

STANDARDS COMMITTEE
3 FEBRUARY 2020

Minutes of the meeting of the Standards Committee of Flintshire County Council held at County Hall, Mold on Monday, 3 February 2020

PRESENT: Julia Hughes (Vice-Chair in the Chair)

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted members:

Phillipa Earlam, Jonathan Duggan-Keen, Ken Molyneux, and Mark Morgan

APOLOGIES: Rob Dewey

ALSO PRESENT: Councillors: Bernie Attridge, Helen Brown, Carol Ellis, Veronica Gay, Mike Peers, and Ian Roberts

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer, and Democratic Services Officer

55. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

56. MINUTES

(i) The minutes of the meeting held on 2 December 2019 were submitted.

(ii) The minutes of the meeting held on 6 January 2020 were submitted.

Matters arising

Page 8, minute 53, Julia Hughes referred to the agreement that an item would be included on the Forward Work Programme to enable the Committee to consider creating a sub-committee to consider any urgent requests for dispensations. The Monitoring Officer explained that as the regulations around establishing a sub-committee were complex more time was needed to submit a comprehensive report for consideration.

Ken Molyneux asked if information could be provided to establish how often the Committee had been required to consider urgent requests for dispensation.

RESOLVED:

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

57 DISPENSATIONS

Councillor Dennis Hutchinson

As Councillor Hutchinson was not in attendance the Deputy Monitoring Officer introduced the two dispensation requests.

The Deputy Monitoring Officer advised that Councillor Hutchinson sought dispensation to speak for 5 minutes as a local Member at Planning Committee on application reference number 060587 – the demolition of 81 Drury Lane and the erection of 56 dwellings and associated development. The Deputy Monitoring Officer referred to the prejudicial interest, as detailed in the application, and explained that Councillor Hutchinson had informed him that he had recently sold the land which he owned which was within a mile of the application site and that the decision on the application could not affect this transaction as far as he was aware. He was however, also a member of the Governing Body of Drury CP School and if the proposed development of land at 81 Drury Lane was granted planning permission a financial contribution would be required to be made to Drury CP School in accordance with the relevant supplementary planning guidance.

The Deputy Monitoring Officer also referred to a previous dispensation request made by Councillor Hutchinson regarding the site but explained that this had been in relation to an application for outline planning permission where the details of what contributions may be required were not known.

The Deputy Monitoring Officer advised that Councillor Hutchinson was applying for dispensation to speak only for 5 minutes as a local member, and cited the relevant criteria of (f) under the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001.

Councillor Phillipa Earlam proposed that the dispensation be granted so that Councillor Dennis Hutchinson could speak only for 5 minutes as the local Member at Planning Committee on application reference 060587. The dispensation to be granted for 12 months.

The recommendation was moved by Phillipa Earlam and seconded by Councillor Arnold Woolley.

The Deputy Monitoring Officer referred to a further application for dispensation received from Councillor Dennis Hutchinson to speak for 5 minutes as the local Member at Planning Committee on application reference number 060374 – conversion of redundant restaurant/bar into 13 No. flats/apartments at 14 Mill Lane, Buckley. The Deputy Monitoring Officer referred to the interest declared by Councillor Hutchinson, as detailed in the application, and advised that as it was a personal and not a prejudicial interest there was no need for the application for dispensation to be considered by the Committee.

RESOLVED:

That Flintshire County Councillor Dennis Hutchinson be granted dispensation under paragraph (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak only for 5 minutes as local Member at Planning Committee on application reference 060587. The dispensation to be granted for 12 months ceasing on 2 February 2021 and to extend to any planning application which, in the opinion of the Monitoring Officer, was substantially similar.

58. LIAISON ON ETHICAL ISSUES ARISING FROM THE ELECTION

The Monitoring Officer introduced a report to provide feedback from the meeting between the Chair and Leader of the Council with the Chair and Vice Chair of the Standards Committee in November 2019. He reported that all parties felt that the meeting had been productive and had agreed that the Independent Members should visit full Council and Committee meetings to observe in the same way as they had attended Town and Community Council meetings; and that such meetings should, in future, include Group Leaders.

It had been agreed at the meeting that Independent Members would visit County Council meetings in the same way as they had visited town and community councils. The Monitoring Officer explained that the Council had six Overview & Scrutiny Committees, Audit Committee, Planning Committee and Licensing Committee. It also met periodically as full Council where all members attended and had a number of employment committees which meet when required. The Monitoring Officer advised that as with visits by Independent Members to Town and Community Councils it was important that the exercise was undertaken in the correct way and the Chair of each meeting should be informed that an Independent Member would be visiting their meeting. Independent Members would not participate in meetings but would observe and provide feedback to the Standards Committee.

Councillor Paul Johnson expressed a concern around conflict of interest if Members were asked to consider feedback from observation of meetings of the Council in which they had participated. The Chair commented that Independent Members attending meetings of the Council and Committees would be able to provide feedback on their experience which would reflect that of a member of the public in attendance. The Monitoring Officer explained that the purpose of the visits by Independent Members was to observe for example whether Councillors were following the Code of Conduct, the Flintshire Standards, Member/Officer Protocol, and at Planning Committee the Planning Protocol. He commented that individuals attending the meetings would not be identified in the feedback.

Ken Molyneux suggested that, as with visits to Town and Community Councils, a list of the requirements be provided to assist Independent Members to undertake this task.

The Monitoring Officer advised that the Democratic Services Team Leader (Committees) would be asked to arrange a rota of visits with Independent Members.

Councillor Paul Johnson proposed that two Independent Members be required to undertake visits to meetings of the full County Council. This was seconded by Ken Molyneux and agreed by the Committee. The Committee also agreed that future ethical liaison meetings should include Group Leaders.

The recommendations were moved by Councillor Patrick Heesom and seconded by Councillor Arnold Woolley

RESOLVED:

- (a) That Independent Members observe Full Council and Committee meetings;
- (b) That the Democratic Services Team Leader (Committees) arranges a rota of visits with Independent Members; and
- (c) That future ethical liaison meetings should include Group Leaders.

59. STANDARDS COMMITTEE FORUM FOR NORTH AND MID WALES

The Monitoring Officer referred to an email he had received from the Chair of the Standards Committee, Powys County Council, and explained that the purpose of the communication was to ask the following :

- (i) that the Standards Committee consults on potential items for the next meeting of the Standards Committee Forum for North and Mid Wales and provides feedback on any suggestions to the Democratic Services Officer, Powys County Council; and
- (ii) that the Standards Committee states its preference for the month and time of the next meeting (March or April 2020)

Councillor Patrick Heesom proposed that the Chair and Vice-Chair, in consultation with the Monitoring Officer, put forward potential items for the next meeting of the Standards Committee Forum. This was duly seconded and agreed by the Committee.

During discussion it was suggested that the next meeting be held in April and started at 10.00 a.m. or later.

60. CONDUCT ISSUES ARISING FROM THE ELECTION

The Monitoring Officer introduced a report to consider any ethical complaints arising from the recent parliamentary election. He provided background information and explained that the Council (as a corporate body) and County Councillors were not directly involved in the election. In the run-up to the

election the Council operated its pre-election protocol (PEP) to minimise the risk of problems or difficulties. The PEP reminded officers of the need to ensure that the Council remained impartial during an election and throughout the campaign period and the Council had carefully considered what matters it would debate in Committee or at full Council meetings.

The Monitoring Officer advised that the election campaign was well run by all candidates and parties with no incidents of poor behaviour by County Councillors or anyone else.

Councillor Patrick Heesom congratulated the Monitoring Officer and his team for their work during the parliamentary election which he said had been well-managed.

Councillor Paul Johnson commented on the need to maintain high standards throughout forthcoming elections, citing the Police & Crime Commissioner elections as an example.

The recommendation in the report was moved by Councillor Paul Johnson and seconded by Councillor Patrick Heesom.

RESOLVED:

That the report be noted.

61. FORWARD WORK PROGRAMME

The Forward Work Programme was considered. The Monitoring Officer drew attention to the items scheduled for the next meeting to be held on 2 March, and explained that prior to the start of the next meeting he would demonstrate a new digital system which had been created to record Declarations of Interests which Officers may need to make.

Councillor Paul Johnson suggested that there should be an item on any parts of the Local Government and Elections (Wales) Bill with relevance to the work of the Standards Committee. The Monitoring Officer advised that the only proposal, for Group Leaders to be responsible for supporting ethical standards, was in place within Flintshire already.

The recommendation in the report was moved by Councillor Arnold Woolley and seconded by Ken Molyneux.

RESOLVED:

That the Forward Work Programme be noted.

62. HEARING BEFORE THE ADJUDICATION PANEL FOR WALES

The Monitoring Officer introduced a report to provide an update on the outcome from the recent Adjudication Panel for Wales (APW) hearing in respect of Councillor A Shotton.

The Monitoring Officer provided background information and gave an overview of the hearing on 27, 28 and 29 January 2020, held at Llandudno Magistrates Court. He explained that parts of the hearing had taken place in private and could not be disclosed to the Committee to preserve confidentiality.

The Monitoring Officer reported that the Case Tribunal found by unanimous decision that Councillor A Shotton had failed to comply with the Authority's Code of Conduct and had breached Paragraphs 6(1)(a) and 7(a) of the Code by, in his official capacity using or attempting to use his position improperly to confer on or secure for himself or his PA an advantage or create or avoid for himself or his PA a disadvantage by providing an opportunity to view questions before her interview for the permanent role of PA; and that Councillor Shotton had breached 6(1)(a) of the Code of Conduct by sending and/or encouraging his PA to send inappropriate messages, to include messages of a sexual nature, during office hours. The Case Tribunal decided by unanimous decision that Councillor A Shotton should be suspended from acting as a member of Flintshire County Council for a period of three months. The Monitoring Officer advised that Councillor Shotton had the right to seek the leave of the High Court to appeal the above decision. The full decision report would be published on the APW website in due course.

The Monitoring Officer reported that the Case Tribunal had found that Councillor Shotton had not breached the Code of Conduct in respect of a third allegation referred from the Public Services Ombudsman for Wales. However, the Monitoring Officer explained that as a result of the allegation the Council had improved its procedures and the booking of a hire car must in future be approved by a manager.

The Monitoring Officer reported that the Council's workforce had been notified that Councillor A Shotton had been suspended as a member of the Council for a period of three months as a result of the decision of the Adjudication Panel for Wales. During this period Councillor Shotton was to be treated, temporarily, as a member of the public and was only entitled to access public parts of the Council's premises. Likewise his rights to information were restricted during this period and he was not entitled to any papers or information relating to confidential Council business. Notice that Councillor A Shotton had been suspended until 29 April 2020 had also been published on the Council's website. The Monitoring Officer advised that Councillor Shotton would be able to resume his role and responsibilities as a County Councillor when the period of suspension came to an end.

The Monitoring Officer responded to the comments raised around the findings of the Case Tribunal. During discussion he explained that the Council had a wide range of employment policies which would be reviewed in light of the

hearing to consider if any amendment was required. The Monitoring Officer advised that the Committee would have the opportunity to reflect further on the findings of the APW and review the Member/Officer Protocol at the next meeting of the Committee.

RESOLVED

That the report be noted

63. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press or public in attendance.

(The meeting started at 6.30pm and ended at 8.15pm)

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Chairman