

Public Document Pack

Gareth Owens LL.B Barrister/Bargyfreithiwr
Head of Legal and Democratic Services
Pennaeth Gwasanaethau Cyfreithiol a Democraidaidd



To: Patricia Jones (Chair)

CS/NG

Councillors: David Cox, Hilary McGuill and
Arnold Woolley

4 June 2013

Co-opted Members

Chris Bretherton-Watt, Robert Dewey, Phillipa Ann
Earlam, Jonathan Duggan-Keen and Edward
Michael Hughes

Nicola Gittins 01352 702345

Dear Sir / Madam

A meeting of the **STANDARDS COMMITTEE** will be held in the **CLWYD COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **MONDAY, 10TH JUNE, 2013** at **6.00 PM** to consider the following items.

Members are asked to note that a meet and greet session to welcome and introduce Mr Dewey to the Standards Committee will take place at 6.00pm with a training session following until 6.30pm.

Yours faithfully

Democracy & Governance Manager

AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

County Hall, Mold. CH7 6NA
Tel. 01352 702400 DX 708591 Mold 4
www.flintshire.gov.uk
Neuadd y Sir, Yr Wyddgrug. CH7 6NR
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The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

3 **MINUTES** (Pages 1 - 6)

To confirm as a correct record the minutes of the last meeting.

4 **DISPENSATIONS** (Pages 7 - 10)

- i) Councillor Clive Carver (Hawarden Community Council and Flintshire County Council)

Cllr Carver has applied to extend the duration of his dispensation granted on 18th June 2012. Redrow have submitted an application to change the house type and orientation for 14 of the previously agreed 45 dwellings.

A copy of the relevant minute from the meeting on 18 June 2012 is attached as agenda item number 4 and also the plans submitted by Councillor Carver from that meeting.

5 **LOCAL RESOLUTION PROCEDURE** (Pages 11 - 26)

To consider a Local Resolution Procedure for complaints in respect of Members.

6 **REVIEW OF CODE OF CONDUCT FOR MEMBERS** (Pages 27 - 30)

To review the Code of Conduct for Members and to make amendments to it that will facilitate local resolution of complaints.

7 **FORWARD WORK PROGRAMME** (Pages 31 - 32)

For the Committee to consider topics to be included on the attached Forward Work Programme.

STANDARDS COMMITTEE
13 MAY 2013

Minutes of the meeting of the Standards Committee of the Flintshire County Council held at County Hall, Mold, on Monday, 13 May 2013.

PRESENT:

Mr. C. Bretherton-Watt, Mr. J. Duggan-Keen, Mrs. P.A. Earlam, and Mr. E.M. Hughes

APOLOGIES: Councillor A. Woolley, Mr. R. Dewey and Mrs. P.S. Jones

IN ATTENDANCE:

Head of Legal and Democratic Services, Democracy and Governance Manager, and Committee Officer

60. APPOINTMENT OF CHAIRMAN

Nominations were sought for a Chairman for the Committee. Mr. C. Bretherton-Watt nominated Mrs. P.S. Jones and the proposal was seconded by Mr. J. Duggan-Keen.

RESOLVED:

That Mrs. P.S. Jones be appointed Chairman of the Committee.

61. APPOINTMENT OF CHAIRMAN FOR THE MEETING

In the absence of the Chair, nominations were sought for someone to preside at the meeting.

RESOLVED

That Mr. C. Bretherton-Watt be appointed to preside for the meeting.

62. APPOINTMENT OF VICE-CHAIRMAN

Nominations were sought for a Vice-Chairman for the Committee. Mr. C. Bretherton-Watt nominated Mr. E.M. Hughes and the proposal was seconded by Mr. J. Duggan-Keen.

RESOLVED:

That Mr. E.M. Hughes be appointed Vice-Chairman of the Committee.

63. DECLARATIONS OF INTEREST (Including Whipping Declarations)

There were no declarations of interest.

64. MINUTES

The minutes of the meeting of the Committee held on 8 April 2013 were submitted.

Accuracy

Page 3, minute 56, the word dispensations to be corrected in the title.

RESOLVED:

That subject to the above the minutes be received, approved and signed by the Chairman as a correct record.

65. DISPENSATIONS

There were no requests for dispensation.

66. STANDARDS CONFERENCE 2013

The Head of Legal and Democratic Services distributed summary notes on the Conference and reported on the topics considered. He advised that overall feedback was positive and the majority of delegates had found the Conference useful. He referred to the two plenary sessions which had been held concerning the Public Services Ombudsman for Wales and Local Resolution Procedures and said that the slides used by the Ombudsman and the statistics he circulated would be sent to Committee members. Members were informed that a number of workshops had also taken place and that the following suggestions had arisen from the Conference for further consideration:

- That Standards Committees should monitor/review declaration of interests to improve current procedures and ensure interests were properly declared;
- That Local Authorities across Wales considered adoption of a Local Resolution Procedure to deal with low level complaints in respect of Members.

During discussion the Head of Legal and Democratic Services explained that the Declarations of Interest made by Members should clearly outline details of the interest and whether it was personal or personal and prejudicial. He advised that compliance with the Code of Conduct not only protected Members but prevented the possibility of a complaint arising. Members agreed that an item on Declarations of Interest be added to the Forward Work Programme for future consideration by the Committee. The Head of Legal and Democratic Services also explained that he had drafted a Flintshire Local Resolution Procedure for consideration by Group Leaders.

The Head of Legal and Democratic Services commented on the need to raise awareness amongst elected Members of the significant role of the Standards Committee and the work it undertook. He suggested that members

of the Committee may find it helpful to attend other meetings and events held by the Council to increase contact. Conversely elected Members may also find it useful to attend meetings of the Standards Committee. It was agreed that a copy of the County Council diary of meetings for 2013/14 be distributed to the Committee for information.

RESOLVED:

- (a) That the report be noted; and
- (b) That an item on Declarations of Interest be added to the Forward Work Programme for future consideration by the Committee.

67. LOCAL RESOLUTION PROCEDURE

The Head of Legal and Democratic Services gave an update on the Local Resolution Procedure to deal with complaints in respect of Members. He reported that to date 8 Councils in Wales had adopted a Local Resolution Procedure which appeared to be based on 3 models. He advised that the process was not intended to replace investigation by the Public Services Ombudsman for Wales which remained appropriate for determination of serious breaches of the Code of Conduct, but was to be used to address behaviour which fell short of a breach of the Code or which the Ombudsman would be unlikely to investigate. Members were informed that the Welsh Government and the WLGA had also agreed that local resolution procedures should be adopted.

The Head of Legal and Democratic Services referred to the suggested Flintshire Local Resolution Procedure which had been sent to Group Leaders for consideration and explained that a response to the draft was awaited. In his response to the questions raised by members the Head of Legal and Democratic Services outlined the potential positive and negative aspects of adopting a Local Resolution Procedure.

Members agreed that further consideration of the Local Resolution Procedure be scheduled for the next meeting of the Committee to be held on 10 June 2013. The Head of Legal and Democratic Services said he would distribute copies of the three model procedures used by other Councils in Wales to Committee members for their consideration prior to the next meeting.

RESOLVED:

- (a) That the update be received; and
- (b) That an item on the Local Resolution Procedure be scheduled for the next meeting of the Committee to be held on 10 June 2013.

68. FORWARD WORK PROGRAMME

The Head of Legal and Democratic Services introduced the Forward Work Programme and invited members to put forward items for future consideration.

Members reviewed the current programme and agreed that the following items be considered at the next meeting of the Committee to be held on 10 June 2013:

- Review of Members Code of Conduct
- Local Resolution Procedure

Members also agreed that an item on Declarations of Interest be scheduled for consideration by members at a meeting of the Committee to be held in September 2013.

RESOLVED:

- (a) That the Forward Work Programme be agreed; and
- (b) That an item on Declarations of Interest be scheduled for consideration at a meeting of the Committee to be held in September 2013.

69. ADDITIONAL ITEM

The Chairman announced that he had agreed that the Committee should consider an additional item on the grounds of urgency, as provided for under Section 100 B(4) of the Local Government Act 1972 (as amended). The item was concerning a letter of complaint about the conduct of a Member.

70. COMPLAINT CONCERNING CONDUCT OF A MEMBER

The Head of Legal and Democratic Services distributed copies of a letter of complaint which had been sent to the Committee concerning the conduct of a Member.

Following discussion it was agreed that the Head of Legal and Democratic Services would send a letter of response on behalf of the Committee to resolve the issue raised through informal action.

RESOLVED:

That the Head of Legal and Democratic Services would send a letter of response on behalf of the Committee to resolve the issue raised through informal action.

71. **DURATION OF MEETING**

The meeting commenced at 6.45 p.m. and ended at 7.35 p.m.

72. **MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

There were no members of the public or the press in attendance.

.....
Chairman

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STANDARDS COMMITTEE MINUTE – 18 JUNE 2012

The Chairman explained that Councillor C.S. Carver was in attendance at the meeting as he had submitted an application for dispensation in relation to 'land off Overlea Drive, Hawarden' to enable him to correspond and discuss with officers, make representations and speak upon planning applications at Flintshire County Council and Hawarden Community Council.

The Chairman invited Councillor Carver to outline his application in more detail. Councillor Carver provided background information and explained that he had made previous requests for dispensation on the matter. He referred to the meeting of the Standards Committee held on 13 September 2010 and reported that he had received dispensation to speak and vote on the item at Hawarden Community Council and to make written representations on the item including to the Planning Committee. He also submitted a further request for dispensation which was considered at the meeting of the Committee held on 14 November 2011, as he was unclear if his existing dispensation was for single or multiple use. Following the meeting he had received a letter of dispensation from the Interim Monitoring Officer which he understood confirmed that dispensation had again been granted. However, in March 2012, when Councillor Carver sought further information from the Democracy and Governance Manager, he was advised that the dispensations granted in the minutes of the meetings of the Standards Committee held in September 2010 and November 2011 were not fully appropriate for the purpose intended by Councillor Carver.

The Monitoring Officer gave an overview of the circumstances when a Standards Committee may grant dispensations and advised on the specific grounds which were relevant to Councillor Carver's application. He responded to the queries raised by members and provided further advice to assist the Committee in its decision making process.

Councillor Carver withdrew from the meeting whilst the Committee made their decision.

The Committee considered the application together with the additional oral explanations provided by Councillor Carver at the meeting and it was agreed that Councillor C.S. Carver be granted a dispensation for a period of 12 months ending 17 June 2013.

RESOLVED:

- (a) That Councillor C.S. Carver be granted a dispensation for a period of 12 months ending 17 June 2013 enabling him to:
1. make written representations to and to request written information from Flintshire County Council as Local Planning Authority;
 2. speak at and/or remain in the room during the debate:
 - at any council or committee meetings of Flintshire County Council and/or Hawarden Community Council at which the press and/or public are entitled to be present; and

- which are considering matters pertaining to the planning application (including any subsequent appeal(s)) for land off Overlea Drive, Hawarden (or any application which in the opinion of the Monitoring Officer in consultation with the Chair of the Standards Committee is substantially the same) as shown on the plan attached to the dispensation.
- (b) That under the terms of the dispensation Councillor C.S. Carver is not permitted to vote on nor exercise any council functions (whether executive or otherwise).

● Clr. Caver's House

● Development Site



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Date 14/6/2012
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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **STANDARDS COMMITTEE**
DATE: **MONDAY, 10 JUNE 2013**
REPORT BY: **MONITORING OFFICER**
SUBJECT: **LOCAL RESOLUTION PROCEDURE**

1.00 **PURPOSE OF REPORT**

1.00 To consider a Local Resolution Procedure for complaints in respect of Members.

2.00 **BACKGROUND**

2.01 The Public Services Ombudsman's Guidance on the Code of Conduct for Members of Local Authorities in Wales, first published in April 2010 contains the following section:

“Local Resolution Process

During the course of the life of this guidance I expect local authorities across Wales to have implemented local resolution procedures to deal with low level complaints which are made by a member against a fellow member. Typically these complaints will be about alleged failures to show respect and consideration for others as required by paragraph 4(b) of the Code or the duty not to make vexatious, malicious or frivolous complaints against other members under paragraph 6(1)(d) of the Code. Whilst a member may still complain directly to me about a fellow member if the matter being complained about concerns paragraph 4b and 6(1)(d) I am likely to refer the matter back to the Council's Monitoring Officer for consideration under this process.

In my view such complaints are more appropriately resolved informally and locally in order to speed up the complaints process and to ensure that my resources are devoted to the investigation of serious complaints. The aim of local resolution is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the authority and the authority's reputation. The process may result in an apology being made by the member concerned. However, where a member has repeatedly breached their authority's local protocol then I would expect the Monitoring Officer to refer the matter back to me.”

2.02 So far 8 Councils in Wales have adopted the Local Resolution Procedure (Blaenau Gwent, Denbighshire, Isle of Anglesey, Gwynedd, Monmouthshire, Rhondda Cynon Taff, Swansea and Torfaen). I have obtained copies of their Local Resolution Procedures and they largely appear to be based on one of 2 models:-

- i) Those based on the Gwynedd Standard (attached at Appendix 1); and
- ii) Those based on the Denbighshire Standard (Appendix 2).

In addition, Swansea City Council has its own unique procedure attached at Appendix 3.

3.00 CONSIDERATIONS

3.01 In adopting a local resolution process I believe it is important that the process is clear, simple and relatively informal in its early stages. The process should not be seen as a replacement for investigation by the Public Services Ombudsman for Wales, which will still remain appropriate for repeated or serious breaches of the Code of Conduct. The procedure should instead be used to address behaviour which either falls short of the breach of the Code or, even though amounting to a breach of the Code, which the Ombudsman would be unlikely to investigate.

N.B. The adoption of a local resolution procedure does not remove the PSOW's discretion to investigate any complaint that is referred to him though his staff will no doubt take into account the existence of such a procedure when deciding how to handle a complaint.

3.02 Since the PSOW made his statement about local resolution procedures, the Welsh Government and the WLGA have also agreed that local resolution procedures should be adopted. They have suggested that such procedures should apply to complaints from officers as well as members. At the All Wales Standards Conference on 17 April 2013 the Public Services Ombudsman for Wales said he did not see why local resolution could not apply to complaints from officers provided the procedure was sufficiently independent of the political process.

3.03 Having weighed up the two different models I would make the following comments:

- The Gwynedd Standard is very simple, is independent of the political process and has the advantage of a clear positive statement of what is expected of Members.
- The Denbighshire model places strong emphasis on training and conciliation and gives the group leaders the prominent role within

the process thus encouraging self regulation.

- The Swansea model gives Group Leaders a prominent role thus encouraging self regulation. It is also clear and simple to understand.

3.04 Of the two procedures I believe that the Gwynedd Standard is simpler to operate and could be adapted to our circumstances very positively. I have at Appendix 4 set out a suggested Flintshire Local Resolution Procedure.

3.05 It should be noted that WG are considering removing the obligation on members to report suspected breaches of the code in order to facilitate the operation of local resolution procedures.

3.06 Members should note that if a local resolution procedure is adopted then officers would also suggest amending the Code of Conduct (see later report).

4.00 RECOMMENDATIONS

4.01 That the Committee recommends to Council the adoption of the Flintshire Local Resolution Procedure at Appendix 4.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None as a result of this report.

12.00 APPENDICES

- 12.01 Appendix 1 – Gwynedd Standard
- Appendix 2 – Denbighshire Standard
- Appendix 3 – Swansea Standard
- Appendix 4 - Suggested Flintshire Local Resolution Procedure

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 BACKGROUND DOCUMENTS

Contact Officer: Gareth Owens
Telephone: 01352 702344
Email: gareth.legal@flintshire.gov.uk

THE GWYNEDD STANDARD

This document explains the standard of conduct expected from Gwynedd Council's councillors in dealing with each other. It should be read in conjunction with the Members Code of Conduct and the Protocol Member-Officer Relations. It adds to those documents and not detract from them.

Gwynedd Council members are expected to :-

Public behaviour:

- Show respect to each other
- Not to make personal abusive comments about each other.
- Not to publish anything insulting about each other.
- Not to make malicious allegations against each other.
- Not to publish or spread any false information about each other.
- Show respect to diversity and equality.

Behaviour in committees:

- Behave with dignity in the Chamber.
- Show respect to the Chairman and obey his decisions.
- Not to use indecent language nor make racial remarks or remarks which prejudice any section of society.

Confidentiality:

- Keep the confidentiality of exempt papers and any other documents which are not public.
- Not to release confidential information to the press or the public.
- Return confidential papers.
- Not to use confidential information for purposes other than intended.

Local members

- Work with members of adjoining wards for the benefit of the locality.
- If dealing with any matter relating to another ward
 - Explain to anyone seeking assistance that he/she is not the local member
 - Inform the local member, unless it would lead to a breach of confidentiality

A PROCEDURE FOR DEALING WITH ALLEGATIONS THAT A MEMBER HAS BREACHED THE PROTOCOL FOR MEMBER-OFFICER RELATIONS.

INTRODUCTION.

1. The Protocol for Member-Officer Relations is an important weapon to promote good co-operation between members and officers within the Council and thereby allow the council to fulfil its duties effectively and professionally. It is therefore important that any allegations by an officer against a member that he/she has breached the protocol can be dealt with quickly and effectively. The purpose of this procedure is to introduce a simple and easy way to understand the method of dealing with such allegations.

STAGE 1 OF THE PROCEDURE

2. Any officer who wishes to submit an allegation under this procedure should send the complaint, following consultation with the Head of Department to the Monitoring Officer. Following receipt of the complaint the Monitoring Officer will act as follows:-
3. In the first place the allegation will be referred either the Deputy Monitoring Officer or the Propriety Officer to provide the officer with general advice. At this stage it will be possible to advise whether the allegation falls within this procedure or whether it should be referred to the Ombudsman as an allegation of breach of the Members Code of Conduct. The Monitoring Officer will not deal with the allegation at this stage in order to preserve their ability to advise the Standards Committee later in the process.
4. If following the first stage the officer wishes to proceed with the allegation under this procedure the matter may be referred either to a conciliation meeting under Stage 2 or to a hearing by the Standards Committee under Stage 3.

STAGE 2 OF THE PROCEDURE.

5. At Stage 2 a meeting will be held between the officer making the complaint, the member against whom the complaint is made, the Leader of the relevant Political Group and the Chief Executive. It is possible for the officer to have a colleague or senior officer from the department with him/her. It is also possible for the matter to be dealt with in the officer's absence in exceptional cases. The purpose of this meeting will be to try and resolve the matter without it going further. If deemed necessary the Chief Executive can call on the Monitoring Officer, the Deputy Monitoring or the Propriety Officer for advice and assistance.

STAGE 3 OF THE PROCEDURE.

6. The third Stage is a hearing before the Standard Committee. The Officer making the complaint will be asked to submit the substance of his complaint in writing and the member concerned will be asked for a written response. These papers,

together with any additional written evidence that is submitted by either side will be distributed to the member of the Standards Committee.

7. Both the officer and the member have the right to appear before the Standards Committee and to submit evidence from witnesses. Both will have the right to representation or to have a colleague present. The Council will not meet the costs of representations.
8. If either side wishes not to be present or fails to attend the hearing may be held in their absence.
9. After the evidence has been heard, both sides and their representatives will be asked to leave the chamber and the Standards Committee will come to a conclusion on the allegation. The Monitoring Officer will be available to advise the Committee.
10. The Committee can come to one of three conclusions, namely :-
 - a) That there is basis to the complaint.
 - b) That there is a basis to the complaint but that no further action is required.
 - c) That there is a basis to the complaint and that the member should be censured.

In addition the Committee can make recommendations to the Council regarding changing any procedures or taking any further action.

SUPPLEMENTARY MATTERS.

11. Publicity will not be given to the names of either the member or the officer unless it is decided TO UPHOLD to the complaint and that the member should be censured. The hearing before the Standards Committee will be exempt.
12. Stages 2 and 3 do not have to be following sequentially. Although it is possible for an officer who remains dissatisfied after the conciliation meeting to ask for the matter to be referred to a hearing before the Standards Committee, it is also possible for a matter to proceed directly to the Standards Committee without going first to a conciliation meeting.
13. The aim of this procedure is to try and resolve complaints regarding members quickly and effectively. Nothing in this procedure prevents an officer from submitting a complaint to the Public Services Ombudsman for Wales that a member has breached the Members Code of Conduct.

DENBIGHSHIRE COUNTY COUNCIL

5.5 Members' Self Regulatory Protocol**General Principles**

- To promote high standards of conduct and behaviour as a means of strengthening respect and trust among members. It is NOT intended to replace the Code of Conduct, rather it is intended to sit alongside the Code, enabling behaviour which may not reach the threshold to become a breach to be dealt with; and that which justifies a formal complaint to the Ombudsman.
- The protocol does not replace the Member-Officer Relations Protocol set out in the Council's Constitution.
- Members will make all reasonable attempts to resolve disputes through agreed internal processes subject to their obligations under the Members' Code of Conduct.
- Referral to external regulators will become a last resort subject to Members' obligations under the Code of Conduct.
- Members will avoid personal confrontation in any public forum, especially full Council and through the media
- These commitments will not stifle legitimate political debate or scrutiny
- Group discipline will become the cornerstone of self-regulation with Group Leaders taking responsibility for their own members
- Group Leaders individually and collectively will work to ensure compliance with this protocol
- Members will commit to training and development in support of this protocol

Working to avoid problems

To minimise the number of instances of alleged breaches all Group Leaders have committed to :-

- **A Member Learning and Development Strategy** – to which they will seek to secure the commitment of their group members. All reasonable endeavours will be made to ensure that the Learning and Development Strategy identifies and responds to the needs of members.

- **Attending relevant Member training events** - in particular those relating to the Code of Conduct or probity courses within the scope of their role.
- **WLGA Charter** – The Council has been awarded the WLGA’s Charter for Member Support and Development and supports its objectives. Group Leaders will seek to secure individual member commitment to training and keep this under review.

Role of Group Leaders

A complaint by a member relating to a member of the same group will be referred to the Group Leader. A complaint by a member concerning the activities of a member of a different political group will be discussed with the complainant’s own Group Leader, who will then refer the issue to the Group Leader with responsibility for the member against whom the complaint is made.

Upon receiving a complaint, it is the role of Group Leaders to take responsibility for discipline within their groups. Group discipline should seek to be informal, resolved through face to face meetings. Group Leaders will need to retain some records but the process will not be “document heavy”. The emphasis should be on training, education, mediation and conciliation.

When appropriate, a sanction such as removal from a committee or an outside body, may be used in extreme cases or after persistent breaches and the matter will be referred to the Public Services Ombudsman for Wales.

Prior to considering any sanction, or training, the relevant Group Leader may consult with a member of the Standards Committee in conjunction with the Monitoring Officer or Deputy Monitoring Officer. The Standards Committee will seek to ensure fairness and consistency in the discipline imposed within each Group.

At the next available Group Leaders’ meeting any issue of discipline which has been referred to a Group Leader will be discussed with the Group and with the objective of seeking to ensure that fair and consistent sanctions are applied.

Where the complaint relates to the Group Leader themselves, the Chair will be requested to consider the complaint, just as with unaffiliated members.

Unaffiliated Members

As far as unaffiliated members are concerned, the Chair of the Council will fulfil the role of Group Leader. Concerns regarding the conduct of an unaffiliated member should be referred to the Chair who will apply the same principles and standards as those of the Group Leaders in terms of training/mediation/conciliation. In the case of persistent breaches the matter shall be referred to the Ombudsman by the Monitoring Officer or in his/her absence the Deputy Monitoring Officer.

Persistent Breaches

In the case of persistent breaches, or areas where the Group Leaders have concerns that the conduct of an individual member or members is damaging to relations between political groups or to the reputation of the Council, then the Group Leaders will meet with

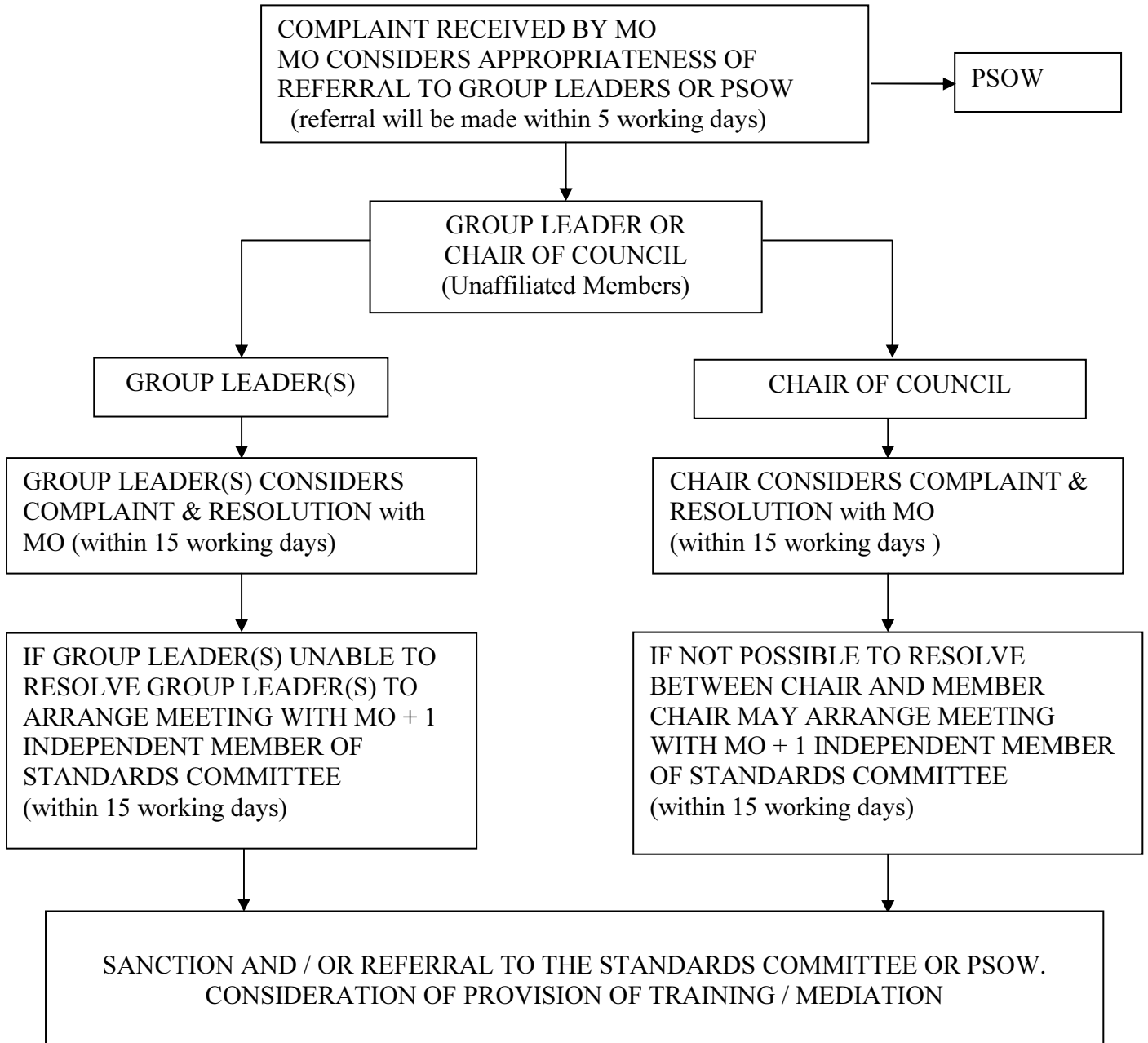
the Chief Executive Officer and the Monitoring Officer to agree a way forward. Consideration will be given to joint references to the Ombudsman, by the Group Leaders, for persistent low level breaches.

Standards Committee

- Owing to any potential issues of conflict, any involvement will include no more than one independent member of the Standards Committee. This will be subject to a rotational basis and in accordance with availability.
- The Standards Committee Members will play a supporting/advisory role to the Group Leaders. This process will be initiated at the request of the Group Leader, in a particular case.
- Such meetings will be private and informal.
- Any documentation, attendance notes, file notes or advisory notes passing between a Group Leader (or as appropriate the Chair of the Council) and the members of the Standards Committee shall remain private and confidential.

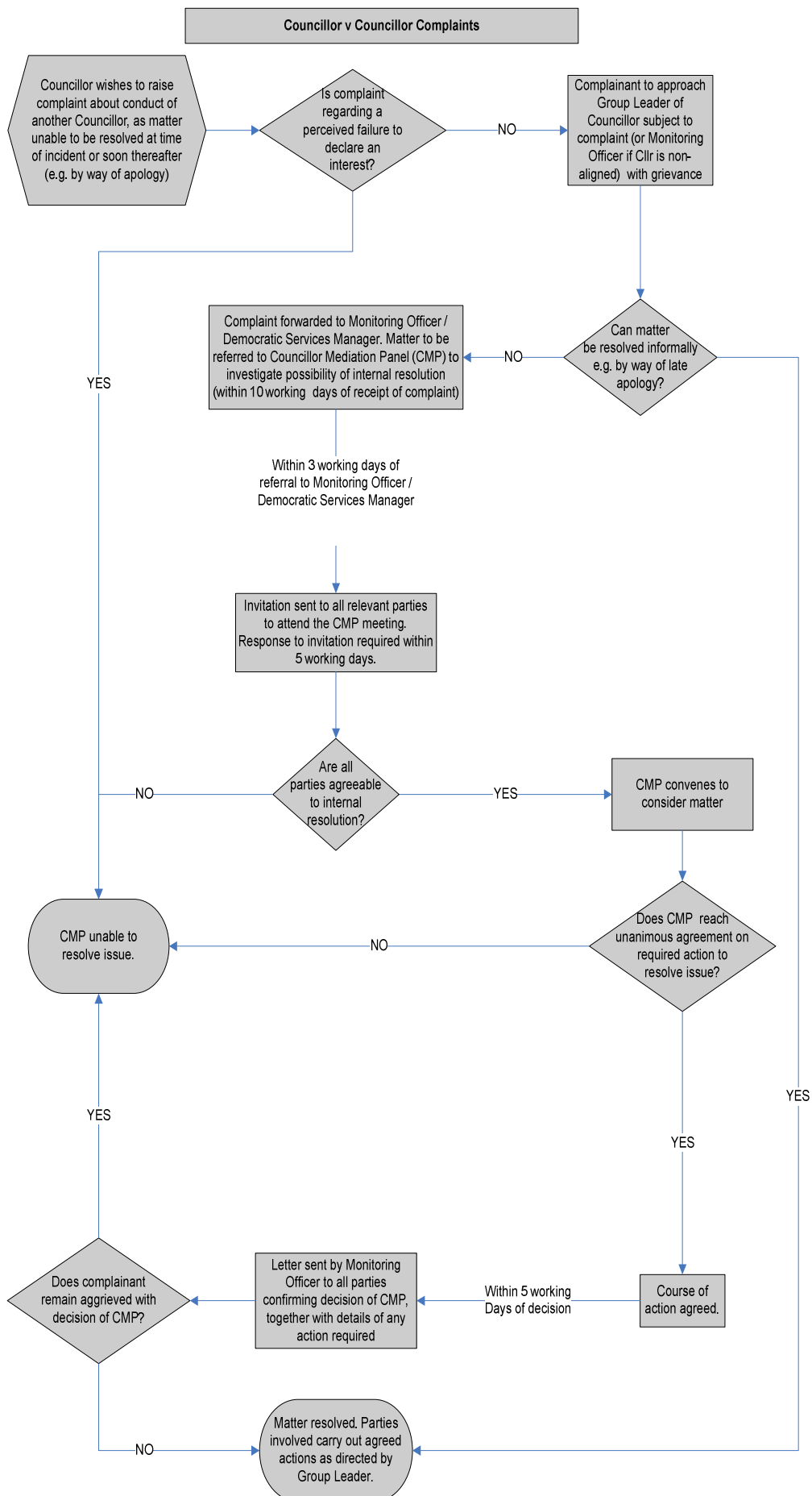
This protocol will be reviewed by May 2013.

MEMBER / MEMBER COMPLAINTS FLOWCHART



PERSISTENT BREACHES, GROUP LEADERS WILL MEET WITH CHIEF EXECUTIVE AND MONITORING OFFICER TO AGREE WAY FORWARD. CONSIDERATION WILL BE GIVEN TO JOINT REFERENCES TO THE OMBUDSMAN BY GROUP LEADERS FOR PERSISTENT, LOW LEVEL BREACHES.

MO = Monitoring Officer
PSOW = Public Services Ombudsman for Wales



THE FLINTSHIRE STANDARD

This document explains the standard of conduct expected from Flintshire County Council's and co-opted members councillors in dealing with each other and with officers. It should be read in conjunction with the Members Code of Conduct and the Protocol on Member-Officer Relations. It adds to those documents and does not detract from them.

Flintshire County Council members are expected to :-

Public behaviour:

- Show respect to each other and officers
- Not to make personal abusive comments about each other or officers
- Not to publish anything insulting about each other or officers
- Not to make malicious allegations against each other or officers
- Not to publish or spread any false information about each other or officers
- Show respect to diversity and equality.

Behaviour in committees:

- Behave with dignity in meetings
- Show respect to and obey decisions of the Chairman
- Not to use indecent language nor make racial remarks or remarks which prejudice any section of society

Confidentiality:

- Keep the confidentiality of exempt papers and any other documents which are not public.
- Not to release confidential information to the press or the public.
- Return or securely destroy confidential papers.
- Not to use confidential information for purposes other than intended.

Local members

- Work with any joint ward member and/or members of adjoining wards for the benefit of the locality.
- If dealing with any matter relating to another ward
 - Explain to anyone seeking assistance that he/she is not the local member
 - Inform the local member, unless it would lead to a breach of confidentiality

LOCAL RESOLUTION PROCEDURE FOR COMPLAINTS ABOUT BEHAVIOUR

INTRODUCTION.

1. The Flintshire Standard and the Protocol for Member-Officer Relations are important in promoting good co-operation between members and between members and officers within the Council, thereby allowing the council to fulfil its duties effectively and professionally. It is therefore important that any allegations against a member that he/she has breached the standard and/or protocol can be dealt with quickly and effectively. The purpose of this procedure is to introduce a simple and easy way to understand the method of dealing with such allegations.

STAGE 1 OF THE PROCEDURE

2. Any member or officer who wishes to submit an allegation under this procedure should send the complaint to the Monitoring Officer. Officers wishing to make a complaint should first consult with their Head of Service. Following receipt of the complaint the Monitoring Officer will act as follows:-
 3. The Monitoring Officer will not deal with the allegation at this stage in order to preserve their ability to advise the Standards Committee later in the process. In the first place the allegation will be referred either the Deputy Monitoring Officer (or another officer nominated by the Monitoring Officer) who will advise whether the allegation falls within this procedure or whether it should be referred to the Ombudsman as an allegation of breach of the Members Code of Conduct.
- N.B. The complainant has the statutory right to complain to the Public Service Ombudsman for Wales ("PSOW"). Should the complainant exercise that right then this procedure will not be used, and any efforts to resolve a complaint using this procedure will be stopped. The process will only resume if the matter is referred back for local resolution.
4. This procedure is only suitable for allegations made by officers or members of Flintshire County Council that a member has breached the Flintshire Standard or the Protocol on Member/Officer relations. It is not suitable for complaints:
 - made by members of the public;
 - which allege a serious breach of the code of conduct; or
 - alleging repeated breaches of the code of conduct, or breaches where are similar to complaints that have been handled at Stage 3 of this procedure

If the complaint is suitable for this procedure then the Deputy Monitoring Officer will give advice about how to possibly resolve the complaint. If the complaint is not suitable for this procedure then the Deputy Monitoring Officer will give advice about what (if anything) can be done.

5. If following the first stage the complainant wishes to proceed with the allegation under this procedure the matter may be referred either to a conciliation meeting under Stage 2 or to a hearing by the Standards Committee under Stage 3.

STAGE 2 OF THE PROCEDURE.

6. At Stage 2 a meeting will be held between the complainant, the member against whom the complaint is made, the Leader of the relevant Political Group and the Chief Executive. It is possible for the officer to have a colleague or senior officer from the department with him/her. It is also possible for the matter to be dealt with in the officer's absence in exceptional cases.
7. The purpose of this meeting will be to try and resolve the matter by conciliation. If deemed necessary the Chief Executive can call on the Monitoring Officer, the Deputy Monitoring Officer for advice and assistance.

STAGE 3 OF THE PROCEDURE.

8. The third Stage is a hearing before the Standard Committee. The complainant will be asked to submit the substance of the complaint in writing and the member concerned will be asked for a written response. These papers, together with any additional written evidence that is submitted by either side will be distributed to the member of the Standards Committee.
9. Both the complainant and the member have the right to appear before the Standards Committee and to submit evidence from witnesses. Both will have the right to representation or to have a colleague present. The Council will not meet the costs of representation.
10. If either side wishes not to be present or fails to attend the hearing may be held in their absence.
11. After the evidence has been heard, both sides and their representatives will be asked to leave the chamber and the Standards Committee will come to a conclusion on the allegation. The Monitoring Officer will be available to advise the Committee.
12. The Committee can come to one of three conclusions, namely :-
 - a) That there is no basis to the complaint.
 - b) That there is a basis to the complaint but that no further action is required.
 - c) That there is a basis to the complaint and that the member should be censured.

In addition the Committee can make recommendations to the Council regarding changing any procedures or taking any further action.

SUPPLEMENTARY MATTERS.

13. The papers for the hearing will be exempt and it will be recommended that the hearing will take place with the press and public excluded. Publicity will not be given to the names of either the member or the complainant unless it is decided TO UPHOLD to the complaint and that the member should be censured.

14. Stages 2 and 3 do not have to be following sequentially. Although it is possible for a complainant who remains dissatisfied after the conciliation meeting to ask for the matter to be referred to a hearing before the Standards Committee, it is also possible for a matter to proceed directly to the Standards Committee without going first to a conciliation meeting.
15. The aim of this procedure is to try and resolve complaints regarding members quickly and effectively. Nothing in this procedure prevents a complainant from submitting a complaint to the Public Services Ombudsman for Wales that a member has breached the Members Code of Conduct.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **STANDARDS COMMITTEE**
DATE: **MONDAY, 10 JUNE 2013**
REPORT BY: **MONITORING OFFICER**
SUBJECT: **REVIEW OF CODE OF CONDUCT FOR MEMBERS**

1.00 PURPOSE OF REPORT

1.01 To review the Code of Conduct for Members and to make amendments to it that will facilitate local resolution of complaints.

2.00 BACKGROUND

2.01 At its meeting on 8 April, 2013 the Committee agreed to instigate a rolling programme of reviews to the codes and protocols in the Constitution. This is the first such review.

3.00 CONSIDERATIONS

3.01 The Council must adopt a Code of Conduct based on the national model. It can add to the Code provided this does not diminish its rigour. In reviewing the Code Members should consider whether it is up to date and whether it is fulfilling its intended purpose.

3.02 The Code was first adopted by Council in January 2002. It was amended in May 2008 when the national model changed. It has not been amended since. When it was adopted the Council had a choice in respect of one paragraph, namely paragraph 18 which sets the threshold of £10 above which gifts can be accepted but must be registered. Since that time inflation has been low and the sum still seems to be appropriate.

3.03 Depending upon the outcome of the items on local resolution of complaints (which may require consequent changes to the Code) the Code still seems to be up to date.

3.04 If the local resolution procedure is adopted changes may be needed to facilitate the process. Welsh Government has proposed removing the obligation on Members to report breaches of the Code to the Public Services Ombudsman for Wales (this will require legislation). In addition, officers would support adding to paragraph 6(2) an obligation to comply with requests from the Monitoring Officer and/or Standards Committee in relation to the local resolution of complaints.

3.05 Offices see that Members are aware of the need to act ethically and the requirements of the Code. To that end it appears to have been broadly accepted and to cover the essence of ethical behaviour required.

4.00 RECOMMENDATIONS

4.01 That the Committee notes the review and confirms that the Code of Conduct for Members is up to date and fit for purpose.

4.02 (If the local procedure is adopted) That the Committee recommends to Council that paragraph 6(2) is amended to include an obligation to co-operate with requests from the Monitoring Officer and/or Standards Committee whilst locally resolving complaints.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None as a result of this report.

12.00 APPENDICES

12.01 None

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 BACKGROUND DOCUMENTS

As referred to in the report.

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FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME

Date of Meeting	Topic	Notes/Decision/Action
2014	<ul style="list-style-type: none"> • Retirements from Committee 	Independent Member – Mrs P Jones (July)
Dec 2013	<ul style="list-style-type: none"> • Retirements from Committee 	C Bretherton-Watt (Nov) – Mr Molyneux (new Standards member) attending briefing with MO/Deputy MO 5.15pm 2/12/13
Sept 2013	<ul style="list-style-type: none"> • Training Session • Declaration of Interests • Requests for dispensation 	13 May meeting - item on Declarations of Interest be added to the FWP for future consideration by the Committee in Sept
8 July 2013	<ul style="list-style-type: none"> • Training Session • Declaration of Interests • Requests for dispensation • Ethics on Joint Committees 	Item on handling ethics on joint committees concerning consistency of approach be scheduled for consideration at July meeting (action from April meeting)
10 June 2013	<ul style="list-style-type: none"> • Training Session • Declaration of Interests • Any requests for dispensation • Review Members Code of Conduct • Local Resolution Procedure 	13 May meeting - further consideration of the Local Resolution Procedure be scheduled for the 10 June meeting. GO to distribute 3 model procedures to Committee members for consideration at next meeting – sent 14.5.13
13 May 2013	<ul style="list-style-type: none"> • Training Session • Any requests for dispensation • Election of new Chair person 	Pat Jones elected as Chair, Ed Hughes as Vice Chair

Date of Meeting	Topic	Notes/Decision/Action
	<ul style="list-style-type: none"> • Feedback from Standards Conference 2013 • Local Resolution Procedure 	<p>Copy of the CC diary of meetings for 2013/14 be distributed to the Committee – distributed 14/5/13</p> <p>GO to send response to complaint about a member – sent 14/5/13</p>