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To: Edward Michael Hughes (Chairman)

Members: Robert Dewey, Duggan-Keen, Phillipa Ann Earlam,
Kenneth Harry Molyneux, David Cox, Hilary McGuill and Arnold Woolley

27 October 2015

Dear Member,

You are invited to attend a meeting of the Standards Committee which will be held at 6.30 pm on Monday, 2nd November, 2015 in the Clwyd Committee Room, County Hall, Mold CH7 6NA to consider the following items.

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

A G E N D A

1 APOLOGIES

Purpose:

To receive any apologies.

2 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose:

To receive any Declarations and advise Members accordingly.

3 MINUTES (Pages 3 - 6)

Purpose:

To confirm as a correct record the minutes of the meeting held on 5th October 2015.

4 **DISPENSATIONS**

Purpose:

To receive any requests for dispensations.

5 **BIENNIAL STANDARDS CONFERENCE 2015** (Pages 7 - 8)

Purpose:

Report back from the Vice-Chair. Course notes from the conference will be made available to members of the Committee.

6 **ANNUAL REPORT** (Pages 9 - 14)

Purpose:

To approve the Annual Report for publication – copy attached.

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; and
- (ii) the intended circulation list.

7 **FORWARD WORK PROGRAMME** (Pages 15 - 16)

Purpose:

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

Yours faithfully



Peter Evans
Democracy & Governance Manager

STANDARDS COMMITTEE
5 OCTOBER 2015

Minutes of the meeting of the Standards Committee of Flintshire County Council held in the Edith Bankes Memorial Hall, Northop on Monday, 5 October 2015

PRESENT: Edward Hughes (Chairman)

Councillors:

David Cox and Arnold Woolley

Co-opted members:

Robert Dewey, Jonathan Duggan-Keen, Phillipa Ann Earlam and Kenneth Harry Molyneux

ALSO PRESENT: Councillor Bernie Attridge

TOWN AND COMMUNITY COUNCIL REPRESENTATIVES:

Mr. Steven Goodrum (Clerk) of Connah's Quay Town Council

Councillor Kevin Hughes of Gwernymynydd Community Council

Ms. Sharon Jeffries (Clerk) and Councillors John Golledge, Hilary Lamb, John Lamb, Ronnie Purves and Linda Thew of Northop Hall Community Council

Councillors Alan Evans and Veronica Gay of Saltney Town Council

Councillor Tudor Jones of Ysceifiog Community Council

APOLOGIES: Peter Richmond, Clerk of Sealand Community Council and Martin Wright, Clerk of Buckley Town Council

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Committee Officer

The Monitoring Officer announced that, in the absence of Mr. Peter Evans, Mr. Matt Georgiou (the Council's Planning Solicitor) had been appointed as the new Deputy Monitoring Officer and that his contact details would be circulated.

14. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Councillor Bernie Attridge declared a personal and prejudicial interest in relation to his dispensation request (Agenda Item 5).

15. MINUTES

The minutes of the meeting held on 7 September 2015 were submitted.

RESOLVED:

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

16. ADVICE ON INTERESTS AND COMMUNITY ASSET TRANSFERS

The Monitoring Officer presented the draft advice note on interests and community asset transfers for comment, prior to circulation to all county, town and community councillors. The Chairman thanked him for the training session on this topic prior to the start of the meeting, which he hoped had been beneficial to all those present.

The launch of the community asset transfer initiative in 2014 had generated much debate across the county, leading to expressions of interest by 19 councils and 24 community groups in running 174 of the Council's assets to date. As it was feasible for a councillor to have more than one role, eg town or community council, county council or involvement with a community group, there was a need to carefully consider whether a personal or personal and prejudicial interest should be declared. The advice note, which had been drafted with relevant sections of the Code of Conduct and guidance from the Ombudsman, set out how interests could arise and where exemptions might apply with a reminder that dispensation could be sought if needed.

On seeking the Committee's views, the following changes were noted:

- Paragraph 1.02: amend the second sentence to read 'It is possible that there will be a debate at the county council where there is a councillor *who* is either on the town/community council or community group taking the asset.'
- Paragraph 2.01: amend (ix) to read 'any public authority, charity or body directed to charitable purposes, private club, society or organisation in which the councillor *holds a position* of management or of which the councillor is a member.'
- Paragraph 2.04: amend the first sentence to read 'When declaring a personal interest a councillor must state that it is personal and give the reason for the *interest*.'
- Paragraph 3.01: amend the second sentence to read: 'Whilst they may seem very wide ranging they **do not apply** if the matter is an application for any approval, consent, licence, permission or registration.'
- To amend the contact telephone number of the Chief Officer (Governance) at the end of the document and to add contact details of the newly appointed Deputy Monitoring Officer.

The Chairman welcomed representatives of town and community councils and sought their views on the advice note. It was commented that the note provided clarity on the subject and was a useful reference document.

In response to a query on dispensation time limits, the Monitoring Officer explained that the Committee was able to grant dispensation for a maximum of four years and that his advice was for the Committee to base its decision on whether the circumstances were likely to change over that period.

The Monitoring Officer stated that the amended note would be circulated to town and community councils, along with county councillors, to provide guidance on the process. He suggested that the note could also be highlighted

at the next County Forum meeting and made available on the County Forum webpage.

RESOLVED:

That, subject to the amendments, the advice note be approved and circulated to all county, town and community councillors.

17. DISPENSATIONS

Councillor Bernie Attridge

The Committee was asked to consider a request for dispensation submitted by Councillor Attridge to speak and answer questions relating to the Council's company, North East Wales (NEW) Homes Ltd, when considered at meetings of Cabinet and Overview & Scrutiny.

Councillor Attridge explained that his role as Chair of the company's board required him to present regular reports and answer questions about the progress of the company and that if his dispensation was granted, he would leave before any debate and vote on the item at those meetings. He explained that his request was for dispensation over four years to avoid repeated applications to the Committee.

The Monitoring Officer reiterated that Councillor Attridge had no personal stake in the company and as Chair of the Board, would be expected to speak on the item at those meetings. He said that as the circumstances were unlikely to change, this was a reasonable request for determination by the Committee.

Councillor Attridge left the room whilst the dispensation request was considered.

In response to a query from Councillor Arnold Woolley, the Monitoring Officer agreed to check whether the Committee could grant dispensation for four years as this was beyond the end of the current Council term in 2017. He suggested that if the legislation did not permit this, the time limit could be curtailed until the next County Council Elections in 2017. On that basis, Councillor Woolley moved approval and this was seconded by Mr. Dewey.

Following questions by the Chairman, the Monitoring Officer provided clarification on the officer services procured by NEW Homes Ltd.

Mr. Dewey commented on the potential for future planning applications to be considered at Planning Committee. The Monitoring Officer advised that this did not apply at the present time and could be considered at a later stage.

Councillor Attridge returned to the meeting and was informed of the decision.

RESOLVED:

That Councillor Bernie Attridge be granted dispensation under paragraphs (d) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak and answer questions on matters relating to NEW Homes Ltd but to leave the room before the debate and vote when the item is considered at meetings of Overview & Scrutiny and Cabinet. If legislation permits, the dispensation to cover a period of four years (ending 4 October 2019) or else until the end of the current Council term in 2017. The Monitoring Officer to liaise direct with Councillor Attridge on the outcome.

18. FORWARD WORK PROGRAMME

The Monitoring Officer presented the current Forward Work Programme for consideration. It was noted that he and Councillor Hilary McGuill had both agreed to attend the North Wales Standards Conference on 20 October 2015 leaving three available places. Mr. Robert Dewey and Councillor Alan Evans of Saltney Town Council both stated that they had confirmed their attendance. The Chairman advised that he would be unavailable. The Monitoring Officer said that an invitation had been circulated to town and community councils and that anyone wishing to fill the remaining vacant place should contact his office.

The Monitoring Officer asked that town and community councils give consideration to hosting a future meeting, incorporating a training session on the Code of Conduct.

RESOLVED:

That the Forward Work Programme be noted.

19. ANY OTHER BUSINESS

No items were raised by town and community council representatives. The Chairman thanked them for their attendance.

20. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting started at 6.45 pm and ended at 7.15 pm)

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Chairman

Standards Conference Wales 2015.

Thank you for allowing me to attend the Conference on 20 October.

On arrival we met the Lord Mayor at The Mansion House a gift of a benefactor which has been furnished by gifts from local people and continues to receive gifts now. It appears like a museum but performs a valuable function for both ceremonial and civic events. It is used to entertain and accommodate foreign and other guests of the City Council.

The Conference took place in the City Hall and was attended by around 120 representatives drawn from every Welsh Council.

The keynote speech was from Nick Bennett the Ombudsman. He challenged us to consider whether the Nolan principles are still fit for purpose and whether they would be valid for the next twenty years. He reminded us of the principles - selflessness, integrity, accountability, objectivity, openness, honesty and leadership.

He reflected on societal changes in the last twenty years and some examples where there had been no change. He believes that the present time is the most challenging period for many years and noted possible changes such as NHS/Social Services integration. He expressed concern that recommended reorganisation of local government almost two years ago now seems unlikely to happen before the next assembly elections.

He suggested that after 20 years of transparency in local government, the public by and large do not generally feel that matters have improved.

He reported that last year there had been 231 code complaints yet only 17 had resulted in a breach warranting action. Which is a very small percentage.

He would like a new Ombudsman Act which could allow complaints to be made orally or using social media. He hoped it would allow him to initiate investigations without having to wait for a complaint to be received and he looked for better exchange of national data to allow comparisons to be made.

A panel discussion with Lyn Cadwallader (One Voice Wales), Peter Davies (President of the Adjudication Panel) and Jan Williams (Independent police complaints commissioner) followed. Lyn referred to concerns about how Community Councils will be able to handle increased responsibilities without cultural change. There is a need for CC web sites to be up to date with relevant information and for a clearer demarcation of responsibility so that the public know who is responsible for what. Training will be vital and his organisation has expanded to provide a variety of modules and they now offer a consultancy service. It will be vital to enhance the trust and confidence of the public. Peter Davies announced his imminent retirement and reported that the Panel had only to adjudicate on two cases in the last two years. (in the last 13 years it had averaged at 5 p.a. He posed the question as to whether local standards committees were too close to be impartial or whether matters are best dealt with at the local level. Jan Williams spoke about her experiences of police complaints. Policing had to be by consent and failure to be reasonable and fair

destroys that trust. There should be no need for more policies – all public servants should think about doing the right thing routinely every day.

We were able to attend two workshops: the first was about Nolan principles. A lively discussion took place and amongst the suggestions put forward were:

- Standards Members should attend other committee meetings to enable them to assess behaviours.
- Recommendation that Members should be advised to attack the issue rather than the person
- Where behaviours were seen as being right on the line of acceptability gentle warning might be a useful approach
- The Standards Committee meeting could move round the community councils to remind them of the importance of appropriate behaviour.
- Set up training and invite all the Clerks to attend.
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The second workshop I attended dealt with Community Council behaviours. The new White Paper on Town & Community Councils – “Power to Local People” encourages higher standards of governance, more consistency, better democratic accountability and seeks thereby to encourage communities to have more confidence in T&CC.

The paper suggests certain benchmarks to allow a T&CC to be “accredited”.

- Democratic – at least 2/3rds of councillors should be elected (not co-opted)
- Capability – Clerks should have recognised professional qualification
- Capacity – budget should be £200K (this has now been deleted)
- Governance- have own web site, appropriate financial management in place.

There is the suggestion that the T&CC could be linked to other community organisations to make a ‘community body’ but this is not very clear at present.

If functions are to be delegated from CBC/CC to local level, there should be a need for a competency test which could impose the need for appropriate training to replace the skills presently held at the higher level.

It was also concern that some of the advertised savings in local government have only been achieved by the T&CC taking over responsibility but without gaining the necessary resources.

Overall, I found the conference useful and it was good to meet Standards Committee members from other authorities and share experiences. Some of them seemed to be relatively new to the responsibility and perhaps had limited ability to add to the discussions. The Welsh Government was, I thought, notable by its absence .Given the impact of changes in local government and the effect of austerity, it might have helped to have heard the concerns from Standards Committee members at first hand.

Robert Dewey.



STANDARDS COMMITTEE

ANNUAL REPORT 2014/15

FOREWORD BY THE CHAIRMAN

This was my first full year became as Chair of the Committee and the first full year with the current membership of the committee.

The committee is increasingly confident in its role and has used its skills and experience to help review the protocols and procedures at the council, promote awareness and offer training on standards issues. The committee has a 3 year rolling programme of reviewing the parts of the Constitution relating to standards. By the end of that period all relevant parts will have been brought up to date and amended in light of best practice as required.

I am pleased that the council has still not had to sit in judgement on alleged breach of the code. It has received numerous requests for dispensation from the code of conduct which I believe demonstrates that councillors are aware of their obligations and are considering the ethical course of action in advance of council meetings.

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

Edward Hughes
Chair of the Standards Committee

MEMBERS OF THE COMMITTEE

Although the Standards Committee is one of Flintshire County Council's Committees, the majority of its members 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.

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

Independent Committee Members

	<u>Appointment Ends</u>
Mr Robert Dewey	May 2017 (Vice Chair)
Mr Kenneth Molyneux	December 2018
Mrs Phillipa Ann Earlam	May 2019
Mr Edward Hughes	May 2019 (Chair)

Community Committee Member

Councillor Jonathan Duggan-Keen June 2017 (at the next Council elections)

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 34 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:

6th October 2014
3rd November 2014
8th December 2014
9th February 2015
13th April 2015
8th June 2015
6th July 2015
7th September 2015

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

1. Audit of Declarations of Interest

At the November committee meeting the committee received an update on the audit of the extent to which members completed notifications where required following a declaration of interest at a meeting. Previous compliance with the rules had been 66% and this had prompted a series of training events for councillors and changes in process to remind them to record in writing those interests declared verbally at a meeting. As a result the levels of compliance had increased to 99% for which all councillors are to be congratulated.

2. Dispersations

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, i.e. a dispensation.

During the year the committee granted a total of 13 dispensations, across a wide range of issues. In each case the committee carefully considered what level of participation by the councillor would be possible whilst still ensuring transparency and being able to protect public confidence in the impartiality of the decision-making process.

3. Complaints to the Public Services Ombudsman for Wales

There were 8 complaints against County Councillors during the period. The Ombudsman declined to investigate all of them.

4. Local Resolution of Complaints

In the first full year of using the local resolution procedure only 1 complaint was made. The councillor concerned undertook training but declined to give a public apology. The complaint is therefore not resolved. During the coming year, the committee will look to review the evidence of how the system has operated over the 18 months it has been in force.

5. External Reports

The committee considered the annual report of both the Ombudsman and Adjudication Panel for Wales. The consideration of such reports provides the opportunity to learn from experiences elsewhere so as to prevent such issues arising in Flintshire.

6. Code of Conduct for Officers

The Council has reviewed its code of conduct for officers. The committee was pleased to see and support the introduction of a register of interests for senior officers. This will increase transparency and, despite legislative differences, bring the obligations for officers closer into line with those of councillors.

7. Review of Codes and Protocols

During the year the committee has received reports on the review of the various codes and protocols that apply to councillors. In each case the committee made detailed comments that will help ensure the codes remain up-to-date, relevant and effective. The council has now given all its councillors an iPad in order to improve communications. The committee has therefore introduced a protocol setting out the rules and expectations for how they are to be used and endorsed guidance from the WLGA on the use of social media in order to regulate this new area of behaviour.

Useful Contacts

- Gareth Owens, Monitoring Officer - Tel No. 01352 702344
- E-mail: gareth.legal@flintshire.gov.uk
- Matthew Georgiou,
Deputy Monitoring Officer - Tel No. 01352 702330
- E-mail: matthew.georgiou@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
October 2016	<ul style="list-style-type: none">• Training on Code of Conduct	Joint meeting with Town and Community Councils including a training session on the Code of Conduct
December 2015	<ul style="list-style-type: none">• Training• Dispensations• Review of protocol on production of Councillor newsletters• Standards Committee Annual Report	
November 2015	<ul style="list-style-type: none">• Training• N W Standards Conference• Dispensations	<ul style="list-style-type: none">➤ Review of Local Resolution Procedures➤ Feedback from the All Wales Standards Conference

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