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



To: Patricia Jones (Chair)

CS/NG

Councillors: David Cox, Hilary McGuill and
Arnold Woolley

30 October 2013

Co-opted Members

01352 702322

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

Dear Sir / Madam

A meeting of the **STANDARDS COMMITTEE** will be held in the **CLWYD
COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **MONDAY, 4TH
NOVEMBER, 2013** at **6.00 PM** to consider the following items.

Please note that a training session for Standards Committee members will be held from 6.00pm to 6.30pm.

Yours faithfully

Democracy & Governance Manager

A G E N D A

- 1 **APOLOGIES**

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

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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 meeting held on 14 October 2013.

4 **DISPENSATIONS**

5 **AUDIT OF DECLARATIONS OF INTEREST** (Pages 7 - 12)

To report to committee on the audit of the declarations of interest process.

6 **ANNUAL REPORT** (Pages 13 - 18)

To approve the Annual Report for publication (copy enclosed). Once approved the Report will be sent to all County Councillors, Town and Community Councils and other public bodies for information. The Committee will be asked to comment on:

- (i) the content of the Report
- (ii) the intended circulation list

7 **FORWARD WORK PROGRAMME** (Pages 19 - 20)

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

STANDARDS COMMITTEE **14 OCTOBER 2013**

Minutes of the meeting of the Standards Committee of Flintshire County Council held at Connah's Quay Town Council, Quay Building, Fron Road, Connah's Quay on Monday, 14 October 2013

PRESENT: Mrs Patricia Jones (Chair)
Councillors: Hilary McGuill and Arnold Woolley

Co-opted members: Robert Dewey, Jonathan Duggan-Keen and Edward Michael Hughes

APOLOGIES: Councillor David Cox, Chris Bretherton-Watt, Phillipa Ann Earlam and David Cox

ALSO PRESENT: Leader and Deputy Leader of the Council

TOWN & COMMUNITY COUNCIL REPRESENTATIVES:

Councillors Ian Jolly and Roy Marsh of Argoed Community Council

Mr. Gareth Roberts (Clerk) and Councillor Cradoc Williams of Bagillt Community Council

Councillor Michael Moriarty of Caerwys Town Council

Councillor Carol Granger and Mr. Ian Jones (Clerk) of Connah's Quay Town Council

Councillor Alan Evans of Saltney Town Council

Councillor Shelley Webber of Sealand and Queensferry Community Councils

IN ATTENDANCE: Head of Legal & Democratic Services, Democracy & Governance Manager and Committee Officer

22. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

The Head of Legal & Democratic Services explained that County Council Members in attendance who had submitted a dispensation request under Agenda Item 6 would need to declare a personal and prejudicial interest. The usual practice was that these Members would be given the opportunity to speak on the item and present their case but would need to withdraw from the meeting during the debate and decision-making on that item. The relevant Members who were present during that item were Councillors Bernie Attridge and Aaron Shotton, together with Councillor Hilary McGuill who had submitted a late dispensation request.

23. MINUTES

The minutes of the meeting held on 2 September 2013 had been circulated with the agenda.

Matters Arising

Minute 17: Minutes of Previous Meeting - the Head of Legal & Democratic Services referred to the agreement for a demonstration of the Dispensations database to be given at this meeting and suggested that the Committee may wish to consider under the Forward Work Programme whether this was still required, as an extract from the database was appended to the report in Agenda Item 6.

RESOLVED:

That the minutes be approved as a correct record and signed by the Chair.

24. TRAINING

The Chair welcomed representatives of Town and Community Councils for a joint training session on Good Governance on Employment Relations for Town and Community Councils. Following the training session, the Head of Legal & Democratic Services advised that a Good Governance toolkit was to be made available on the County Forum section of the Council's website.

25. MEETING WITH TOWN AND COMMUNITY COUNCIL REPRESENTATIVES

The Chair explained that questions had also been sought from representatives in advance of the meeting.

In response to questions raised by Mr. Gareth Roberts, Clerk of Bagillt Community Council, the Head of Legal & Democratic Services advised that it was the responsibility of councillors to identify whether or not they had an interest on an item under discussion. He spoke of the difficulties that individuals sometimes had in recognising that they may have an interest on an item and the responsibility of other councillors to raise this with their colleague if they felt that an interest should be declared. Failure to declare an identified interest must be reported as a breach to the Code of Conduct to the Public Services Ombudsman for Wales (PSOW) by other councillors who would themselves breach the Code if they failed to do so.

When asked if a situation arose whether Chair could refuse a councillor permission to speak on an item if they were aware of a conflict of interest, the Head of Legal & Democratic Services explained that this was dependent on the Standing Orders. In general practice, the Chair could refuse the councillor permission to speak if the meeting was disrupted. Ordinarily it would be for the Chair to warn the councillor about the possible existence of a personal and prejudicial interest and the need to withdraw and the consequences of failing to do so.

The Democracy & Governance Manager said that some councillors could not recognise that they had a prejudicial interest on an item because of their closeness to that issue. There was often a need to discuss the reasons for the interest to ascertain whether it was an interest and if so, what type, therefore the County Council encouraged councillors to seek advice on any possible interests in advance of the meeting which may allow time to apply to the Standards Committee for dispensation.

In line with paragraph 2 of the Code of Conduct guidance, it was confirmed that councillors must observe the Code, including declaring interests, whilst acting, claiming to act or giving the impression of acting in their official capacity at formal and informal meetings, which included working groups and committees. This also applied to councillors who were present as observers at such meetings.

In response to queries raised by Mr. Ian Jones, Clerk of Connah's Quay Town Council, the Head of Legal & Democratic Services said that an interest would be prejudicial if a member of the public (with all the facts) would say it was significant enough to prejudice the councillor's judgement of what was in the public interest. Prejudicial interests were mainly declared on matters relating to finance, planning or licensing where there was involvement in the issue by friends and family. However, a councillor who was nominated onto the body by the Council would not have a personal and prejudicial interest as they would be expected to report back to the Council on matters affecting that body. An exemption allowed Town and Community councillors to consider requests for funding up to £500 to community/voluntary organisations, irrespective of whether the councillor was appointed to that committee by the Council. In response to a further query, an example was cited whereby a Council Member speaking on a planning item at Town or Community Council level would need to avoid prejudging their stance at County Council level.

The Democracy & Governance Manager said that the County Council's Planning Committee had an arrangement where members of the public were able to speak on an item for three minutes enabling Council Members with a personal and prejudicial interest on the item to address the Committee in the same way, except that the councillor had to leave the room during the debate and vote.

In response to a question from Councillor Shelley Webber of Sealand and Queensferry Community Councils, the Head of Legal & Democratic Services gave an example of a situation where a Town/Community Council meeting was considering a request for funding from a school. A councillor who had been appointed as a school governor by the Town/Community Council could speak and vote on the item whereas a councillor who had not been appointed in this way would need to declare a personal interest only and could speak on the item if the funding sought was below the £500 limit. For funding sought over this amount, this councillor would need to declare a personal and prejudicial interest and would not be able to take part in the discussion.

26. REQUESTS FOR DISPENSATION

The Head of Legal & Democratic Services reported on requests for dispensations from County Council Members to participate in the briefings and debate on Single Status. A total of 12 dispensation forms were appended to the report out of a total of 16 councillors who believed that they had a personal and prejudicial interest. In addition, copies of a request submitted by Councillor Hilary Isherwood were circulated and Councillor Hilary McGuill had also put forward a request earlier in the day.

The Leader and Deputy Leader of the Council together with Councillor McGuill each outlined their reasons for seeking dispensation and were informed

that they could remain to hear the advice given and would be requested to leave the room whilst the matter was discussed.

The Head of Legal & Democratic Services detailed the background to Single Status and explained the requirement in the Code of Conduct for councillors to declare an interest if they were closely associated to an affected employee. He stressed that at no time had any information on individuals affected by Single Status been shared with councillors and that the nature of information to be shared at the forthcoming meetings was not specific to individuals. If agreed by the Committee, the dispensations would be granted until the point at which affected employees were to receive notification on the outcome of Single Status. After this point, he recommended that councillors would need to make further requests for dispensation as they would then be aware of how those employees they were closely associated with were affected.

The Head of Legal & Democratic Services outlined the grounds on which the applications for dispensation to speak and vote on the item had been made, together with the relevant circumstances in which the Committee could consider granting dispensation in accordance with the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001. Whilst paragraphs (c) and (d) were relevant in all cases, he felt that paragraph (e) was not relevant in this instance, although he said that the Committee may take a different view. In addition, three of the councillors had included paragraph (f) due to their roles on the Cabinet.

Councillor Attridge explained the reasons why paragraph (e) had been included on his dispensation and requested that this be removed and paragraph (c) added, so that paragraphs (c), (d) and (f) applied in his case.

At this point, the Leader, Deputy Leader and Councillor McGuill left the room to enable the Committee to make their considerations.

The Head of Legal & Democratic Services advised that as dispensation forms had only been received from 13 of the 16 councillors named in the report with a personal and prejudicial interest, the Committee was not able to consider dispensations for Councillors Chris Dolphin, Rosetta Dolphin and Adele Davies-Cooke.

Councillor A. Woolley proposed that the recommendations be accepted to grant dispensation to those listed in paragraph 4.01 of the report, with the inclusion of Councillor McGuill and exception of the three councillors previously mentioned. This was duly seconded and agreed by the Committee.

The Leader, Deputy Leader and Councillor McGuill were invited back to the room and were informed of the decision. The Head of Legal & Democratic Services advised that he would write to the relevant councillors to confirm the Committee's decision.

RESOLVED:

- (a) That dispensation be granted under paragraphs (c) and (d) of the Standards Committee (Grant of Dispensations)(Wales) Regulations 2001 to Councillors: Alex Aldridge, Bernie Attridge, Amanda Bragg, Helen

Brown, Hilary Isherwood, Kevin Jones, Colin Legg, Billy Mullin, Hilary McGuill, Neville Phillips, Aaron Shotton, Ian Smith, Carolyn Thomas and David Williams;

(b) That dispensation be granted under paragraph (f) of the above regulations to Councillors: Bernie Attridge, Billy Mullin and Aaron Shotton;

(c) That all dispensations be granted in the following terms:

‘That the councillor is allowed to participate in all briefings and meetings in respect of the current proposed Single Status agreement and that they be allowed to communicate with officers, whether orally or in writing, on the issues of general principle involved (including the impact of changes to general terms and conditions such as travelling expenses etc). This dispensation to include approval to remain in the room, speak and vote on the issue’; and

(d) That the dispensation does not permit the councillor to ask about the impact on a closely associated person and will not apply if the councillor is or becomes aware of any impact that is specific to the post occupied by any closely associated person within the meaning of paragraph 10(2)(c) of the Code of Conduct.

27. FORWARD WORK PROGRAMME

The Head of Legal & Democratic Services invited the Committee to consider the current Forward Work Programme and to suggest items for discussion or specific training at future meetings. He reported that the item on the audit of the Declaration of Interest process would be included for the next meeting on 4 November 2013. In response to the question raised earlier in the meeting, Members of the Committee felt that a demonstration of the Dispensations database was no longer necessary.

As Councillor Hilary McGuill had not been present for the training session on councillors with dual roles, the Head of Legal & Democratic Services agreed to meet with Councillor McGuill separately.

The Head of Legal & Democratic Services gave a reminder of a training session for Town and Community Councils on the Code of Conduct which was to be hosted by Flint Town Council on 7 November 2013 and asked that an officer raise this with Mr. Gareth Roberts of Bagillt Community Council.

RESOLVED:

That the Forward Work Programme be updated accordingly.

28. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

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

(The meeting started at 6.30 pm and ended at 8.12 pm)

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Chair

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **STANDARDS COMMITTEE**
DATE: **MONDAY, 4 NOVEMBER 2013**
REPORT BY: **MONITORING OFFICER**
SUBJECT: **AUDIT OF DECLARATIONS OF INTEREST**

1.00 PURPOSE OF REPORT

1.01 To report to committee on the audit of the declarations of interest process.

2.00 BACKGROUND

2.01 Section 81 (1) of the Local Government Act 2000 and paragraph 15 of Flintshire's Members' Code of Conduct require Members to register certain categories of personal interest and to notify the Monitoring Officer of any changes to these registerable interests. The registerable interests are those listed in paragraph 10 (2) (a) of the Members' Code of Conduct. The register of such interests is maintained by the Monitoring Officer and available for public inspection.

2.02 Paragraph 11 of the Members' Code of Conduct requires a Member to disclose any personal interests arising from paragraph 10 (2) (a), (b) and (c) where it relates to business being considered at a meeting. Paragraph 11 (4) requires the Member to complete a written notification of any such disclosures unless that interest has been previously disclosed since the last date on which the Member was elected. Where no such written notice is provided the Member is deemed as not having declared a personal interest. It is therefore the Member's responsibility to ensure that where they wish to disclose a personal interest the required notification has been completed.

2.03 During August the absence of meetings gave the opportunity to undertake an audit of the extent of Member compliance. Three meetings of Cabinet, County Council, Planning Committee, Corporate Resources Overview & Scrutiny and Lifelong Learning Overview & Scrutiny were chosen at random. The number of interests declared at the meeting was compared with the number of Members who had completed the requisite notification of that interest. The results are shown in Appendix 1.

2.04 In addition a more subjective audit was undertaken where the Deputy Monitoring Officer considered the same meetings against the interests Members had registered to ascertain if Members had declared such interests at the meeting. The results of this exercise is shown in Appendix 2.

3.00 CONSIDERATIONS

3.01 The responsibility for ensuring that notification is given whenever required rests with the individual Member concerned. Nevertheless, in order to assist Members after undertaking the audit it was decided to put in place more rigorous chasing up of the paperwork by the officers.

3.02 Committee Services are preparing a spreadsheet to record for each Member interests registered and those notified following a meeting. Where at a meeting a Member declares an interest that is not included on this they will be given a notification form and asked to complete it. Where the Member does not complete it at the time the Committee Officer will chase and failing a response the Democracy & Governance Manager will chase. If there is still no response the Monitoring Officer will contact the Member concerned. These arrangements do not alter the provision in the Members' Code that a failure to provide written notice, where it is required, means that the interest is deemed not to have been declared.

3.03 This is the first such audit that has been undertaken and it is the intention to undertake such audits annually during August to ensure that standards are maintained or improved.

3.04 Where the audit has shown failure to complete the requisite paperwork (Appendix 1) or a possible failure (Appendix 2) the individual Members concerned have been written to explaining that as things currently stand they are deemed not to have declared a personal interest, but this will not be the case if they complete written notification.

4.00 RECOMMENDATIONS

4.01 To note the results of the audit.

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 The workload involved in the audit has been accommodated within existing resources.

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 Appendices 1 and 2 – Results of exercises undertaken

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Minutes of the meetings referred to in Appendix 1 and 2

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APPENDIX 1

Meeting	Number of Interests Declared at Meetings	Number of Members who notified us of interest on either form
Cabinet 18 September 2012	0	0
Cabinet 19 February 2013	5 (for 3 items) = 15	5 (for 3 items) = 15
Cabinet 18 June 2013	2	2
Planning 5 September 2012	7	7
Planning 16 January 2013	2	2
Planning 19 June 2013	2	2
County Council 25 September 2012	16	4
County Council 19 February 2013	0	0
County Council 25 June 2013	0	0
Corporate Resources OSC 13 September 2012	0	0
Corporate Resources OSC 17 January 2013	0	0
Corporate Resources OSC 18 April 2013	0	0
Lifelong Learning OSC 20 September 2012	5 (for 3 items) = 15	3 (for 3 items) = 9
Lifelong Learning OSC 14 February 2013	7 (for 3 items) = 21	5 (for 3 items) = 15
Lifelong Learning OSC 6 June 2013	8	4
	Total: 88	Total: 60 Total: 68%

APPENDIX 2

Meeting	Number of Members in attendance who it would appear from their register of interests should have declared an interest	Actual number of those Members who did declare an interest
Cabinet 18 September 2012	3 (for 4 items) = 12	0
Cabinet 19 February 2013	2 (for 3 items) = 6	2 (for 3 items) = 6
Cabinet 18 June 2013	1	1
Planning 5 September 2012	0	0
Planning 16 January 2013	0	0
Planning 19 June 2013	1	1
County Council 25 September 2012	4	4
County Council 19 February 2013	0	0
County Council 25 June 2013	0	0
Corporate Resources OSC 13 September 2012	0	0
Corporate Resources OSC 17 January 2013	0	0
Corporate Resources OSC 18 April 2013	0	0
Lifelong Learning OSC 20 September 2012	4 (for 2 items) = 8	4 (for 2 items) = 8
Lifelong Learning OSC 14 February 2013	5 (for 3 items) = 15	5 (for 3 items) = 15
Lifelong Learning OSC 6 June 2013	5	5
	Total: 52	Total: 40 Total: 77%



STANDARDS COMMITTEE

ANNUAL REPORT 2012/13

FOREWORD BY THE CHAIRMAN

I became Chair part way through the year covered by this report having previously been Vice Chair of the Committee. The period covered by this report has been one of change to the membership of the Committee. I would like to firstly place on record my thanks to Kevin Sibbons, Kenneth Martin and Merfyn Roberts who all reached the end of their periods of appointment during the year covered by this report. As a result of public notice of the vacancies many suitable candidates applied leading to Robert Dewey, Phillipa Ann Earlam and Edward Hughes being appointed to the Committee. Edward was subsequently appointed my Vice Chair. I am sure they will make as valuable a contribution to the work of the Committee as their predecessors. Continuity on the Committee has been provided by Chris Bretherton-Watt, Jonathan Duggan-Keen and Councillors David Cox, Hilary McGuill and Arnold Woolley.

During the year we have used our differing experiences, skills and knowledge in the discharge of the work of the Committee. The work of the Committee has concentrated on proactively promoting and maintaining high standards of conduct amongst County Councillor, Town & Community Councillors and co-opted members. It was not necessary during the year to hold a formal hearing to deal with any alleged breach of the Members' Code.

During the year there has been a lot of activity in relation to training. Normally meetings of the Committee are preceded by an informal training session on topics of relevance to the work of the Committee. Training sessions have also been arranged on the Members' Code of Conduct. Meetings of the Committee are regularly hosted by a Town or Community Council and open to all such Councils. This enables discussion of any issues or concerns they may have and to assist or advise them as to any particular approach which should be taken.

The North Wales Standards Committee Forum is a regional group set up to share experiences, knowledge and discuss any topical issues so as to assist colleagues across North Wales in resolving issues of concern and maintaining a consistent approach to common issues faced by us all.

This year's Standards Conference was hosted by the North Wales Standards Committee Forum and held in Llandudno in April. The 6 North Wales County Councils provided the bulk of speakers with additional speakers from the Public Services Ombudsman for Wales, Welsh Government, The Welsh Local Government Association, Rhondda Cynon Taf and Swansea Council. Over 100 delegates attended from all over Wales. The overall feedback was positive with the vast majority of the forms rating it as either good or excellent.

Lastly I would like to thank Gareth Owens and the other officers who have advised, arranged and attended the meetings of the Committee during the year.

Mrs Patria Jones
Chair of the Standards Committee

MEMBERS OF THE COMMITTEE

Although the Standards Committee is one of Flintshire County Council's Committees, it contains a majority of members who are independent of the running and the day to day operation of the Council or local government. In addition to these Independent Members the Committee includes a member who represents the interests of all the 34 Town and Community Councils within Flintshire, as well as three elected members of Flintshire County Council.

During the year a new representative for the Town and Community Councils was appointed. His term of office will be until the second Council meeting following the next Council elections to allow time to recruit his replacement after those elections.

During the year the Chair of the committee, Kevin Sibbons, had to stand down as he had reached the end of his term as an independent member. The Vice Chair presided over meetings for the remainder of the municipal year and was then appointed Chair.

The members and the dates when they are due to retire are set out below:-

Independent Committee Members

	<u>Appointment Ends</u>
Mrs Patricia Jones	July 2014 (Chair)
Mr Chris Bretherton-Watt	November 2013
Mr Robert Dewey	May 2017
Mrs Phillipa Ann Earlam	May 2019
Mr Edward Hughes	May 2019 (Vice Chair)

Community Committee Member

Councillor Jonathan Duggan-Keen June 2017

Flintshire County Council Members

Councillor David Cox (Labour)	May 2017
Councillor Hilary McGuill (Liberal Democrat)	May 2017
Councillor Arnold Woolley (Independent)	May 2017

THE COMMITTEE'S WORK

The Committee's main role is to promote and maintain high standards of conduct by councillors and to assist them to observe the Members' Code of Conduct. It is responsible for doing so for Members of Flintshire County Council and the County's Town and Community Councils.

The Committee is responsible for considering and deciding upon complaints, referred to it by the Public Service Ombudsman for Wales, that members have breached the Code of Conduct.

It also considers applications made by members for dispensations to allow them to take part in discussions even though they have a prejudicial interest under the Code.

Frequency of Meetings

During the year the Committee has met on the following occasions:

- 18 June 2012
- 3 September 2012
- 1 October 2012
- 5 November 2012
- 3 December 2012
- 18 February 2013
- 8 April 2013
- 13 May 2013

The work of the Committee has involved discussions on issues including:-

1. The Ombudsman's Guidance on the Code of Conduct

In October 2012 the Ombudsman published fresh guidance on the Code of Conduct. It had been updated to reflect recent decisions made by case tribunals, Standards Committees and, in particular, the High Court decision in the case of Councillor Calver.

The case of Calver v Adjudication Panel for Wales was the first legal challenge to the Code of Conduct and ethical regime in Wales. Councillor Calver successfully overturned a decision of a case tribunal to uphold the decision of Pembrokeshire Standards Committee to censure him for a breach of the Code.

The High Court upheld his challenge because the finding and penalty infringed his freedom of political expression as guaranteed by Article 10 of the European Convention on Human Rights. The Ombudsman then issued amended guidance giving very wide leeway to Councillors to challenge other Councillors and officers.

It is appropriate that officers, especially senior officers, can be challenged by Councillors and yet there are minimum standards of behaviour that must be observed. Following comments about the amended guidance, which appeared to impose very little restraint, the Ombudsman has issued revised guidance that balances both the legal requirements and the need for acceptable standards of behaviour.

2. Dispensations

The Members' Code of Conduct provides that a Councillor cannot take part in a discussion if he/she has a 'prejudicial interest' under the Code of Conduct. However, the member does have the right to make an application to the Committee for permission to take part in the discussion despite the existence of the interest, ie. a dispensation.

The Committee considered seven applications during this period all from Flintshire County Council Members. In each case the committee considered the nature of the councillor's interest and the extent to which their participation might undermine public confidence in the impartiality of the decision making process. Where applications were granted safeguards were put in place to ensure transparency and openness were not harmed. For example, where Councillors were allowed to contact officers this could be in writing only so that there was a record of the communication.

In addition a database of requests and decisions on dispensation was created. This enables the Committee to see how it has decided previous applications thereby ensuring greater consistency and fairness.

3. Allegations Against Members

During the course of the year six allegations were made against County Councillors. All were resolved without the need for investigation.

Only one complaint was made against a Town and Community Councillor. Again it was resolved without the need for investigation.

Whilst the level of complaints was slightly higher than in previous years, the number of complaints taken forward for investigation was lower than the Wales average.

There was one complaint against a County Councillor which was being heard by a case tribunal at the start of the year. That hearing was not concluded during the year.

4. Local Resolution of Complaints

There was a long standing debate about whether the Council should adopt a local procedure for resolving low level complaints. The Local Government Minister made his view clear that if such a procedure was not adopted then he would legislate making the adoption mandatory. The Council therefore began to research the different options available. This work was not concluded within the year.

5. Indemnity

Likewise, Welsh Government's concern about the impact of indemnities for Councillors also increased during the year. It was perceived that unlimited indemnities were encouraging ever greater use of legal representation with the unintended consequence that case tribunals were becoming increasingly legalistic and complex. There was also concern that where Councils did not have insurance to cover the indemnities then the cost was falling directly on the public purse.

Whilst Flintshire has had an insurance policy to cover any indemnities granted since 2011 they are not subject to an upper limit on expenditure.

The Council is waiting to see how the debate develops before deciding whether to cap indemnities thereby potentially restricting the ability of Councillors to defend themselves.

6. Review of Codes and Protocols

The Committee is responsible for the codes and protocols within the Council's Constitution. It must ensure that they are effective and remain both up to date and relevant.

To ensure that this work was undertaken in a structured way the Committee adopted a rolling programme of reviews. This will see all protocols reviewed within a 3 year period. Due to its importance the Code of Conduct for Councillors will be reviewed every year.

7. Training

Following the County, Town and Community Council elections in May 2012 a programme of training on the Code of Conduct was put in place. In total six sessions were held covering 43 Councillors in all.

In addition, a regular programme of training sessions prior to each meeting of the Standards Committee was established. This enables the Committee to keep up to date and improve its skills and experience.

Useful Contacts

- Gareth Owens, Monitoring Officer - Tel No. 01352 702344
- E-mail: gareth.legal@flintshire.gov.uk
- Peter Evans, Deputy Monitoring Officer - Tel No. 01352 702304
E-mail: peter.j.evans@flintshire.gov.uk
- Public Services Ombudsman for Wales - www.ombudsman-wales.org.uk
- Adjudication Panel for Wales - www.adjudicationpanelwales.org.uk

FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME

Date of Meeting	Topic	Notes/Decision/Action
June/July 2014	<ul style="list-style-type: none"> • Review of effectiveness and operation of Local Resolution Procedure 	
2014	<ul style="list-style-type: none"> • Retirement from Committee 	Independent Member – Mrs P Jones (July)
4 Nov 2013	<ul style="list-style-type: none"> • Retirement from Committee • Training • 6pm 7 November – Training for Town and Community Councils 	<p>C Bretherton-Watt (end Nov) Mr Molyneux (new Standards member) attending briefing with MO/Deputy MO 5.15pm 2/12/13</p> <p>2/9/13 - RD - topic on Council's structure and reporting arrangements, including glossary of commonly used abbreviations eg Corporate Management Team (CMT). (defer to Nov)</p> <p>14/10/13 – Audit of Declaration of Interests</p> <p>Venue – Council Chamber, Flint Town Council 14/10/13 Contact be made with Gareth Roberts of Bagillt CC to ask him to share with his network the training session on 7 Nov.</p>

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