

STANDARDS COMMITTEE
6TH JUNE 2022

Minutes of the meeting of the Standards Committee of Flintshire County Council held as a remote attendance meeting on Monday, 6th June 2022

PRESENT: Julia Hughes (Chair)

Councillors:

Teresa Carberry, Andrew Parkhurst and Antony Wren

Co-opted members:

Jacqueline Guest, Mark Morgan and Gill Murgatroyd

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Team Leader – Democratic Services

APOLOGIES:

David Wyn Davies

1. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Councillor Wren declared a personal and prejudicial interest in agenda item number 5 – Overview of Ethical Complaints.

Councillor Parkhurst declared personal and prejudicial interests in agenda item numbers 4 – Welsh Government Guidance on the Duty of Group Leaders to Promote Ethical Behaviour and 5 – Overview of Ethical Complaints.

It was agreed that there would be a change in the order of the remaining agenda items to be considered in the following order: 7; 3; 6; 4 and 5.

2. DISPENSATIONS

The Monitoring Officer explained that two dispensation requests had been received.

Councillor Bill Crease

Councillor Crease sought dispensation to write to or speak with officers of Connah's Quay Town Council and Flintshire County Council, write to, speak and/or answer questions at Council/Committee meetings at Connah's Quay Town Council and Flintshire County Council, to remain in the room during any debate, and to vote at Council and Planning Committee at both Connah's Quay Town Council and Flintshire County Council. The details of the request related to him being a plotholder at Mill Lane Allotments. His wife was also a plotholder at Mill Lane Allotments. He was also Chair of Mill Lane Allotment Association.

He felt that his background knowledge, including being chair of Mill Lane Allotment Association, would bring expertise to any discussions on allotments.

He felt he would be at a disadvantage if he could not contribute at meetings, especially given the recent change in legislation that allowed members of the public to speak at meetings.

Councillor Antony Wren

Councillor Wren sought dispensation to write to or speak with officers of Connah's Quay Town Council and Flintshire County Council, write to, speak and/or answer questions at Council/Committee meetings at Connah's Quay Town Council and Flintshire County Council, to remain in the room during any debate, and to vote at Council and Planning Committee at both Connah's Quay Town Council and Flintshire County Council. The details of the request related to him being an allotment tenant at Mill Lane Allotments, Connah's Quay (owned by Flintshire County Council, Leased by Connah's Quay Town Council), he was Secretary of Mill Lane Allotment Association, a member of Standards Committee at Flintshire County Council and no more/less than any other tenant.

He explained that his wife was also a plotholder at the same allotments. His reasons for seeking the dispensation were the same as Councillor Crease.

The Monitoring Officer provided advice to the Committee on the granting of dispensations and commented on similar applications that had previously been brought before the Standards Committee.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

At this point, the Chairman proposed that the meeting move into closed session - as provided for under the Local Government (Access to Information) Act 1985. This was seconded by Gill Murgatroyd.

Councillors Crease and Wren were put into the virtual waiting room and the live streaming of the meeting was paused.

RESOLVED:

That the press and public be excluded from the meeting as the item was considered to be exempt by virtue of paragraph 18C of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

Following the debate, Councillors Crease and Wren were re-admitted to the meeting and the live streaming recommenced.

RESOLVED:

- (a) That Connah's Quay Town Councillor and Flintshire County Councillor Bill Crease be granted dispensation under paragraphs (d) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to write and speak to officers of Connah's Quay Town Council and Flintshire County Council and speak to and answer questions at any

Connah's Quay Town Council and Flintshire County Council meetings or working groups/sub-committees but must leave the room whilst the issue is debated or voted on. When speaking to officers there must be an independent witness present and there must be minutes taken of any such meetings. The dispensation to be granted for 12 months, ceasing on 5th June 2023.

- (b) That Connah's Quay Town Councillor and Flintshire County Councillor Antony Wren be granted dispensation under paragraphs (d) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to write and speak to officers of Connah's Quay Town Council and Flintshire County Council and speak to and answer questions at any Connah's Quay Town Council and Flintshire County Council meetings or working groups/sub-committees but must leave the room whilst the issue is debated or voted on. When speaking to officers there must be an independent witness present and there must be minutes taken of any such meetings. The dispensation to be granted for 12 months, ceasing on 5th June 2023.

3. MINUTES

The minutes of the meeting held on 10th January 2022 were approved as a correct record. Cllr Wren abstained as he was not at the meeting.

Matters arising

Minute Number 36

Race Equality Action Plan – the Monitoring Officer confirmed that Action Plan had been circulated.

Code of Conduct Training – the Monitoring Officer confirmed that two sessions were being provided.

Minute Number 37

National Forum for the Chairs of Standards Committees – the Monitoring Officer had not received replies from all Councils but of those he had, the suggestion appeared to be supported. An update would be provided at the next meeting.

Minute Number 39

Independent Member Visits to Council Meetings – the Monitoring Officer explained that these would commence later in the year to allow new Councillors to settle into their newly elected role.

RESOLVED:

That the minutes be approved as a correct record.

4. FORWARD WORK PROGRAMME

The Monitoring Officer presented the Forward Work Programme for consideration which were for July, including the one suggested above:

- All Wales Standards Conference 2022 report back
- Rolling Review of the Constitution
- Induction Programme for Councillors
- Creation of the Independent Forum for the whole of Wales
- Forward Work Programme

In response to a suggestion from Gill Murgatroyd, the Monitoring Officer said he would prepare suggestions for each meeting until the end of the financial year, which would include the Independent Member Visits to Council Meetings, and the Standards Committee Annual Report.

RESOLVED:

That the Forward Work Programme be approved and that suggestions be prepared for each meeting from September onwards, including the Independent Member Visits to Council Meetings and the Standards Committee Annual Report.

3. WELSH GOVERNMENT GUIDANCE ON THE DUTY OF GROUP LEADERS TO PROMOTE ETHICAL BEHAVIOUR

The Monitoring Officer presented the report and explained that the Local Government and Elections (Wales) Act 2021 imposed a new duty on Group Leaders to take reasonable steps to promote and maintain high standards of conduct by members of their group. It also imposed a duty as part of its new annual report.

Group Leaders and the Committee must have regard to statutory guidance issued by Welsh Government (WG). It has previously considered an early draft of that guidance. A consultation draft of the guidance was issued earlier in the year; it was broadly the same as the previous guidance in that it set out the ways in which a Group Leader might promote good conduct and suggested that it would bring their position into disrepute if they failed to do so. A notable difference was in respect of the reporting function which was now less detailed.

The consultation period opened in February and in May which largely coincided with the pre-election period. It was therefore not possible to report the draft guidance to the Committee before now.

A copy of the draft template report was appended to the report, as was draft responses to the consultation. The statutory guidance would be discussed with Group Leaders on 27th June 2022.

It was agreed that the draft responses to the consultation would be submitted to Welsh Government with an explanation as to why the response was late.

RESOLVED:

- (a) That the proposed guidance be noted; and
- (b) That the draft responses to the consultation be submitted to Welsh Government with an explanation as to why the response was late.

4. OVERVIEW OF ETHICAL COMPLAINTS

The Monitoring Officer presented the report and explained that it showed a summary of the ethical complaints alleging a breach of the Code that had been submitted to the Public Services Ombudsman for Wales (PSOW). In line with the Committee's resolution, the complaints distinguished between different Councils and Councillors whilst remaining anonymous.

The report provided an understanding of the number and types of complaints being made, and the outcome of consideration by the PSOW. Since the last report in November 2021, seven complaints had been received. Five cases had been determined, with none being investigated by the PSOW as they failed the 2 stage test. Two complaints were recent and the PSOW was deciding whether to investigate. One complaint related to abuse of a clerk during a public meeting and was being investigated.

The majority theme with the complaints covered in the report was social media, with four of the seven relating to comments made online. The Committee was familiar with the difficulties surrounding the use of social media and the protection for freedom of political expression. The code provided a very low safety net in relation to poor or challenging behaviour. The induction training encouraged Councillors to allow other Councillors to hold a different opinion without being berated, vilified, or ridiculed.

In response to a question from Julia Hughes, the Monitoring Officer explained that the importance of this was conveyed to new Members in the Code of Conduct training sessions, which was also given to members of Town and Community Councils.

RESOLVED:

That the number and type of complaints be noted.

(The meeting started at 6.30 p.m. and ended at 8.25 p.m.)

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Chair