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To: Edward Michael Hughes (Chairman)

Councillors: David Cox, Hilary McGuill and Arnold Woolley

Co-opted Members

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

30 August 2016

Dear Member

You are invited to attend a meeting of the Standards Committee which will be held at 6.00 pm on Monday, 5th September, 2016 in the Clwyd Committee Room, County Hall, Mold CH7 6NA to consider the following items

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 - 8)

Purpose: To confirm as a correct record the minutes of the meeting held on 4 July 2016.

4 DISPENSATIONS

Purpose: To receive any requests for dispensations.

5 PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT (Pages 9 - 12)

For members of the Committee to receive the Annual Report of the Public Services Ombudsman for Wales

6 **VISIT OF PSOW TO NW STANDARDS FORUM**

For members to suggest any questions they would like the Public Services Ombudsman for Wales (PSOW) to be asked when he visits North Wales in October.

7 **FORWARD WORK PROGRAMME** (Pages 13 - 14)

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Evans', with a long horizontal flourish extending to the right.

Peter Evans
Democracy & Governance Manager

STANDARDS COMMITTEE

4th JULY 2016

Minutes of the meeting of the Standards Committee of the Flintshire County Council held at County Hall, Mold, on Monday, 4th July 2016

PRESENT: Ed Hughes (Chair)

Councillors:

David Cox, Hilary McGuill and Arnold Woolley

Co-opted Members:

Robert Dewey, Jonathan Duggan-Keen, Phillipa Earlam and Ken Molyneux

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Team Manager – Committee Services

Councillor Richard Jones was in attendance for agenda item number 4, Dispensations.

1. DECLARATIONS OF INTEREST (including whipping declarations)

None were received.

2. MINUTES

The minutes of the meeting held on 9th May 2016 were submitted.

The Monitoring Officer explained that, in the lead up to the County Council elections in May 2017 and in an attempt to raise awareness of candidates, candidates would be asked for their views on the start time of Committee meetings.

RESOLVED:

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

3. DISPENSATIONS

Following despatch of the agenda, three dispensation requests had been received from County Councillor Richard Jones, Saltney Town Councillor Stephen Rodham and Saltney Town Councillor Shelley Streeter.

County Councillor Richard Jones

The Committee were asked to consider a request for dispensation submitted by County Councillor Richard Jones which related to changes to the car parking policy. The request was to speak to officers, Members and

others, to make written representations and to speak to Council Committees and to remain in the Chamber to hear the related debate.

Councillor Jones explained that he had been appointed President of the Buckley and District Chamber of Commerce and that body was making representations to the Council, seeking to have the car parking charges policy amended for Buckley. The change would continue to provide the anticipated levels of income for the Council, but also attract recent lost trade, whilst avoiding further trade loss in the town. He added that he was a member of Buckley Town Council and his wife was a trader in the town.

He provided details of businesses that had recently closed in the town for a variety of reasons and felt it was important that there was continued dialogue between Flintshire County Council, Buckley Town Council and Buckley and District Chamber of Commerce for the benefit of the town.

It was the suggestion from Buckley and District Chamber of Commerce and the Town Council that a two part ticket be introduced in the town. This would enable traders who were part of the scheme to reimburse the parking cost to the customer on receipt of the second part of the ticket. This would therefore have no impact on income levels to the Council.

In response to a question from Councillor McGuill, Councillor Jones explained that 22 traders of the town were in agreement with the suggested amended scheme when it was discussed at a recent meeting of the Buckley and District Chamber of Commerce, which included Costa Coffee and Iceland.

Councillor Jones left the room whilst the Committee considered the request.

The Chair commented that Councillor Jones had received a previous dispensation relating to car parking charges and the Monitoring Officer explained that this was in relation to his wife's business in the town. In advising the Committee, he said to approve anything less than had been granted in May 2015 there would need to be a material difference in circumstances of which there was not.

Following a discussion the Committee decided that Councillor Richard Jones be granted dispensation to enter into written communications with officers on car parking charges in Buckley, to take part in the debate but not vote when the item was reported to a Committee or County Council meeting but to remain in the room to hear the debate. The duration of the dispensation was granted for 12 months ceasing on 3 July 2017.

Councillor Jones was called back into the meeting and informed of the decision.

Saltney Town Councillor Stephen Rodham and Saltney Town Councillor Shelley Streeter

The Chair advised that the dispensations for Town Councillors Stephen Rodham and Shelley Streeter be considered together as the applications were identical, which was agreed.

The Monitoring Officer provided details of the background to the applications which related to Sandy Lane Community Centre in Saltney. The building was in two parts with half being run by the Youth Service and the other half run by Sandy Lane Community Centre Committee. County Councillor Veronica Gay was a member of the Community Centre Committee and had previously been granted dispensation by the Standards Committee.

As part of the Council's Community Asset Transfer programme two competitive bids had been received for the transfer of the Community Centre; one from Sandy Lane Community Centre Committee and one from Saltney Town Council.

Councillors Rodham and Streeter were Saltney Town Councillors and also members of a provisional Charitable Incorporated Organisation (CIO) which had undertaken a bid for the CAT. In relation to Paragraph 10(2)(a) of the Code of Conduct both Councillors did not have a personal and prejudicial interest as they did not hold a position of general control or management of the CIO. But given that both Councillors were heavily involved in the provisional CIO, attended meetings with officers and represented views in a way in which a permanent CIO and that the CIO would be formally established in the near future, it was deemed appropriate for the applications to be made at this stage of the process for clarity purposes.

The Monitoring Officer added that neither Councillor had a personal stake in the organisation. He provided details of the dispensation applied for and what was granted to Councillor Gay in September 2014.

Following a discussion, it was agreed that the same permission should be granted to Councillors Rodham and Streeter as had been granted to Councillor Gay. This was that they be granted dispensation to correspond with officers on the CAT of the Community Centre, Library and Youth Centre. Also to speak to officers provided that there was a witness which would ensure that at least three people would be present, and that the conversation be minuted. To speak and/or answer questions at Town Council meetings, to remain in the room during the debate but not vote at Council or Committee meetings. It was also agreed that in the absence of a Code of Conduct of the CIO that the Town Council's Code of Conduct be followed. In addition, should either of the Town Councillors become a County Councillor then the dispensation should be reviewed.

RESOLVED:

County Councillor Richard Jones

That County Councillor Richard Jones be granted dispensation under paragraphs (d) and (e) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to enter into written communications with officers on car parking charges in Buckley, to take part in the debate but not vote when the item was reported to a Committee or County Council meeting but to remain in the room to hear the debate. The duration of the dispensation was granted for 12 months ceasing on 3 July 2017.

Town Councillor Stephen Rodham

That Town Councillor Stephen Rodham be granted dispensation under paragraphs (d), (e) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to correspond with officers on the CAT of the Community Centre, Library and Youth Centre. Also to speak to officers provided that there was a witness which would ensure that at least three people would be present, and that the conversation be minuted. To speak and/or answer questions at Town Council meetings, to remain in the room during the debate but not vote at Council or Committee meetings. It was also agreed that in the absence of a Code of Conduct of the CIO that the Town Council's Code of Conduct be followed. In addition, should Councillor Rodham become a County Councillor then the dispensation should be reviewed.

Town Councillor Shelley Streeter

That Town Councillor Shelley Streeter be granted dispensation under paragraphs (d), (e) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to correspond with officers on the CAT of the Community Centre, Library and Youth Centre. Also to speak to officers provided that there was a witness which would ensure that at least three people would be present, and that the conversation be minuted. To speak and/or answer questions at Town Council meetings, to remain in the room during the debate but not vote at Council or Committee meetings. It was also agreed that in the absence of a Code of Conduct of the CIO that the Town Council's Code of Conduct be followed. In addition, should Councillor Streeter become a County Councillor then the dispensation should be reviewed.

4. NORTH WALES STANDARDS FORUM

The Monitoring Officer explained that a date had not yet been confirmed for the North Wales Standards Forum Conference which was to be hosted by Anglesey County Council however it was likely to be in September 2016.

Topics of interest were sought from the Committee for the Chair or Vice Chair to put forward and the following was agreed:

- Possibility of a Joint North Wales Standards Committee

- What standing reports got considered by the Standards Committee in each authority
- How did each authority approach dispensation requests, particularly if they did not meet on a frequent basis
- Local Resolution Procedures
- Training for new Members following the elections in May 2017
- Annual Report from the Adjudication Panel for Wales

It was agreed that any further topics should be sent to the Chair and Vice Chair for review and a composite list be sent to the Monitoring Officer to forward on to the host authority of the Conference.

RESOLVED:

That any further topics should be sent to the Chair and Vice Chair for review and a composite list be sent to the Monitoring Officer to forward on to the host authority of the Conference.

5. FORWARD WORK PROGRAMME

The Monitoring Officer explained that at the next meeting of the Committee he would present the Ombudsman's Annual Report.

A discussion took place on the absence of an Annual Report from the Adjudication Panel for Wales and it was agreed that this would be added to the list of topics for the North Wales Standards Forum Conference.

RESOLVED:

- (a) That the Forward Work Programme be noted;
- (b) That the Ombudsman's Annual Report be presented to the Committee in September 2016.

6. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

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

The meeting commenced at 6.30pm and ended at 7.20pm.

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Chairman

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STANDARDS COMMITTEE

Date of Meeting	Monday, 5 September 2016
Report Subject	Public Services Ombudsman for Wales Annual Report
Report Author	Deputy Monitoring Officer

EXECUTIVE SUMMARY

The PSOW has published his annual report (AR) for 2015/2016 pursuant to Paragraph 14 of Schedule 1 of the Public Services Ombudsman (Wales) Act 2005.

The purpose of the AR is to report on the performance of the PSOW's office over the year and to deliver key messages arising from the work carried out during the year. As it is also the 10-year anniversary of the office of the PSOW the AR sets out some key development of the office over the decade.

This report summarises the headline matters in the AR with a particular focus on matters relating to standards of county & town and community councillors.

RECOMMENDATIONS

1	To note the contents of the AR and consider it raises any issues for action.
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REPORT DETAILS

1.00	
1.01	The AR sets out the workload that has been dealt with by the PSOW during 2015/2016. It breaks the workload down into the number of enquiries received and the number of complaints received, and also breaks down the complaints into those received about services (public body complaints) and those received in relation to Code of Conduct Complaints (CCC's). It sets out some key messages to take from the workload and strategies that the PSOW have implemented to improve their function, including through statutory enactments and proposed

	enactments. This report will highlight those matters (complaints and key messages) relating to CCC's only (and not issues arising from public services).
1.02	While for only the second time in a decade the number of public services complaints have gone down, the number of CCC's has risen by 19% (from 231 in 2014/15 to 276 in 2015/16). The rise is due to complaints from Town and Community Councillors (which have risen by 49% since 2014/15). The detail of CCC's is contained at pages 21 to 24 of the AR.
1.03	In terms of key messages/improvements, the messages echo the comments made by the PSOW at the conference in Cardiff in October last year as follows: <ul style="list-style-type: none"> • The PSOW is keen to filter out less serious (or vexatious) complaints that could and should be dealt with locally. This may seem slightly ironic given the increases referred to at paragraph 1.02. • the AR refers to legislative changes that should help to facilitate this (perhaps next year's annual report will give a clearer indication of whether this will work). • the AR refers to recent legislation (the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 and The Local Government (Standards Committees, Investigations, Dispensations and Referral (Wales) (Amendment) Regulations 2016 which amend the Standards Committee (Wales) Regulations 2001; the Local Government Investigations (Functions of Monitoring Officers and Standards Committee (Wales) Regulations 2001; and the Local Authorities (Grant of Dispensations) (Wales) Regulations 2001) and sets out what he hopes it will achieve.
1.04	The PSOW hopes that the changes to the Model Code of Conduct that removed the duty to refer potential breaches to the PSOW (but retains the requirement to report them to the Monitoring Officer) will assist in cutting down referrals of less serious complaints. The PSOW refers to the provisions to enable a standards committee or a monitoring officer, with the prior written agreement of the Chairperson of the standards committee, to refer the report of a misconduct investigation to another authority's standards committee for determination with a view to overcoming any potential conflict of interest a standards committee may have in dealing with the complaint under consideration. He also refers to the provisions allowing two or more relevant authorities to establish a joint standards committee, and the requirement for a member seeking to appeal the determination of a standards committee to now obtain the permission of the President, or a nominated panel member, of the Adjudication Panel for Wales.
1.05	The AR also reports on the forthcoming introduction of a new Bill, the Draft Public Services Ombudsman (Wales) Bill (March 2016) (the Bill), as a result of the recommendation from the Welsh Assembly Finance Committee. The Bill includes proposed powers for the PSOW to undertake own initiative investigations and the ability to accept oral complaints.
1.06	Finally, the AR reports that the Code of Conduct Case Book will now be published quarterly, as opposed to bi-annually and refers to the PSOW's

	new 3-year Strategic Plan which can be accessed on the PSOW's website under "Three Year Strategic Plan 2016/17 to 2018/19: Innovation, Influence, Improvement.
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2.00	RESOURCE IMPLICATIONS
2.01	None

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None

4.00	RISK MANAGEMENT
4.01	None

5.00	APPENDICES
5.01	The AR can be found at:- http://www.ombudsman-wales.org.uk/en/publications.aspx

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	The AR:- can be found at:- http://www.ombudsman-wales.org.uk/en/publications.aspx Contact Officer: Matthew Georgiou Solicitor/Deputy Monitoring Officer Telephone: 01352 702330 E-mail: matthew.georgiou@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	AR: Annual Report of the PSOW CCC's: Code of Conduct Complaints PSOW: Public Services Ombudsman For Wales is a statutory role to consider complaints about public services in Wales and complaints that members of local authorities have broken the Code of Conduct.

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FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME

Date of Meeting	Topic	Notes/Decision/Action
July 2017	Annual Report	April 2016 meeting - It was agreed that a template Annual Report would be provided to Members on an annual basis which would act as a prompt for producing the document.
May 2017	<ul style="list-style-type: none"> • Member Communications 	May 2016 meeting - That Members be contacted in May each year with a template annual report and be advised that any completed annual reports could be placed on the Council's website by Democratic Services.
January 2017	<ul style="list-style-type: none"> • Training • Dispensations • Standards Forum 	The Chair to provide a report back on the Standards Forum from November.
	<ul style="list-style-type: none"> • Member Newsletters • Frequency of Council Meetings 	Future item be submitted on the data received by Members on newsletters or other regular communications produced to be combined with a further survey to be undertaken by Members to determine the time and frequency of Council meetings. A report on the data received from the survey would be brought back to a future meeting of the Committee – 7/3/16 meeting
October 2016	<ul style="list-style-type: none"> • Training on Code of Conduct • Standards Forum Meeting November 	<p>Joint meeting with Town and Community Councils including a training session on the Code of Conduct</p> <p>Items for November's meeting</p>

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