

STANDARDS COMMITTEE
2 DECEMBER 2013

Minutes of the meeting of the Standards Committee of Flintshire County Council held at Clwyd Committee Room, County Hall, Mold on Monday, 2 December 2013

PRESENT: Mr Edward Michael Hughes (Vice-Chair in the Chair)

Councillors: David Cox, Hilary McGuill and Arnold Woolley

Co-opted members: Robert Dewey, Jonathan Duggan-Keen, Phillipa Ann Earlam and Kenneth Harry Molyneux

APOLOGY: Mrs Patricia Jones

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

36. WELCOME TO NEW MEMBER OF THE COMMITTEE

The new co-opted member, Mr. Kenneth Molyneux, was welcomed to his first meeting of the Standards Committee.

37. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Councillor Arnold Woolley declared an interest in Agenda Item 7: Public Services Ombudsman's Annual Letter 2012/13. The Head of Legal & Democratic Services advised that this was a personal interest and that there was no requirement to withdraw from the meeting for that item.

38. MINUTES

The minutes of the meeting held on 4 November 2013 had been circulated with the agenda.

Accuracy

Councillor Hilary McGuill said that her apology had been given at the meeting and asked that this be recorded.

Minute 32: Audit of Declarations of Interest - Mrs. Phillipa Earlam suggested that the words 'the individual Member held' be removed from the first sentence of the second paragraph.

Matters Arising

Minute 34: Forward Work Programme - the Head of Legal & Democratic Services referred to the training session which had taken place on 7 November 2013 and advised that a further session would be arranged in 2014.

RESOLVED:

That, subject to the two amendments, the minutes be approved as a correct record and signed by the Chair.

39. DISPENSATIONS

None were received.

40. AUDIT OF DECLARATIONS OF INTEREST

The Head of Legal & Democratic Services presented a report which shared current practice in other Welsh councils on the auditing of declarations of interest, in response to discussion at the previous meeting on an audit carried out on a sample of meetings in Flintshire. He explained that Members who declared an interest at meetings were responsible for ensuring that they submitted a completed form and that failure to do so would result in the declaration being invalid. Improvements to the process would help in chasing forms which had not been returned and it was suggested that a form used by Anglesey Council could be adopted for Flintshire.

Variances in practice between other Welsh Councils who had shared information on auditing declarations of interest showed that Flintshire was one of a minority who had undertaken audits of this nature. However, positive feedback from some other Councils seemed to indicate that this was an emerging area of good practice.

In response to a suggestion by Mr. Jonathan Duggan-Keen on changes to the small print in section 3 of the proposed form, the Head of Legal & Democratic Services explained that the wording would need to reflect that in the Code of Conduct, namely that the personal interest was 'likely' to prejudice judgement.

Following a comment from Councillor Hilary McGuill on the need for declaration of interest forms to be made available at each meeting, the Democracy & Governance Manager reiterated that the improved process would involve keeping an updated record of interests taken from completed forms and that forms would continue to be made available for any additional unrecorded interests. He suggested that the bottom of the proposed form should reflect that Members were required to complete and return forms to the Committee Services officer after the meeting rather than during the meeting. The Head of Legal & Democratic Services gave examples where the completion of forms was not required as the information was held elsewhere.

Mr. Robert Dewey pointed out that the wording in section 4 of the proposed form should reflect that there was only one box to tick. Councillor Arnold Woolley felt it be clarified that section 4 only applied if the relevant box in section 3 was ticked. He proposed that the form, incorporating all the suggested changes, be approved for adoption and this was duly seconded.

RESOLVED:

That, with the inclusion of the aforementioned amendments, the form at Appendix 1 to the report be adopted.

41. PUBLIC SERVICES OMBUDSMAN'S ANNUAL LETTER 2012/13

The Head of Legal & Democratic Services presented a report to receive and note the Annual Letter of the Public Service Ombudsman for Wales. In summarising the key statistics for Flintshire as set out in the report, he pointed out that the number of complaints which had taken over six weeks to deal with included some which were more complex long-standing issues. There was a high rate of response times within four to five weeks to allow adequate time to provide a good response, which was reflected in the above average outcomes. The Head of Legal & Democratic Services then gave a brief update on an outstanding matter.

In response to a query from Mr. Kenneth Molyneux, the Head of Legal & Democratic Services advised that there were no legal sanctions on response times but that a speedy response or quick fix was favoured by the Ombudsman. It was hoped that smaller issues would be resolved internally and that more quick fix complaints through the use of local protocols could further reduce the need for involvement by the Ombudsman.

Councillor Hilary McGuill felt that the selection of case summaries appended to the report were helpful in providing context on the decisions reached by the Ombudsman, and asked if summaries on all cases could be included. The Head of Legal & Democratic Services explained that the Ombudsman had chosen only to summarise outcomes on cases which he considered to be of wider importance and that information from across all Councils in Wales was available in the publication 'The Ombudsman's Casebook'.

Councillor Arnold Woolley referred to recognition in the Ombudsman's Letter of 'stretched resources' within Councils and commented on the likelihood for this problem to increase.

In response to a comment from the Chair on outcomes, the Head of Legal & Democratic Services said that whilst the aim was to try to resolve complaints quickly, it was more important to reach a positive resolution rather than a speedy one.

Following remarks on the Ombudsman's recognition of numerous health complaints, it was explained that this was in relation to the NHS. There had been no health complaints under the Council's responsibility in 2012/13.

As no recommendations were made by the Committee, Councillor Woolley proposed that the contents of the report be noted, which was agreed.

RESOLVED:

That the contents of the letter be noted.

42. PLANNING CODE OF PRACTICE

The Democracy & Governance Manager introduced a report to consider whether a review of Flintshire's Planning Code of Practice was appropriate at the present time.

In detailing the background, he explained that the Council's Planning Strategy Group had decided to delay carrying out a review of the Planning Code of Practice whilst awaiting the outcome of national proposals arising from recommendations from a recent Welsh Government (WG) study. It was noted that the current Planning Code of Practice was sufficiently comprehensive in covering most of the areas included in the recommendations and that a report was due to be submitted to the Constitution Committee in 2014. In light of this, the Democracy & Governance Manager suggested that the review be delayed but gave assurance that progress would be shared on the national proposals.

RESOLVED:

That the contents of the report be noted and that a further report be received in a few months' time when the national proposals should have progressed.

43. 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. A training session held prior to the meeting had identified the need for training on differences between Executive and Council functions.

The Democracy & Governance Manager suggested that an update on the review of the Planning Code of Practice be scheduled for April 2014. Following a suggestion made by Councillor Hilary McGuill that relevant training be provided prior to consideration of this topic, it was agreed that officers would look at practice in other Councils and schedule the training for March 2014.

RESOLVED:

That the Forward Work Programme be updated accordingly.

44. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at 6.00 pm and ended at 7.20 pm)

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Chair