

STANDARDS COMMITTEE
5 SEPTEMBER 2022

Minutes of the meeting of the Standards Committee of Flintshire County Council held in the Remote attendance meeting on Monday, 5 September 2022

PRESENT: Julia Hughes (Chair)

Councillors: Teresa Carberry, Andrew Parkhurst and Antony Wren

CO-OPTED MEMBERS:

David Wynn Davies, Jacqueline Guest, Gill Murgatroyd, and Mark Morgan

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer, and Democratic Services Officer

16. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Councillor Andrew Parkhurst declared a personal and prejudicial interest on agenda item 7: Overview of Ethical Complaints.

Julia Hughes declared a personal interest on agenda item 8: Update on the Recruitment of a Town and Community Council Representative

17. MINUTES

The minutes of the meeting held on 4 July 2022 were presented for approval.

Matters arising

In response to a query from the Chair regarding the availability of links to training sessions on the Members' Page, the Monitoring Officer said it was expected that the Members' portal would be 'going live' in September and the recordings of training provided as part of the Induction process for Members would be available. Referring to training on the Code of Conduct the Monitoring Officer explained that a further training session would be provided on 12 October which although primarily for Town and Community Councillors would also provide an additional opportunity for Members to attend. The Chair asked if a progress report on the development of links to training sessions on the Members' Page could be provided to the next meeting of the Committee and also on the attendance at training events.

The Monitoring Officer provided an update on the implementation of the Code of Conduct and discussions which had taken place with the Welsh Government and Adjudication Panel for Wales around timescales for the recommendations of the Penn Review. The Chair asked if a recording of the All Wales Standards Conference 2022 was available. The Monitoring Officer said he had not yet been able to obtain a copy from Gwynedd County Council but would continue to pursue this.

The minutes were approved, subject to a minor typographical amendment on page 7 as moved by Gill Murgatroyd and seconded by Councillor Teresa Carberry.

RESOLVED:

That subject to a minor typographical amendment, the minutes be approved as a correct record.

18. DISPENSATIONS

None were received.

19. FEEDBACK FROM THE ETHICAL LIAISON MEETING

The Monitoring Officer presented a report to provide feedback from the Ethical Liaison Meeting held on 27 June 2022. He advised that the meeting had discussed and agreed how the Standards Committee should implement its new duty to comment on compliance with the Group Leaders' duty to promote good behaviour in its annual report. The Monitoring Officer explained that failure to comply with the new duty was to be regarded as a potential breach of the Code of Conduct by a Group Leader. How the Committee reported on levels of compliance was of significant importance. The notes of the Ethical Liaison Meeting held on 27 June 2022 were appended to the report.

In response to a question from Gill Murgatroyd around consultation with Group Leaders the Monitoring Officer confirmed that documentation about the proposed process had been circulated to all Group Leaders to give the opportunity to contribute and respond. Following discussion the Monitoring Officer agreed to contact the Group Leaders who had not responded to seek confirmation that they had no comment on the proposals. The Monitoring Officer reiterated that the Standards Committee had a duty to produce an Annual Report within 12 months which included comment on the levels of compliance of Group Leaders.

The recommendation in the report was moved by Jacqueline Guest and seconded by Councillor Teresa Carberry.

RESOLVED:

- (a) That the Committee implements the new duty to comment on compliance by Group Leaders with their duty to promote good behaviour as discussed and agreed at the Ethical Liaison Meeting; and
- (b) That Group Leaders be notified of the process adopted.

20. INDEPENDENT MEMBER VISITS TO TOWN AND COMMUNITY COUNCILS

The Deputy Monitoring Officer presented the report to plan and prepare for Independent Member visits to Town and Community Councils . He provided

background information and advised that at the meeting of the Standards Committee held on 10 January 2022, it was agreed that a new cycle of visits would be arranged following local government elections in May 2022. At the subsequent meeting of the Committee on 6 June 2022 it was agreed that this would feature as an item on the forward work programme.

The Deputy Monitoring Officer explained that the suggested guidelines to be adopted during visits were outlined in section 1.04 of the report. He also referred to the previous practice following the visits undertaken that Independent Members provided the Democratic Services Team with a copy of any notes taken for background information and also provided verbal feedback at the meeting.

In response to a request from Gill Murgatroyd, the Chair and Officers explained that generic feedback was provided for consistency to Town and Community Councils following visits and specific feedback provided if requested.

The Deputy Monitoring Officer responded to the request by David Davies for clarification on procedures to be followed by Independent Members if confidential items were considered during visits to Town and Community Council meetings. Councillor Andrew Parkhurst also asked whether Independent Members should or should not be present during consideration of confidential items at Town and Community Council meetings. In response the Deputy Monitoring Officer referred to the remit/purpose of the Independent Member visits which was to observe procedures, and promote standards of conduct in compliance with the Code of Conduct.

In response to a query from Mark Morgan and David Davies regarding payment of allowances and expenses for attendance at Town and Community Council meetings, the Monitoring Officer said he would raise this matter at the next meeting of Monitoring Officers to be held this week and would provide feedback to the Committee.

Recommendation (1) in the report was moved by David Davies and seconded by Mark Morgan.

Recommendation (2) in the report was moved by Jacqueline Guest and seconded by Gill Murgatroyd.

Recommendation (3) in the report was moved by Mark Morgan and seconded by David Davies.

Recommendation (4) in the report was moved by Gill Murgatroyd and seconded by Councillor Teresa Carberry.

Recommendation (5) in the report was moved by David Davies and seconded by Mark Morgan.

RESOLVED:

- (a) That it be approved that officers draw up a list of Town and Community Councils and their meeting dates for 2022/23 to send out to Independent

Members for them to select which Town and Community Council meetings they are to attend;

- (b) That Town and Community Councils be written to explaining that the process of visits will be undertaken again in 2022/23;
- (c) That the reporting of visits to Town and Community Councils by Independent members of the Committee is based on workload of the Committee, except where urgent issues need to be fed back and these will be placed on the agenda for the next meeting;
- (d) That Members undertaking visits to Town and Community Councils take written notes that are suitable to be disclosed and circulated as feedback to Town and Community Councils upon request; and
- (e) That Members inform the Monitoring Officer of a visit to a Town or Community Council and send their written notes of the visit to him, as soon as possible, after a visit has taken place, for the purposes of agenda planning for the Committee.

21. OVERVIEW OF ETHICAL COMPLAINTS

The Monitoring Officer presented the report which provided a summary of the ethical complaints alleging a breach of the Code that had been submitted to the Public Services Ombudsman for Wales (PSOW). The Monitoring Officer advised that the report gives the Committee an understanding of the number and types of complaints being made and the outcome of consideration by the PSOW.

The Monitoring Officer reported that since the last report 5 complaints had been received. Of the 3 cases that had been determined, none were investigated by the PSOW because they failed the 2 stage test. To speed up the processing of complaints the Ombudsman is trialling a different approach to assessing complaints whereby it reaches a decision on whether or not an investigation is needed before notifying the Monitoring Officer or Councillor. There were currently 4 complaints being investigated (3 made in 2022/23 and 1 remaining from 2021/22). The complaints being investigated were on a variety of issues with no common pattern. A list of the complaints received during 2022/2023 was appended to the report.

The recommendation in the report was moved by Councillor Antony Wren and seconded by Gill Murgatroyd.

RESOLVED

That the number and type of complaints be noted.

22. UPDATE ON THE RECRUITMENT OF A TOWN AND COMMUNITY COUNCIL REPRESENTATIVE

The Monitoring Officer introduced a report to inform of progress with the Recruitment of a new Town and Community Council Representative. The Standards Committee was required to include a representative of Town and

Community Councils. The representative must be a Councillor who serves on a Town or Community Council and is not also a County Councillor. The Town and Community Councils were asked to nominate potential candidates. In total there were 6 candidates and each had provided a pen portrait which had been sent to all the Councils. The Councils have been asked to nominate their first and second preference candidates. The candidate with most votes will be selected. In the event of a tie the candidate with most first preference votes will be chosen. The formal appointment will be made by Full Council on 18 October 2022.

The recommendation in the report was moved by Mark Morgan and seconded by Councillor Teresa Carberry.

RESOLVED

That the process for appointing a Town and Community Council representative be noted.

23. UPDATE ON THE CREATION OF NATIONAL FORUM FOR INDEPENDENT MEMBERS

The Monitoring Officer provided a verbal update to the Committee on whether there was sufficient support to establish a National Forum for Independent Members. He provided background information and advised that the Welsh Local Government Association (WLGA) had agreed to provide secretariat support for a National Forum for Independent Members. He outlined the proposed membership of the Forum and number of meetings to be held each year. The Monitoring Officer said he would put forward proposals to the next meeting of Monitoring Officers and would report back on the outcome of that meeting to the meeting of the Standards Committee to be held on 7 November 2022.

24. FORWARD WORK PROGRAMME

The Monitoring Officer presented the Forward Work Programme for consideration.

Gill Murgatroyd suggested that the item on Feedback on Independent Member Visits to Town and Community Councils also be included for consideration at the meetings of the Committee to be held on 7 November 2022 and 9 January 2023. This was agreed.

Following a suggestion from the Chair it was agreed that the item on the Draft Annual Report scheduled for consideration at the meeting to be held on 6 March 2023, be moved to 8 May 2023 to enable feedback from Group Leaders on the duty to promote good behaviour as discussed and agreed at the Ethical Liaison Meeting, to be included.

The recommendation was moved by Mark Morgan and seconded by Councillor Teresa Carberry.

RESOLVED:

That the Forward Work Programme, as amended, be approved.

25. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press in attendance.

(The meeting started at 6.30 pm and ended at 8.03 pm)

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Chairman