to the conduct of Members.

21 END OF TERM OF OFFICE

The Monitoring Officer informed Members that this would be the last quarterly meeting for Mr Rob Dawson, Chair, as his term of office as an independent member of the Committee ended later in the month. On behalf of the Authority the Monitoring Officer thanked Mr Dawson for his valued leadership and contribution to the work of the Standards Committee over the 9 years he had been an independent member and wished him all the very best for the future.

Mr Rob Dawson
Chair



REPORT TO:	Standards Committee
REPORT NO:	HCCS/35/16
DATE:	3 March 2016
LEAD:	Deputy Monitoring Officer
CONTACT OFFICER:	Sioned Wyn Davies, Legal Services Manager/Deputy Monitoring Officer (Tel: 292221)
SUBJECT:	Review of the Code of Conduct for Members – Confidential Reporting Procedure for Members
WARD:	N/A

1. PURPOSE OF THE REPORT

- 1.1 To review the Code of Conduct for Members and approve the Confidential Reporting Procedure for Members.

2 EXECUTIVE SUMMARY

- 2.1 On the recommendation of the Standards Committee in March 2008 the model Code of Conduct for Members was adopted by resolution of Council on 26 March 2008 and came into effect on 5 May of that year.
- 2.2 The Council Code of Conduct for Members was modified in September 2008 on the recommendation of the Standards Committee by increasing the threshold for registration of gifts and hospitality from £10 to £25. The Model Code of Conduct for Members was further amended in 2014 in order to reflect legislative changes in terminology in that organisations formerly known as “industrial and provident societies” are now referred to as “registered societies”.
- 2.3 The model Code refers in paragraph 6(1)(b) to a confidential reporting procedure and in order to supplement the Council’s Model Code of Conduct the Committee is invited to approve the procedure attached at Appendix A.

3 RECOMMENDATION

- 3.1 To recommend to Council approval of the Confidential Reporting Procedure for Members.

REASON FOR RECOMMENDATION

To ensure clarity for Members on the process for Members to raise concerns internally which fall within the ambit of paragraph 6(1)(b) of the Code of Conduct for Members.

4 BACKGROUND INFORMATION

- 4.1 The Code of Conduct for Members was adopted in its present form in 2008 in accordance with the requirements of the Local Authorities (Model Code of Conduct) (Wales) Order 2008. The value limit applied by the Council for registration of gifts and hospitality under paragraph 17 of the Code was set initially at £10 but following a review by the Standards Committee later the same year this sum was increased to £25 by the Council in September 2008.
- 4.2 The Model Code of Conduct was amended in 2014 to reflect legislation changing the status of industrial and provident societies to registered societies. In 2015 the Council's Code was amended accordingly.
- 4.3 The Council has no power to remove from the Code the mandatory provisions contained in the Model Code. There is however power to incorporate additional requirements which if breached would attract potential sanctions in the same way as mandatory provisions.
- 4.4 Rather than expanding the obligations contained in the Code the Council has adopted various protocols which supplement the provisions of the Code of Conduct for Members in the form of the Local Protocol for Member/Officer Relations, The Local Resolution Protocol and Procedure and the Code of Corporate Governance, all of which contribute to the Ethical Framework applicable to Members.
- 4.5 Concerns have been raised by Members that the Council's procedures lacked clarity in the proper manner for them to raise concerns and complaints relating to Council services and/or officers. Furthermore as a result of an investigation into such a concern a recommendation was made that this gap be addressed.
- 4.6 The procedure attached at Appendix A is intended to record a clear process for Members to raise concerns themselves. This Committee is invited to consider the procedure for recommendation to Council to supplement the Code of Conduct for Members.
- 4.7 There have been no further legislative changes requiring amendments to the Code of Conduct for Members. Training in respect of the obligations contained in the Code is included in the annual Member Development Programme and the next training session is scheduled during April this year.

5 IMPLICATIONS

- 5.1 **Policy Framework** – A strong ethical framework and governance arrangements support the Council Plan outcome of Creating Conditions for Success.
- 5.2 **Budget** – There are no immediate budgetary implications arising from this report.

- 5.3 **Legal** – By virtue of Section 51(2) of the Local Government Act 2000 the Authority is required to adopt a Code as regards the conduct which is expected of Members and co-opted Members of the Authority and which they must undertake to observe during their period of office in accordance with Sections 51 and 52 of the Local Government Act 2000. Monitoring the Code of Conduct and associated Protocols and Procedures and advising thereon falls within the remit of this Committee.
- 5.4 **Staffing** – There are no staffing implications arising from this report.
- 5.5 **Equalities/Human Rights** – There are no specific equality and human rights issues arising from this report. Any impacts will be considered as part of the Review of the Council's Constitution under EIA CCS/EIA00123/2016.
- 5.6 **Risks** – There are no specific risks arising from the report.
- 5.7 **Consultation** – There has been no consultation in respect of this report.
- 5.8 **Scrutiny Committee** – This matter has not been subject to Scrutiny as the content of the report falls within the remit of this Committee.

Confidential Reporting Procedure for Members

1. INTRODUCTION

1.1. This is the Council's confidential reporting procedure for Members referred to in paragraph 6(1)(b) of the Code of Conduct for Members which states:-

“You must report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty).”

1.2. The purpose of this procedure is to provide clarity for Members on the process for raising such concerns within the Council.

2. SCOPE OF THIS PROCEDURE

This procedure applies to concerns about conduct by the following types of individuals (list not exhaustive):-

- i. Other elected Members of the Council;
- ii. Officers of the Council;
- iii. Agency workers, consultants and contractors engaged by the Council;
- iv. Volunteers who participate in the provision of services by the Council.

3. MATTERS TO WHICH THIS PROCEDURE DOES NOT APPLY

This procedure will generally not apply in the following cases:-

- i. Matters subject to a current or closed investigation into a matter (either internally or externally);
- ii. Concerns falling within the ambit of the Council's Whistleblowing Policy;
- iii. Complaints arising out of a breach of the Protocol on Member/Officer Relations;
- iv. Concerns about the safety and/or well-being of a person (child or adult); Members should contact the duty team on **01978 292039/292066** or email socialservices@wrexham.gov.uk in normal office hours or the Out of Hours Emergency Duty Team on **0845 0533116** or email emergency.hours@wrexham.gov.uk or **in the case of immediate direct danger contact the police on 999.**

4. CONFIDENTIALITY

- 4.1. Reports or referrals made under this procedure are treated by the Council as made in confidence and will generally not be made public (or communicated to other Members or officers) unless required by law or in circumstances where this is necessary.
- 4.2. A Member who makes a report under this procedure will be expected to keep their report confidential and will ensure that any investigation is not impeded by disclosure of the report or complaint they have made.

5. REPORTING CONCERNS

Wrongful activity to which this procedure applies should be reported to the Council's Monitoring Officer who will determine how to take the matter further. Reports may be made verbally or in writing. Reports made in writing must be clearly marked CONFIDENTIAL.

6. ACTION FOLLOWING A MEMBER'S REPORT

- 6.1. Once the Monitoring Officer has received a report from a Member under this procedure, he will consider the matter and determine what, if any, further action is required. This may involve an investigation or direct resolution of the complaint.
- 6.2. Alternatively, the Monitoring Officer may decide that the matter requires the involvement of the Police or Public Services Ombudsman for Wales or another body, regulator or law enforcement agency.
- 6.3. The Monitoring Officer may advise the reporting Member of the outcome of the investigation. However, this may not be possible in all cases. Depending on the nature of the matter giving rise to the concern, it might be necessary for any further details of the investigation to remain confidential and as such to be withheld from the reporting Member.



REPORT TO:	Standards Committee
REPORT NO:	HCCS/36/16
DATE:	3 March 2016
LEAD OFFICER:	Deputy Monitoring Officer
CONTACT OFFICER:	Sioned Wyn Davies, Legal Services Manager/ Deputy Monitoring Officer (Tel: 292221)
SUBJECT:	Recruitment of Independent Members
WARD:	N/A

1. PURPOSE OF THE REPORT

To consider the process for the recruitment of two new independent members on the Standards Committee.

2. EXECUTIVE SUMMARY

- 2.1 The second consecutive term of office of two of the independent members of the Standards Committee, Mrs Ceri Nash and Ms Judy Cotter, expire later this year in December 2016 and in accordance with the Standards Committee (Wales) (Amendment) Regulations 2006 an independent member of a Standards Committee may only serve two consecutive terms of office.
- 2.2 The Council have to follow a statutory procedure for the recruitment of independent members, as required by the Standards Committees (Wales) Regulations 2001 (as amended), and it will be necessary for the Council to embark on this prescribed process during the summer of 2016. This would involve advertising the position in two local newspapers, following which the Selection Panel established by the Council in September 2005 would interview all suitable applicants and subsequently the Panel's recommendation regarding the appointment would be considered by the Council.

3. RECOMMENDATIONS

- 3.1 That the report be noted and the suggested recruitment process endorsed.
- 3.2 That the specific membership of the Selection Panel for the current recruitment process be agreed.

REASON FOR RECOMMENDATION

To ensure the Standards Committee is constituted in accordance with the Council's Constitution.

4. BACKGROUND INFORMATION

- 4.1 The second consecutive term of office of two of the independent members of the Standards Committee, Mrs Ceri Nash and Ms Judy Cotter, expire later this year in December 2016 and in accordance with the Standards Committee (Wales) (Amendment) Regulations 2006 an independent member of a Standards Committee may only serve two consecutive terms of office.
- 4.2 The Council will therefore have to follow the statutory procedure for recruitment of two new independent members as required by the Standards Committees (Wales) Regulations 2001 (as amended).
- 4.3 The Regulations require the Council to advertise for the appointment of independent members in two local newspapers and to establish a selection Panel to consider applications received. The Council established a Selection Panel at its meeting on 28 September 2005, comprising:
- Mr Graham Binnie, Lay Panel Member;
The Community Council Member of the Standards Committee;
Two independent members and one County Borough Member of the Standards Committee (selected from the membership of the Standards Committee on a rota basis and subject to availability).
- 4.4 The Council requires Members to have undergone interview training prior to sitting on the Selection Panel.
- 4.5 The law requires that neither a current Officer nor Member, nor the spouse of an Officer or Member, of a local authority, may be an independent member of a Standards Committee. However, former Officers and Members of local authorities other than Wrexham are eligible provided that at least one year has expired after they cease to be an Officer/Member. Criteria over and above the statutory criteria for the appointment of independent members were agreed by the Council in 2001 and include a prohibition on political party activity or having had significant previous dealings with the Council or a close relationship with any Member or Officer of the Council. The Selection Panel must consider these criteria when considering appointments for the vacancy, and make recommendations to the Council for appointment.
- 4.6 The recommended timetable for the recruitment process is as follows:
- (a) Panel training 2 June 2016 – immediately prior to Committee meeting.
 - (b) End of June 2016 – Advertise vacancies.
 - (c) Mid/Late July 2016 – Interviews take place.
 - (d) September 2016 – Recommendation to the Council for appointment.

5 IMPLICATIONS

- 5.1 **Policy Framework** - Part 2 Article 9 of the Council's Constitution states the composition of the Standards Committee and terms of office for independent members.
- 5.2 **Budget** – The costs of advertising will need to be met from within existing budgets.
- 5.3 **Legal** - There are no specific implications.
- 5.4 **Staffing** - There are no specific implications.
- 5.5 **Equalities/Human Rights** - There are no specific equality and human rights issues arising from this report. Any impacts will be considered as part of EIA CCS/EIA00080/2015 - Committee Administrative Processes.
- 5.6 **Risks** - Not applicable

6. CONSULTATION

- 6.1 Not applicable

BACKGROUND PAPERS	LOCATION	WEBSITE INFO.
Local Government Act 2000 Standards Committees (Wales) Regulations 2001 (as amended).		

