

STANDARDS COMMITTEE

7 JULY 2014

Minutes of the meeting of the Standards Committee of Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold CH7 6NA on Monday, 7 July 2014

PRESENT: Mrs Patricia Jones (Chair)

Councillors: Hilary McGuill and Arnold Woolley

Co-opted members: Jonathan Duggan-Keen, Phillipa Earlam, Edward Hughes and Kenneth Molyneux

APOLOGIES:

Councillor David Cox

Robert Dewey

IN ATTENDANCE:

Head of Legal and Democratic Services, Democracy & Governance Manager and Committee Officer

1. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

No declarations of interest were made.

2. MINUTES

The minutes of the meeting of the Committee held on 12 May, 2014 were submitted.

RESOLVED:

That the minutes be approved as a correct record and signed by the Chair.

3. DISPENSATIONS

The Head of Legal and Democratic Services detailed the reason for the request for dispensation by Councillor Mike Peers to allow him to be able to participate at Buckley Town Council meetings when it debated issues affecting Hawkesbury Community Council. He explained that the request was similar to that made by Councillors Carol Ellis, Dennis Hutchinson and David Ellis to the March 2014 meeting of the Standards Committee, which he provided details of. The Chief Officer reminded the Committee that they had granted dispensation to Councillor Carol Ellis to speak, remain in the room during the debate and vote as she had been appointed by the Town Council. However, Councillors Dennis Hutchinson and David Ellis had only been permitted to remain in the room to speak and answer questions but would then have to withdraw from the room (and thus not vote) after doing so.

Councillor Hilary McGuill proposed that dispensation be granted for Councillor Peers to contact officers in writing and remain in the room to speak and answer questions but to withdraw from the room (and thus not vote) after doing so; the proposal was carried.

RESOLVED:

That Councillor Mike Peers be granted dispensation under paragraphs (d) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to be able to participate at Buckley Town Council meetings when it debates issues affecting Hawkesbury Community Council. The dispensation would allow him to contact officers in writing, remain in the room to speak and answer questions but he must withdraw from the room (and thus not vote) after doing so.

4. PETER KEITH-LUCAS STANDARDS' COMMITTEE TRAINING

The Head of Legal and Democratic Services sought feedback from the Standards Committee members who had attended the training by Peter Keith-Lucas which was held on 1 July 2014.

The Democracy and Governance Manager explained that reference had been made during the training to four supplementary codes which it was felt could be considered at a future meeting of the Committee. The training had included a role playing session with the scenario being a Councillor who had broken the Code of Conduct. Part of the discussions had also included Town & Community Councils sharing good practices.

Several members, including the Chair and Councillor Arnold Woolley, welcomed the training but felt that it had finished suddenly. Mr. Kenneth Molyneux referred to the verdict given at the training and commented on a crib sheet which had been circulated earlier in the day but did not appear to have been used to deliver the decision of the panel.

The Head of Legal and Democratic Services detailed the three distinct areas on the delivery of sanctions and suggested that training on sanctions be undertaken at a future meeting of the Committee.

RESOLVED:

That the feedback be noted.

5. OFFICERS' CODE OF CONDUCT

The Head of Legal and Democratic Services introduced a report on a revised and updated officers' code of conduct prior to its consideration by the Council's Constitution Committee.

The Code of Conduct had been attached to the report and the Head of Legal and Democratic Services explained that the sections shown in bold were mandatory national provisions that could not be varied or changed. The document sought to simplify and clarify guidance particularly in relation to personal interests and gifts and hospitality. Consultation with Human Resources and the Unions had been undertaken on the revisions and the changes were supported by them. He explained that if the draft revised Officers' Code of Conduct was supported by the Committee, it would be submitted to the Constitution Committee meeting later in the week before being considered at a

future County Council meeting for adoption into the Constitution. The document showed the tracked changes which had also been updated to reflect the Council's new senior management structure as currently implemented. The Democracy and Governance Manager also indicated that Section 11 on Disclosure of Information had also been expanded.

In response to a comment from Councillor Arnold Woolley about section 8.7 on Inventions and Patents, the Head of Legal and Democratic Services explained that this referred to employees having ideas such as the Flintshire app as the Code would allow the Council to retain the benefits of it in perpetuity.

RESOLVED:

That the draft revised Officers' Code of Conduct be approved.

6. LOCAL RESOLUTION PROCEDURE

The Democracy and Governance Manager provided an update on the Local Resolution Procedure and explained that three issues had been dealt with since the Procedure had been set up.

He provided details of the two issues which he had resolved and the Head of Legal and Democratic Services also gave a detailed account of the issue that he had resolved. All of the issues had been dealt with within a month and had been resolved at the first stage of the process.

Councillor Hilary McGuill asked whether a record of complaints was kept of Councillors who were complained about regularly to establish if a pattern was emerging. The Democracy and Governance Manager confirmed that a record was kept. The Head of Legal and Democratic Services said that the annual report by the Ombudsman's Office and details of the issues considered under the Local Resolution Procedure could be submitted to the same future meeting of the Committee.

RESOLVED:

That the Local Resolution Procedure be received.

7. HEESOM V THE PUBLIC SERVICES OMBUDSMAN FOR WALES

The Head of Legal and Democratic Services introduced a report to brief members on the outcome of the recent High Court decision and its implications for the Council.

He detailed the background to the report and said that of the 14 breaches against the then Councillor Patrick Heesom, 11 were upheld and the disqualification period was reduced to 18 months. He referred to the scope of the appeal which was to decide whether the findings of the panel were a breach of Article 10 (1) and if so, whether they were justified by reason of Article 10 (2). The Head of Legal and Democratic Services highlighted the principles that could be derived from law as observed by Mr. Justice Hickinbottom and added that three of the breaches had been quashed as they had not been regarded as

sufficiently serious to justify the interference with Mr Heesom's right to expression that labelling them a breach of the code would constitute.

In response to a comment from a query from Councillor Arnold Woolley about some of the issues relating to comments, observations, verbal exchange and actions, the Head of Legal and Democratic Services said that the right to freedom of expression could include actions where those actions were intended to demonstrate a point of view.

Councillor Hilary McGuill said that many of the breaches had been upheld and asked whether there was any comeback on the Council for the three breaches that had not been upheld. The Head of Legal and Democratic Services said that of the 22 allegations of breach, the panel found the then Councillor Heesom to be guilty of 14 breaches on nine occasions. The judge had then not upheld three of the breaches and the disqualification had been reduced to 18 months which covered the period up to January 2015.

Councillor Woolley commented on the ability of Councillors to claim an unlimited amount of support by way of an indemnity in the event of claims of breach. In response, the Head of Legal and Democratic Services said that the process was now different and was undertaken through insurance with the limit of the indemnity being that set by the insurers. The Democracy and Governance Manager explained that Member contributions covered the cost of the insurance premium so there was no cost to the public purse. In response to a question from Mr. Edward Hughes, the Head of Legal and Democratic Services said that the cap on the indemnity was £50,000.

RESOLVED:

That the report be noted.

8. RETIREMENT FROM THE COMMITTEE

The Head of Legal and Democratic Services presented the Chair with a bouquet of flowers as she was retiring from the Committee and thanked her for her hard work and chairmanship.

He advised that a Chairman would need to be elected at the next meeting of the Committee and added that the process to recruit a new Independent member had recently been undertaken. The Head of Legal and Democratic Services said that he had contacted Wrexham and Denbighshire Councils about the possibility of sharing a member with Flintshire County Council to reduce the costs; Denbighshire County Council were interested in sharing. The member would have to be appointed to each of the Committees but the recruitment would not be made during the summer period.

The Chair thanked the Committee for their help and contribution and wished them well for the future.

RESOLVED:

That the retirement of the Chair from the Committee be noted.

9. FORWARD WORK PROGRAMME

The Democracy and Governance Manager introduced the report and indicated that the Planning Code of Practice would be submitted to the September meeting of the Committee. The Head of Legal and Democratic Services advised that a report on training would also be submitted to that meeting, following a recent Group Leader’s meeting.

During earlier discussions, it had been agreed that the following items would be submitted to future meetings of the Committee:-

- the four supplementary codes, as referred to in minute number 4
- the annual Ombudsman’s report and the issues considered under the Local Resolution Procedure

Councillor Hilary McGuill sought clarification on whether a record was kept on the training undertaken by each individual Councillor over their period of office. The Democracy and Governance Manager confirmed that a record was kept of the training offered to all Members and added that attendance at specific training for Audit and Pensions Committee Members was also recorded. He added that Attendance at Member Training was also the subject of a report being submitted to the Democratic Services Committee meeting later in the week. The Head of Legal and Democratic Services said that at the recent Group Leaders’ meeting, it had been commented that the idea of training before a meeting was welcomed.

RESOLVED:

That the Forward Work Programme be updated to:-

- move the entry for the Planning code of Practice to the September 2014 meeting of the Committee
- Submit a report on training to the September 2014 meeting of the Committee
- Submit the four supplementary codes to a future meeting of the Committee
- Submit the Annual Ombudsman’s report and details of issues considered under the Local Resolution Procedure to the same future meeting of the Committee.

10. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press in attendance.

(The meeting started at 6.30 pm and ended at 7.40 pm)

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Chair