

STANDARDS COMMITTEE
5 FEBRUARY 2018

Minutes of the meeting of the Standards Committee of Flintshire County Council held at County Hall, Mold on Monday, 5 February 2018

PRESENT: Edward Hughes (Chairman)

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted members:

Rob Dewey, Jonathan Duggan-Keen, Phillipa Earlam, Julia Hughes and Ken Molyneux

ALSO PRESENT: Councillors: Clive Carver (for Agenda Item 4, Dispensations) and Dave Mackie (observer)

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Democratic Services Officer

Senior Manager, Business Change & Support (minute number 54)

50. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

On the advice of the Monitoring Officer, Councillors Heesom, Mackie and Woolley declared a personal interest on Agenda Item 7 as they were school governors.

On Agenda Item 4, Councillor Carver declared a personal and prejudicial interest due to his dispensation requests and would leave the room after speaking on that item.

51. MINUTES

The minutes of the meeting held on 8 January 2018 were submitted.

As a point of accuracy, the Chairman confirmed the correct spelling for Noela Jones who had been part of the interview panel.

Julia Hughes asked that she be recorded as 'Mrs' rather than 'Ms' in the minutes of meetings. On minute number 49, she pointed out an error in the penultimate paragraph which should have referred to the Monitoring Officer.

RESOLVED:

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

52. DISPENSATIONS

Following publication of the agenda, three dispensation requests had been received from Community Councillors Clive Carver and Cheryl Carver, and County Councillor Clive Carver.

Hawarden Community Councillors Clive Carver and Cheryl Carver

Councillor Clive Carver was in attendance to provide background information to both dispensation requests and had provided the Monitoring Officer with written confirmation from his wife Councillor Cheryl Carver to this effect.

Councillor Carver explained that Hawarden Community Council was due to cease connections with the Hawarden Institute and hold meetings elsewhere after 31 March 2018. As Chair of the Institute's management committee, he wished to be able to communicate with the Community Council both during meetings and individually after that date as he would not be able to rely on the fact that his current appointment to the Institute was as a Community Council external body nomination. He and his wife (in her capacity as Treasurer of the Hawarden Institute committee) were seeking dispensation to write and speak but not vote, and wished to remain in the Council Chamber during those discussions.

In response to questions from the Monitoring Officer, Councillor Carver provided background information on the process for appointments to the management committee and explained that both requests were to obtain dispensation in advance of any changes.

Councillor Carver left the room prior to the Committee considering the requests.

Following queries raised by the Committee, the Monitoring Officer provided clarification on the paragraphs under which dispensation was sought.

Mr. Rob Dewey proposed that Councillor Clive Carver be granted dispensation to which Councillor Woolley spoke in support.

The Monitoring Officer pointed out that there were two similar requests for dispensation and that consideration should be given to whether both were required.

Mrs. Phillipa Earlam said that both should be granted dispensation due to the different roles undertaken by the two individuals. Councillor Johnson supported this view.

During debate on the request to remain in the Council Chamber, the Monitoring Officer referred to a similar request previously submitted and he clarified the terms under which Councillor Carver had been granted dispensation to speak.

Councillor Woolley and Mr. Dewey both felt unable to support the request to remain in the Council Chamber.

In considering the points raised, the Chairman asked if the Committee wished to grant dispensation for both applicants to communicate with Hawarden Community Council in writing and by speaking in the presence of a third party, as determined in a previous request. The term of the dispensation would apply for 12 months from the date of this meeting. This was formally proposed by Mr. Jonathan Duggan-Keen and on being put to the vote, was agreed by the Committee.

Councillor Carver was then invited back to the meeting and informed of the decision. It was clarified that Councillor Carver nor his wife could be regarded as the third party in respect of verbal communications.

County Councillor Clive Carver

Councillor Carver referred to consideration of a Notice of Motion at the recent County Council meeting, which had resulted in an amendment to consider the reinstatement of 100% business rate relief to local charitable organisations with premises of a rateable value below £6K. In anticipation of the matter being further debated at County Council on 20 February 2018, he wished to speak and remain in the Council Chamber, without voting. He explained that he was Chair of the Hawarden Institute management committee (registered charity) which had a rateable value of £6,400 and currently received 80% discretionary business rate relief.

The Monitoring Officer provided background information and explained that procedural issues had led to the matter being reconsidered. He questioned the reason for the dispensation request given that the rateable value was outside the exemption threshold. Councillor Carver said that in the event that the threshold was extended to include organisations with a higher rateable value, he would wish to remain in the room to take part in those discussions by sharing his knowledge, but not to vote.

Councillor Carver left the room prior to the Committee considering his request.

As Chairman of the Flintshire District Scouts Executive Committee, Councillor Woolley said that having declared an interest on the matter, he had not taken part in the debate at County Council. The Monitoring Officer said that it was correct to declare the interest as it was relevant to the application.

In response to comments from Councillor Johnson about the potential for other Members to declare similar interests, the Monitoring Officer said that advice had been given prior to the County Council meeting. He went on to explain that this particular topic was an Executive function, and therefore the decision made by Cabinet on the morning of 20 February would only be reported verbally to the County Council meeting that afternoon.

Having considered the matter, Mr. Rob Dewey felt that Councillor Carver did not have an interest as the rateable value was outside the threshold, and therefore the dispensation did not apply. This was seconded and on being put to the vote, was agreed by the Committee.

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

The Monitoring Officer suggested that Councillor Carver may wish to make written representations to Cabinet as the decision was an Executive function. He advised that the Cabinet decision would be reported for information only to County Council when the final budget for 2018/19 would be submitted for approval.

RESOLVED:

- (a) That Community Councillors Clive Carver and Cheryl Carver be granted dispensation under paragraphs (d), (e), (f), (h) and (i) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak to Hawarden Community Council in person or by telephone on matters relating to the Hawarden Institute, provided there was at least one witness, which would ensure that there were at least three people involved in the conversation, and that the conversation be minuted. Also, that Councillors Carver be allowed to make contact in writing if they wish. The dispensation to be granted for 12 months, ceasing on 5 February 2019; and
- (b) That the dispensation request from County Councillor Clive Carver in respect of discussion on non-domestic rates be refused on the basis that he does not have a prejudicial interest on the matter.

53. VARIATION IN ORDER OF BUSINESS

The Chairman indicated that there would be a change in the order of business to bring forward Agenda Item 7 to enable the Senior Manager to present the report. The remainder of the items would be considered in the order shown on the agenda.

54. CODE OF CONDUCT FOR SCHOOL GOVERNORS

The Senior Manager, Business Change & Support presented a report on the principles of a Code of Conduct for school governors in Wales.

Each governing body was required to agree and conform to its own Code which should be in line with the principles of conduct set out in the report. The Council was not aware that any governors had been dismissed due to misconduct or not completing statutory training. There were currently around 1,220 governors in Flintshire schools, including 250 local authority positions on governing bodies and over half of Flintshire county councillors had taken up the position as local authority governor.

In response to questions from Mrs. Julia Hughes, the Senior Manager explained that it was the responsibility of governing bodies to maintain standards by self-monitoring training and promoting compliance with the Code of Conduct. As part of the training regulations, local authorities were obliged to make available statutory training for Chairs, Clerks and new governors. Governing

bodies were required to suspend or disqualify any governor who had failed to complete this within 12 months of their appointment.

Mr. Rob Dewey asked about training records and was told that these were kept by Clerks and were checked during Estyn inspections. Individuals who had been a governor for more than two years at the time that the training regulations were introduced in 2013 were exempt from the statutory induction training.

RESOLVED:

- (a) That the report be noted; and
- (b) That Members who are themselves school governors ensure they are aware of their school's own Code of Conduct.

55. SOCIAL MEDIA PROTOCOL

The Monitoring Officer presented a report to consider whether the Council should adopt a social media protocol, following previous discussions. Whilst the current policy did not impose any restrictions, it set out guidelines mainly for officers on the careful use of social media which could also apply to Members.

Guidance on the use of social media - previously published by the Welsh Local Government Association (WLGA) - had been shared with the Committee. It was suggested that the Committee may wish to submit comments to contribute to a review of the guidance by the WLGA.

Mrs. Phillipa Earlam spoke in favour of this and suggested a wider discussion at the North Wales Standards Forum. She also said that views could be sought from the Monitoring Officer, Head of Democratic Services, the Communications Team and the ICT Manager who were mentioned as sources of advice in the WLGA guidance.

Mr. Ken Molyneux agreed that an update of the WLGA guidance should be pursued.

The Monitoring Officer referred to the Committee's remit and suggested that feedback could focus on the prevention of breaches of the Code of Conduct.

Councillor Johnson said that the views of Town and Community Councillors should also be accommodated when submitting comments to the WLGA.

Mrs. Julia Hughes asked whether the WLGA guidance had been made available to new Members since it was originally circulated. The Monitoring Officer replied that it had been covered as part of the 'Safety First' training sessions for new Members. Mrs. Hughes said that the guidance should be updated to reflect the wider platform of social media channels now available and to highlight the potential dangers.

The points raised were summarised by the Chairman and agreed by the Committee.

RESOLVED:

- (a) That the Committee continues to rely on the WLGA social media guidance;
- (b) That the following be asked to submit any suggestions for updating or improving the guidance to the WLGA:
 - North Wales Standards Forum
 - The Council's Monitoring Officer, Head of Democratic Services, the Communications Team and ICT Manager; and
- (c) That the Committee makes representations to the WLGA on the need to update the guidance to reflect the wider platform of social media channels and highlight the potential dangers to users.

56. TRAINING FOR TOWN AND COMMUNITY COUNCILLORS

The Deputy Monitoring Officer presented a report on attendance at training events regarding conduct and good governance of Town and Community Councillors and Councils, following the elections in 2017.

The report concluded that 59 of the 63 attendees at the four training sessions were Town or Community Councillors. This represented around 13% of the total number of Town/Community Councillors in Flintshire.

Mrs. Julia Hughes spoke about the need to publicise the availability of the slides. The Monitoring Officer agreed to arrange for an agenda item at the forthcoming County Forum meeting to bring this to the attention of Town and Community Councils.

Mr. Rob Dewey stressed the importance of ensuring that all Town and Community Councillors completed the training, particularly new members. The Monitoring Officer advised that training was not mandatory and that there were no powers to impose sanctions for non-attendance. As it was the responsibility of Clerks to advise members of their responsibilities within the Code of Conduct, an information sharing session for Clerks could help to reaffirm this. In the absence of detailed training records, the Monitoring Officer suggested that Clerks could be asked to conduct a survey of their members and provide details of the training received, including themselves.

This was proposed by Mrs. Hughes who said that the communication should be conveyed as supportive and positive in raising awareness of the requirements of the Code of Conduct. She suggested that records be kept of future training for Clerks and Councillors of Town and Community Councils. The Monitoring Officer explained that attendance records were available but these did not indicate the number of Clerks.

Councillor Heesom said that a wider discussion was needed at a future meeting.

The Deputy Monitoring Officer agreed to circulate a link to the background documents listed in section 6.01 of the report.

The Chairman summarised the main points raised, and these were agreed by the Committee.

RESOLVED:

- (a) To put the slides produced for the training that was delivered to new and returning Town and Community Councillors, and a link to the Public Services Ombudsman for Wales' (PSOW) video about his role in relation to matters of Councillor conduct, on the Council's website, so that they can be viewed by Town and Community Councillors;
- (b) To circulate a skills audit questionnaire to Clerks of Town and Community Councils to establish which Clerks and Councillors have received training; and
- (c) To consider the next steps at a future meeting of the Committee.

57. FORWARD WORK PROGRAMME

The Monitoring Officer gave the following update on items previously raised:

- Responses from Town and Community Councils on the proposed visits and possible reasons for lack of attendance at training sessions - only one response had been received to date, in favour of the visits. A report would be brought to the next meeting in March.
- Summary log of Code of Conduct complaints to be scheduled as a standing agenda item.
- Twice yearly item on lessons learnt from the Public Services Ombudsman for Wales Casebook - to be scheduled for April.
- The Committee would be advised of the date of the North Wales Standards Forum meeting in May 2018 to be hosted by Gwynedd Council. The following meeting would be hosted by Flintshire.
- The item on One Voice Wales to be deleted (January 2018) as there had been no response.

RESOLVED:

That the Forward Work Programme be updated.

58. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the public in attendance.

(The meeting started at 6.30pm and ended at 8.30pm)

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Chairman