

STANDARDS COMMITTEE
12 NOVEMBER 2018

Minutes of the meeting of the Standards Committee of Flintshire County Council held at Caffi Isa, Mynydd Isa Library Community Centre, Mold, on Monday, 12 November 2018. This was also the annual joint meeting to which Town and Community Council representatives were invited to participate.

PRESENT: Robert Dewey (Chairman)

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted members:

Phillipa Earlam, Edward Michael Hughes, Julia Hughes and Kenneth Molyneux

APOLOGY: Jonathan Duggan-Keen

TOWN AND COMMUNITY COUNCIL REPRESENTATIVES:

Miriam Shepherd (Argoed Community Council), Councillor Dave Mackie (Hawarden Community Council), David Seddon, Debbie Seddon and Robert Hazelhurst (Mostyn Community Council), Huw Morghan (Nannerch Community Council), Gwen Smith and Linda Deane (Northop Community Council), John Golledge (Northop Hall Community Council), Councillor Richard Lloyd, Tracey Brown and Jason Shallcross (Saltney Town Council), Mrs Doreen Mackie (Shotton Town Council), Phillip Griffiths (Ysceifiog Community Council)

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Democratic Services Officer

Prior to the start of the meeting the Chair expressed thanks to Mr. Hughes for his work during his term of office as Chair of the Standards Committee.

28. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

No declarations of interest were made.

29. MINUTES

The minutes of the meeting of the Committee held on 1 October 2018 were submitted.

RESOLVED:

That the minutes be signed by the Chairman as a correct record.

30. DISPENSATIONS

None.

31. RESPONSE FROM WELSH GOVERNMENT TO A REQUEST FOR INCREASED SANCTIONS

The Chair referred to the response which had been received from the Welsh Government (WG) to the request from the Committee to increase the range and flexibility of sanctions in the Local Government Bill.

Julia Hughes said the response from the WG to the Committee's request was disappointing because it did not give an indication of when the regulations would be reviewed in the future. She felt it was important that the Committee expressed its views on the need for a wider and more flexible range of sanctions.

The Monitoring Officer commented on the awareness of this issue at national level which had been raised at the recent Wales Standards Conference attended by members of Standards Committees and relevant local government officers.

Councillor Arnold Woolley suggested that all local authorities in Wales be contacted to determine their views on the need to increase the range and flexibility of sanctions. In response the Monitoring Officer advised that the Committee could contact the monitoring officers in other authorities and ask them to raise the issue with the Welsh Language Committee; the Committee could also contact the Chairs of other Standards Committees to ask them to write to the WG, and political pressure could be sought through the WLGA, leaders of the Councils and Members. The Monitoring Officer also suggested that town and community councils could lobby groups such as one voice Wales if they wished.

Following a proposal from Julia Hughes it was agreed that the Monitoring Officer would write to the Monitoring Officers in other local authorities to share the correspondence which had been sent from the Chair of the Flintshire Standards Committee to the WG, and the response received, and request that the issue be raised with their respective Standard Committees with a view to submitting a collective request to the WG if they shared the same concerns.

RESOLVED:

That the Monitoring Officer writes to the Monitoring Officers in other local authorities to share the correspondence which had been sent from the Chair of the Flintshire Standards Committee to the WG, and the response received, and request that the issue be raised with their respective Standard Committees.

32. UPDATED GUIDANCE ON THE USE OF SOCIAL MEDIA FROM WLGA

The Deputy Monitoring Officer introduced a report to update the Committee on the revised guidance from the WLGA. He provided background information and advised that the Council had not adopted a separate social media protocol but had circulated to Members the guidance published by the WLGA which addressed the issues raised by social media clearly and comprehensively. The Deputy Monitoring Officer said the purpose of the updated guidance was to enable Councillors to benefit from the use of social media whilst minimising the associated risks such as reputational damage and/or breaching the code of conduct, as well as providing practical advice on how to manage

social media in the interests of Councillors' personal well-being. The updated guidance also provided a link to new guidance specifically dealing with handling online abuse. A copy of the guidance was attached to the report.

During discussion the Monitoring Officer responded to the question raised by the Clerk of Saltney Town Council regarding what action could be taken if there was a breach of the social media policy. He explained that when investigating a complaint the Ombudsman would look to see if there had been a breach of the provisions of the code of conduct and would use supplementary guidance, where there was a lack of clarity within the code, or look for further explanation around what that may require. The Monitoring Officer emphasised that the Ombudsman could only take action if there had been a breach of the code of conduct. In response to the further questions raised by the Clerk of Saltney Town Council concerning how to prevent any breach of the social media policy arising, the Monitoring Officer explained that strong Chairmanship was the first defence against unacceptable behaviour which could resolve matters at an early stage.

Councillor Richard Lloyd expressed a number of concerns around the inappropriate use of social media during local elections. The Monitoring Officer explained that the Authority would address complaints which were made to the Council and would look to see if there had been a breach of the rules by candidates but did not have the resources to fully monitor the extensive use of social media. He advised that existing Members were bound by the code of conduct during local elections and advised that it was a breach of election law for candidates to state an untruth about the character of another candidate (for example their opponent).

The Deputy Monitoring Officer drew attention to page 34 in the WLGA updated guidance which was attached to the report on the monitoring of social media.

In response to the concerns expressed by Councillor Paul Johnson on the issue of online abuse by trolls, the Monitoring Officer referred to the guidance on staying safe and dealing with trolls contained in the WLGA guidance on social media and drew attention to the information on Facebook and Twitter help pages regarding how to block users and report abuse.

Responding to a further query from Nannerch Community Council regarding how a breach of the social media policy would be addressed, the Monitoring Officer advised that if the matter was escalated to the Standards Committee it would then be referred to the Ombudsman which would consider if there had been a breach of the Code of Conduct. If Town and Community Councils had adopted their own social media policy it would be used to judge the circumstance around the issue.

The Deputy Monitoring Officer commented that the WLGA guidance contained information around controlling and managing use of social media and the creation of separate personal and work identities.

Councillor Arnold Woolley proposed that the wording of the recommendation in the report be amended to read 'That the Committee

recommends that Members conform to the Updated Guidance'. This was seconded and when put to the vote was agreed.

The Monitoring Officer agreed to circulate the WLGA updated guidance to all Members and to Clerks of Town and Community Councils to inform that it had been endorsed by the Standards Committee and recommend that it be brought to the attention of Town and Community Councils which did not have an existing policy.

RESOLVED:

That the Committee recommends that Members conform to the Updated Guidance.

33. VISITS TO TOWN AND COMMUNITY COUNCILS BY INDEPENDENT MEMBERS

The Chair explained that members of the Committee were visiting all town and community councils to observe practice and gain understanding of how local council business was conducted. The visits were being undertaken with a view to benefiting from shared experiences and knowledge in the future.

In response to the questions raised the Monitoring Officer explained that the visits were not intended to be an assessment process and were with consent. The view was that there were positive benefits to be gained by the Authority and Town and Community Councils from interaction and the sharing of good practice and procedures. He explained that it was intended to provide feedback on the visits to Town and Community Councils at the end of the programme when all the information collected could be considered. He advised that if there were any specific concerns arising in the meantime the Authority would raise this with the Town or Community Council concerned.

A number of Clerks of Town and Community Councils asked if feedback could be provided in the interim to the Town and Community Councils which had been visited to provide reassurance that good practice was being followed and no concerns had been highlighted. Julia Hughes commented that it would be beneficial to both the Standards Committee and Town and Community Councils to have confirmation that common good practice was being followed.

Councillor Paul Johnson proposed that feedback be provided to Town and Community Councils following a visit and this was seconded. When put to the vote this was agreed by the Committee.

The Chair invited Kenneth Molyneux to report on his visit to Argoed Community Council and attendance at a meeting held on 2 October 2018.

In response to the questions raised the Monitoring Officer provided advice on procedures regarding declarations of interest at Town and Community Council meetings. The Monitoring Officer emphasised that when a declaration of interest was made it was essential that the person making the declaration completed a declaration of interest form at the time otherwise the declaration would be regarded as void. The Monitoring Officer also advised that where a declaration

of interest had been previously registered it was still necessary to declare the interest at subsequent meetings.

RESOLVED:

- (a) That the report be noted and received; and
- (b) That feedback be provided to Town and Community Councils following a visit.

34. OVERVIEW OF ETHICAL COMPLAINTS

The Monitoring Officer introduced the report which provided a running total of the ethical complaints alleging a breach of the code that had been submitted to the Public Service Ombudsman for Wales. He provided background information on how the register of complaints was compiled and reported that there had been further complaints submitted in respect of a single Town Council since the last report. One complaint had been made by a member of the public which the Ombudsman had decided to investigate.

The Monitoring Officer reported on the list of complaints received during 2016/17 and 2017/18. During discussion the Monitoring Officer commented that few complaints developed to investigation and a minority of those progressed to a hearing.

RESOLVED:

That the number and type of complaints be noted.

35. THE ANNUAL REPORT OF THE ADJUDICATION PANEL FOR WALES FOR 2016/17

The Deputy Monitoring Officer provided a verbal report on the Annual Report of the Adjudication Panel for Wales for 2016/17. He gave an overview of the following key sections within the report:

- about us - the Adjudication Panel for Wales (APW) - statutory functions
- performance and progress
- case summaries
- our customers - customer satisfaction survey
- business priorities
- expenditure

Councillor Richard Lloyd took the opportunity to thank the Deputy Monitoring Officer for the training session he recently provided at Saltney Town Council which had also been well attended by members of other Town and Community Councils.

RESOLVED:

That the report be received.

36. FORWARD WORK PROGRAMME

The Committee received the current Forward Work Programme for consideration. The Monitoring Officer referred to the items for consideration at the next meeting of the Committee to be held on 3 December, and advised that a review of the Planning Code of Practice was scheduled for consideration at the meeting as part of the Authority's rolling review of the Constitution.

RESOLVED:

That the Forward Work Programme be noted.

37. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the public in attendance and no members of the press.

(The meeting started at 6.30pm and ended at 7.46pm)

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Chairman