

# Public Document Pack



Contact Officer:  
Maureen Potter / 01352 702322

To: Robert Dewey (Chairman)

Councillors: Patrick Heesom, Paul Johnson and Arnold Woolley

**Co-opted Members:**

Jonathan Duggan-Keen, Phillipa Earlam, Edward Michael Hughes, Julia Hughes and Kenneth Molyneux

29 January 2019

Dear Sir/Madam

You are invited to attend a meeting of the Standards Committee which will be held at 6.30 pm on Monday, 4th February, 2019 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 - 8)

**Purpose:** To confirm as a correct record the minutes of the meeting on 7 January 2019.

### 4 DISPENSATIONS

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

**5 OVERVIEW OF ETHICAL COMPLAINTS (Pages 9 - 12)**

**Purpose:** That the Committee notes the number and type of complaints.

**6 COUNCILLOR TRAINING 2018**

**Purpose:** A verbal report to inform the Committee of attendance at Councillor training on the Members' Code of Conduct delivered in October 2018

**7 REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN/COMMUNITY COUNCILS**

**Purpose:** To receive verbal reports from independent members of the Committee on their visits to the following councils:

- Llanasa Community Council (Phillipa Earlam - 16 October 2018)
- Caerwys Town Council (Julia Hughes - 16 October 2018)
- Nercwys Community Council (Rob Dewey - 31 October 2018)
- Ysceifiog Community Council (Julia Hughes - 19 November 2018)

**8 FORWARD WORK PROGRAMME (Pages 13 - 16)**

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

Yours faithfully



Robert Robins  
Democratic Services Manager

## **STANDARDS COMMITTEE** **7 JANUARY 2019**

Minutes of the meeting of the Standards Committee of Flintshire County Council held at County Hall, Mold on Monday, 7 January 2019

### **PRESENT: Rob Dewey (Chairman)**

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted members:

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

### **IN ATTENDANCE:**

Monitoring Officer, Deputy Monitoring Officer and Democratic Services Officer

#### **44. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

On the dispensation request from Councillor Peers (Agenda Item 4), officers advised Members with links to housing associations to declare a personal interest only if they felt it necessary. Julia Hughes declared a personal interest as she was a board member of another housing association and chose not to participate in that discussion.

#### **45. MINUTES**

The minutes of the meeting held on 3 December 2018 were approved, subject to the typographical error in the last sentence of minute 41.

### **RESOLVED:**

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

#### **46. DISPENSATIONS**

The Deputy Monitoring Officer presented two dispensation requests for consideration, received after publication of the agenda.

Councillor Adele Davies-Cooke

County Councillor Adele Davies-Cooke wished to speak and write to officers about planning application 058118 which related to land in her ownership. The dispensation would allow Councillor Davies-Cooke and her husband (as the co-applicant) to communicate with officers on the application which was becoming a complex matter. She did not wish to speak or vote on the application when it was considered at Planning Committee.

In response to comments, officers advised that although a similar previous request had been refused by the Committee, in that case the Member had sought permission to speak at Planning Committee. Reference was made to the restrictions which now applied when granting requests to speak with officers, involving witnesses and notes of those discussions.

Edward Hughes proposed that dispensation be granted on this basis, which was seconded by Ken Molyneux. On being put to the vote, this was carried.

#### Councillor Mike Peers

A request by County Councillor Mike Peers sought permission to participate in discussions of the Planning Committee and other Council meetings on matters relating to Pennaf Housing Group where his son was employed in the IT department. Councillor Peers wished to speak and remain in the room for such debates, as a member of the public, but not to vote. A planning application submitted by Pennaf Housing Group was due to be considered by the Planning Committee.

In respect of the Planning Committee, Officers advised that this was a personal rather than prejudicial interest, as set out in paragraph 10(2)(c) of the Members' Code of Conduct. In the absence of further information, it was not possible to advise whether there would be a prejudicial interest if the matter was to be discussed at other Council meetings.

During discussion, Members questioned the level of impact from the application on Councillor Peers' son, along with the perception of whether this should be treated as a prejudicial interest.

The Committee determined that this was not a prejudicial interest and therefore dispensation could not be granted. It would be a decision for Councillor Peers whether he remains in the room and votes during discussions at Planning Committee. There was insufficient information to consider the request to speak at other Council meetings, as they may involve circumstances in which a prejudicial interest may arise.

#### **RESOLVED:**

- (a) That Flintshire County Councillor Adele Davies-Cooke be granted dispensation under paragraph (d) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to make verbal and written representations to officers of Flintshire County Council on planning application 058118, or any application which, in the opinion of the Monitoring Officer, is similar. This allows for speaking to officers provided there is at least one witness, which will ensure that there are at least three people involved in the conversation, and that the conversation be minuted. When the item is considered at Planning Committee, Councillor Davies-Cooke is to leave the meeting before the application is debated and voted on. The dispensation to be granted for 12 months, ceasing on 7 January 2020; and

- (b) That the dispensation request from County Councillor Mike Peers in respect of discussion at Planning Committee on matters relating to Pennaf Housing Group be refused on the basis that he does not have a prejudicial interest on the matter. The request for permission to speak on the same matter at other Council meetings is also refused given there is insufficient information.

#### **47. THE COUNCIL'S PLANNING CODE OF PRACTICE**

The Deputy Monitoring Officer presented a report to update the Planning Code of Practice as part of the rolling review of the Council's Constitution. He suggested that paragraph 4.7 be inserted to give clearer guidance on the position of Executive Members serving on the Planning Committee.

The following additional changes were agreed to improve understanding and consistency of the document:

- To change the word 'should' to 'must' throughout the document.
- Paragraph 4.7 to refer to 'Senior Officer of Legal & Democratic Services'.
- The last sentence of paragraph 5.1 to read 'Officers should be made aware of...'
- The last sentence of paragraph 5.4 to read 'the Member(s) for that ward is (are) entitled...'
- Further clarification needed to reference in paragraph 5.5 to 'that Member must stand down...'

#### **RESOLVED:**

- (a) That the Planning Code of Practice is fit for purpose regarding the advice relating to the Members' Code of Conduct and the Protocol on Officer/Member relations, subject to the proposed amendment referred to in paragraph 1.05 of the report and the additional changes listed above; and
- (b) That the Planning Code of Practice be reported to the Council's Constitution & Democratic Services Committee with advice from this Committee that it be amended in accordance with recommendation 1 above.

#### **48. OFFICERS' CODE OF CONDUCT**

The Monitoring Officer presented a report on the Officers' Code of Conduct as part of the rolling review of the Council's Constitution. He provided explanation on proposed alterations to give clearer guidance and reflect changes to Council posts and services.

The following additional changes were agreed by the Committee:

- To change the title to 'Employees' Code of Conduct'.

- To change the word 'should' to 'must' throughout the document.
- To re-word paragraph 10.2 to reflect that permission would not be given to undertake paid outside work that overlapped with the employee's primary role and that further consideration would be needed if this was not the case.
- Paragraph 10.3 to refer to 'using' Council facilities and outgoing as well as incoming correspondence.
- The second sentence of paragraph 11.14 to refer to seeking advice from 'their' Manager.
- To correct the typographical error in the last bullet-point of section 4 of the Officers' Declaration of Interest form.
- To add 'Department' to section 1 of the Officers' Declaration of Offer or Receipt of a Gift/Hospitality and to include 'delivered to workplace' in the third section on how it was offered or received.

Following comments by Councillor Johnson, the Monitoring Officer agreed that the Flintshire Joint Trade Union Committee would be consulted on the revised document and the outcome reported back to the Standards Committee.

**RESOLVED:**

- (a) That the proposed changes to the explanatory guidance and forms in the Officers' Code of Conduct be approved; and
- (b) That the revised Officers' Code of Conduct be submitted for consultation to the next meeting of the Flintshire Joint Trade Union Committee and the outcome reported back to the Standards Committee.

**49. REPORTS FROM INDEPENDENT MEMBER VISITS TO TOWN/COMMUNITY COUNCILS**

The following independent members presented their verbal reports:

Julia Hughes - Nannerch Community Council  
 The Chairman - Higher Kinnerton Community Council  
 Julia Hughes - Treuddyn Community Council  
 Ken Molyneux - Mostyn Community Council

All reported that observing the meetings had been a positive experience and that they had been well led by Chairs (and a Vice-Chair in one instance) with assistance from Clerks and good participation by attendees.

Some minor procedural points were identified which could assist members of the public wishing to attend meetings:

- Ensuring that up-to-date meeting information is available on the website and on noticeboards (for members of the public with no internet access) and that venues are clearly signposted where there was more than one room in the building.

- Whilst recognizing the varying levels of resources, Clerks should aim to respond promptly to enquiries from members of the public where possible.
- The importance of complying with the Code of Conduct when declaring interests at meetings, eg explaining the nature of the interest and how it has arisen.
- Clarity for members of the public on speaking at meetings, for example by a separate standing agenda item or by stating on the agenda that members of the public were allowed to speak at the Chair's discretion.
- The need to formally agree the minutes of previous meetings.

During discussion, comments were raised on youth representatives and the need to ensure that the purpose of the visits was understood. In conclusion, the Committee agreed that the findings reflected well on Town/Community Councils, and commended the dedication and good work undertaken by Town/Community Councillors in their voluntary roles.

**RESOLVED:**

That the verbal reports be received and feedback given to the four Town and Community Councils.

**50. FORWARD WORK PROGRAMME**

The current Forward Work Programme was received. Following earlier discussion, the outcome of consultation with Trade Union colleagues on the Officers' Code of Conduct would be reported to a future meeting.

**RESOLVED:**

That the Forward Work Programme be noted.

**51. 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 8.10pm)

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**Chairman**

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## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday 4 <sup>th</sup> February 2019
<b>Report Subject</b>	Overview of Ethical Complaints
<b>Report Author</b>	Chief Officer Governance

### EXECUTIVE SUMMARY

This is the fourth such report giving a running total of the ethical complaints alleging a breach of the code that have been submitted to the Public Services Ombudsman for Wales. As per the Committee's resolution at its meeting in March, the complaints distinguish between different Councils and Councillors whilst still remaining anonymous.

Two complaints have been received since the last report.

### RECOMMENDATIONS

1	That the Committee notes the number and type of complaints.
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### REPORT DETAILS

<b>1.00</b>	<b>Number of complaints</b>
1.01	<p>The attached spreadsheet at Appendix A lists in summary form the complaints received during 2018. Each entry lists:</p> <ul style="list-style-type: none"> <li>• the ombudsman's reference number (year/4 digit reference)</li> <li>• the type of Council (Community, County or Town)</li> <li>• the complainant (Councillor, officer, public)</li> <li>• the provisions which are alleged to have been breached</li> <li>• the decision at each of the 3 stages of investigation</li> </ul>

1.02	A significant number of complaints have been submitted in respect of one Town Council. One of these is from a member of the public and is being investigated and this investigation is still underway. It is inappropriate to comment in detail whilst the investigation is underway. Indeed, the details of the complaint are the subject to an obligation of confidentiality under the Local Government Act 2000.
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None associated with this report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	None.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	None

<b>5.00</b>	<b>APPENDICES</b>
5.01	A - Number of complaints.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None  <b>Contact Officer:</b> Gareth Owens, Chief Officer Governance <b>Telephone:</b> 01352 702344 <b>E-mail:</b> <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>Public Services Ombudsman for Wales</b> – the Ombudsman investigates service complaints and alleged breaches of the code. The ombudsman will not investigate and alleged breach of the code unless there is clear evidence of a breach and it is in the public interest to expend public funds investigating.

PSOW Reference	Type of Council	Councillor	Complainant	Alleged breach	Gatekeeper	Outcome by stage	
						Investigation	Hearing
17/0516	County	A	Public	Disrepute, respect	Alleged actions not a breach of the code		
17/2548	County	B	Public	Disrepute	Alleged actions not a breach of the code		
17/7733	Community 1	C	Public	Disrepute	Alleged actions not a breach of the code		
17/7836	Town 1	D	Councillor	Bullying	Duplicate of a complaint that will be investigated		
17/7924	Town 1	E	Councillor	Voting with a prejudicial interest	Duplicate of a complaint already being investigated.		
17/7925	Town 1	E	Councillor	Voting with a prejudicial interest	Investigate	Clr following MO advice so no breach of code	
17/7956	Town 1	F	Councillor	Respect	Alleged actions not a breach of the code		
17/7957	Town 1	G	Councillor	Bullying	Alleged actions not a breach of the code		
17/7965	Town 1	E	Councillor	Voting with a prejudicial interest	Duplicate of a complaint already being investigated.		
17/8009	Town 1	E	Councillor	Voting with a prejudicial interest	Duplicate of a complaint already being investigated.		
18/0177	Town 1	E	Public	Bullying	Investigate		
18/0178	Town 1	H	Public	Bullying	Investigate		
18/0179	Town 1	I	Public	Bullying	Investigate		
18/0180	Town 1	D	Public	Bullying	Investigate		
18/1691	County	J	Public	Disrepute, misuse of position			
18/1844	Community 1	C	Public	Disrepute	Allegations not capable of being a breach. Possibly acting in private capacity		
18/2293	Town 1	K	Public	Disrepute	Comments in private capacity and not in public interest		
18/2299	Town 1	K	Public	Disrepute	Comments in private capacity and not in public interest		
18/4124	Town 1	L	Public	Disrepute, respect	Insufficient evidence and complaint not sufficiently serious to warrant investigation		
18/04263	Community 2	M	Public	Disrepute, bullying, respect	Allegations do not relate to official capacity. Insufficient evidence, would need strong evidence to suggest a member has breached the code.		
18/05023	Town 1	D	Councillor	Bullying, respect	Withdrawn by complainant		

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**FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME 2018/19**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Notes/Decision/Action</b>
<b>1 July 2019</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Town and Community Council Visits by Independent Members</li> </ul>	
<b>3 June 2019</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Members' Code of Conduct</li> <li>• Town and Community Council Visits by Independent Members</li> </ul>	
<b>29 April 2019</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Town and Community Council Visits by Independent Members</li> <li>• Town and Community Council Referrals to the Ombudsman</li> </ul>	
<b>1 April 2019</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Town and Community Council Visits by Independent Members</li> </ul>	
<b>4 March 2019</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Town and Community Council Visits by Independent Members</li> </ul>	

<b>4 February 2019</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Town and Community Council Visits by Independent Members</li> <li>• Town and Community Council Referrals to the Ombudsman</li> <li>• Councillor Training 2018</li> </ul>	<p>Report by Gareth Owens Verbal report by Matt Georgiou</p>
<b>7 January 2019</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Officers Code of Conduct</li> <li>• Planning Code of Practice</li> <li>• Town and Community Council Visits by Independent Members</li> </ul>	<p>Report by Gareth Owens Report by Matt Georgiou</p>
<b>3 December 2018</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Town and Community Council Visits by Independent Members</li> </ul>	<p>Report by Matt Georgiou</p>
<b>12 November 2018</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Response from WG to a request for increased sanctions</li> <li>• Revised Social media Guidance by WLGA</li> <li>• Town and Community Council Visits by Independent Members</li> <li>• Overview of Ethical Complaints</li> <li>• Annual Report of the APW 2016/2017</li> </ul>	<p>Verbal report</p> <p>Report by Matt Georgiou</p> <p>Verbal update by Ken Molyneux Report</p> <p>Verbal update by Matt Georgiou</p>

<b>1 October 2018</b>	<ul style="list-style-type: none"> <li>• Training</li> <li>• Dispensations</li> <li>• Standards Conference September 2018</li> <li>• APW Sanctions Guidance</li> <li>• Public Services Ombudsman's Annual Report for 2017/18</li> <li>• The Public Services Ombudsman for Wales Case Book</li> <li>•</li> </ul>	<p>Verbal update by Julia Hughes Report by Matt Georgiou Report by Matt Georgiou</p> <p>Verbal update by Matt Georgiou</p>
<b>3 September 2018</b>	Meeting Cancelled	
<p>To be scheduled –</p> <p>Information on the dispensations process at Gwynedd Council and Wrexham County Borough Council. Annual Report of the Adjudication Panel for Wales. The latest version of the Public Services Ombudsman for Wales Casebook which was shortly due to be published. Item to consider the frequency of reporting on the Overview of Ethical Complaints.</p> <p><u>For future meetings after November:</u></p> <p>Code of Conduct complaints in Flintshire.</p>		

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