

# Public Document Pack



Contact Officer:  
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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

29 November 2016

Dear Councillor

You are invited to attend a meeting of the Standards Committee which will be held at 6.00 pm on Monday, 5th December, 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 - 6)**

**Purpose:** To confirm as a correct record the minutes of the meeting held on 3<sup>rd</sup> October 2016

### **4 DISPENSATIONS**

**Purpose:** To receive any requests for dispensations.


### **5 REPORT BACK FROM THE NORTH WALES STANDARDS COMMITTEE FORUM (Pages 7 - 14)**

Attached: (1) Notes from the Chair and Vice Chair (2) Minutes

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

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert Robins', with a horizontal line extending to the right.

Robert Robins  
Democratic Services Manager

## **STANDARDS COMMITTEE** **3 OCTOBER 2016**

Minutes of the meeting of the Standards Committee of Flintshire County Council held at Pentre Halkyn Community Centre on Monday, 3 October 2016

**PRESENT: Edward Hughes (Chairman)**

Councillors:

David Cox, Hilary McGuill and Arnold Woolley

Co-opted members:

Robert Dewey, Jonathan Duggan-Keen and Ken Molyneux

**APOLOGY:** Phillipa Earlam

**TOWN AND COMMUNITY COUNCIL REPRESENTATIVES:** Councillor Dai Jenkins and Mr. Rhodri Hampson-Jones of Argoed Community Council; Councillor David Knights of Caerwys Town Council; Councillor Colin Barker and Mr. Phillip Parry of Halkyn Community Council; Councillor Joseph Caruana of Leeswood Community Council; and Councillor Patrick Heesom of Mostyn Community Council

**IN ATTENDANCE:**

Monitoring Officer, Deputy Monitoring Officer and Committee Officer

**14. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

No declarations of interest were made.

**15. MINUTES**

The minutes of the meeting of the Committee held on 5 September 2016 were submitted.

Accuracy

The start of the meeting would be amended to 6pm.

Matters Arising

Minute Number 11: Visit of Public Services Ombudsman for Wales to the North Wales Standards Forum - it was confirmed that the issues put forward, including Councillor McGuill's suggestion, would be raised at the Forum meeting. The Chair and Vice-Chair would provide feedback at the next available meeting of the Committee.

## **RESOLVED:**

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

### **16. DISPENSATIONS**

There were no applications for dispensation.

### **17. REVISED GUIDANCE ON CODE OF CONDUCT**

The Monitoring Officer presented a report on revised guidance on the Code of Conduct from the Public Services Ombudsman for Wales (PSOW) for Town/Community Councils and County Councils. The two sets of guidance reflected the different responsibilities of each and incorporated a number of changes to the Code of Conduct.

The Monitoring Officer summarised the key changes, as set out in section 1.02 of the report. He referred to the preface in the guidance which highlighted the expectation on all members to take advantage of training opportunities as part of their roles. The revised guidance would be drawn to the attention of Town/Community Councils through the training session at the end of the meeting. The Monitoring Officer also suggested that he email Clerks to highlight the availability of the guidance and to refer to the version on the PSOW website which was kept up-to-date.

Councillor Hilary McGuill asked if Clerks of Town/Community Councils were obliged to keep a record to verify that their members had read the guidance. The Monitoring Officer advised that this was not a statutory provision, however it was considered good practice for Clerks to record that they had shared the document and that it was the responsibility of individuals to ensure they had read and understood the content.

Councillor Arnold Woolley commented on the Ombudsman's concerns about repeated low-level complaints generated by a small number of members. It was explained that these could be considered as a breach of the Code and could also instigate an investigation under the conditions of the new PSOW Bill. On the 2-stage test for determining potential breaches, Councillor Woolley pointed out that total objectivity could not be achieved when considering public interest levels. The Monitoring Officer spoke about the approach to reviewing complaints which involved consideration of all the evidence by the Adjudication Panel or Standards Committee, if referred by the Ombudsman. On the interpretation of bullying and harassment, it was noted that the Advisory, Conciliation and Arbitration Service (ACAS) applied an objective test to the definition of bullying. The PSOW guidance set out the intention to consider the perspectives of both parties.

The suggested action by the Monitoring Officer was agreed by the Committee.

**RESOLVED:**

That the availability of the revised guidance online be brought to the attention of County Councillors and an email sent to Clerks of Town/Community Councils to this effect.

**18. PUBLIC SERVICES OMBUDSMAN FOR WALES BILL**

The Deputy Monitoring Officer presented a report on changes arising from the Public Services Ombudsman for Wales (PSOW) Bill if this was to be made into law in its current form. The report addressed a query raised at the previous meeting on the provision for oral complaints and highlighted proposed additional powers for the Ombudsman to initiate his own investigations, with an example given on how this would work.

In response to comments from Mr. Robert Dewey on the need to make provision for oral complaints, the Deputy Monitoring Officer explained that further detail on the criteria was awaited from the PSOW.

**RESOLVED:**

That the report be received and noted.

**19. FORWARD WORK PROGRAMME**

The Committee received the current Forward Work Programme for consideration. No suggested items or training topics were put forward.

**RESOLVED:**

That the Forward Work Programme be noted.

**20. MEETING WITH TOWN/COMMUNITY COUNCILS**

Following the meeting of the Committee, a training session was held on changes to the Code of Conduct and rules on Members' interests, to which all Town/Community Councils had been invited. A joint meeting was then held to give representatives of Town/Community Councils an opportunity to raise questions.

In response to a query from Councillor Dai Jenkins on the declaration of interests, the Monitoring Officer provided advice on instances where a member was appointed to a particular group by their Town/Community Council. Where the issue was related to planning, the member would need to either declare an interest or seek dispensation to make oral representations and leave the room for the discussion.

Explanation was given on the approach to dispensation requests, which were considered at each meeting of the Standards Committee. It was agreed

that it would be useful to display an electronic version of the form on the County Forum section of the website.

In response to comments from Councillor Patrick Heesom about publications on the interpretation of prejudicial interests, the Monitoring Officer highlighted the difference between a member pre-determining an outcome as opposed to having a prejudicial interest where they or a family member had a personal stake on the matter. The Deputy Monitoring Officer referred to a forthcoming High Court case in the UK where a planning committee decision had been overturned due to a voting member having a prejudicial interest.

Mr. Rhodri Hampson-Jones sought clarity on the role of Town/Community Council Clerks in respect of publishing information. He was informed that the Ombudsman would expect the Clerk to act as the first point of contact, however advice was available from the Monitoring Officer and Deputy Monitoring Officer. It was also stated that Clerks were not obliged to comply with the Code of Conduct as they were officers and not members.

Mr. Robert Dewey expressed concern at the low number of Town/Community Council representatives in attendance at the meeting. In response to comments, it was confirmed that an invitation had been extended, via email to all Clerks, in advance of the meeting.

Town and Community Council representatives were advised that the North Wales Standards Forum meeting in October, to which the Public Services Ombudsman for Wales (PSOW) had been invited, was not a public meeting. Mr. Hampson-Jones suggested the possibility of the Society of Local Council Clerks (SLCC) meeting with the PSOW or with the Standards Committee. The Monitoring suggested that the SLCC make contact directly with the PSOW.

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

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

(The meeting started at 6pm and ended at 7.25pm)

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**Chairman**

**Notes from the**  
**North Wales Standards Committee Forum**  
**Llangefni October 17<sup>th</sup> 2016**

The Chair (Ed Hughes) and Vice Chair Rob Dewey attended to represent FCC Standards Committee. Representatives of five out of the six Counties and the NW Fire & Rescue and Snowdonia National Park Authorities. The meeting was chaired by the host authority, Anglesey County Council.

The first part of the meeting was a presentation by Nick Bennett, Ombudsman who commented that he was very pleased that all authorities (CC) had now signed up to a Local Resolution procedure. This was yet to be used by Town & Community Councils (T&CC)

His office had received approx. 6000 enquiries last year compared with around 2000 ten years earlier. Around 100 related to Counties and 150 to T&C. No less than 50 of the T&C complaints came from just three community councils. Half of all complaints come from Health (35 %) & Housing (15 %). Whilst there has been an average 10% more complaints coming through his Office, the number investigated has remained low which shows the measures including public interest are working. Five complaints had been investigated and 5 had been referred to the adjudication panel for Wales.

He has a budget of around £4M and employs 58 staff.

He is clearly very supportive of the Forum (which is not repeated in South Wales).

Twenty questions had been submitted by the Standards Committees.

1. Local resolution protocol (LRP) : he welcomes this although it has no enforcement powers, but does allow self-regulation which is clearly preferable.
2. He does not see the LRP being limited only to T&CP who have demonstrated competence under the Future Generations & Wellbeing Act 2015. One Voice Wales (OVW) has prepared a draft process to assist.
3. If conflicts of interest occur for Monitoring Officers or Standards Committee he suggests that matters could be referred to another Authority's Committee.
4. Number of complaints has fallen possibly as a result of LRP but is expected to rise again.
5. He does not have resources to arrange mediation training to assist LRP.
6. He has no proposal to provide standard LRP protocols to encourage consistency but recommends OVW protocols.
7. Concern about wide variety of resources available to T&CC. This is a matter for WG. Some T&CC cover more population than smaller CC. Some don't have computers.
8. Timescales for completion of investigations are improved (84% within 9 months) and he wishes to speed up still further without cutting corners. It is worth CC considering having improvement officer in-house to encourage better behaviours avoiding complaints. 25 % complaints relate to 5 or 6 authorities.

9. Guidance on appropriate sanctions is not proposed but the adjudication panel have some. (see also 13).
10. Suggestion that some members might avoid full force of sanctions by careful timing near election date. Thought not to be a real issue.
11. No change is proposed to bring in the English model where conduct of members is not controlled. Investigations are limited to service delivery only.
12. There is no expectation that it will fall to MO to make complaints if T&CC local resolution is encouraged.
13. A library of Standards decisions is being proposed to allow historic decisions to be examined.
14. Requirement for T&CC web sites: enforcement should be by WG but failure could lead to a complaint of maladministration.
15. Timescales have improved but reason may also be due to improved cultural changes and to authorities demonstrating that they are listening to customers. It is important that where there is “no choice” in service provision, there should be a “voice” available to customers.
16. New ground for dispensations available but not clear what this means. Ombudsman’s guidance appears to refer solely to “disability”. He would welcome any other interpretations.

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**FCC Questions**

17. Resources for local resolution relating to T&CC. None is proposed from Ombudsman’s budget. Authorities should divert resources from elsewhere to protect their reputations. Mediation skills training would help to reduce the workload.
  18. Improved presentation of annual report to give more over view of changes/patterns of complaints. This is accepted and will be done.
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19. Concern that there would be loss of confidence if complaints are treated as frivolous/trivial when they can be of importance to the complainant. Consideration that these could be looked at by Standards Committees so that people will feel that they have been listened to. (“had their day in court”.) Suggested that record should be kept accessible so that if repeat complaints are made it is possible to view and take them into account.
  20. Would mandatory training for clerks to T&CC be worthwhile? But no resources available although OVW may help and Ombudsman would attend meetings to assist. The problem is the good clerks (who don’t need training attend) and the poor ones (who do) don’t.  
 \*\* perhaps we could invite him to the next annual meeting of our committee with T&CC\*\*

After the Ombudsman’s presentation a number of other points were raised:-

Agreed the meetings are worthwhile – agreed to arrange 2 per annum, various venues. Host Authority to arrange date/venue/agenda/paperwork.

Concern that declarations on line cannot be made in Welsh. The system in question was MODGOV? Answers can be made in Welsh but the questions are in English. Anglesey expressed a concern that it could put Welsh speaker off declaring an interest and therefore leaving themselves vulnerable. MODGOV said the issues could be rectified but at a cost of £10k. Anglesey asked whether Councils would be



happy to share costs? Prior to any agreement it was decided each Council should check their own contract as if the bilingual function was procured then this should be done as a contractual matter. Also the issue would be national rather than just North Wales. Other Councils stated it had never been raised as an issue in their areas so there might be reluctance to pay for fixes given current financial climate.

Mediation training for members – all to investigate possible in-house training or sources of grant aids. If one Authority had a trained mediator in-house, they could offer training at the next regional forum?

Issue of training for T & C clerks. Those that are motivated, engaged and doing a good job are usually the ones that turn up for additional training. There was a short discussion about eLearning modules and the possibility of the Councils looking at joint funding opportunities that could be done collaboratively.

RAD and EH 17.Oct 2016

FCC Standards Forum Report

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# FFORWM PWYLLGOR SAFONAU GOGLEDD CYMRU

## NORTH WALES STANDARDS COMMITTEES FORUM

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17<sup>th</sup> October 2016 at 11am

Committee Room 1, Isle of Anglesey County Council, Llangefni

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**PRESENT:** Please see attached list of names

### 1. APPOINTMENT OF CHAIR FOR THE MEETING

Michael Wilson, Chair of the Isle of Anglesey County Council's Standards Committee

It was decided that the Chair of the hosting Authority would Chair the meeting on each occasion.

### 2. APOLOGIES FOR ABSENCE

No apologies for absence received.

### 3. PRESENTATION BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES

The Chair welcomed Mr Nick Bennett, the Public Services Ombudsman for Wales.

A copy of the Ombudsman's presentation is attached to these Minutes, as Appendix 1.

The Ombudsman explained in relation to Local Resolution that this was something he would welcome as being extended to Town and Community Councils – but said he would not dictate on this. He said this was very much up to each Standards Committee. He also confirmed that One Voice Wales is doing work on this with the Community Councils and said he welcomed this.

In terms of complaints, the Ombudsman explained the number of county council complaints had reduced but the number of town and community council complaints had increased (the situation has swapped between these two since last year). 3 community councils were responsible for about a third of all town and community council complaints – Glyn Neath, Artillery and Holyhead Town Council.

The two stage test continues to be utilised and its aim is to continue to rid any vexatious complaints. However, the Ombudsman's office continues to see a rise in the number of complaints (10% per annum) with the Office taking 4,000 enquiries and 2,000 complaints last year. The Ombudsman says 76% of his resources go into health investigations. Although, he made it clear that where there are issues of

bullying, corruption or abuse of power he takes complaints of the breach of the Code of Conduct for elected members very seriously.

The Ombudsman office's budget is £4m and there are 58 members of staff.

The Ombudsman complimented on the Forum and believed it was a very beneficial thing to have between the North Wales Authorities. He explained he would be happy to meet with the Forum on a more regular basis should this be deemed useful.

#### **4. QUESTION-AND-ANSWER SESSION WITH THE PUBLIC SERVICES OMBUDSMAN FOR WALES**

A copy of the Ombudsman's Questions and Answers is attached to these Minutes, as Appendix 2.

The Chair thanked the Ombudsman for his attendance.

Break: 12-12.10. Ombudsman leaves.

#### **5. FREQUENCY OF FORUM MEETINGS**

The Chair raised an issue regarding the frequency of Forum Meetings. The Chair suggested 2 per year would be beneficial. This was considered a good average, particularly in light of the Ombudsman's comments of support for the Forum. It was also mentioned that it is important for useful items to be added to the Agenda; it was noted there was a good turnout for this meeting, probably because the Ombudsman was in attendance. It is important for the agenda to entice people to want to attend. There was also discussion in terms of who should make the arrangements; the host authority to be responsible for the agenda and room arrangements etc.

**Resolved:** A meeting of the Forum will be held twice per annum, on a rota basis for each authority, with the host authority making the relevant arrangements on each occasion.

The next meeting will be held in March/April 2017 by Denbighshire County Council, and the following meeting in November 2017 by Wrexham County Borough Council.

#### **6. REGISTERS OF INTERESTS**

The issue was raised by the Isle of Anglesey Standards Committee in relation to the standard register of interests for its members. It was explained that the software from modgov will not show a welsh option for members to be able to complete their online standard register – what goes online eventually is bilingual, and the member can input his / her details in Welsh or English, but the form is only available in

English. Modgov has said it would be willing to update the software in order to allow a welsh page, but at a cost of £10,000. The question was raised whether the other Authorities were having this problem and whether all Authorities would be willing to contribute toward the cost in rectifying the matter for all, at a fraction of the price.

This was not something which other Authorities had been concerned with and so were unsure whether monies could be promised in order to rectify a problem that they may not actually have.

The modgov system is utilised by the majority of Authorities on the Forum (not Snowdonia National Park), so if this is an issue, it could be a possibility to act together as a Forum to ratify it. But each Authority has entered into its own contact with modgov and so, although likely to be similar, there may be differences in terms of the specification agreed under the contract. Each Authority must therefore check its own contract and then a collective view can be taken. If it is an issue for all, it was agreed that some correspondence from the Forum i.e. all Authorities jointly acting, would be a stronger message.

**Resolved:** For all Authorities to make the necessary enquiries in terms of their contract with modgov and report back to the Forum so that any steps, if necessary, can be taken collectively rather than as individual Authorities.

## **7. MEDIATION TRAINING**

In light of the Ombudsman's comment that he would be supportive of mediation training although he had no budget to be able to offer financial support for such idea, a question was raised as to whether the Forum members wanted such training, and if so, whether there were any ideas in terms of where to seek financial assistance.

There was some appetite for this but the cost of such training needed to be balanced against the fact that only a few, if any, that may actually need to use it. Perhaps alternative funding channels could be considered.

**Resolved:** For enquiries to be made for the next meeting of the Forum to be hosted by Denbighshire County Council.

## **8. NEXT MEETING**

In March/April 2017 – to be hosted by Denbighshire County Council

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End of meeting 12.45

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**FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Notes/Decision/Action</b>
<b>July 2017</b>	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.
<b>May 2017</b>	<ul style="list-style-type: none"> <li>• Member Communications</li> </ul>	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.
<b>January 2017</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Standards Forum</li> </ul>	The Chair to provide a report back on the Standards Forum from November.
	<ul style="list-style-type: none"> <li>• Member Newsletters</li> <li>• Frequency of Council Meetings</li> </ul>	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
<p>7 November meeting cancelled There were no items for the FWP from the October meeting</p>		

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